

The Constitution

Lancashire County Council

(Last Updated Thursday 14th December 2023)



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31. Constitution Summary Document

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This summary is only a guide to the county council's constitution, and does not form part of it.



Part 1 – Introduction and Explanation

This Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that decision-making is 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 structure aims to enhance accountability, by making it clear who takes decisions, and by offering greater opportunities for County Councillors through Overview and Scrutiny Committees to hold decision-makers to account and to review the Council's policies and services and make recommendations for improvements.

Purpose of the Constitution

This Constitution, and all its appendices, is the Constitution of the Lancashire County Council.

The Constitution sets out the basic rules governing the way the Council transacts its business. It explains how key parts of the Council operate and explains the rights of citizens in their dealings with the Council.

What's in the Constitution?

The Constitution contains details on:

- The role of members of the Council;
- The Full Council;
- The role of the Chair of the Council;
- The Cabinet;
- The role of the Leader of the Council;
- Responsibilities of individual Cabinet Members;
- The role of Council Champions and Lead Members;
- Overview and Scrutiny;
- The Development Control Committee;
- The Regulatory Committee
- The Conduct Committee;
- The Audit and Governance Committee;
- The Pension Fund Committee;
- The Lancashire Local Pension Board;
- The Urgency Committee;
- The Employment Committee;
- Health and Wellbeing Board;
- Officers of the Council;
- Political Management structure

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- Rights of members of the public;
- Scheme of Delegation to Cabinet Members and Heads of Service;
- Standing Orders;
- Financial Regulations;
- Codes of Conduct for County Councillors and Officers;
- The names, addresses and telephone numbers of all Councillors together with details of the Committees on which they serve and their membership of political parties; and
- Access to Information Procedure Rules
- Members' Allowance Scheme
- The Council's Complaints Procedure
- The Council's Petitions Scheme

County Councillors

There are 84 County Councillors who sit on Lancashire County Council. The Councillors are elected every four years and are democratically accountable to residents of their electoral division for the running of the Council and the delivery of its services. Their overriding duty is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

The Council has co-opted a number of persons who have expertise in particular areas to serve on certain Committees.

Councillors and Co-optees have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee is responsible for training and advising them on the Code of Conduct which is set out at Appendix 'E'.

A full list of Councillors' and Co-optees' names, addresses and telephone numbers, together with details of the Committees on which they serve, their membership of political parties and in the case of Cabinet Members, their area of responsibility, and, is set out at Appendix "G".

Rights of Members of the Public

The public have certain rights in their dealings with the Council some of which are set out in Article 8 of the Constitution. Some of these are statutory rights, whilst others depend on the Council's own processes. This list is not comprehensive and where members of the public use specific Council services, for example as a parent of a school pupil, they have additional rights. These are not covered in this Constitution.

How the Council Operates and Makes Decisions

The Full Council

All Councillors meet together as the Full Council. The Full Council meets at least six times each year in February (Ordinary meeting), February (Budget meeting), May (Annual meeting), July, September and December (Ordinary meetings). Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.

The main role of the Full Council is to approve the Constitution and any amendments to it, to determine the policies which will set the framework for how the Council's functions are carried out, and to set the Council's Budget and Council Tax levels.

The Full Council appoints the Leader of the Council at the first Annual Meeting after an ordinary Council election and also as a vacancy arises. The Full Council also appoints on an annual basis the Chair and Deputy-Chair of the Council and the Chair and Deputy Chairs of its Committees and Sub-Committees.

The Cabinet

Within the budgetary and policy frameworks set by the Full Council, the Cabinet is responsible for carrying out almost all of the Council's functions in delivering services to the community; mainly Children and Young People Services, Adult and Community Services, Highways and Transportation, Planning and the Environment, and Public Protection.

The Cabinet comprises up to 10 Councillors including the Leader and Deputy Leader of the Council. Through partnership working with local and public authorities and other stakeholders the Cabinet is the engine for the continuous improvement of County services to meet the needs of Lancashire people. The Cabinet promotes economic, social and environmental wellbeing in Lancashire through initiatives such as social inclusion, sustainability, health improvement/health equalities, community cohesion, equality and diversity, crime and disorder reduction strategies and E-government.

