

# APPENDIX A

## Constitution - Part 1 - Introduction and Short Guide

### 1 - Purpose of this introduction and short guide

1.1 This section introduces and gives an overview of what can be found in the Council's Constitution.

1.2 Please note the guide is only a summary and so please look at the detailed rules within the relevant sections as necessary.

### 2 - Introduction

2.1 South Ribble Borough Council ('the Council') is one of 15 local authorities in Lancashire and sits at the very heart of the County. With award winning parks and green open spaces, low levels of unemployment, good schools, excellent transport links, low average house prices and a rich local history, the Borough has been named as one of the best places to live in the UK.

2.2 The County of Lancashire has a three tier system of local government; the County Council, the local Borough or District Council, and a Parish or Town Council. Each of these authorities has different responsibilities

2.3 South Ribble Borough Council represents and speaks for all the people who live in South Ribble. It champions their interests with central government and a wide range of statutory, voluntary and private sector bodies and is responsible for the direct provision of a range of services, including:

- Waste Collection and Recycling
- Planning and Housing
- Environmental Health
- Licensing
- Neighbourhood Services, including Park Maintenance
- Regeneration
- Community Safety

- Revenues and Benefits
- Economic Development
- Leisure

**2.4** Local Councillors ('members') are elected every four years to serve for a four year period, and everyone aged over 18 and on the electoral register for the area may vote. There are 50 members of the Council, with 19 two member wards and 4 three member wards.

**2.5** The Council has four priorities which are aligned to wider partnership priorities for the Borough:

- Strong and Healthy Communities
- Clean, Green and Safe
- Strong South Ribble in the heart of a prosperous Lancashire
- Efficient, Effective and Exceptional Council

**2.6** As an organisation the Council is committed to the following values:

- Positive Attitude
- Integrity
- Learning Organisation
- Teamwork
- Excellence

### **3 - Political Governance Arrangements**

**3.1** The way the Council works, and how decisions are made, is set out in the Council's Constitution (*see Parts 2 - 7 of this document*). The Constitution is a lengthy document and this short guide is intended to provide a brief summary and overview.

**3.2** The Council's political governance arrangements have to meet the requirements of law, particularly the Local Government Act 2000.

**3.3** The Council operates a Leader and Cabinet system with a Leader elected by the Council for a four year term of office, and who in turn appoints a Deputy Leader and between one and eight other members to form a Cabinet. The Cabinet is responsible for much of the day to day executive functions of the Council, and operates within the budget and policies approved by the Council as a whole.

**3.4** Other decisions are made by committees, which are normally politically balanced to reflect the overall political composition of the Council. In addition a

range of the most important decisions are made by all members meeting as full Council.

**3.5** A structure chart showing the main features of the **Council's Cabinet and Committee Structure** is set out at **Appendix A**. Further details of the different member bodies are described later in this document.

## **4 - The Full Council**

**4.1** The 50 members of the Council meet in full Council ('the Council') at least seven times a year.

**4.2** The main roles of the **full Council** are:

- (a) To approve the Constitution
- (b) To agree the main policies that set the framework for the way in which the Council carries out its functions. These are called "**Policy Framework Documents**" and are set out in the Constitution at **section x of the Constitution**
- (c) To approve the Council's revenue and capital budget and the level of Council Tax
- (d) To appoint or dismiss the Leader
- (e) To agree the terms of reference for Committees and appoint members to Committees and Outside Bodies
- (f) To adopt the Members Allowance Scheme and Code of Conduct for Members

**4.3** Council meetings take place on a Wednesdays at 6:00pm at the Civic Centre West Paddock Leyland PR25 1DH, unless otherwise agreed with the Mayor.

**4.4** The agenda and papers are normally sent to members 5 working days before the date of the meeting. The detail regarding **Access to Information** is available at Part x of the Constitution.

**4.5** The order of business for Council meetings and any time limits for the consideration of the various items of business are set out in the **Council Procedure Rules** at Part x of the Constitution.

