

(c) The Independent Person is not a member of the Standards Committee, or of any of its sub-committees (Hearing Panels), but may attend meetings of the Standards Committee and is invited to attend all meetings of the Hearings Panel.

(d) The views of the Independent Person must be sought and taken into consideration before the Standards Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

(e) More detailed information on the role of the Independent Person and his/her involvement in the investigation of complaints is contained in the Protocol relating to the Independent Person. (see Part 5C of the Constitution)

Commented [CM1]: Check cross reference

Notes

Under the Localism Act 2011 the appointment of a stand-alone Standards Committee is discretionary.

Appeals Committee

Appointed by Council at the first business meeting of the municipal year to meet on an ad hoc basis to act as the final internal appeal body to deal with grievances and disciplinary or dismissal appeals.

Membership

The rules of proportional political balance apply in accordance with the requirements of the Local Government & Housing Act 1989

The Committee has 6 Members

Chairman to be appointed at each meeting.

NB All Members must have received relevant training on the process and procedures to be followed. Updated training will be provided prior to each meeting of the committee.

Terms of Reference

To act as the final internal body to hear and determine appeals, in accordance with the relevant Council policies and procedures for:

- a. Dismissal for misconduct
- b. Dismissal for capability
- c. Dismissal arising from the Council's Managing Attendance Policy

To consider any appeal by an employee that the selection criteria for redundancy has been unfairly applied in their case under the Council's Redundancy Policy.

To act as the final internal appeal body to determine staff grievances at stage 3 and in accordance with the Council's approved Grievance procedures.

To determine or make recommendations, as appropriate, on any other staffing matter referred to the Panel by the Head of Paid Service.

NOTE: There is a separate Committee to deal with matters relating to Statutory Officers – see Appointment & Employment Panel Terms of Reference & Officer Employment Procedure Rules

Shared Services Joint Committee

Commented [CM1]: Needs revisiting

Appointed by Council at the first business meeting of the municipal year as a Joint Committee to oversee shared service delivery jointly between Chorley and South Ribble Borough Councils, including investigating opportunities for extending shared services to new service areas and delivery options.

The Committee will operate in accordance with relevant powers contained within the Local Government Act 1972 and the Local Government Act 2000 and all enabling powers and in line with the Shared Service Agreements adopted between the two Councils.

The Shared Services Joint Committee will monitor the work and the effectiveness of shared services, the development and delivery of a shared services programme and make recommendations to each of the relevant Council's Cabinet meetings.

Membership

The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989. Each Council will appoint five Councillors in line with the Political Balance of their own Council.

10 members - five from each Council and appointed by the Council at the first business meeting of the Municipal Year.

The Chairman and Vice Chairman are to be appointed at the first committee meeting of the municipal year and will serve for the year. Each Council should take the Chair on an annual rotational basis and the Chairman and Vice Chairman should be from different Councils.

Observer councillors will be permitted to attend meetings of the Committee. In addition, relevant council officers may attend the meetings to present and advise the Committee on their work.

When required, voting will be on a simple majority. In the event of a tied-vote, the Chairman will have a casting vote (or in his/her absence, the vice-Chairman). Observer Councillors and officers do not have a vote

Terms of Reference

To oversee and review current shared financial and shared assurance services, including monitoring their performance against the Shared Service Agreement in place.

To investigate the opportunities and business benefits of other services being run on a shared basis between the two Councils and make recommendations to respective Cabinet meetings.

To oversee the implementation of any additional shared service arrangements including the management and delivery of a shared services programme and monitoring the effectiveness and performance of the services.

To act as arbiter (in the first instance) in the event of any disagreement regarding the delivery of shared services.

To manage the resourcing of shared service arrangements to an agreed Resource Plan; and to consider any additional funding requirements.

Calendar of meetings

The Joint Committee is scheduled on a quarterly basis and dates are contained within each Council's calendar of meetings. Changes to meetings, including additional meetings, may be agreed by the Chairman as needed.

Appointment & Employment Panel

To deal with the recruitment of and any disciplinary issues relating to the Council's Statutory Officers

Commented [CM1]: Needs reference to the NJC Procedure

Joint Planning Advisory Committee

Appointed by Council at the first business meeting of the municipal year as a Joint Committee to oversee strategic planning across Central Lancashire.