The Cabinet meets generally once a month, and can hold such other meetings as the Leader may consider necessary.

All executive decisions are considered and approved by the Cabinet collectively. Where a decision is urgent and cannot await the next meeting of the Cabinet, the decision is taken by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member.

The Cabinet can form Committees, Working Groups or Panels. For example, the Cabinet Committee on Performance Improvement has been given full delegated authority to provide an overall co-ordination framework for monitoring and overseeing the Council's Improvement/Performance Agenda; to receive reports on the general

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pattern of determinations by the Local Government Ombudsman and to advise the Cabinet on general issues arising from the Council's Complaints Procedure.

Members of the Cabinet are allocated a specific portfolio (areas of responsibility) by the Leader of the Council. Details of the functions allocated to Cabinet Members are set out at Appendix 'A'.

Overview and Scrutiny

The Overview and Scrutiny Committees do not take service decisions. They scrutinise the work of the Cabinet, undertake policy and service reviews and make recommendations on improvements.

Other Council Committees

By law, some important Council functions cannot be undertaken by the Cabinet, and are the responsibility of the Committees set out at Article 7.

The Council's Staff

The Council is supported by administrative, professional, technical and operational employees whose role is to advise the Council on all aspects of its functions, to put into effect decisions which are taken, and to provide to the public the services for which the Council is responsible. Officers have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. A copy of the Code is set out at Appendix 'F'.

Appendix 'B' sets out those decision-making functions which have been delegated to specific Officers.

Some officers have a specific duty to ensure that the Council acts within the law and uses its resources appropriately. A protocol governs the relationship between officers and County Councillors and voting Co-optees. This is set out in Appendix 'L' to the Constitution.

Part 2 – Articles of the Constitution

This section describes in detail the political management structure through which decisions are taken and reviewed.

This section needs to be read in conjunction with the Standing Orders (Appendix 'C') and the Financial Regulations (Appendix 'D'), which describe the procedural rules which must be followed.

- | | | |
|-----------|---|--|
| Article 1 | - | County Councillors |
| Article 2 | - | The Full Council |
| Article 3 | - | The Role of the Chair of the Council |
| Article 4 | - | The Leader, The Cabinet, members of the Cabinet, the Champions and the Lead Members |
| Article 5 | - | Overview and Scrutiny |
| Article 6 | - | (This Article is currently unused) |
| Article 7 | - | Other Committees of the Council |
| | | <ul style="list-style-type: none"> • Conduct Committee • Independent Panel • Audit, Risk and Governance Committee • Development Control Committee • Regulatory Committee • Pension Fund Committee • Lancashire Local Pension Board • Urgency Committee • Employment Committee • Health and Wellbeing Board |
| Article 8 | - | Citizens Rights |
| Article 9 | - | Officers |

Part 2 - Article 1 (County Councillors)

Composition and eligibility

- (a) **Composition:** The Council comprises 84 Members who are elected, as County Councillors, by the voters of each of the 84 electoral divisions in Lancashire. Appendix 'G' lists the details of the County Councillors and the Electoral Division each represents.
- (b) **Eligibility:** There are rules about eligibility which must be met before a person can stand for election. Information can be found on the Council's website www.lancashire.gov.uk or by writing to the Monitoring Officer at PO Box 78, County Hall, Preston, PR1 8XJ.

Elections and Term of Office

Elections to the Council are normally held on the first Thursday in May every four years.

County Councillors' terms of office will start on the fourth day after being elected and will finish on the fourth day after the date of the next election.

A by-election will be held to fill a vacancy which occurs between elections.

Role of County Councillors

All County Councillors will:

1. collectively through the Full Council approve the Constitution, the Budget, Council Tax levels and Policy Frameworks and carry out a number of strategic and corporate management functions;
2. be involved in decision-making by participating in Council Committees;
3. represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
4. deal with local issues and act as an advocate for constituents in resolving particular concerns or grievances;
5. balance different interests identified within the electoral division and represent the electoral division as a whole; and
6. be available to represent the Council on other bodies.

