



Ribble Valley Borough Council

Constitution of the Council

March 2012

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The Council's Constitution

Summary and Explanation

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

The Constitution is divided into 14 articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols within this document.

What's in the Constitution

Article 1 of the Constitution commits the Council to provide clear leadership to the community and improve the delivery of services. Articles 2 – 14 explain the rights of citizens and how the key parts of the Council operate. These are:

- members of the Council (Article 2)
- citizens and the Council (Article 3)
- the Council Meetings (Article 4)
- chairing the Council (Article 5)
- overview and scrutiny of decisions (Article 6)
- policy and other committees (Article 7)
- the Standards Committee (Article 8)
- joint arrangements (Article 9)
- officers (Article 10)
- decision-making (Article 11)
- finance, contracts and legal matters (Article 12)
- review and revision of the Constitution (Article 13)
- suspension, interpretation and publication of the Constitution (Article 14)

How the Council Operates

The Council is composed of 40 Councillors, elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to all their constituents.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

All Councillors meet together as the Council. Meetings of the Council are normally open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council appoints policy committees and overview and scrutiny committees. The Council operates a public participation scheme under which residents may ask questions or make comments on any matter affecting the borough. The Council also holds an Annual Public Meeting to deal solely with matters raised by electors.

Most day-to-day decisions are made by policy committees. The Council has 5 policy committees plus a Licensing Committee which deal with planning and development, community matters, health and housing, personnel and policy and finance. Committees also carry out a number of regulatory functions, including dealing with planning applications, licensing and most other regulatory business.

Meetings of the Council's policy committees are open to the public except where personal or confidential matters or other exempt items are being discussed.

There is an Overview and Scrutiny Committee and an Accounts and Audit Committee which support the work of the policy committees and the Council as a whole. They allow citizens to have a greater say in Council matters by holding public inquiries into matters of local concern. These can lead to reports and recommendations which advise the policy committees and the Council as a whole on its policies, budget and service delivery. Overview and Scrutiny Committee also monitor the decisions of the policy committees and can 'call-in' a decision which has been made by a policy committee but not yet implemented. This enables the Committee to consider whether the decision is appropriate. They may recommend that the policy committee or full Council reconsider the decision. They may also be consulted by policy committees on forthcoming decisions and the development of policy.

The Council's Staff

The Council has people working for it (called 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A Protocol governs the relationships between officers and Members of the Council.

Citizen's Rights

Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own process. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local Councillor;
- obtain a copy of the Constitution;
- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed;
- petition to request a referendum on mayoral form of executive;
- participate in the Council's public participation session and contribute to investigations by the Overview and Scrutiny Committee;
- complain to the Council about the standard of service, action or lack of action by the Council or its staff;
- complain to the Local Government Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;

Parts 1 and 2 of the Constitution, New Version 3, March 2012

- complain to the Standards Committee if they have evidence which they think shows that a Councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Diane Rice, Head of Legal and Democratic Services on 01200 414418.

Articles of the Constitution

Article 1 - The Constitution

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution and all its appendices, is the Constitution of the Ribble Valley Borough Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. support the active involvement of citizens in the process of local authority decision making;
3. help councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.4 Interpretation and Review of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The Council will monitor and evaluate the operation of the Constitution as set out in Article 13.

Article 2 - Members of the Council

2.1 Composition and Eligibility

- (a) Composition. The Council will comprise 40 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission and approved by the Secretary of State.
- (b) Eligibility. Only registered voters of the district or those living or working there will be eligible to hold the office of councillor.

2.2 Election and Terms of Councillors

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

2.3 Roles and Functions of all Councillors

- (a) Key roles. All councillors will:
 - (i) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
 - (ii) represent their communities and bring their views into the Council's decision making process i.e. become the advocate of and for their communities;
 - (iii) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
 - (iv) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
 - (v) be involved in decision-making;
 - (vi) be available to represent the Council on other bodies; and
 - (vii) maintain the highest standards of conduct and ethics.
- (b) Rights and Duties
 - (i) Councillors will have such rights or access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
 - (ii) Councillors will not make public 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.
 - (iii) For these purposes "confidential" and "exempt" information are defined in the "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in Part -5 of this Constitution.

2.4 Conduct

Councillors will at all times observe the Members' code of Conduct and the Protocol on Member/Officer Relations set out in Part 7 of this Constitution.