The Committee will operate in accordance with relevant powers contained within the Local Government act 1972 and the Local Government Act 2000 and all enabling powers and in line with the Agreements adopted between the two Councils.

Membership

3 Elected Members from South Ribble, Chorley and Preston Borough Councils and 1 Elected Member from Lancashire County Council.

South Ribble membership consists of the relevant Cabinet Member (with the Leader as substitute) and the Chairman and Vice Chairman of Planning Committee (and a nominated substitute)

The host authority for the meeting normally chairs the meeting.

Terms of Reference

- a. To keep under review plans and policies prepared by Chorley, Preston and South Ribble Councils (the Local Planning Authorities) and Lancashire County Council relating to the strategic planning of Central Lancashire as a whole with particular emphasis on such matters in which the area is self-contained and to make recommendations to each Local Planning Authority and the County Council on necessary amendments or alterations thereto.
- b. To keep under review the evidence base relating to strategic planning matters (including relevant housing, economic, transport and environmental research) affecting Central Lancashire and make recommendations to each Local Planning Authority and the County Council on the commissioning of appropriate research to ensure that any such evidence base is kept up to date.
- c. To monitor and report to each Local Planning Authority and the County Council on the effective delivery of strategic development as defined in S33(A)(4) of the Planning and Compulsory Purchase Act 2004 (as amended) to ensure compliance with the duty to co-operate and specifically concerning the provision of new housing, new employment opportunities, the economic health of city and town centres, sustainable transport and the provision of infrastructure.
- d. To keep under review and make recommendations to each Local Planning Authority on the Community Infrastructure Levy Charging Schedule and Infrastructure List.
- e. To make recommendations on the delivery of the Preston, South Ribble and Lancashire City Deal II.

My Neighbourhood Areas

After consulting with councillors, Council partners and members of the public, the Council decided to establish 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.

Membership

My Neighbourhood Areas consist of all councillors from the wards in each area identified below.

The current boundaries and names of the My Neighbourhood areas are as follows:

1) Western Parishes

Hoole, Longton and Hutton West, New Longton and Hutton East

2) Penwortham

Broad Oak, Charnock, Howick and Priory, Middleforth

3) Bamber Bridge, Lostock Hall and Walton le Dale

Bamber Bridge East, Bamber Bridge West, Lostock Hall, Walton-le-Dale East and Walton-le-Dale West

4) Leyland

Broadfield, Bucksahw and Worden, Earnshaw Bridge, Leyland Central, Moss Side, Seven Stars, St Ambrose, Farington East and Farington West

5) Eastern

Coupe Green and Gregson Lane, Samlesbury and Walton

Terms of Reference

Each My Neighbourhood area is responsible for drawing up a My Neighbourhood Plan to identify neighbourhood priorities. These plans will be drawn up by elected members working alongside the public and the council's partners in the manner outlined in the My Neighbourhood Area Procedure Rules (see 4B)

Note

My Neighbourhood meetings are informal and are not normally expected to have agendas and minutes.

Joint Arrangements

1. Introduction

Local authorities can establish joint working arrangements with other local authorities, people or organisations. This can happen in a number of different ways. For instance:-

- Local authorities can agree that one (or more) authority(ies) will exercise functions on behalf of another (or other) authority(ies);
- Local authorities can also agree to exercise their functions jointly.

This is usually achieved by establishing a joint committee of Members from all of the participating authorities to manage the functions in question. The participating authorities all then delegate the necessary powers to the joint committee who will make decisions on behalf of them all. This may involve using the officers of one or more of them to deliver services for them all, or jointly entering into contracts with third parties to deliver services for them all.

Local authorities (either alone or with other local authorities) can also do any or all of the following to promote the economic, social or environmental well-being of their area(s):

- (a) enter into arrangements or agreements with any person or body
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body
- (c) exercise on behalf of that person or body any functions of that person or body

2. Arrangements to promote well being

In order to promote the economic, social or environmental well-being of its area, the Council or the Cabinet, as applicable, may:

- (a) enter into arrangements or agreements with any person or body; and/or
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and/or
- (c) exercise on behalf of that person or body any functions of that person or body.

3. Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- (b) The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are Cabinet functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
- (c) Except as set out below, the Cabinet may only appoint Cabinet members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Cabinet may appoint members to a joint committee from outside the Cabinet in the following circumstances:

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- the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Cabinet may appoint to the joint committee any councillor who is a member for a ward which is wholly or partly contained within the area;
- the joint committee is between a county council and a single district council and relates to functions of the Cabinet of the county council. In such cases, the Cabinet of the county council may appoint to the joint committee any councillor who is a member for an electoral division which is wholly or partly contained within the area;

In both of these cases the political balance requirements need not apply to such appointments.

(e) Full Council shall be responsible for appointments to the Shared Services Committee and the political balance requirements shall apply.

Access to information

(a) The Access to Information Procedure Rules in Part 4C of this constitution should apply to joint arrangements.

(b) If all the members of a joint committee are members of the Cabinet in each of the participating authorities then its access to information regime is the same as that applied to the Cabinet.

(c) If the joint committee contains members who are not on the Cabinet of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

Delegation to and from other local authorities

(a) The Council may delegate non-Cabinet functions to another local authority or, in certain circumstances, the Cabinet of another local authority.

(b) The Cabinet may delegate Cabinet functions to another local authority or the Cabinet of another local authority in certain circumstances

(c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

Contracting out

The Council may contract out to another body or organisation functions:

- which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994; or
- under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles,

provided there is no delegation of the Council's discretionary decision making.

Officers

Management structure

The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.

Chief Officers

The Council shall engage persons for the following posts who will be designated chief officers.

The current structure is as follows:-

Post

Chief Executive (and Head of Paid Service)

Functions and areas of responsibility

Overall corporate management and operational responsibility (including overall management responsibility for all officers).
Provision of professional advice to all parties in the decision making process.
Together with the Monitoring Officer responsibility to ensure records of all the Council's decisions are kept.
Representing the Council on partnerships and external bodies (as required by statute or the Council).
To act as the Council's Chief Financial Officer.
To act as the Council's Monitoring Officer.

Director of Governance and Business Transformation

Commented [CM1]: Needs completing

Statutory Officers

The Council will designate the following posts as shown:

Post

Chief Executive

Designation

Head of Paid Service

Director of Finance

Chief Finance Officer / Section 151 Officer

Director of Governance

Monitoring Officer

Such posts shall have the functions described in Articles 13.02–13.04 below.

Staffing Structure.

The Head of Paid Service shall determine and publicise a description of the overall officer structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this constitution.

13.02 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council.** The Head of Paid Service shall report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grades of officers required for the discharge of functions and the organisation of officers.

(b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant. The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

13.03 Functions of the Monitoring Officer

(a) **Maintaining the constitution.** The Monitoring Officer shall ensure that an up-to-date version of the constitution is maintained and that it is widely available to members, employees and the public.

(b) **Register of Members' Interests.** The Monitoring Officer shall establish and maintain a register of members' interests.

(c) **Register of Gifts and Hospitality.** The Monitoring Officer shall establish and maintain a register of gifts and hospitality.

(d) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service/Chief Finance Officer, the Monitoring Officer shall report to the Council or to the Cabinet in relation to a Cabinet function if he or she considers that any proposal, decision or omission could give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(e) **Supporting the Standards Committee.** The Monitoring Officer shall contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee and establishing good working relations with the Independent Person.

(f) **Conducting investigations.** The Monitoring Officer shall conduct investigations into any claims that there has been a breach of our Code of Conduct and if necessary make reports/recommendations in respect of those to the Standards Committee, in accordance with the approved Investigation and Hearing Procedure.

(g) **Proper officer for access to information.** The Monitoring Officer shall ensure that Cabinet decisions, together with the reasons for those decisions, and relevant officer reports and background papers are made publicly available as soon as possible.

(h) **Advising whether Cabinet decisions are within the budget and policy framework.** The Monitoring Officer shall advise whether decisions of the Cabinet are in accordance with the budget and policy framework.

(i) **Providing advice.** The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and shall support and advise all councillors and officers in their respective roles.

