

Constitution

Part 1-Introduction

Introduction

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.

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

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

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.

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

- Health, wellbeing and safety
- Excellence, investment and financial sustainability
- Our people and communities
- Place, homes and environment

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

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

Political Governance Arrangements

The way the Council works, and how decisions are made, is set out in this document Council's Constitution. The Council's political governance arrangements have to meet the requirements of law, particularly the Local Government Act 2000.

The Council operates a Strong Leader and Cabinet system with a Leader elected by the Council for a four year term of office. The Leader 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.

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.

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.

The Full Council

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

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.

The agenda and papers are normally sent to members 5 working days before the date of the meeting.

The Mayor

The Mayor is elected by the full Council in May each year and is responsible for chairing Council Meetings. In addition, the Mayor has a civic and ceremonial role as the first citizen of the Borough. Legally the Mayor may not be a member of Cabinet but may sit on (although not chair) other committees.

Members

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.

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 Council's **Member Code of Conduct**.

The Cabinet

The Cabinet is responsible for carrying out all the Council's executive functions.

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.

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.

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.

Cabinet members have the following portfolios,

- Health, wellbeing and leisure
- Finance, property and assets
- Environment
- Planning, regeneration and city deal
- Community engagement, social justice and wealth building

Cabinet meetings are open to the press and public and take place on a Wednesdays at 6:00pm at the Civic Centre West Paddock Leyland PR25 1DH, unless otherwise agreed with the Leader.

The Council also have the following committees

- Scrutiny Committee - 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.
- 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.
- Neighbourhood Areas - 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.
- Planning Committee - deals with applications for planning permission for housing and other major developments in the area.
- General Licensing Committee & Licensing Act Committee - which determines applications for taxi and private hire licenses for drivers and vehicles together with liquor licenses & gambling permits.

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- Standards Committee - aims to ensure that members and officers maintain the highest standards of conduct across all areas of the Council's services.
- Appeals Committee - hears grievance and disciplinary procedure appeals.
- Shared Service Committee - A joint Committee with Chorley Council, the Committee oversees shared service delivery and investigates areas to extend shared services.
- Appointment & Employment Panel - deals with the recruitment and any disciplinary issues relating to the Council's statutory officers
- Joint Planning Advisory Committee - A joint Committee with Preston and Chorley Councils and Lancashire County Council dealing with matters of strategic planning within Central Lancashire as a whole.

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.

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.

Officers

There is a 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.

There are 3 statutory officers

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

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

The officer structure is shown at Part 7 of this Constitution.

Residents Rights & Public Participation

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

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- 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

Decision Making

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:

- (a) Proportionality (i.e. the action must be proportionate to the desired outcome)
- (b) Appropriate consultation and the taking of professional advice from Officers
- (c) Respect for human rights
- (d) A presumption in favour of openness and reasonableness
- (e) Clarity of aims and desired outcomes
- (f) An explanation of any options considered and the reasons for the final decision.

Executive functions

Within the Budget and Policy Framework set by full Council, the Cabinet is responsible for carrying out executive functions as defined in the Local Government Act 2000 and related statutory instruments. These are the majority of Council functions.

Non Executive functions

The Local Government Act 2000 also provides that a number of important functions cannot be undertaken by Cabinet. These are non – executive functions and are carried out by Committees or may have been delegated to Officers.

Powers of Delegation

Non-executive functions of the Council may be delegated by the Council to Committees, Sub-Committees or Officers under Section 101 of the Local Government Act 1972.

Executive functions of the Council may be delegated by the Leader of the Council ("the Leader") to the Cabinet, Cabinet Sub –Committees, individual Cabinet Members or Officers under the Local Government Act 2000.

Types of Decision

Decisions that can only be made by Full Council

Decisions relating to the functions listed in **Part 4A of this Constitution** will be made only by the Council and cannot be delegated without a specific resolution.

Key Decisions and Cabinet Decisions

A **key decision** is defined as any decision relating to a Cabinet function which is either:

(a) Significant in terms of expenditure or savings. The financial threshold above which a matter becomes "significant" has been set at £ **100,000** and this figure is applicable to both revenue and capital budgets

OR

(b) Significant in terms of its effect on the communities living in an area comprising two or more Council wards. Significant in this context means important or far reaching A decision taker may only make a key decision in accordance with the requirements of the **Access to Information Procedure Rules** set out in **Part 4C** of this Constitution.

Executive Member Decision Making

Executive Members may make decisions on matters delegated to them by the Executive Leader. Any such decision must be made in accordance with the requirements of the **Access to Information Procedure Rules** set out in Part 4C of this Constitution.

Decision Making by the Council and it's Committees

The Council have adopted procedure rules to govern the exercise of the decision making powers by it and it's committees.

The rules are contained in the Procedure Rules section of the constitution.