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County Councillors' Rights and Duties

1. County Councillors will have such 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.
2. County 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.
3. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Procedure Rules set out in Appendix 'H' of this Constitution.

Conduct

County Councillors and voting Co-optees will at all times maintain the highest standards of conduct and ethics and observe all relevant Codes of Conduct and Protocols. County Councillors and voting Co-optees must have regard to the ten principles governing the conduct of members of local authorities

The County Councillors' Code of Conduct is set out in Appendix 'E' of this Constitution and a protocol on County Councillor/Officer relations is included at Appendix 'L'.

The Council has also established a protocol for County Councillors and Co-optees on Language and Behaviour (Appendix 'M') and a protocol of Good Practice on Development Control matters (Appendix 'N').

Allowances

County Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Appendix 'I' of this Constitution.

Register of Interests

The Council maintains a register of financial and other Interests of County Councillors in accordance with Section 81 of the Local Government Act 2000.

The Register is open to inspection at the offices of the Chief Executive, (Democratic Services), County Hall, Preston, PR1 0LD. Details of individual councillor declarations are available on each councillor's [webpage](#).

Part 2 - Article 2 (The Full Council)

Meetings of the Full Council

All County Councillors meet together as the Full Council. The Full Council meets at least six times each year in accordance with the calendar of meetings agreed annually.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.

The functions of the Full Council shall be as follows:

1. To approve the Council's Constitution and any subsequent amendments.
2. To elect the Chair and appoint the Vice-Chair of the Council at its Annual Meeting.
3. To appoint and remove the Leader of the Council, who shall be the Leader of the Cabinet. The Leader shall be appointed at the first Annual Meeting after an ordinary Council Election and also as a vacancy arises.
4. To determine the Policy Framework of the Council, which currently comprise the following plans, policies, strategies and agreements of the Council, to review these annually, and to add to or delete from the list of plans, policies and strategies comprising the Policy Framework as it deems appropriate:
 - (a) the Corporate Strategy;
 - (b) the Youth Justice Plan;
 - (c) the Lancashire Community Safety Agreement;
 - (d) the Local Transport Plan;
 - (e) Annual Library Plan (if required);
 - (f) Development Plan documents contained in the Minerals and Waste Development Framework, including the following functions under the Planning and Compulsory Purchase Act 2004:
 - i. approve a development plan document for the purposes of submission to the Secretary of State for independent examination (S.20).

- ii. approve the making of an agreement to prepare one or more joint development plan documents (S.28).
- iii. approve the making of an agreement to establish a joint committee to be the local planning authority (S.29).
- iv. approve adding to the functions of a joint committee previously established (S.30) and approve the making of a request to the Secretary of State for the revocation of an order constituting a joint committee (S.31).

The Full Council shall also consider adopting any proposed modifications to these plans, policies and strategies.

In respect of each of these plans, policies and strategies the Full Council may set the limits within which the Cabinet may make variations (including Budget virement) in the light of circumstances without reference back to the Full Council.

- 5. To determine on an annual basis the Council's Revenue Budget, Capital Programme, the Treasury Management Policy and Council Tax levels in accordance with the provisions of Section 67 of the Local Government Finance Act 1992.
- 6. To note the Council's Statement of Accounts and the Lancashire County Pension Fund Statement of Accounts.
- 7. To receive reports, for information only, from the Combined Fire Authority.
- 8. In determining the Policy Framework and the Revenue Budget, Capital Programme, the Treasury Management Policy and Council Tax levels the Full Council shall consider the detailed proposals of the Cabinet including the views of the relevant Overview and Scrutiny Committees.
- 9. In considering for adoption certain plans and strategies for which the Council does not have the sole responsibility (such as the Community Strategy and the Crime and Disorder Reduction Strategies) the Full Council shall bear in mind the responsibility and involvement of those other bodies.
- 10. To determine all matters which are normally reserved for the Cabinet to decide which are not in accordance with the Budget or Policy Framework of the Council, and make appropriate arrangements in the Standing Orders for such matters to be dealt with where those matters cannot await the next meeting of the Full Council.

