

INTRODUCTION

APPENDIX B

Modern Governance

Major changes have taken place in the governance of local authorities in England. The committee model of member decision making has been replaced by new constitutions as a result of the Local Government Act 2000. These changes are part of a wider policy to strengthen local authorities' ability to deliver effective community leadership, democratic renewal and continuous improvement in services. Their purpose is to create efficient, accountable and transparent governance which will support this wider agenda.

South Ribble Borough Council consulted widely on the proposals contained within the Act and decided as a result to opt for a Leader and Cabinet model for its new decision making structure.

This Leader and Cabinet system established the following main roles and relationships within the local authority:

- the Council meeting sets the overall budget and policy framework and should be a focus for debate about the performance of the Cabinet;
- the Cabinet must make decisions within the budget and policy framework. Decisions may be delegated to officers, My Neighbourhood chairmen, joint arrangements or other authorities, or contracted out;
- Scrutiny and Governance committees advise on policy formulation and hold the Cabinet to account in relation to specific matters. They may also review areas of Council activity which are not the responsibility of the Cabinet or matters of wider local concern;
- most regulatory decisions are made by the Licensing and Planning Committees; and
- A Standards Committee whose purpose is to promote and maintain high standards of conduct and in doing so considers members' observance of the Council's Code of Conduct.

These governance arrangements do not apply to town and parish councils, other than in accordance with the requirements concerning Standards following the enactment of the Localism Act 2011.

The above is within the context of the Council's values, which are as follows:

Positive Attitude
Integrity
Learning Organisation
Teamwork
Excellence

The Form of the Constitution

This constitution is required by the above Act and must be kept up to date. It provides an important means of enabling citizens and stakeholders to understand how the Council makes decisions and who is responsible for those decisions. The constitution is at the heart of the Council's business. It allocates power and responsibility within the Council, and between it and others. For example, it delegates authority to act to individual officers and enables members of the public to ask questions at Cabinet meetings etc.

It also regulates the behaviour of individuals and groups through codes of conduct, protocols and standing orders. The constitution is publicised widely and is accessible to anyone interested in finding out how the Council makes decisions and where responsibility lies.

This constitution contains all the elements of the decision making process and is intended to provide a coherent single document which can be used as a comprehensive point of reference by individuals and organisations both inside and outside the Council.

The constitution contains articles, rules of procedure and associated material. Articles are intended to set the overall framework and in general are unlikely to need to be changed. The articles focus on what is to be done and by whom. Procedure rules, codes of conduct and the other material is to outline how the articles will be put into effect. These are likely to be subject to more frequent change, especially as the Council learns from experience.

Using the Constitution

Members of the public, residents and stakeholders are encouraged to read this constitution. Accordingly copies are available at the libraries and Council offices within the borough and also on the Council's web site. Copies can be made available to any person on payment of the nominal fee, which relates purely to the cost of production of a copy.

Advice on the constitution may be sought from the officers indicated below who will be pleased to receive any comments on the constitution, in particular how it can be improved.

For further advice on the constitution or any of the activities of the Borough Council please contact:

Martin O'Loughlin
Democratic Services Manager
South Ribble Borough Council
Civic Centre
West Paddock
Leyland
Lancashire PR25 1DH
Tel: 01772 625307
<mailto:moloughlin@southribble.gov.uk>

Ian Parker
Director of Governance and
Business Transformation (Monitoring Officer)
South Ribble Borough Council
Civic Centre
West Paddock
Leyland
Lancashire PR25 1DH
Tel: 01772 625550
[e-mail: iparker@southribble.gov.uk](mailto:iparker@southribble.gov.uk)

Part One

Summary of the Constitution

What is the Constitution?

The constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure the Council is efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The constitution is divided into 17 articles which set out the basic rules governing the Council's business. More detailed procedures, codes of conduct and other supporting documents are also provided.

What's in the constitution?

[Article 1](#) of the constitution outlines the Council's community leadership role, its commitment to involving citizens, whilst at the same time maintaining and improving quality and equality in the services the Council provides. The Council is committed to providing services that meet the needs of the citizens in a clear, efficient, transparent and understandable manner. [Articles 2 – 17](#) explain the rights of citizens and how the Council operates. These are:

- [Members of the Council – Article 2](#)
- [Citizens and the Council – Article 3](#)
- [Council meeting – Article 4](#)
- [The Mayor – Article 5](#)
- [Scrutiny Committee – Article 6](#)
- [Governance Committee – Article 7](#)
- [Cabinet \(Executive\) – Article 8](#)
- [Regulatory and Other committees – Article 9](#)
- [Standards Committee – Article 10](#)
- [My Neighbourhood Area – Article 11](#)
- [Joint arrangements – Article 12](#)
- [Officers – Article 13](#)
- [Decision making – Article 14](#)
- [Finance, contracts and legal matters – Article 15](#)
- [Review and Revision of the constitution – Article 16](#)
- [Suspension, Interpretation and Publication of the constitution – Article 17](#)

How the Council operates

The Council is composed of 50 councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

Councillors have a statutory duty to abide by a code of conduct to ensure high standards in the way they undertake their duties. The Standards Committee ([see Article 10](#)) is responsible for promoting and maintaining high standards of conduct by councillors.

