

Report Title	Review of Council Constitution
Meeting	Council
Meeting Date	25 th September 2025
Report Author	Howard Culshaw
Directorate	Legal & Democratic Services
Lead Executive Member(s)	Councillor Andy Bell
Wards Affected	All
Public. Part Exempt, or Fully Exempt	Public
Appendices (if any)	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, Council is recommended to:

- 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 and the finishing time to 10pm
- 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.
- 2.7 Note the amendments to the Financial Procedure Rules and the Contract Procedure Rules.
- 2.8 Delegate to the Assistant Director Planning, Building Control and Regulatory Services the power to make and confirm Tree Preservation Orders under the

provisions of the Town & Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 2012

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)

On 11th September 2025 Overview & Scrutiny Committee considered these recommendations (with the exception of paragraph 2.8) and resolved to endorse all the recommendations except that in relation to recommendation 2.4 it resolved to survey all members on that issue and in relation to 2.6 non-Executive members may speak but only once on each agenda item.

It is envisaged that the survey results should be available in time for the meeting.

3.7 There are amendments proposed to the virement approval limits in the Financial Procedure Rules, as a result of Internal Audit recommendations (Part 4, FPR 2.15, page 8 of 49). In addition minor amendments are proposed to the Contract Procedure Rules, as a result of the Procurement Act 2023 which came in to force in February 2025.

3.8 The delegation of the TPO power has not previously appeared in the scheme of delegation.

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

5.5 Human Resources Implications

Enhancement of commitment to flexible working at paragraph 3.4 above

5.6 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	x
Monitoring Officer	x

9. Background Documents

Constitution

Contact Officers

Howard Culshaw

Head of Legal & Democratic Services,

01282 661637

howard.culshaw@pendle.gov.uk