11. To review and determine whether any decision by or on behalf of the Cabinet, not yet implemented, referred to it by the Scrutiny Management Board, should be re-considered by the appropriate decision taker in accordance with the Standing Orders.
12. To approve and adopt all Standing Orders and Financial Regulations applying to the Full Council, the Cabinet and all Committees of the Council.
13. To specify, before the beginning of each financial year, the amounts of expenditure and savings that shall be regarded as significant for the purposes of Standing Order C19 (key decisions).
14. Before the beginning of each financial year, to approve a Member Allowance Scheme, and to determine the allowances payable to the Chair and Vice-Chair of the County Council.
15. To approve the appointment or dismissal of the Chief Executive, the Monitoring Officer and the Chief Finance Officer.
16. To designate the positions of Monitoring Officer, Chief Finance Officer, Returning Officer and all other statutory positions and to appoint any individual officer to any office other than an office in which he/she is employed by the Council.
17. To consider all reports which the Cabinet, a Cabinet Member, any Committee of the Cabinet or of the Full Council may submit to it.
18. At its Annual Meeting or at other meetings as necessary:
 - (a) To determine the constitution and membership, including any Co-optees required or deemed desirable, of the following Committees, including the appointment of Chairs and Deputy-Chairs, and to establish, where necessary, timetables for their meetings:
 - the Overview and Scrutiny Committees and any Overview and Scrutiny Sub-Committees;
 - the Conduct Committee;
 - the Regulatory Committee;
 - the Development Control Committee;
 - the Audit, Risk and Governance Committee;
 - the Pension Fund Committee;
 - the Local Pensions Board;

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- the Employment Committee;
- the Urgency Committee;
- the Health and Wellbeing Board;
- other Committees and Panels which the Full Council may establish;

and:

(b) To make appointments to the following organisations:

- the Combined Fire Authority;
 - the outside Organisations, Committees and Panels to which the County Council is entitled to appoint representatives, other than those to be dealt with by the Cabinet.
19. To establish, at its discretion and where permissible, Committees to carry out any of its functions and also Working Groups and Panels to provide advice and make recommendations.
 20. To establish a Committee of the Full Council comprising twelve County Councillors (of whom no more than two shall be members of the Cabinet) to deal, except for those matters which cannot be delegated under Section 101 of the Local Government Act 1972, with any matter requiring a decision by the Full Council which cannot await its next meeting, including any matters which have been delegated to the Committee by the Full Council.
 21. To consider proposals for the promotion of Local Legislation which affects the interests of the Council and to promote bylaws and Local Acts as appropriate.
 22. To be responsible for considering and formulating views upon all matters relating to local government boundaries, including any future proposals for local government reorganisation.
 23. To be responsible for any matter relating to changes in the areas, status or functions of local authorities and the revision of County Electoral Divisions and matters relating to elections.
 24. To receive an Annual Report from the Pension Fund Committee on the state of the Pension Fund and on investment activities during the preceding year.

25. To receive an Annual Report from the Scrutiny Management Board on the work and recommendations of Overview and Scrutiny during the preceding year.
26. To establish a Committee of the Full Council comprising eight County Councillors (at least one of whom shall be a Member of the Cabinet) to deal with the appointment and dismissal of the Chief Executive, Corporate Directors, the Monitoring Officer and Chief Financial Officer (subject to paragraph 15 above), and to deal with the appointment of the Director of Children's Services, the Director of Adult Services and the Director of Public Health.
27. To determine the conditions of employment of employees of the County Council.
28. To consider and respond to petitions in accordance with the Council's petitions scheme – see Appendix 'O' to the Constitution.

Part 2 – Article 3 (The Role of the Chairman of the Council)

The Chairman and Vice Chairman will be elected by the Full Council annually. The duties and responsibilities of the Chairman are in addition to their role as a member as set out in Part 2 - Article 1 (County Councillors).

