

REPORT TO	ON
CABINET	15 March 2017

Jan 2017



TITLE	PORTFOLIO	AUTHOR	Agenda item No.
Review of Constitution – Cabinet Terms of Reference and Procedure Rules	Leader	Interim Corporate Governance Manager	5

Is this report a KEY DECISION (i.e. more than £75,000 or impacting on more than 2 Borough wards?)	No
Is this report on the Cabinet Forward Plan ?	Yes
Is the request outside the policy and budgetary framework and therefore subject to confirmation at full Council?	No

1. PURPOSE OF THE REPORT

At their meeting on the 1 February 2017 the Governance Committee resolved to review the Cabinet Terms of Reference and Procedure Rules as part of their overall review of the Constitution.

This report provides Cabinet members with the opportunity to comment on the draft papers prior to submission to the Governance Committee at their meeting in April 2017. Any amendments to the Constitution also require the approval of full Council.

2. RECOMMENDATIONS

That Cabinet consider and amend as appropriate both the draft Terms of Reference and Cabinet Procedure Rules at Appendices B1 and 2 for submission to the Governance Committee for further consideration.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	√

4 BACKGROUND TO THE REPORT

4.1 All Councils are required to have a written Constitution which sets out the Council's internal governance arrangements, approved procedures and protocols. As part of the Corporate Governance Action Plan 2016/17 Members of the Governance Committee agreed to carry out a thorough review of the Constitution, including the Council's Financial Regulations, in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

4.2 Members agreed that the to adopt the following "House Style" to ensure the Constitution was an easily accessible document

- Use of plain english
- Clarity of expression
- Consistency of terminology
- Streamlining and simplification of sections
- Improvement of interactive links to allow ease of access within the document itself

4.3 At their meeting in February it was agreed to review the sections which relate to both Cabinet and Scrutiny in the initial phase and to allow both bodies to comment prior to the papers being considered by the Governance Committee at its April meeting.

4.4 The opportunity has been taken to clarify existing procedures and to suggest additional clauses to cover areas where the existing Constitution is silent. The sections which have been reviewed are Article 8 (A1) which deals with the Cabinet functions and the Cabinet Procedure Rules (A2).

4.5 The amended Terms of Reference at Appendix B1 sets out more detailed Terms of Reference for Cabinet and replaces Article 8.

4.6 The amended Cabinet Procedure Rules at Appendix B2 replace the original Procedure Rules.

4.7 Where phrases are underlined this denotes a hyperlink to a different section within the Constitution for ease of reference.

5. PART 2 CABINET – TERMS OF REFERENCE

5.1 The **amended Terms of Reference at Appendix B1** sets out more detailed Terms of Reference for the Cabinet as follows:

The main functions of the Cabinet are:

- (a) To recommend to full Council the Corporate Plan and Corporate Risk Register, Annual Revenue Budget, Medium Term Financial Strategy and Treasury Management Strategy
- (b) To recommend any in-year changes to the budget that are reserved to full Council.
- (c) To recommend to full Council the policies and strategies that form the Policy Framework.
- (d) To consider and review reports on the Council's performance
- (e) To approve the award of contracts that are reserved to Cabinet
- (f) To agree strategies and plans that are not in the Policy Framework
- (g) To consider reports on significant changes or issues relating to service delivery;
- (h) To receive and consider reports from Scrutiny Committee, including referrals from the call-in process;
- (i) To receive reports from members sitting on strategic partnerships

Cabinet's views are sought on these broad Terms of Reference.

5.2 The draft also deals with the election of the Leader for a four year term of office, the appointment of the Deputy Leader and Cabinet Members. The current wording within Article 8 has not been updated recently and so has now been amended to reflect the requirements of the Local Government Act 2000 (as amended).

5.3 The draft also cross references to the procedure for the Leader to notify any changes to the size or composition of the Cabinet which is set out within the Cabinet Procedure Rules.

PART 5 CABINET - PROCEDURE RULES

5.3 The **amended Procedure Rules at Appendix B2** clarify the role of the Leader in choosing and appointing his/her own Cabinet. It sets out a procedure for the Leader to submit his proposals and scheme of delegation to the First Business Meeting of the Municipal Year and sets out the full procedure for any in –year changes.

5.4 Again the Procedure Rules have been amended to reflect the requirements of the Local Government Act 2000 (as amended) in terms of the role of the “strong leader” model in terms of the appointing cabinet and scheduling cabinet meetings.

5.4 The remainder of the document sets out how Cabinet meetings will be conducted including Chair, Quorum, Voting, Conflicts of Interest, Order of Business, Consultation and how items may be added to a Cabinet agenda.

5.5 The Rules also deal with items on the agenda including items requested by members not on the Cabinet and the Statutory Officers,

6 ALTERNATIVE OPTIONS CONSIDERED

6.1 Most Councils adopted the standard model constitution on the implementation of the Local Government act 2000 but have now substantially amended that format. Accordingly there are many different models available. However, any Constitution must comply with the relevant legislation.

7. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

7.1 Comments of the Statutory Finance Officer

There are no financial implications arising from this report.

7.2 Comments of the Monitoring Officer

All Local Authorities are required to have a written Constitution which must be kept under regular review and publicised. Any amendments to the Constitution require the approval of full Council.

Other implications: <ul style="list-style-type: none">• Risk• Equality	<p>There are no specific risk implications arising from this report</p> <p>There are no specific equality implications arising from this report</p>
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<ul style="list-style-type: none">• HR	There are no specific HR implications arising from this report
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8. BACKGROUND DOCUMENTS

South Ribble Constitution
Local Government Act 2000