**4.6** A summary of the order of business at a normal Council meeting is as follows:

- (a) After attendance and apologies for absence are recorded, the first item on the agenda is a standard one relating to members' interests. This also appears as the first item on agendas for most other meetings. Members are invited to declare whether they have an interest in any item on the agenda.
- b) Following the approval of the minutes of the last meeting as a correct record, the Mayor refers briefly to significant events which have occurred since the previous meeting, such as awards or commendations.
- (c) Unless there are any changes to the Cabinet or vacancies in the role of Chairman or Vice Chairman of a Committee, the next item on the agenda is usually the Report of the Cabinet which sets out the minutes and any reports which require Council approval. This may be followed by Reports from the Governance or Scrutiny or Standards Committees.
- (d) There is the opportunity for questions from the public or to hear any statements to address the Council on local issues.
- (e) This is followed by Questions from individual members to the Leader, Cabinet Members or Committee Chairs, Member Champions and representatives on Outside bodies follow.
- (f) The Council will then proceed to debate those major policy matters which are for full Council to consider or determine.
- (g) Finally the Council debates any notices of motion proposed by members.

## **5 - The Mayor**

**5.1** The Mayor is elected by the full Council at the **Mayoral Installation** in May each year and has the following responsibilities at Council Meetings:

- (a) To preside over meetings of the full Council, so that its business can be carried out efficiently having regard to the rights of members and the interests of the community
- (b) To uphold the Constitution, and to provide guidance to the meeting as necessary in relation to any procedural requirements
- (c) To ensure that the full Council meeting is a forum for the debate of matters of concern to the local community, and the place at which members who are not on the Cabinet are able to hold the Cabinet to account and any

other members of Council who hold positions of responsibility, for example as Chairman of a Committee or a nominee onto an outside body

(d) To promote public involvement in the Council's activities in partnership with the Leader

5.2 In addition the Mayor has a civic and ceremonial role as the first citizen of the Borough.

## 6 - Members

6.1 Members' are democratically accountable to residents in their Ward. Members' overriding duty is to the whole community of South Ribble, but they have a special duty to their constituents, including those who did not vote for them.

6.2 The key roles of all members are to:

(a) Collectively (through the Council) be the ultimate policy makers and to approve the strategies and plans forming the Council's budget and policy framework;

(b) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

(c) Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;

(d) Balance different interests identified within their ward and represent the ward as a whole;

(e) Be involved in decision making;

(f) Be available to represent the Council on other bodies;

(g) Maintain the highest standards of conduct and ethics, including upholding the Councils Member Code of Conduct

## 7 - The Cabinet

7.1 Within the Budget and Policy Framework set by the full Council, the Cabinet is responsible for carrying out all the Council's executive functions.

7.2 Executive functions are those functions of the Council which the Local Government Act 2000 states are to be the responsibility of the Leader and Cabinet. These are the vast majority of the council's functions. Some of these

functions have been delegated by the Leader to officers. However, under the current system there is no delegation to individual cabinet members and decisions are made collectively by the Cabinet.

**7.3** The Cabinet comprises the Leader, the Deputy Leader and up to eight other members. The Cabinet is responsible for taking most of the major decisions to deliver the Council's priorities. Increasingly the Cabinet pursues its objectives through working in partnership with a wide range of other bodies, including other tiers of local government, and with the private and third sectors.

**7.4** The Leader of the Council will normally hold office for a four year term until the next whole council elections. However, there is provision to remove the Leader from office by resolution of the Council. Only the Leader may remove the Deputy Leader and members of the Cabinet.

**7.5** The Leader has substantial discretion to determine how executive functions are carried out. The Cabinet can form sub-committees or working groups to deal in more depth with particular political and council priorities. Only members may be appointed to the Cabinet. There can be no co-opted members, deputies or substitutes for Cabinet members. Neither the Mayor nor Deputy Mayor may be appointed to Cabinet.

**7.6** Cabinet Procedure Rules are set out in Part x of the Constitution.

**7.7** In addition to the Leaders responsibilities for major corporate & regional issues, Cabinet members have the following portfolios, although decisions are taken collectively by the Cabinet:

- Strategic Planning and Housing
- Finance
- Corporate Support and Assets
- Public Health & Safety, Wellbeing & Environmental
- Neighbourhoods and Streetscene
- Regeneration and Leisure
- 

**7.8** Cabinet members hold office until:

- (a) They resign from the Cabinet
- (b) They are no longer councillors ('members')
- (c) They are removed from the Cabinet by the Leader.