When acting in the role of Chairman, to have the following duties and responsibilities:

1. to preside impartially over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of County Councillors and the interests of the community;
2. to promote and support the good governance of the Council and its activities to the public;
3. to attend such civic and ceremonial functions as the Council and he/she determines appropriate;
4. to be politically impartial and uphold the democratic values of the Council;
5. to undertake the duties and functions set out in the Standing Orders in relation to meetings and decisions as set out in Appendix C Section A (Standing Orders - General and Introduction) and
6. to offer support and advice to Members of the Council.

Part 2 – Article 4 (The Leader, the Cabinet, members of the Cabinet, the Champions and Lead Members)

(a) The Leader

The Leader of the Council shall be appointed by the Full Council at its first meeting after an ordinary Council election and shall be the Leader of the Cabinet. The Leader will hold office until the day of the annual meeting following the next election after his/her appointment and remains a member of the Council until that date unless:

1. he/she resigns from the office; or
2. he/she is disqualified from being a County Councillor; or
3. he/she is removed as Leader by resolution of the Full Council.

The Leader shall appoint/remove a Deputy Leader and up to eight other County Councillors who together will comprise the Cabinet of up to ten County Councillors.

The Leader may discharge any functions of the Cabinet himself/herself, or may arrange for them to be discharged by:

- the Cabinet collectively
- the Deputy Leader
- another Member of the Cabinet
- a Committee of the Cabinet
- the Chief Executive
- an Executive Director
- a specific officer or postholder

The extent of any delegation by the Leader in accordance with the above powers must be recorded in the Scheme of Delegation to Cabinet and Cabinet Members, or the Scheme of Delegation to Heads of Service, as appropriate and any amendments to the Schemes must be reported to the Full Council at its next scheduled meeting in accordance with Standing Order 32. Any delegation to any Committees of the Cabinet must be similarly reported.

In the event of the Leader being unable to discharge his/her duties as Leader due to absence, the Deputy Leader shall assume those duties until the Leader is able to resume his/her duties or the Full Council appoints a new Leader.

The Leader has agreed that executive (Key and Non-key) decisions, as set out at Appendix 'A' in this Constitution, will be considered and approved by Cabinet

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collectively. Where a decision is urgent and cannot await the next meeting of the Cabinet, the decision shall be taken by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member, and shall be reported to the next available meeting of the Cabinet.

(b) The Cabinet

Role of the Cabinet

The Cabinet is primarily the engine for Community Leadership and the driving force for the continuous improvement in public services through Best Value. Through partnership working with other local and public authorities and interested parties the Cabinet is at the forefront of community planning, the promotion of economic, social and environmental wellbeing and cross-cutting initiatives, such as social inclusion, sustainability, health improvement/health equalities, equality and diversity, community cohesion, crime and disorder reduction strategies, E-Government, customer service centre and climate change.

The Cabinet is responsible for ensuring the carrying out, within the Budgetary and Policy Frameworks set by the Full Council, of the functions of the Council in delivering services to the community. Some functions however are required by law to be carried out by the Full Council, a Council Committee or a specific officer and cannot be carried out by the Cabinet.

When key decisions are to be made by the Cabinet, notice will be published at least 28 clear days before the date of the decision. However, it is not always possible to anticipate all key decisions in advance, and special arrangements apply in Standing Orders where a matter is urgent and the decision needs to be taken without the 28 days notice being given.

A key decision means an executive decision which is likely:

- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the council.

For the purposes of paragraph (a), the threshold for "significant" is £2 million

Composition of the Cabinet

The Cabinet is made up of the Leader and Deputy Leader of the Council and up to eight County Councillors appointed by the Leader.

Meetings of the Cabinet

The Cabinet generally meets at least once a month and shall hold such other meetings as the Leader may consider necessary. Its proceedings shall be governed by Standing Orders 1 to 35 – see Section C to Appendix 'C' to this Constitution.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Rules set out at Appendix 'H' to this Constitution.