Delegated Decision Making

All delegated decisions must be made in accordance with the scheme of delegation adopted by this council and in accordance with the publicity and transparency rules requiring the decision to be made in writing, where appropriate on notice and published.

The Mayor

The Mayor will be elected by the full Council at Annual Council in May each year and has the following roles and functions:

(a) Ceremonial Role. As the first citizen of the Borough to represent the Council at events of a civic or ceremonial nature, whether organised by the Council or some other body.

(b) Promotion of the Borough. To promote public involvement with the Borough and the Council as a whole, in partnership with the Leader, and act as a focal point for the local community.

(c) Chairing of Council. When presiding over meetings of full Council the Mayor will:

- uphold the Constitution, and provide guidance to the meeting as necessary in relation to any procedural requirements
- conduct the meeting in such a way that its business is carried out efficiently having regard to the rights of members and the interests of the community
- 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 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

Legally the Mayor may not be a member of Cabinet but may sit on (although not chair) other committees. For the sake of clarity the Deputy Mayor may also not be a member of the Cabinet.

When acting in the capacity of Mayor he or she will be expected to support the tradition of neutrality expected of the post holder.

In the absence of the Mayor the Deputy Mayor will undertake his or her duties and responsibilities.

Election and Terms of Members

The regular election of members will be held on the first Thursday in May every four years (although on rare occasions the date may be altered to coincide with other National or European Elections). The term of office of members will start on the fourth day after being elected and will finish on the fourth day after the next regular election.

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

All members will:

- Collectively (through the Council) be the ultimate policy makers and to approve the strategies and plans forming the **Council's Budget and Policy Framework**
- Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities
- Deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances
- Balance different interests identified within their ward and represent the ward as a whole
- Be involved in decision making
- Be available to represent the Council on other bodies

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- Maintain the highest standards of conduct and ethics, including upholding the **Council's Member Code of Conduct**

Rights and Duties of Members:

- Members 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

- Members 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
- For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in **Part 4C** of this constitution.

Part Two – Main Decision Making Bodies

Full Council

The 50 members of the Council all meet together as full Council to decide the most important policies and to set the budget each year. At the annual meeting the Council elects the Mayor, appoints Committees and agrees their terms of reference. The meeting is presided over by the Mayor and run according to formal rules of debate.

There are three types of Council meetings:

- Annual Meeting (including Mayoral Installation and First Business Meeting of the Municipal Year)
- Ordinary Council Meetings
- Special or Extraordinary Meetings

Policy Framework and Partnership Plans

The Council is responsible for the adoption of the Policy Framework and individual plans and strategies.

The Policy Framework means the following plans and strategies:-

- Corporate Plan and Annual Performance Report
- Medium Term Financial Strategy
- Treasury Management Strategy
- Development Plan documents, including the Local Plan
- Asset Management Plans
- Licensing Gambling Policy
- Statement of Licensing Policy (Licensing Act 2003)
- Taxi Licensing Policy
- Homelessness Strategy
- South Ribble Strategic Housing Framework
- Any other plan or strategy where the Council determines that any decision on its adoption or approval should be taken by it rather than the Cabinet.

The Policy Framework is developed in line with the Budget and Policy Framework Procedure Rules at Part 4D.

Council will also adopt the following strategic partnership documents:

- Partnership Community Safety Strategy
- South Ribble Partnership Sustainable Community Strategy
- Central Lancashire Economic Development Strategy
- Lancashire Waste Strategy

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The Budget

The budget includes the allocation of revenue and capital financial resources to services and projects, and the transfers to/from reserves and contingencies, the level of balances, and the grants available from Government.

It also includes the processes of approving the Council Tax base, setting the Council Tax for the forthcoming financial year, and decisions relating to the control of the Council's borrowing requirement and the control of its capital expenditure. *For decisions as to the setting of virement limits see the Financial Regulations.*

The Council will normally approve the annual Treasury Management Strategy as part of the Budget.

The Budget is developed in line with the Budget and Policy Framework Procedure Rules at Part 4D of the Constitution.