All councillors meet together as the Council. Meetings of the Council are almost always open to the public. Here councillors decide the Council's overall policies and set the budget each year. The Council elects at the First Business Meeting of the Municipal Year an executive leader for a period of four years in accordance with [Article 8.03](#). The Leader appoints a Deputy Leader and Cabinet. The Council appoints, each year, all other committees. The Council also ensures that the Leader and the Cabinet are accountable to the rest of the Council and, in turn, via the individual councillor's community representative role, the citizens of the borough as a whole.

Members of the public may address the full Council, if they so wish, on any matters of concern within the borough.

In addition the Council can discuss matters of concern which may affect the citizens of the borough, but for which the Council may have no specific responsibility.

More information on the operation of the Council meeting and citizens' rights can be found in [Articles 3](#) and [4](#) and also in [part 4A – Council Procedure Rules \(Standing Orders\)](#).

How Decisions Are Made

The Cabinet is the part of the Council which is responsible for most of the decisions that are made by councillors. The Cabinet is made up of the Leader elected at the First Business Meeting of the Municipal Year for a period of four years and other councillors appointed by the Leader. When major decisions are to be discussed or made, these must be published in the Cabinet's Forward Plan in so far as they can be anticipated. Most major decisions are made at meetings of the Cabinet. These meetings are in public except where personal or confidential matters are being discussed. The Cabinet has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the agreed budget or policy framework ([see Part 4D](#)), this must be referred to the Council as a whole to decide.

Scrutiny Committee

The Scrutiny Committee supports the work of the Cabinet and the Council as a whole. It allows citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. The Scrutiny Committee also produces reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. The Scrutiny Committee also monitors the decisions of the Cabinet and the performance of the Cabinet and officers. It can 'call-in' certain decisions which have been made by the Cabinet or officers but not yet implemented and recommend that the decision is reconsidered. More information on the operation of the Scrutiny Committee can be found in [Article 6](#) and also in [Part 4F – Scrutiny Procedure Roles](#).

Governance Committee

The Governance Committee provides independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and oversees the financial reporting process. More information on the operation of the Governance Committee can be found in [Article 7](#).

My Neighbourhood Areas

In order to strengthen communications with members of the local community 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 councillors for each ward in the area and meet informally in public up to four times each year. Members of the local community are actively encouraged to attend these meetings and to participate in the discussions about community issues. Council partners will attend at least one of these meetings. More information on the operation of My Neighbourhood areas and their meetings can be found in [Article 11](#)

Regulatory and Other Committees

The council has a number of other committees, including the Planning Committee and two Licensing Committees. Details of these committees' responsibilities can be found in [Part Three](#) of the constitution.

Standards Committee

The high standards of conduct by councillors, co-opted members and town and parish councillors that residents and employees expect are promoted and maintained by the Standards Committee. Details of the committee's responsibilities can be found in [Part Three](#) of the constitution.

The Council's Officers

The Council has people working for it (called 'officers') to give advice, implement decisions and undertake the day-to-day delivery of services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. Further information is available in [Article 13](#) and the officer structure in [Part 7](#).

Citizens' Rights

Citizens have a significant number of rights in their dealings with the Council ([See Article 3](#)). Some of these are legal rights, whilst others reflect our openness. The local Citizens' Advice Bureau can also advise on individuals' legal rights.

Citizens have a right to:

- vote at local elections if they are registered;
- contact any local councillor about any matters of concern to them;
- obtain 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 five 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 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; and
- inspect the Council's accounts and make views known to the External Auditor.