2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowance Scheme set out in Part 7 of this Constitution.

Article 3 - Citizens and the Council

3.1 Citizens' Rights

Citizens have the following rights. Their rights to information and to participate are explained in more detail in the "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in Part 5 of this constitution:

- (a) Voting and petitions. Citizens on the electoral roll for the area have the right to vote and sign a petition to request a referendum for an elected Mayor form of Constitution.
- (b) Information. Citizens have the right to:
 - (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - (ii) see reports and background papers and any records of decisions made by the Council; and
 - (iii) inspect the Council's accounts and make their views known to the external auditor.
- (c) Participation. Citizens have the right to participate at meetings of the Council and its committees in accordance with the Council's scheme of public participation.
- (d) Complaints. Citizens have the right to complain to:
 - (i) the Council itself under its complaints scheme;
 - (ii) the Local Government Ombudsman after using the Council's own complaints scheme;
 - (iii) the Standards Committee about a breach of the Councillor's Code of Conduct.

3.2 Citizens' Responsibilities

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

Article 4 – The Council

4.1 Council Meetings

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be conducted in accordance with the Council Standing Orders in Part 4 of this Constitution.

4.2 Functions of the Full Council

Only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;

- (b) approving or adopting the policy framework, and the budget.
- (c) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them;
- (d) appointing representatives to outside bodies unless the appointment has been delegated by the Council;
- (e) adopting an allowances scheme under Article 2.5;
- (f) changing the name of the area, conferring the title of honorary alderman or freedom of the borough;
- (g) confirming the appointment of the Head of Paid Service;
- (h) making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills; and
- (i) all other matters which by law must be reserved to Council.

4.3 Meanings

- (a) Policy framework. The policy framework means the following plans and strategies:
 - Corporate Strategy Document;
 - Sustainable Community Strategy;
 - Community Safety Partnership Strategic Assessment and Partnership Plan ;
 - Local Transport Plan;
 - Plans and strategies which together comprise the Development Plan;
 - ;
 - Service Plans;
 - Asset Management and Capital Strategy Plan;
 - Procurement Strategy;
 - Food Law Enforcement Service Plan;
 - The Housing Strategy and Business Plan;
 - Local Agenda 21 Strategy;
 - Treasury Management Strategy.
- (b) Budget. The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

Article 5 – Chairing the Council

5.1 Role and Function of the Mayor

The Mayor and in his/her absence the Deputy Mayor will have the following roles and functions:

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

1. to uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
3. to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who do not sit on policy committees or hold committee chairs are able to hold the members of the policy committees and committee chairmen to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council; and
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate.

Article 6 – Overview and Scrutiny Committee

6.1 Terms of Reference

The Council will appoint an overview and scrutiny committee to discharge the functions conferred by section 21 of the Local Government Act 2000, regulations under section 32 of the Local Government Act 2000, and the Local Democracy, Economic Development and Construction Act 2009, including power to:

1. scrutinise decisions of the Planning & Development committee (with the exception of individual planning decisions) decisions of the Community, Health and Housing committees, Personnel and Policy and Finance Committee;
2. develop and review policy matters which are referred to it by the committees referred to at 1. or which in the opinion of the committee require consideration;
3. carry out appropriate detailed reviews and to consider the results of best value reviews relating to services falling within the remit of the committees referred to at 1. and to make appropriate recommendations;
4. discuss other matters of local concern including services provided by the National Health Service and by Lancashire County Council;
5. consider the evidence of senior council officers given in response to petitions which have: (i) been made in accordance with the Council's Petition Scheme; and (ii) met the threshold for officer evidence; and
6. consider requests by petition organisers for a review of the steps that the Council has taken in response to a petition and, if committee determines that the petition has not been dealt with adequately, to use its powers to deal with the matter.

6.2 General Role

Within its terms of reference, Overview and Scrutiny committee will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the full Council and/or any policy committee in connection with the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in for reconsideration, decisions made but not yet implemented by any policy committees.

6.3 Specific Functions

(a) Policy development and review. Overview and Scrutiny Committee may:

- (i) assist the Council in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) Scrutiny. Overview and Scrutiny Committee may:

- (i) review and scrutinise the decisions made by and performance of committees and council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of committees and chief 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;
- (iv) make recommendations to the appropriate committee and/or Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance; and
- (vi) question and gather evidence from any person (with their consent).