Decisions to be taken by Full Council

- (a) To adopt or change the Constitution
- (b) To approve the annual Council Budget and the Medium Term Financial Plan
- (c) To approve the Policy Framework (see para 4.1) and the strategies and policies that sit within it
- (d) To make decisions on executive functions which are contrary to the policy framework, or contrary to, or not wholly in accordance with, the budget. This is subject to the urgency provisions set out in Part 4C of the Constitution
- (e) To appoint or remove the Executive Leader of the Council and to receive his or her scheme of delegation for executive functions
- (f) To appoint the Mayor and Deputy Mayor
- (g) To agree the Council's scheme of delegation including establishing Committees of the Council, agreeing their terms of reference, deciding on their composition and making appointments to them, including any co-opted or Independent Members
- (h) To appoint representatives to outside bodies subject to a report from the Monitoring Officer (unless the appointment is an executive function or has been delegated by the Council)
- (i) To approve the Schedule of Dates of Meetings for Council
- (j) To approve, adopt or revoke a Members' Allowances Scheme
- (k) To agree the Code of Conduct for Elected members and the appointment of an Independent Person under the Localism Act 2011
- (l) To approve the Scheme of Delegation to Officers
- (m) To confirm the appointment of the Head of Paid Service
- (n) To designate the roles of Head of Paid Service, Monitoring Officer and Chief Financial Officer under the relevant legislation
- (o) To approve the dismissal of the Head of Paid Service, Monitoring Officer or Chief Financial Officer. Before deciding whether to or not to approve dismissal account must be taken of:
 - Any advice views or recommendations of the Independent Persons
 - The conclusions of any investigation
 - The representations of the Officer
- (p) To confirm the appointment of the Returning Officer
- (q) To determine the location of polling places and polling districts within the Council's electoral wards
- (r) To agree joint arrangements for non - executive functions where the Council is to discharge the functions of another authority

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- (s) To make, amend, revoke, re-enact, or adopt bylaws and promote or oppose the making of local legislation or personal Bills
- (t) To approve the adoption of Conservation areas, Conservation Area Character Appraisals and Management Plans
- (u) To approve Interim Planning Guidance and Supplementary Planning Documents (if not Development Plan Documents)
- (v) To approve the Council's Annual Pay Policy Statement
- (w) To make any decision not to issue Casino Premises Licences within the Borough
- (x) To determine which local choice functions will be discharged by full Council (see Local Authority (Functions & Responsibilities) (England) Regulations 2000)
- (y) To confer the title of Honorary Alderman or Freedom of the Borough
- (z) To change the Councils Governance arrangements
- (aa) To change the Name of the Area
- (bb) To determine all other matters which, by law, must be reserved to Council.

Executive Cabinet

The Cabinet is the main decision making body of the Council.

Cabinet Members are appointed by the Leader and reported to the first business meeting of the municipal year.

Its powers and functions are known as “executive functions”

Membership

- (a) Political Balance. The cabinet is not required to have proportional political balance.
- (b) Membership. The Leader and Deputy Leader together with not less than 1 or more than 8 other Councillors appointed by the Leader (maximum of 10 in total)
- (c) Chairing the Cabinet. The Leader, or in his/her absence the Deputy Leader, will chair any meeting at which he/she is present. In the absence of both a member of Cabinet appointed by those present will chair the meeting.

The Cabinet is responsible for all the functions of the Council unless they are delegated elsewhere, either by law or under this Constitution.

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

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Members of the Executive

The Leader

The Leader is elected by a simple majority at the annual Council meeting following the four-yearly council elections. The Leader holds office for 4 years and remains in position until the annual Council meeting following the next council elections, unless:

- (a) He/she resigns as Leader; or
 - (b) He/she is disqualified or is otherwise removed from office; or
 - (c) The Council passes a resolution to remove the Leader (in accordance with Council Standing Order x) or
 - (d) He/she is no longer a member of Council
- (N.B. if the Leader is not elected or does not stand for election, he/she will remain in office during the period between the election and the annual Council meeting when a new Leader will be elected)

The Deputy Leader

The Leader will appoint a member to be Deputy Leader of the Council. The Deputy Leader must be a member of the Cabinet.

The Deputy Leader will hold office until the end of the Leader's term of office, unless:

- (a) He/she resigns as Deputy Leader; or
- (b) He/she is removed by the Leader; or
- (c) He/she is disqualified or is no longer a member of the Council.

If for any reason the Leader is unable to act or the office of Leader is vacant, the Deputy Leader will act in his/her place.

The Cabinet Members

The Leader will also appoint between one and eight other members of the Council to serve on the Cabinet.

Cabinet members shall hold office until:

- (a) They resign from office as a Cabinet member; or
- (b) They are removed from office by the Leader; or
- (c) They are disqualified or are no longer a member of the Council.

If for any reason neither the Leader or Deputy Leader is able to act or both offices are vacant the Cabinet must act in the Leader's place or arrange for a member of the Cabinet to act in the Leader's place.

Changes to the Cabinet

The Leader shall notify the Chief Executive in writing of the size and composition of the Cabinet and of any subsequent changes and the date from which any changes are to take effect.

The Chief Executive must inform all members of the Council of any changes to the size and composition of the Cabinet within seven working days of being notified by the Leader and follow the procedure in the Cabinet Procedure Rules to report to full Council.

Proceedings of the Cabinet

The Cabinet will conduct its proceedings in accordance with the Cabinet Procedure rules set out in Part 4E of this Constitution

SCHEME OF DELEGATIONS FOR EXECUTIVE FUNCTIONS

The Executive Cabinet may exercise any Executive Function.

A Portfolio holder may take any Executive decision which relates to his or her Portfolio.