Further information on citizens' rights can be obtained by contacting Martin O'Loughlin, the Democratic Services Manager at the Civic Centre, West Paddock, Leyland, or telephone 01772 625307 or by e-mail on democraticservices@southribble.gov.uk

The Council has a published statement on the rights of citizens to inspect agendas, reports and to attend meetings. This statement appears at [Article 3](#). The [Access to Information Rules in Part 4C](#) provide detailed information

Article 2 – Members of the Council

2.01 The Council

- (a) **Composition.** The Council comprises 50 councillors (members). Members are elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State. Council elections are held every four years and councillors serve for that four year period. In May 2015, and in line with proposals from the Local Government Commission, the size of the Council was reduced from 55 to 50 members, with 19 two member wards and four three member ward.
- (b) **Eligibility.** Only registered voters of the district or those living or working in the borough will be eligible to hold the office of councillor.

2.02 Election and terms of councillors

Election and terms. The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.03 Roles and functions of all councillors

(a) Key roles

All councillors shall:

- (i) collectively be the ultimate policy-makers for the Council;
- (ii) contribute to the good governance of the area and actively encourage community participation and action and involvement in decision making;
- (iii) lead and champion the interests of the local community and effectively represent the interests of their ward and of individual constituents;
- (iv) develop and maintain a good knowledge of their ward and Council;
- (v) develop and maintain strong positive relationships with local people by meeting; communicating and liaising with them regularly and involving and consulting them on local issues, decisions that affect them and opportunities in the community;
- (vi) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (vii) respond to constituents' enquiries and representations fairly and impartially;
- (viii) be available to represent the Council on other bodies and submit reports on the activities of bodies upon which they represent the Council as required;
- (ix) represent the Council to the community and the community to the Council and support fellow councillors; and
- (x) maintain the highest standards of conduct and ethics.

(b) Rights and duties

- (i) Councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law;
- (ii) Councillors should not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it; and
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in [Part 4C](#) of this constitution.

2.04 Conduct

Councillors and town and parish councillors have a statutory duty to observe the Code of Conduct for Elected Members ([see Part 5A](#)). Councillors are also expected to work within the Council's protocols ([see Part 5C](#)).

2.05 Allowances

Councillors are entitled to receive allowances in accordance with the Scheme of Members' Allowances, as set out in [Part 6](#).

Article 3 – Citizens and the Council

3.01 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in Access to Information Rules in [Part 4C](#) of this constitution:

(a) Voting and petitions

Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council, Cabinet and committees, except those parts where personal or confidential matters are being discussed;
- (ii) attend meetings of the Cabinet when key decisions are being considered;
- (iii) 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;
- (iv) see reports and background papers, and records of decisions made by the Council, Cabinet and officers;
- (v) inspect the Council's accounts and make views known to the External Auditor;
and
- (vi) obtain a copy of the constitution.

(c) Participation

Citizens have the right to:

- (i) attend and speak at meetings of the Cabinet, Scrutiny, Planning, and other committees on specific items on the agenda;
- (ii) attend My Neighbourhood meetings and participate in discussions about community issues, and
- (iii) address the Council for five minutes on a matter previously notified.

(d) Complaints

Citizens have the right to:

- (i) contact the Council in accordance with the Complaints Procedure;
- (ii) contact any local councillor about any matters of concern to them;
- (iii) complain to the Local Government Ombudsman if they are not satisfied with us. However, this should only be done after exhausting our complaints procedure; and
- (iv) complain to the Council's Standards Committee, initially via the Monitoring Officer, if it appears that a councillor has breached our Code of Conduct.

3.02 Citizens' responsibilities

Citizens must not be violent, abusive or threatening to councillors or officers and must not wilfully damage property owned by the Council, councillors or officers.

Article 5 – The Mayor

5.01 Role and function of the Mayor

In accordance with Section 11(7) of the Local Government Act 2000, the Mayor and Deputy Mayor shall not be members of the Cabinet.

The Mayor and in his/her absence, the Deputy Mayor, has the following roles and functions:

5.02 Ceremonial Role

The Mayor presides at such civic and ceremonial occasions as the Council deems appropriate. The Mayor also acts as first citizen of the borough and should always represent the Borough of South Ribble in a fit and proper manner.

The Mayor also attends functions within the borough, and on occasions outside the borough, at the request of the organisers of the particular function and represents the Council on each and every occasion.

5.03 Chairing the Council Meeting

The Mayor will be elected by the Council annually. The Mayor has the following responsibilities at Council meetings:

- i) to uphold and promote the purposes of the constitution, and to interpret the constitution when necessary;
- ii) to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- iii) to ensure that the 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 to account the Cabinet members and any other member of the Council who hold positions of responsibility e.g. chairman of a committee, or is a Council representative on an outside body;
- iv) in partnership with the Leader of the Council, to promote public involvement in the Council's activities; and
- v) to be the conscience of the Council.

5.04 Chairing other Committee Meetings

The Mayor shall be able to sit on but not chair other committees.