(c) Finance. Overview and Scrutiny committee may exercise overall responsibility for any finances made available to them.

- (d) Annual report. Overview and Scrutiny committee must report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.
- (e) Officers. Overview and Scrutiny committee may exercise overall responsibility for the work programme of any officers employed to support their work.

6.4 Proceedings and Overview and Scrutiny Committee

Overview and scrutiny committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 3(1) of this Constitution.

Article 7 – Policy and Other Committees

7.1 Policy and Other Committees

The Council will appoint the committees set out in Part 3(1) of this Constitution to discharge the functions described in Part 3(1).

Article 8 – The Standards Committee

8.1 Standards Committee

The Annual Council meeting will establish a Standards Committee.

8.2 Composition

- (a) Membership. The Standards Committee will be composed:
 - four councillors;
 - four persons who are not councillors or officers of the Council or any other body having a standards committee (independent members);
 - four members of parish councils wholly or mainly in the Council's area (Parish Members);
- (b) Independent Members. Independent members will be entitled to vote at meetings;
- (c) Parish Members. At least one parish member must be present when matters relating to those parish councils or their members are being considered. Parish members will be entitled to vote at meetings.

8.3 Role and Function

- (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
- (b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct;

- (g) dealing with any reports from a case tribunal or interim case tribunal and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer.
- (h) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

Article 9 – Joint Arrangements

9.1 Arrangements to Promote Well Being

The Council in order to promote the economic, social or environmental well-being of its area, may:

- (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; and
- (c) exercise on behalf of that person or body any functions of that person or body.

9.2 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise 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) Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations to committees and the terms of reference of committees in Part 3(1) of this Constitution.

9.3 Access to Information

- (a) The "Rules with regard to access to meetings and related documents of the Council, its committees and subcommittees" in accordance with the provisions of the Local Government Act 1972, as amended, in Part 5 of this Constitution apply.
- (b) If the joint committee contains members who are not on the executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

9.4 Delegation to and from Other Local Authorities

- (a) The Council may delegate functions to another local authority or, in certain circumstances, the executive of another local authority.
- (b) The Decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

9.5 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.

Article 10 – Officers

10.1 Management Structure

- (a) General. The full Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) Chief Officers. The Full Council will engage persons for the following posts who will be designated chief officers:

| Post | Functions and Areas of Responsibility |
|--------------------------------|--|
| Chief Executive | <p>Overall corporate management and operational responsibility including overall management responsibility for all officers.</p> <p>Provision of professional advice to all parties in the decision making process.</p> <p>Together with the monitoring officer, responsibility for a system of record keeping for all the Council's decisions.</p> <p>Representing the Council on partnership and external bodies (as required by statute or the Council).</p> <p>Regeneration and housing, legal and democratic services and environmental health.</p> |
| Director of Resources | Financial services, human resources and revenues and benefits. |
| Director of Community Services | Cultural and leisure services, engineering services and planning services. |

- (c) Head of paid service, monitoring officer and chief financial officer. The Council will designate the following posts as shown:

| Post | Designation |
|---------------------------------------|-----------------------|
| Chief Executive | Head of Paid Service |
| Head of Legal and Democratic Services | Monitoring Officer |
| Director of Resources | Chief Finance Officer |

Such posts will have the functions described in Article 10.2 – 10.4 below.

- (d) **Structure.** The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 3(2) of this Constitution.

10.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The head of paid service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade 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 finance officer if a qualified accountant.

10.3 Functions of the Monitoring Officer

- (a) **Maintaining the constitution.** The monitoring officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision-making.** After consulting with the head of paid service and chief finance officer, the monitoring officer will report to the full Council if he or she considers that any proposal, decision or omission would 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.
- (c) **Supporting the Standards Committee.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) **Receiving reports.** The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- (e) **Conducting investigations.** The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- (f) **Proper officer for access to information.** The monitoring officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- (g) **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors.
- (i) **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of the paid service.

10.4 Functions of the Chief Finance Officer

- (a) **Ensuring lawfulness and financial prudence of decision-making.** After consulting with the head of paid service and the monitoring officer, the chief finance officer will report to the full Council and the Council's external auditor if he or she considers that any proposal, decision or course of action will 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 finance officer will have responsibility for the administration of the financial affairs of the Council.