The Executive Leader may take any decision which an individual Portfolio holder could take where the relevant Portfolio holder is unable or unwilling to take that decision.

The Executive Leader may alter the allocation of responsibilities within any Portfolio.

Chief Officers may take any Executive decision which relates to the services under their control except where the relevant Portfolio holder has instructed them not to make such a decision.

Chief Officers may nominate other Officers to take decisions which they have the power to take.

PRINCIPLES OF DECISION MAKING

All decisions must be made in accordance with the provisions of this Constitution and any policies of the Council.

The following principles shall be observed by decision makers exercising Executive functions:

- Key decisions should normally be made by the Cabinet as a whole;
- Decisions which significantly affect more than one Portfolio should normally be made by the Cabinet as a whole
- Decisions of an operational or managerial nature should normally be made by Chief Officers
- Decisions of a strategic nature would normally be made by Members.

No decision shall be open to legal challenge on the basis that these principles have been breached.

Executive Members

The membership of the Cabinet (as at May 2019) is set out below.

Leader of the Council

- Communications and Public Relations
- Corporate Policy, Strategy and Performance
- Corporate Governance, Mayoralty and Democratic Arrangements
- Strategic Human Resources and Organisational Development
- Member Development
- Shared Services
- Community Safety
- National, Regional and Sub Regional Borough Promotion

Deputy Leader and Cabinet Member (Health, Wellbeing and Leisure)

- Sport and Leisure
- Cultural Services
- Public Health
- Tackling Health Inequalities
- Health and Wellbeing Partnership (including liaison with Lancashire Teaching Hospitals NHS Trust)
- Homelessness, Housing Standards and Disabled Facilities Grants

Cabinet Member (Finance, Property and Assets)

- Strategic Financial Planning and Development
- Revenue and Budget Monitoring and Review
- Risk Management, Control and Assurance

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- ICT
- Property Asset Management
- Strategic Procurement

Cabinet Member (Environment)

- Waste Collection, Promotion and Development
- Street Cleansing and litter control
- Parks, Open Spaces and Grounds Maintenance
- Environmental Health
- Air Quality
- Car Parking
- Licensing

Cabinet Member (Planning, Regeneration and City Deal)

- Strategic Housing and Planning
- Economic Regeneration, Planning and Implementation
- City Deal
- Planning Policies and Strategies
- Transportation

Cabinet Member (Community Engagement, Social Justice and Wealth Building)

- Gateway and Customer Services
- Revenue and Benefits
- Community Engagement and Involvement
- Equality, Diversity and Community Cohesion, Monitoring and Performance
- Voluntary, Community and Faith Sector Engagement
- Children and Young People's Partnership

Member Champions

The following Member Champions were appointed by the Leader of the Council in May 2019 to support the relevant portfolio holder but they will not receive any remuneration. The expectation is that they will stay informed about the work and responsibilities of the portfolio. Work will be undertaken with direct responsibility and reporting back to the relevant Cabinet Member or the Leader. This will also build knowledge, experience and be a development opportunity for those Councillors who aspire to become a Cabinet Member.

- Armed Forces
- Older People
- Youth
- Air Quality
- Social Justice and Equality
- Safeguarding

Scrutiny Committee

The Scrutiny Committee meets in public to discuss and make recommendations on the development of new policies, together with the review of existing policies, and to hold the Leader and Cabinet to account for their actions.

The Scrutiny Committee is responsible for developing its own work programme but should take into account any views expressed by the Council, Cabinet, members generally and local people

Membership

- (a) Political Balance. The Scrutiny Committee is required to have proportional political balance in accordance with the provisions of the Local Government & Housing Act 1989.
- (b) Membership. 12 Members. Cabinet members are not eligible to sit on Scrutiny Committee. All other members are eligible, however no member may be involved in scrutinising a decision in which he/she has been directly involved.
- (c) Task and Finish Groups. Membership of Task and Finish Groups may be selected from all non-Cabinet members and is not restricted to members of the Scrutiny Committee.
- (d) Co-optees. The Committee may recommend to Council the appointment of a number of people as non – voting co-optees.
- (e) Chairing the Scrutiny Committee. Chairman and Vice Chairman appointed by the Council at the first business meeting of the new municipal year. In the absence of the both the Chairman and Vice Chairman a Chairman for the meeting may be appointed by the Committee. Any permanent replacement of the Chairman or Vice Chairman requires full Council approval.

