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|---------------------------------------------|---------------------------------|
| <b>Report Title</b>                         | Review of Council Constitution  |
| <b>Meeting</b>                              | Overview & Scrutiny Committee   |
| <b>Meeting Date</b>                         | 11 <sup>th</sup> September 2025 |
| <b>Report Author</b>                        | Howard Culshaw                  |
| <b>Directorate</b>                          | Legal & Democratic Services     |
| <b>Lead Executive Member(s)</b>             | Councillor Andy Bell            |
| <b>Wards Affected</b>                       | All                             |
| <b>Public. Part Exempt, or Fully Exempt</b> | Public                          |
| <b>Appendices (if any)</b>                  | Link to Constitution Provided   |

## 1. Executive Summary

- 1.1 To consider the findings of a constitutional review carried out by council officers, led by the Monitoring Officer.

## 2. Recommendations

**For the reasons set out in this report, Overview and Scrutiny Committee is recommended to:**

Recommend that the Council:

- 2.1 Extend the definition of the Policy Framework
- 2.2 End the practice of Executive member substitutions
- 2.3 Endorse the need for mandatory training for councillors who make decisions in relation to licensing and planning matters
- 2.4 Change the starting time of meetings to 6.30pm
- 2.5 Amend the rules relating to the Process for Developing the Budget and Policy Framework
- 2.6 Clarify that the chairman retains the discretion to determine whether and at what point, non-Executive councillors may be permitted to address the Executive.

### **3. Information: the Rationale & Evidence for the Recommendations**

- 3.1 To bring clarity to the question of which the correct decision-making forum should be, the council should be more explicit in its definition of the Policy Framework. (Part 2 of Constitution, Article 4.01, page 5)
- 3.2 The use of substitutes should not be permitted for meetings of the Executive. Appointments to the Executive can only be made by the leader as a matter of law under section 9C(3)(b) of the Local Government Act 2000. They are not a matter for the discretion of the political groups. (Part 2, Article 6.05, page 7)
- 3.3 Whilst councillors who are members of the Taxi and Licensing Committees do already undertake appropriate prescribed training, it is equally important that *all* councillors are trained how to make lawful decisions in relation to planning applications, since all councillors make such decisions at Area Committees. This is to lower as far as possible the risk of challenges to those decisions. This is particularly pertinent in the light of two recent adverse appeal costs decisions. (Part 2, Articles 9.01-9.03, page 10)
- 3.4 To promote the council's avowed policy of flexible working where it states that: "The Council is committed to assisting employees in achieving a balance between their work and home life," it is suggested that evening meetings begin half an hour earlier, at 6.30pm. (Part 4, Rule 3.1, page 18)
- 3.5 In the interests of streamlining and making the decision-making process more efficient, the council should abolish the power currently afforded to the Leader of the council to object to the Council's decisions in relation to the Executive's proposals as respects the Budget and Policy Framework. The Council is the decision maker so far as developing that framework is concerned. (Part 4, Rule 2, page 33)
- 3.6 Again, in the interests of streamlining and making the decision-making process more efficient, the council should give the Leader the discretion to allow speeches by non-Executive members at Executive meetings, rather than them seeming to have the absolute right to speak. The Executive is the sovereign body as respects its functions and the appropriate places for non-Executive members' speeches and challenges are Overview & Scrutiny Committee and Full Council meetings. (Part 4, Rule 2.7, page 36)

### **4. Link to Council Plan Priorities: (Providing High Quality Services and Facilities, Proud and Connected Communities and Places, Good Growth and Housing and Healthy Communities)**

- 4.1 Explicit Key action in the Council Plan: "Providing High Quality Services and Facilities"

## **5. Implications**

### **5.1 Financial Implications**

None directly arising

### **5.2 Legal and Governance Implications**

As explained in the rationale at paragraph 3 above

### **5.3 Climate and Biodiversity Implications**

None

### **5.4 Human Resources Implications**

Enhancement of commitment to flexible working at paragraph 3.4 above

### **5.5 Equality and Diversity Implications**

None directly arising

## **6. Consultation**

6.1 None

## **7. Alternative Options Considered**

7.1 None except the status quo

## **8. Statutory Officer Sign off (please put an x in the relevant box below)**

|                     |          |
|---------------------|----------|
| Section 151 Officer | <b>x</b> |
| Monitoring Officer  | <b>x</b> |

## **9. Background Documents**

Parts 1-4 of the Council Constitution

[https://www.pendle.gov.uk/meetings/meeting/3470/overview\\_and\\_scrutiny\\_committee](https://www.pendle.gov.uk/meetings/meeting/3470/overview_and_scrutiny_committee)

### **Contact Officers**

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