- (c) **Contributing to corporate management.** The chief finance officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety and probity to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- (e) **Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

10.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

The Council will provide the monitoring officer and chief finance officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

10.6 Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part 7 of this Constitution.

10.7 Employment

Those parts of the Council's Standing Orders included in Part 4 of this Constitution which deal with the appointment of chief officers, appointments and disciplinary action regarding staff, and disciplinary action will be complied with.

Article 11 – Decision Making

11.1 Responsibility for Decision Making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

11.2 Principles of Decision Making

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

Before taking any decision the following matters must be taken into account where relevant:

- (i) the facts upon which the decision must be based;
- (ii) any legislative requirements, including the need to secure Best Value;
- (iii) the strategies and policies of the Council including any plans, objectives relating to their service or the Council;
- (iv) any relevant national or regional guidance;
- (v) the available options;
- (vi) the financial, staffing and legal implications following advice from the Director of Resources, and the Head of Legal and Democratic Services as appropriate.
- (vii) the views/advice of any appropriate statutory officer;

- (viii) any consultations undertaken, the views of any consultees and any other representations received;
- (ix) any implications for any other areas of the Council's activities including the views of any Director whose services may be affected and whether any consultation has taken place;
- (x) the need to inform the appropriate Members such as the Chairman or Vice-Chairman of the appropriate committee or the Leader or Deputy Leader or Ward Members;
- (xi) The Council's Constitution, including the Contract Standing Orders and Financial Regulations;
- (xii) the need to take account of any human rights issues including the principle of proportionality (i.e. the action taken must be proportionate to the desired outcome).

11.3 Decision Making by the Full Council

Subject to Article 11.6 the Council meeting will follow the Council's Standing Orders as set out in part 4 of this Constitution when considering any matter.

11.4 Decision Making by Overview and Scrutiny Committee

Overview and Scrutiny committee will follow the Overview and Scrutiny Procedure Rules set out in Part 3(1) of this Constitution when considering any matter.

11.5 Decision making by Other Committees and Sub-Committees established by the Council

Subject to Article 11.6 other Council committees and sub-committees will follow those parts of the Council Standing Orders set out in Part 4 of this Constitution as apply to them.

11.6 Decision Making by Council Bodies Acting as Tribunals

The Council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 12 – Finance, Contracts and Legal Matters

12.1 Financial Management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 6 of this Constitution.

12.2 Contracts

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 6 of this Constitution.

12.3 Legal Proceedings

The Head of Legal and Democratic Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic Services considers that such action is necessary to protect the Council's interests.

12.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

12.5 Common Seal

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed. The affixing of the Common Seal will be attested to by the Head of Legal and Democratic Services or some other person authorised by him/her.

Article 13 – Review and Revision of the Constitution

13.1 Duty to Monitor and Review the Constitution

The monitoring officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

13.2 Protocol for Monitoring and Review of Constitution by Monitoring Officer

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 the purposes set out in Article 1. In undertaking this task the monitoring officer may:

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

13.3 Changes to the Constitution

Changes to the Constitution will only be approved by the full Council after consideration of the proposal by the monitoring officer. Minor changes, of a typographic nature only, may be made by the monitoring officer or on his/her direction.

Article 14 – Suspension, Interpretation & Publication of the Constitution

14.1 Suspension of the Constitution

- (a) Limit to suspension. The Articles of this Constitution may not be suspended. The Rules may be suspended by the full Council to the extent permitted within those Rules and the law.
- (b) Procedure to suspend. A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of councillors are present. The extent and duration of suspension will be

proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.

14.2 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. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

14.3 Publication

- (a) The monitoring officer will provide a printed copy of this Constitution to each member of the authority, if so requested, 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 monitoring officer will ensure that copies are available for inspection at council offices, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The monitoring officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.
- (d) The monitoring officer will ensure that this Constitution is published on the Council's website – www.ribblevalley.gov.uk

Schedule 1: Description of Alternative Arrangements

The following parts of this Constitution constitute the alternative arrangements:

1. Article 6 (Overview and Scrutiny Committee) and the Overview and Scrutiny Procedure Rules.
2. Article 7 (Policy and Other Committees).