Terms of Reference

- (a) To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions
- (b) To make reports and/or recommendations to the full Council and/or the Cabinet and/or any Local Committee in relation to the functions of that body
- (c) To consider any matter affecting the area or residents
- (d) To exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet, or where a Corporate Director has taken a key decision (see..)
- (e) To establish ad hoc task and finish groups to undertake specific tasks.
- (f) To deal with issues referred to Scrutiny under the "Councillor Call for Action" process
- (g) To consider reports from the Monitoring Officer on the activities of Outside Bodies to which the Council nominates representatives (see part 3G)
- (h) To ensure effective co- ordination of the work programme with other Committees and in particular the Governance Committee, including the consideration of the Annual Audit Letter. (see Protocol at section 5C)

Policy Development and Review

In order to undertake their policy development and review role the Scrutiny Committee may:

- (a) Assist the Council and the Cabinet in the development of the budget and the policy framework by in-depth analysis of policy issues
- (b) Conduct research and undertake relevant consultation to enhance community participation in the development of policy
- (c) Undertake in depth reviews of relevant policies, plans, strategies and services, including customer satisfaction and value for money.

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- (d) Question members of the Cabinet and/or other Committees and officers about their views on issues and proposals affecting the area
- (e) Liaise with other external organisations and partnerships operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working

Scrutiny

In order to undertake their Scrutiny role the Scrutiny Committee should:

- (a) Review and scrutinise the decisions, initiatives, projects and performance of the Cabinet and/or other Committees and officers in relation to individual decisions, initiatives and projects through the call-in process or pre-scrutiny
- (b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- (c) Question members of the Cabinet and/or Committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
- (d) Make recommendations to the Cabinet and/or other Committees and/or Council arising from the outcome of the scrutiny process
- (e) Review and scrutinise the performance of other public bodies and partners in the area and invite reports from them by requesting them to address the Scrutiny Committee about their activities and performance
- (f) Question and gather evidence from any person (with their consent)

The terms of reference and procedure rules for all Scrutiny Advisory Boards are included in the Scrutiny Procedure Rules set out in part 4F of this Constitution.

Notes

The Council must appoint at least one Scrutiny Committee to discharge the functions set out in s21 of the Local Government Act 2000 subject to this requirement the Council has the discretion to decide the number, size and functions of Scrutiny Committees

Governance Committee

Governance Committee is a key component of South Ribble Borough Council's corporate governance.

The purpose of our Governance Committee is to provide independent assurance to the members of the adequacy of the risk management framework and the internal control environment. It provides independent review of South Ribble Borough Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

The Committee also retains an overview of the Council's constitution and assist the Monitoring Officer in reviewing the constitution to ensure it is current and meets the purpose set out in Article 1.

Membership

The Governance Committee is required to have proportional political balance in accordance with the provisions of the Local Government & Housing Act 1989.

There are 7 Members and no member of the Cabinet may sit on the Governance Committee.

(Chairman and Vice Chairman appointed by the Council at the first business meeting of the new municipal year. In the absence of the both the Chairman and Vice Chairman a Chairman for the meeting may be appointed by the Committee. Any permanent replacement of the Chairman or Vice Chairman requires full Council approval.

The Chairman of the Governance Committee will liaise with the Chairman of the Scrutiny Committee to ensure effective co-ordination of Scrutiny and Governance. An outline of how the joint areas of responsibilities between the Committees are to be met to avoid duplication and gaps is shown in Protocol 9 in Part 5C

Terms of Reference

Governance, Risk and Control

To periodically review the council's corporate governance arrangements against the CIPFA/SOLACE good governance framework and consider annual governance reports and assurances.

To approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.

To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.

To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.

To monitor the effective development and operation of risk management in the council.

To monitor progress in addressing risk-related issues reported to the committee.
To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
To review the assessment of fraud risks and potential harm to the council from fraud and corruption.
To monitor the counter-fraud strategy, actions and resources.

Internal Audit

To approve the Internal Audit Charter.
To review proposals made in relation to the appointment of external providers of internal audit services and to make recommendations.
To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
To approve significant interim changes to the risk-based internal audit plan and resource requirements.
To make appropriate enquiries of both management and the Head of Shared Assurance Services to determine if there are any inappropriate scope or resource limitations.
To consider reports from the Head of Shared Assurance Services on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:

- a) Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
- b) Regular reports on the results of the Quality Assurance and Improvement Programme.
- c) Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

To consider the Head of Shared Assurance Annual report:

- a) The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
- b) The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.

To consider summaries of specific internal audit reports as requested.
To receive reports outlining the action taken where the Head of Shared Assurance has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.

Appendix B

To consider a report on the effectiveness of internal audit to support the Annual Governance Statement, where required to do so by the Accounts and Audit Regulations.
To support the development of effective communication with the Head of Shared Assurance.

External Audit

To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.

To automatically refer any external auditor's report that has received a qualified opinion for consideration at the next available Full Council meeting.

To consider specific reports as agreed with the external auditor.

To comment on the scope and depth of external audit work and to ensure it gives value for money.

To commission work from internal and external audit.

To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

Financial Reporting

To approve the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council.

To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

To take an overview of the Council's Treasury Management Strategy.

Accountability Arrangements

To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements, and internal and external audit functions.