13.04 Functions of the Chief Financial Officer

(a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Monitoring Officer, the Chief Financial Officer shall report to the Council or to the Cabinet in relation to a Cabinet function and the Council's external auditor if he or she considers that any proposal, decision or course of action could involve incurring unlawful

expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs.** The Chief Financial Officer shall have responsibility for the administration of the financial affairs of the Council.

(c) **Contributing to corporate management.** The Chief Financial Officer shall contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice.** The Chief Financial Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and shall support and advise councillors and officers in their respective roles.

(e) **Give financial information.** The Chief Financial Officer shall provide financial information to the media, members of the public and the community.

13.05 Duty to provide sufficient resources to the Monitoring Officer and Chief Financial Officer

The Council shall provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are, in the opinion of those officers, sufficient to allow their duties to be performed effectively.

13.06 Deputies

The Monitoring Officer and Chief Financial Officer may nominate deputies for the time being where he/she is unable to act due to absence and/or illness and for the other purposes permitted by legislation.

13.07 Conduct

Officers shall comply with the statutory Employees' Code of Conduct, once this has effect. In the meantime, a voluntary code exists (see Part 5B of this constitution).

13.08 Employment

The recruitment, selection and dismissal of officers shall comply with the Officer Employment Procedure Rules set out in Part 4I of this constitution.

13.09 Protocols

Officers are expected to work in accordance with the protocols included as Part 5C of this constitution.

Article 16 – Review and Revision of the Constitution

Maintaining the Constitution

The Monitoring Officer has responsibility to maintain an up-to-date version of this Constitution, incorporating all alterations and amendments, approved by Full Council and to ensure that it is available to Councillors, staff and the public.

Duty to monitor and review the constitution

The Monitoring Officer shall monitor and review the operation of the constitution to ensure that the following aims and principles of the constitution are given full effect:

- The constitution assists the Council to provide clear leadership to the community and in working in partnership with citizens, businesses and other organisations;
- The constitution supports the active involvement of citizens in the process of local authority decision-making;
- The constitution help Councillors represent their constituents more effectively;
- The constitution enables decisions to be taken efficiently and effectively;
- The constitution create a powerful and effective means of holding decision makers to public account;
- The constitution ensures that no one will review or scrutinise a decision in which they were directly involved;
- The constitution ensures that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- The constitution assists the delivery of quality services to all sections of the community; and
- The constitution provide a framework which promotes the Council's priorities set out in its Corporate Plan.

Protocol for monitoring and review of the constitution

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order better to achieve any one or more of the aims and purposes referred to above:

In undertaking this task the Monitoring Officer, amongst other things, may:

1. observe meetings of different parts of the member and officer structure;
2. undertake an audit of a sample of decisions;
3. record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

Changes to the constitution

(a) **Approval.** The Governance Committee has a responsibility to maintain an overview of the constitution but only full Council can approve changes to it. Changes should only be made further to a report from the Monitoring Officer.

(b) **Change within a Mayoral form of executive.** Unless the change relates only to the operation of the Scrutiny Committee, any resolution of the full Council to approve a change will have no effect without the written consent of the Mayor.

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(c) Change from a Mayoral form of executive to another form of executive or to alternative arrangements, or from alternative arrangements to a Mayoral form of executive. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals and must hold a binding referendum. Any change shall not take effect until the end of the Mayor's term of office.

(d) Change from a Leader and Cabinet form of executive to alternative arrangements, or vice versa. The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.

NOTE – South Ribble BC have a strong leader model of executive arrangements and so paragraphs (b) and (c) have no application.

Article 17 – Suspension, Interpretation and Publication of the Constitution

17.01 Suspension of the Constitution

(a) **Limit to suspension.** The Articles of this constitution may not be suspended. Any of the procedure rules in this constitution may be suspended by full Council to the extent permitted within those rules and the law.

(b) **Procedure to suspend.** A motion to suspend any rules shall not be moved without notice unless at least one half of the whole number of councillors is present. The extent and duration of suspension shall be proportionate to the result to be achieved

17.02 Interpretation

The ruling of the Mayor as to the construction or application of this constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council.

17.03 Publication

(a) The Chief Executive (or other designated officer) shall ensure that a copy of this constitution is given to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Chief Executive (or other designated officer) shall ensure that copies of the constitution are available for inspection at Council offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Chief Executive (or other designated officer) shall ensure that the constitution is available on the council's website.