**7.9** *Cabinet meetings are open to the press and public and take place on a Wednesdays at 5:00pm at the Civic Centre West Paddock Leyland PR25 1DH, unless otherwise agreed with the Leader.*

## **8 - Scrutiny Committee**

**8.1** The **Scrutiny Committee's** role is to provide checks and balances within the Council and to hold the Cabinet to account. Most importantly, the committee also assists in the development of Council policy by looking at existing policies and the effectiveness of their delivery, and reviewing whether new policies or changes to existing policies are needed. **Scrutiny Procedure Rules** are set out in Part x of the Constitution.

**8.2** The guiding principle for the work of the Scrutiny Committee is that it should involve constructive criticism, with the aim of improving decision making. The emphasis of the work is on making a positive contribution to the development of policy and performance and this is largely carried out through the work of task and finish groups. These are member bodies set up with a specific remit to consider how a particular service or services could be improved. The membership of task and finish groups may be selected from all non-Cabinet members.

**8.3** Members of the Cabinet may not be members of the Scrutiny Committee.

**8.4** The Scrutiny Committee may:

(a) Undertake policy reviews and make recommendations to Cabinet

(b) Review and scrutinise any area of the Council's performance or its policy objectives

(c) "Call in" a decision of the Cabinet (and certain decisions of Officers) for review before implementation and refer the decision back to the Cabinet for further consideration. The procedure and timescales are laid down in the **Scrutiny Procedure Rules**

(d) Make observations and comments on matters coming before the Cabinet (pre-scrutiny).

**8.5** The Scrutiny Committee is responsible for setting its own work programme. It should take into account any views expressed by Council, Cabinet, members generally and, in particular, local people.

**8.6.** The Committee can require Cabinet members and officers to attend their meetings to account for and justify decisions and how they are taken.

**8.7** They can also invite outside organisations and representative groups to attend meetings to give their views on service or policy issues.

**8.8 Scrutiny meetings are open to the press and public and currently take place on a Thursday at 6:00pm at the Civic Centre West Paddock Leyland PR25 1DH, unless otherwise agreed with the Chairman.**

## **9 -My Neighbourhood Areas**

**9.1** In order to strengthen communications with local communities and to increase their involvement in Council decisions about services which affect them, the Council has established My Neighbourhood Areas across the Borough. They consist of the members for each ward in the area and meet informally in public up to four times each year.

**9.2** Members of the local community are encouraged to attend and participate in discussions about community issues. Council partners will attend at least one of the meetings.

**9.3** The current boundaries and names are as follows:-

- Western Parishes
- Penwortham
- Central
- Leyland
- Eastern

**9.4** My Neighbourhood Area Procedure Rules can be found at Part x of the Constitution.

## **10 - Other Council Committees**

**10.1** By law a small number of important Council functions cannot be undertaken by the Cabinet. These non-executive functions are carried out by the following committees:

**(a) Governance Committee**

The Committee provides assurance of the adequacy of the risk management framework and internal control environment of the council, and oversight of the financial reporting process.

**(b) Planning Committee**

The Committee deals with applications for planning permission for housing and other major developments in the area.

**(c) Licensing Committees**

The Committees determine applications for taxi and private hire licenses for drivers and vehicles together with liquor licenses & gambling permits.

**(d) Standards Committee**

The Committee aims to ensure that members and officers maintain the highest standards of conduct across all areas of the Council's services.

**(e) Appeals Committee**

The Committee hears grievance and disciplinary procedure appeals.

**(f) Shared Service Committee**

A joint Committee with Chorley Borough Council the Committee oversees shared service delivery and investigates areas to extend shared services.

**(g) Appointment & Employment Panel**

The Panel deals with the recruitment and any disciplinary issues relating to the Council's statutory officers

**(h) Joint Planning Advisory Committee**

A joint Committee with Preston and Chorley Borough Councils and Lancashire County Council dealing with matters of strategic planning within Central Lancashire as a whole.

**10.2** In addition the Council has a number of panels and sub-groups to undertake specific work. These report in to and advise the main decision making bodies of the council.

**10.3** Members also sit on a number of joint bodies and outside bodies dealing with a variety of matters and issues relevant to the South Ribble area.

## **11 - Agendas and Reports**

**11.1** Agendas for all of the Council's main meetings are published five clear working days in advance of the meeting. Please see the **Access to Information Procedure Rules** for detailed information. Copies are sent to all members of the Committees, and can be accessed on the **Council's website**. The order of business for committees and sub-committee meetings are set out in the **Council Procedure Rules** at Part x of the Constitution.