To take an overview of the Council's constitution and assist the Monitoring Officer in reviewing the constitution to ensure it is current and meets the purpose set out in Article 1.

Planning Committee

Appointed by Council at the first business meeting of the municipal year.

The Planning Committee deals with applications for planning permission for development and associated matters within the Borough under the Town and Country Planning Act 1990 and related legislation.

NOTE: Schedule I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out the list of powers which must not be exercised by Cabinet. This includes the list of relevant planning powers and functions at paragraph 4. These powers are either exercised by the Planning Committee (see paragraph 5) or by officers in accordance with the scheme of delegation (see paragraph 6)

Membership

The committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

The Planning Committee has a minimum of 5 members.

The Chairman appointed by the Council at the first business meeting of the new municipal year.

Members need to have regard to the 'Guidance on Member Involvement in Planning Procedures' to be found in Appendix 3 to the Constitution

Training & Public Participation

All members of the committee must:

- (a) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work
- (b) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the committee

Guidance on Participation by the Public & Members of the Council at Planning Committee can be found at Part x of the Constitution

Planning Functions

(Note – these are prescribed by Schedule I of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000) (1)

Function

A. Functions relating to town and country planning and development control

Power to determine application for planning permission.

Power to determine applications to develop land without compliance with conditions previously attached.

Power to grant planning permission for development already carried out.

Power to decline to determine application for planning permission.

Provision of Act or Statutory Instrument

Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c. 8).

Section 73 of the Town and Country Planning Act 1990.

Section 73A of the Town and Country Planning Act 1990.

Section 70A of the Town and Country Planning Act 1990.

Appendix B

Duties relating to the making of determinations of planning applications.

Power to determine application for planning permission made by a local authority, alone or jointly with another person.

Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.

Power to enter into agreement regulating development or use of land.

Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.

Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).

Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).

Section 106 of the Town and Country Planning Act 1990.

General Licensing Committee

The General Licensing Committee is appointed by Council at the first business meeting of the municipal year. It sits as a full committee and is responsible for dealing with the Council's taxi licensing and other specific licensing functions.

Membership

The General Licensing Committee is required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

The Committee has 11 members.

The Chairman will be appointed by the Council at the first business meeting of the new municipal year.

Terms of Reference

The General Licensing Committee will be responsible for overseeing, developing and approving taxi licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) overseeing the processes to determine the application of the statutory "fit and proper" test, and vehicle age policy, to ensure public safety within the Borough;
- b) all functions of the Council relating to applications for private hire, hackney carriage and miscellaneous licences;
- c) receiving reports on these matters, and on the functions delegated to the Taxi and Miscellaneous Panels and to officers. To call for a report on any individual case;
- d) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- e) exercising the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Taxi Licensing and Miscellaneous Sub-Committee Panel, on the grounds of its special significance or difficulty;
- f) meeting with representatives of the licensed taxi trades to discuss matters of concern;
- g) setting fees and charges (subject to their formal adoption by full council);
- h) presenting an annual report on the work of the General Licensing Committee to Council; and
- i) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the General Licensing Committee who are re-elected as Councillors shall meet as the General Licensing Committee to exercise any of the functions of the Taxi Licensing and Miscellaneous Sub-Committee Panels, or under (e) above, and shall elect a Chair for the meeting.

Excluded from the General Licensing Committee's terms of reference are:

- (a) any functions specifically delegated to the Licensing Act Committee, or those Licensing Act functions statutorily referred to the Cabinet and the full Council (including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy); and
- (b) the functions delegated to the Taxi Licensing and Miscellaneous Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(e) above.

Delegation to Sub-Committee - Taxi Licensing and Miscellaneous Sub-Committee Panel

This sub-committee is a Sub-Committee Panel of the General Licensing Committee, appointed by that Committee under the Local Government Act 1972.

The General Licensing Committee has arranged under S101(1) of the Act for the discharge of such of the Council's functions as are within the Sub-committee Panel's terms of reference in Section 5 below.

Certain functions are delegated by the Taxi Licensing and Miscellaneous Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can be found in the Constitution.

Taxi Licensing and Miscellaneous Sub-Committee Panel - Terms of Reference

Sitting as a Sub-Committee Panel comprising of 5 members (drawn from the full Committee on a politically proportionate basis):-

The Chair of the Taxi Licensing and Miscellaneous Sub-Committee Panel will be the Chair or Vice Chair (depending on availability) of the General Licensing Committee.

The Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

- a) where evidence exists to cast doubt on whether the applicant / driver is a fit and proper person, the Sub-Committee Panel may determine all matters relating to the grant, renewal or review of taxi licences (which, in the interest of clarity, in these Terms of Reference shall include hackney carriage and private hire vehicle driver and operator licences), and to suspend or revoke taxi licences in accordance with legislation;
- b) in cases where the Director has on public safety grounds revoked with immediate effect a taxi licence, to determine an application for the grant of a new licence submitted by the driver/operator whose earlier licence was revoked;
- c) except for matters of Policy to undertake all licensing functions, powers and duties conferred by the Local Government Act 1972 including but not limited to the matters set out below:
 - i) power to license hackney carriages and private hire vehicles;
 - ii) power to license drivers of hackney carriages and private hire vehicles;
 - iii) power to license operators of hackney carriages and private hire vehicles;
 - iv) power to license sex shops and sex cinema and sex entertainment venues; and
 - v) power to grant medical exemption from the obligation to provide support to wheelchair users and/or carry assistance dogs and
 - vi) power to license scrap metal dealers

Paragraph 5

Schedule 1B – Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

1. Power to license hackney carriages and private hire vehicles.

- (a) as to hackney carriages, the Town Police Clauses Act 1847 (10 & 11 Vict. c. 89), as extended by section 171 of the Public Health Act 1875 (38 & 39 Vict. c. 55), and section 15 of the Transport Act 1985 (c. 67); and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57);
- (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.

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| 2. Power to license drivers of hackney carriages and private hire vehicles. | Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 3. Power to license operators of hackney carriages and private hire vehicles. | Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976. |
| 4. Power to grant medical exemption from obligation to transport assistance dogs | Sections 168-173 of the Equalities Act 2010 |
| 5. Power to grant medical exemption from requirement to provide support for wheelchair users | Section 165 and 167 of the Equalities Act 2010 |
| 6. Power to determine suitability of scrap metal dealers to hold a | Scrap Metal Dealers Act 2013 |

Licensing Act Committee

Appointed by Council at the first business meeting of the municipal year.

The Licensing Act Committee will sit as a full committee and is responsible for dealing with the Council's Liquor Licensing, Gambling Act and other specified functions.

This is a Committee of the Council appointed by the Council under Section 6 of the Licensing Act 2003.

The Council has arranged under Section 7 of the 2003 Act and S101 of the Local Government Act 1972 for the discharge by the Committee of such of the Council's functions, as specified in the Local Authorities (Functions and Responsibilities) Regulations 2000-Schedule 1B as amended, and to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003.

Membership

The committee is not required to have proportional political balance in accordance with the requirements of the Local Government & Housing Act 1989.

The Committee will have 11 members

Chairman to be appointed by the Council at the first business meeting of the new municipal year.

Terms of Reference

Sitting as the Licensing Act Committee, to oversee, develop and approve licensing policy (with the exception of matters reserved by statute to Council or the Cabinet).

This includes:

- a) responsibility for monitoring the operation of licensable activities under the Licensing Act 2003 and the Gambling Act 2005 within the Borough;
- b) receiving reports on these matters and on the functions delegated to the Licensing Act 2003 Sub-Committee Panels and to officers. To call for a report on any individual case;
- c) being consulted on the review and determination of the Licensing Policy Statement and the Statement of Gambling Policy including procedures for Council consultation with external stakeholders;
- d) setting fees and charges as required and (subject to Regulations) to determine the fees payable for applications for premises licences and related matters under the Gambling Act 2005;
- e) determining the procedures to be followed in handling applications, notices, representations and all hearings, subject to the relevant Regulations;
- f) exercising the functions of the Licensing Act Sub-Committee Panels in any case referred to the Committee by its Chair, or by the Chair of a Licensing Act Sub-Committee Panel on the grounds of its special significance or difficulty;
- g) presenting an annual report on the work of the Licensing Act Committee to Council; and
- h) in a Council Election Year when there is a need to hold a hearing in the period between Election day and the Annual Meeting of the Council, those Members of the Licensing Committee who are re-elected as Councillors shall meet as the Licensing Committee to exercise any of the functions of the Licensing Act Sub-Committee Panels, or under (f) above, and shall elect a Chair for the meeting.

Excluded from the Licensing Act Committee's terms of reference are:

(a) The functions statutorily referred to the Cabinet and the full Council including the formal review and determination of the Licensing Policy Statement and the Statement of Gambling Policy; and

(b) The functions delegated to the Licensing Act Sub-Committee Panels as set out below, except where referred back to the Committee under sub-paragraph 3(f) above.

Delegation to Sub-Committee – Licensing Act 2003 Sub-Committee Panel

- a) This is a sub-committee of the Licensing Act Committee, appointed by the Committee under the Licensing Act 2003.
- b) The Licensing Act Committee has arranged under Section 9 of that Act to delegate its day to day decision making on such matters to the Sub-Committee Panel of such of the Council's functions as set out in the terms of reference below.
- c) Certain functions are delegated by the Sub-Committee Panel to officers. These are identified in the Scheme of Delegation which can found in the Constitution.
- d) The Sub-Committee Panel shall consist of 3 members and will be drawn from the full Licensing Act Committee on an ad-hoc basis. The Chair of the Sub-Committee Panel will either be the Chair or Vice Chair (depending on availability) of the Licensing Act Committee.

