

REPORT TO	ON
Governance Committee	12 April 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
Review of Constitution - Cabinet Terms of Reference and Procedure Rules	Interim Governance Manager	14

## 1. PURPOSE OF THE REPORT

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

**1.2** This report provides Members the opportunity to comment on the proposals prior to their submission to the Council for approval at their meeting in May 2017.

## 2. RECOMMENDATIONS

That Members consider and amend as appropriate the draft Terms of Reference and Cabinet Procedure Rules at Appendices B1 and B2 for submission to the Council for approval in May 2017.

## 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 in order to ensure that the Constitution is as clear as possible, completely up to date and fit for purpose.

**4.2** Members agreed 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** Members will recall that at their last meeting in February it was agreed to review the sections which relate to Cabinet in the initial phase and to allow Cabinet 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.

**4.8.** Cabinet approved the papers as drafted at their meeting on the 15 March 2017.

**4.9** The drafts were subsequently considered by the Working Group at their meeting on the 23 March 2017 who requested the names of Cabinet Members be removed from the membership section at section 9.1 of the Appendix B1. This has been actioned.

## **5. CABINET – TERMS OF REFERENCE**

**5.1.** 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).

**5.2** The **amended Terms of Reference at Appendix B1** sets out more detailed Terms of Reference for the Cabinet as the current document is at Appendix A1 has very little detail.

**5.3** The proposed terms of reference are 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

**5.4 The main changes to note within the remainder of the document are as follows:**

<b>Heading</b>	<b>Summary</b>	<b>Rationale</b>
1. Cabinet	Describes role of Cabinet as main decision making body, explains Leader appoints Cabinet Members and powers known as executive functions.	Short introduction in accordance with new template to standardise information with a brief overview.
2. Membership	States Political Balance not required. Sets out legal requirements of membership ( ie must have a Deputy Leader and up to a maximum in total of 10 on the Cabinet) Sets out arrangements for Chairing Cabinet.	Updated in line with current legislation.
3. Terms of Reference	New section (see para 4.2 above) describing main functions of Cabinet	Omitted from current constitution – weakness identified
4. Leader	Sets out legal requirements to appoint Leader for 4 year term and requirements for removal from office. Updates existing document which had not been updated following changes in legislation	Updated in line with current legislation.
5. Deputy Leader	Sets out legal requirement to appoint a Deputy Leader to act in the Leaders absence	Updated in line with current legislation
6. Cabinet Members	Sets out appointment and removal of Cabinet Members	Updated in line with current legislation
7. Changes to Cabinet	Cross references to Cabinet Procedure Rules to notify Chief Executive of changes to Cabinet - new section as rules currently silent	Omitted from current constitution – weakness identified.
8. Proceedings of Cabinet	Cross references to Procedure Rules by hyperlink	To assist navigation & prevent duplication of

		information.
9. Membership	Sets out current membership and responsibilities of Cabinet Members	Part of current constitution but added to Terms of Reference for clarity & ease of access.

## 6. PART 5 CABINET - PROCEDURE RULES

**6.1** 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.

**6.2** 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.

Heading	Summary	Rationale
1.1 Making Cabinet decisions	Sets out the legal options for the leader in delegating executive functions	Updated in line with current legislation.
1.3 – 1.9 Delegation by the Leader	New section clarifying process for Leader to present his scheme of delegation. Sets out legal ability to sub delegate and how any in year changes will be dealt with	Omitted from current constitution – weakness identified
1.10 Cabinet meetings	Sets out arrangements for Cabinet meetings and cross references to Council procedure rules	Updated in line with current legislation. Hyperlink assists navigation of document.
2. Conduct of Cabinet meetings	Deals with basic rules for Chairing, quorum, voting, conflicts of interest and items to be considered	Updated in line with current legislation.
2.7 Consultation	Same requirement on consultation as existing rules	Within current version & still valid.
2.8 – 13	Clarifies it is for the Leader to decide upon the schedule of Cabinet meetings. Amends the section on who may put items on the agenda to clarify where the Leaders consent is required.	Updated in line with current legislation. Wording simplified.

	Sets out role of statutory officers	
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## 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.

<b>Other implications:</b>	
<b>Risk</b>	There are no specific risk implications arising from this report
<b>Equality</b>	There are no specific equality implications arising from this report
<b>HR</b>	There are no specific HR implications arising from this report

## 8. BACKGROUND DOCUMENTS

South Ribble Constitution

Appendix A1 – Article 8 existing Cabinet functions & A2 – existing Cabinet Procedure Rules

Appendix B1 – proposed draft Cabinet Terms of Reference & B2 – proposed Cabinet Procedure Rules