

REPORT TO	ON
Governance Committee	28 June 2017

Jan 2017



TITLE	AUTHOR	Agenda item No.
Review of Constitution – Introduction & Short Guide & Decision Making	Interim Governance Manager	

## 1. PURPOSE OF THE REPORT

**1.1** At their meeting on the 1 February 2017 the Governance Committee resolved to review the Council's Constitution.

**1.2** This report provides Members the opportunity to comment on the proposals to amend both the Introduction and Short Guide to the Constitution and the Guide to Decision Making the prior to their submission to the Council for approval at the meeting in July 2017.

## 2. RECOMMENDATIONS

That Members consider and amend as appropriate the draft Introduction and Short Guide to the Constitution and the Guide to Decision Making at the **Appendices A & C** respectively for submission to the Council for approval in July 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** The **draft Introduction & Short Guide to the Constitution at Appendix A** is intended to be an overall summary for both the public and Council Officers on the how the Council works. The document provides some very brief facts about the Council & the area as a whole and briefly explains the Council's Political Governance arrangements. The document is designed to hyperlink

through to the relevant section of the Constitution itself and so will hopefully aid navigation and assist users in understanding the structure of the Council's Constitution. It will be useful as an induction aid to both members and officers.

**4.3** The draft Introduction and Short Guide to the Constitution will replace several documents, the general Introduction and the Summary of the Constitution found in the current version and Articles 2, 3 & 5 (**Appendix B**)

## 5. INTRODUCTION & SHORT GUIDE

**5.1** The **draft Introduction & Short Guide** to the Constitution at **Appendix A** deals with:

Paragraph	Content	Justification
1. Purpose of the Guide	Explains the document is a short summary and users should refer to the relevant sections as necessary	Short introduction to explain purpose.
2. Introduction	Short pen portrait of the Council & the area. Explains range of services the Council deals with.  Refers to election of members for a 4 yearly term & sets out the Council's priorities & values	New section
3. Political Governance Arrangements	Briefly explains Leader & Cabinet system. Refers to structure chart dealing with Committees & Council	Simplifies current version
4. The Full Council	Explains the role of full Council and where and when meetings are held. Brief overview of business at a normal Council meeting	Strengthens current version
5. The Mayor	Explains election of Mayor annually & summarises the responsibilities of the role at Council meetings. Explains civic & ceremonial role	Replaces Article 5 – The Mayor
6. Members	Sets out role of members including ward responsibilities & decision making	Replaces Article 2 – Members of the Council

7. The Cabinet	Explains role of Cabinet in carrying out executive functions.  Links to Cabinet Procedure Rules  Sets out Portfolios & terms of office	Updates & strengthens current version
8. Scrutiny Committee	Explains role of Scrutiny to hold Cabinet to account. Briefly summarises how Scrutiny works & links to Scrutiny Procedure Rules	Updates & strengthens current version by adding more detail on scrutiny role
9. My Neighbourhood Areas	Sets out the purpose of My Neighbourhood Areas & lists.  Links to Neighbourhood Area Procedure Rules	Within current version – adds detail
10. Other Council Committees	Explains non-executive functions briefly List Committees & links to individual terms of reference	Updates current version to include all committees
11. Agendas & Reports	Explains time periods for sending out agendas & reports & links to Access to Information Procedure Rules, Council Procedure Rules & the Council's website	New section – adds clarity
12. Codes of Conduct for Members & Officers	Links to relevant Codes of Conduct for Members & Officers	Updates & strengthens current version
13. Other Rules & Procedures	Refers to other detailed Procedure Rules & links to Budget & Policy Framework / Financial Regulations / Contract Procedure Rules / Standards Committee Procedure Rules / Officer Procedure Rules	New section – adds clarity
14. Key Decisions & Forward Plan	Sets out definition of Key decision & how forward plan works	New section adds clarity

15. Officer Management Structure	Briefly outlines the role of officers & refers to Statutory Officers	Updates current version
16. Residents Rights & Public Participation	Sets out the rights of residents in their dealings with the Council.	Within current version under Citizens Rights & replaces Article 3 – Citizens Rights

5.2 At the meeting of the Governance Committee Constitution Task Group on the 14 June 2017 members considered the draft document & requested a number of amendments. These have been added in italics to the document and any necessary deletions made.

## 6. GOVERNANCE – HOW WE RUN THE COUNCIL AND MAKE DECISIONS

**6.1** The **Guide to Decision Making at Appendix C** replaces the current Article 14 – Decision Making (see Appendix D).

**6.2** It explains the principles of decision making and the type of decisions the Council may make including decisions reserved to full Council, Executive and Non-Executive decisions. The guide also explains the different bodies which may make decisions.

Paragraph	Content	Justification
1. Principles of Decision Making	Sets out the main principles of decision making (eg proportionality, consultation, respect for human rights)	Updates wording with current version
2. Executive & Non Executive Functions	Briefly explains the difference between Exec & Non Exec Functions	New section to update & strengthen current version
3. Powers of Delegation	Sets out how decisions may be delegated to other bodies or officers	New section to update & strengthen current version
4.Types of Decisions	Explains decisions may be made by Full Council, Cabinet or Committees. Links to relevant Procedure Rules.	Updates wording with current version

5. Council Bodies acting as Tribunals	Highlights need to follow natural justice and relevant provisions of Human Rights Act	Simplifies current wording
6. Decision Making by Officers	Refers to the Scheme of Delegation to Officers	Within current version

**6.3** At the meeting of the Governance Committee Constitution Task Group on the 14 June 2017 members considered the draft document & requested an addition to the section on My Neighbourhood Areas. This has been added in italics to the document.

## 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 A – Draft Introduction & Short Guide

Appendix B- Existing Introduction & Summary & Articles 2, 3 & 5

Appendix C – Guide to Decision Making

Appendix D – Existing Article 14 – Decision Making