Functions of the Cabinet

The specific functions of the Cabinet are set out in Appendix 'A' to this Constitution.

(c) Cabinet Members

Only County Councillors may be appointed to the Cabinet. There may be no co-optees and no deputies or substitutes for Cabinet Members. Neither the Chair nor Vice-Chair of the Full Council may be appointed to the Cabinet and members of the Cabinet (including the Leader) may not be members of an Overview and Scrutiny Committee or of its task group or working group.

Cabinet Members shall hold office until:

1. they resign from office; or
2. they are suspended from being County Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
3. they are no longer County Councillors; or
4. they are removed from office by the Leader who must give written notice of any removal to the Proper Officer.

All Councillors in the Cabinet have specific areas of responsibility delegated to them by the Leader. The areas of responsibility are set out in the Scheme of Delegation to Cabinet Members (Appendix A)

Executive decisions will be considered and approved by Cabinet collectively. However, any urgent decisions which cannot await the next meeting of the Cabinet will be approved by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member. All urgent decisions shall be taken in accordance with Standing Orders, Financial Regulations and Financial Regulations (Appendices 'C', 'D' and 'R' respectively).

(d) Champions

The Cabinet has appointed County Councillors who are not a member of the Cabinet to serve as Champions for the following matters:

Champion for Older People:

To assist the Leader and appropriate Cabinet Members by advising on service issues across Service Areas which support and encourage active, independent and healthy lives for older people.

Champion for Young People:

To assist the Leader and appropriate Cabinet Members on efforts across Service Areas to provide high quality employment opportunities and apprenticeships for young people, and to encourage external organisations to do likewise.

Champion for Parishes:

To assist the Leader and appropriate Cabinet Members by advising on ways to sustain and improve effective working relationships between the Council and Parish and Town Councils in Lancashire.

Champion for Disabled People:

To assist the Leader and appropriate Cabinet Members by advising on service issues which support and encourage active, independent and healthy lives for disabled people and to raise the profile of disabled people and their needs in the development of policy across the Council.

Champion for Armed Forces and Veterans:

To assist the Leader and appropriate Cabinet Members to work with the armed forces, and organisations that support ex-servicemen and women to work even more closely together and to ensure that veterans and their families get the support they deserve'

Champion for Mental Health:

To assist the Leader and appropriate Cabinet Members to raise awareness, to reduce the associated stigma and to support officers and partners across the county to improve prevention, engagement and treatment for Mental Health.

(e) Lead Member Responsibilities

The Leader of the Council has appointed the following lead members to support the work of individual cabinet members.

Lead Member for:

- Lead Member for Highways and Active Travel
- Health
- Resources, HR and Property
- Education and Skills / Children and Families
- Community and Cultural Services

Whilst the lead members will not be able to take any decisions they will:

- lead on specific areas to be determined by the cabinet member;
- focus on information gathering and understanding key policy/service delivery areas;
- assist with the development of options and policies for consideration by the cabinet member;
- brief and make recommendations to cabinet members and others on the relevant issues that affect the decision making; and
- represent or deputise for the cabinet member as necessary.

Part 2 – Article 5 (Overview and Scrutiny)

The county council has established the following Overview and Scrutiny Committees:

Committee	Responsibility	Membership	Meeting Frequency
Scrutiny Management Board	The overall management, coordination and monitoring of Overview and Scrutiny, to ensure the general effectiveness and development of the county council's Overview and Scrutiny Committees for the benefit of the people of Lancashire.	12 County Councillors, including the 4 Chairs of the other Overview and Scrutiny Committees	Quarterly
Health and Adult Services Scrutiny Committee	To review and scrutinise any matter relating to the planning, provision and operation of the health service in the area, and to review and scrutinise county council Adult Services and Public Health. Statutory responsibility for scrutiny of NHS proposals for a substantial development or variation relating to both adults and children's health in Lancashire.	12 County Councillors, plus 12 non-voting co-opted members nominated by the 12 district councils	Every six weeks
Children, Families and Skills Scrutiny Committee	To review and scrutinise county council's children's services functions and other matters affecting children, young people and families. To satisfy the statutory responsibilities related to education functions of a	16 County Councillors, 5 voting co-opted members (comprising 3 church representatives and 2 parent governor representatives) who shall have voting rights in relation to any education functions which are the	Every six weeks