5. Licensing Act Sub-Committee Panel – Terms of Reference

Sitting as a Sub-Committee Panel comprising of 3 members, the Sub-Committee Panel will carry out the following functions:-

Except for matters of Policy, to undertake all licensing functions, powers and duties conferred by the Licensing Act 2003 and Gambling Act 2005, including (but not limited to) the matters set out immediately below and also subsequently in Paragraph 5:

Licensing Act 2003

Except for matters of Policy, to undertake all functions, powers and duties conferred by the Licensing Act 2003 including (but not limited to) the matters set out below:

- a) Power to determine applications for personal licences;
- b) Power to determine applications for premises licences and club premises certificate;
- c) Power to determine applications for variation of premises licence and club premises certificates;
- d) Power to determine applications for transfer of premises licences;
- e) Power to review premises licence and club premises certificates; and
- f) Power to determine police or Environmental Health objections to temporary event notices.

Gambling Act 2005

Where representations on the following applications have been received and not withdrawn, to determine applications:

- a) for premises licences;
- b) for variation of premises licences;
- c) for transfer of premises licences;
- d) for a provisional statement;
- e) for club gaming or club machine permits; and
- f) the cancellation of club gaming or club machine permits.

In addition, the Sub-Committee Panel will:

- g) decide whether to give a counter notice to a temporary use notice;
- h) take "action" under Section 202 where the review is heard by the committee;
- i) exercise its power to register pool betting operating licence;
- j) exercise its power to grant track betting licences;
- k) exercise its power to licence inter-track betting schemes;
- l) exercise its power to grant gaming and betting machine licences;
- m) exercise its power to register societies wishing to promote lotteries; and
- n) exercise its power to issue premises licences and to receive temporary use notices.

In these matters, the decision of a Sub-Committee Panel will represent that of the full Committee.

Paragraph 5

Schedule 1B – Local Authorities (Functions and Responsibilities) (England)

Regulations 2000

(Licensing and registration functions (in so far as not covered by any other paragraph of this Schedule))

The list below relates to the exercise of specialist legislation including (but not exclusively) the following, subject to the functions not being Council functions as set out above:

1. Power to register pool promoters.

Schedule 2 to the Betting, Gaming and Lotteries Act 1963

Standards Committee

Appointed by Council at the first business meeting of the municipal year with responsibility for promoting and maintaining high standards of conduct amongst elected members and officers.

Membership

The committee is required to have proportional political balance in accordance with requirements of the Local Government & Housing Act 1989.

The Committee has 7 members

Chairman and Vice Chairman appointed by the Council

at the first business meeting of the new municipal year. In the absence of both the Chairman and Vice Chairman a chairman for the meeting may be appointed by the Committee. Any permanent replacement of the Chairman or Vice Chairman requires full Council approval.

Terms of Reference

To promote and maintain high standards of conduct by members, co-opted members, town and parish councillors and employees

To advise the Council on the adoption or revision of the Code of Conduct for Elected Members

To monitor the operation of the Codes of Conduct

To ensure members, co-opted members and town and parish councillors receive appropriate advice and training on registration of interests, the code of conduct and standards of behaviour generally

To decide on applications for dispensations in respect of members interests

To oversee the production of the Standards Annual Report and recommend it to Council

To determine allegations received in accordance with the requirements of the Localism Act 2011 and supporting regulations

Sub-committees of the Standards Committee

The Hearing Panel

The Hearing Panel may be convened by the Monitoring Officer when required:

- (a) To conduct hearings and make decisions on allegations following investigation
- (b) To make decisions on allegations where the Monitoring Officer considers it is appropriate to refer the initial complaint to the Panel for determination

Composition

3 Members of the Standards Committee on a politically proportionate basis

(b) The Chair to be appointed on ad hoc basis at the commencement of the meeting

(c) The Panel will seek and take into account the views of an Independent Person before making a decision on any allegation which has been investigated.

Where a complaint concerns a town or parish councillor the Panel may also seek the views of a Parish Representative before making a decision on any allegation which has been investigated.

Independent Person

(a) The Localism Act 2011 requires Full Council to appoint an Independent Person to assist the Monitoring Officer, Standards Committee and members with the determination of complaints about members, co-opted members and town and parish councillors.

(b) The appointment will follow a process of public advertisement, application and selection.

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(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)

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

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

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.

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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).

Deputy Chief Executive

To deputise for the Chief Executive and fulfil the functions in the Chief Executives absence

Director of Finance

To act as the Council's Chief Financial Officer.

Director of Governance

To act as the Council's Monitoring Officer.

Statutory Officers

The Council will designate the following posts as shown:

Post

Chief Executive

Designation

Head of Paid Service

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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.