## **12 - Codes of Conduct for Members and Officers**

12.1 Members must observe the Members' Code of Conduct. Amongst other things this requires members to consider whether they have an interest in any matter on the agenda for a meeting and if so whether there is a need to disclose such an interest.

12.2 Officers also must observe the Code of Conduct for Employees which sets guidelines on behaviour and standards of conduct at work.

### 13 - Other Rules and Procedures

13.1 The following sections of the Constitution set out the detailed procedural rules (that have not been referred to previously in this guide) that must be followed in conducting Council business:

(a) Budget and Policy Framework Procedure Rules

(b) Financial Regulations

(c) Contract Procedure Rules

(d) Standards Committee Procedure Rules

(e) Officer Employment Procedure Rules

### 14 - Key Decisions and the Forward Plan

14.1 The Leader publishes each month a Forward Plan which sets out the "key decisions" to be taken by the Cabinet, or Corporate Directors over a two month period. A key decision for this purpose is one which is likely to be significant in terms of expenditure or savings, or significant in terms of its impact on communities. The Financial threshold at which expenditure or savings becomes significant is set at £75,000.

14.2 The Forward Plan enables members and the public to see what key decisions are proposed, who will be taking them, and when and what consultation is proposed.

14.3 Key decisions cannot always be identified in advance. In certain circumstances Cabinet and sometimes officers (Corporate Directors) may take key decisions not published in the Forward Plan provided that the Chair of the Scrutiny Committee has been consulted.

### 15 - Officer Management Structure

15.1 The law makes a clear distinction between the members of a local authority and the paid, professional staff who advise members and manage services under their overall direction. Additionally, it is an important principle that officers serve the whole Council and must be careful to maintain their political neutrality. In

South Ribble members and officers work closely together in pursuing the interests of residents, while being aware of the fact that their roles are different and complementary.

**15.2** The Chief Executive ('Head of Paid Service') is the head of the Council's paid service and the Council's principal adviser on policy. The Chief Executive chairs the Council's Senior Management Team. The Senior Management Team is made up of the Chief Executive, Corporate Directors and other officers who fulfil statutory roles.

**15.3** The Monitoring Officer's role is to make sure that the Council acts lawfully and that its actions do not give rise to maladministration or injustice.

**15.4** The Section 151 Officer is responsible for the proper administration of the Council's financial affairs.

**15.5** Below the Chief Executive and Corporate Directors, the staff of the Council are organised into services led by Core Managers.

**15.6** The officer structure is shown at Appendix B

## **16 - Residents Rights & Public Participation**

**16.1** Local Residents have a significant number of rights in their dealings with the Council. Some of these are legal rights, whilst others reflect our openness and procedural rules. The local Citizens' Advice Bureau can also advise on individuals' legal rights.

Residents have a right to:

- vote at local elections if they are registered
- contact any local councillor about any matters of concern to them
- have access to a copy of the Constitution
- attend meetings of the Council, Cabinet and committees, except those parts where personal or confidential matters are being discussed
- attend and speak at meetings of the Council, Cabinet, Scrutiny, Planning and other committees on specific items on the agenda
- attend My Neighbourhood meetings and participate in discussions about community issues;
- address the Council for a maximum of 3 minutes on a matter previously notified
- petition to request a referendum for an elected Mayor

- find out from the Cabinet's forward plan what major decisions are to be discussed by the Cabinet or decided by the Cabinet or officers, and when
- attend public meetings of the Cabinet where key decisions are being considered
- see reports and background papers, and records of decisions made by the Council, Cabinet or officers
- complain to the Council if we have failed to do something we promised to do, if we have done something badly or wrong or if we have treated someone unfairly or impolitely
- complain to the Local Government Ombudsman if they are not satisfied with us. However, this should only be done after exhausting our complaints procedure
- complain to the Council's Standards Committee, via the Monitoring Officer, if it appears that a Councillor has breached our Code of Conduct
- inspect the Council's accounts and make views known to the External Auditor

Further information can be obtained by e-mailing the Democratic Services Team on [democraticservices@southribble.gov.uk](mailto:democraticservices@southribble.gov.uk)

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