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	Children's Services Authority.	responsibility of the Cabinet, and two non-voting co-opted members representing the Youth Council	
Environment, Economic Growth, and Transport Scrutiny Committee	To review and scrutinise the work of the county council and external organisations on matters relating to the environment and climate change, economic development and growth, and highways and transport.	12 County Councillors	Every six weeks
Community, Cultural, and Corporate Services Scrutiny Committee	To review and scrutinise the work of the county council and external organisations on matters relating to community safety and cohesion, and county council support services.	12 County Councillors	Every six weeks

Scrutiny Management Board Terms of Reference

1. To consider matters relating to the general effectiveness and development of Overview and Scrutiny in the authority, including training for councillors and co-opted members.
2. To coordinate and agree the work programmes of all Overview and Scrutiny Committees, including consideration of any requests made by committee members and co-opted members, and to refer any forthcoming decisions or issues to the relevant Overview and Scrutiny Committee as appropriate.
3. To regularly liaise with Cabinet Members on Overview and Scrutiny matters, policy development, and potential areas of interest to ensure the work of Overview and Scrutiny supports the county council's corporate priorities.
4. To monitor actions and responses to the recommendations of Overview and Scrutiny Committees.
5. To report and make recommendations to the Full Council on the Overview and Scrutiny Committees' working arrangements, including an Overview and Scrutiny Annual Report at the Annual General Meeting.

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Owner – Democratic Services)**



6. To consider requests from the other Overview and Scrutiny Committees on the establishment of task groups, and to establish task groups, working groups, and panels as necessary.
7. To establish joint working arrangements with district councils and other neighbouring authorities, including discretionary and mandatory joint committees to exercise the statutory function of joint health scrutiny committees under the NHS Act 2006.
8. To recommend the Full Council to co-opt persons with appropriate expertise to an Overview and Scrutiny Committee, without voting rights.
9. To review and scrutinise proposals made by the cabinet in relation to the county council's budget
10. To consider requests for "Call In" in accordance with the Procedural Standing Orders (Appendix C, Section E – Overview and Scrutiny of the Constitution).
11. To request a report by the Cabinet to Full Council where a decision which was not treated as being a key decision has been made, and an Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a key decision.
12. To oversee wider member training and development arrangements and opportunities and make recommendations to the relevant Cabinet Member
13. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader of the County Council (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.
14. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.
15. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.
16. To invite to any meeting of the Board and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the Board considers would assist it in carrying out its functions.

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Owner – Democratic Services)**



17. To require any Councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the Board to answer questions and discuss issues.

Health and Adult Services Scrutiny Committee

Areas of responsibility

- Adult Services
- Public Health
- Functions in relation to the Scrutiny of NHS services as set out in the NHS Act 2012

In relation to the above areas of work, the Committee's functions are as follows:

1. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader of the County Council (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.
2. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.
3. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.
4. To request the Scrutiny Management Board to establish task groups, working groups and panels as necessary.
5. To request the Scrutiny Management Board to establish, as necessary, joint working arrangements with district councils and other neighbouring authorities.
6. To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.
7. To require any Councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.

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Owner – Democratic Services)**



8. To scrutinise matters relating to Public Health and Adult Services delivered by the county council, the National Health Service (NHS), and other relevant partners (as set out in the portfolios for Health and Wellbeing, and Adult Social Care).
9. In reviewing any matter relating to the planning, provision, and operation of the health service in the area, to invite interested parties to comment on the matter and take account of relevant information available, particularly that provided by the Local Healthwatch.
10. In the case of contested NHS proposals for substantial service changes, to take steps to reach agreement with the NHS body.
11. In the case of contested NHS proposals for substantial service changes where agreement cannot be reached with the NHS, to refer the matter to the relevant Secretary of State.
12. To refer to the relevant Secretary of State any NHS proposal which the committee feels has been the subject of inadequate consultation.
13. To draw up a forward programme of health scrutiny in consultation with other local authorities, NHS partners, the Local Healthwatch, and other key stakeholders.
14. To acknowledge within 20 working days to referrals on relevant matters from the Local Healthwatch or Local Healthwatch contractor, and to keep the referrer informed of any action taken in relation to the matter.
15. To require responsible persons as defined in The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to provide information and to attend before the committee to answer questions
16. To invite the chairs, non-executive directors, and any officer of local NHS bodies to appear before the committee to answer questions or give evidence.
17. To establish and make arrangements for a Health Steering Group, the main purpose of which to be to manage the workload of the full committee more effectively in the light of the increasing number of changes to health services.

Children, Families and Skills Scrutiny Committee

Areas of responsibility

- Children's Social Care
- Children's Services
- Education and skills

In relation to the above areas of work, the Committee's functions are as follows:

1. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader of the County Council (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.
2. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.
3. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.
4. To request the Scrutiny Management Board to establish task groups, working groups and panels as necessary.
5. To request the Scrutiny Management Board to establish, as necessary, joint working arrangements with district councils and other neighbouring authorities.
6. To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.
7. To require any Councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.
8. To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority.

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Owner – Democratic Services)**



Environment, Economic Growth, and Transport Scrutiny Committee

Areas of responsibility

- Climate change
- Environment
- Highways and transport
- Economic development and growth

In relation to the above areas of work, the Committee's functions are as follows:

1. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader of the County Council (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.
2. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.
3. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.
4. To request the Scrutiny Management Board to establish task groups, working groups and panels as necessary.
5. To request the Scrutiny Management Board to establish, as necessary, joint working arrangements with district councils and other neighbouring authorities.
6. To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.
7. To require any Councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.
8. To review and scrutinise activities undertaken by authorities of flood risk management functions or coastal erosion risk management functions which may affect Lancashire.

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Owner – Democratic Services)**



Community, Cultural, and Corporate Services Scrutiny Committee

Areas of responsibility

- Cultural Services
- Community Services
- Crime and Disorder (Community Safety Partnership – statutory function)
- Corporate Services including: Communications, Digital Services, Customer Access Services, Facilities Management, Asset Management, Procurement and Democratic Services.

In relation to the above areas of work, the Committee's functions are as follows:

1. To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader of the County Council (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.
2. To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.
3. To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.
4. To request the Scrutiny Management Board to establish task groups, working groups and panels as necessary.
5. To request the Scrutiny Management Board to establish, as necessary, joint working arrangements with district councils and other neighbouring authorities.
6. To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.
7. To require any Councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.
8. To review and scrutinise issues, services or activities carried out by external organisations including public bodies, Parish and Town Councils, the voluntary

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and private sectors, partnerships, and traded services which affect Lancashire or its residents.

9. To review and scrutinise the operation of the Crime and Disorder Reduction Partnership in Lancashire in accordance with the Police and Justice Act 2006 and make reports and recommendations to the responsible bodies as appropriate.
10. To co-opt additional members in accordance with the Police and Justice Act 2006 if required, and to determine whether those co-opted members should be voting or non-voting.

Annex 1: Cabinet Scrutiny Protocol

Introduction

Effective scrutiny relies not just on the work of Scrutiny members, but also on positive and constructive engagement with the Cabinet.

Objectives

1. To promote a strong organisational culture of mutual respect, trust, and openness between the Cabinet and Scrutiny members with a view to ensuring service improvements.
2. To enable Cabinet members Scrutiny members to fully understand their roles and responsibilities in relation to the scrutiny function and its powers.
3. To set out principles of engagement between Cabinet members and Scrutiny members including procedures to mitigate any differences of opinion and manage disagreement and debate.

Principles of engagement

The following principles of engagement highlight scrutiny's powers and sets out the expectations required of all parties in delivering an effective scrutiny function.

Cabinet members should:

1. Attend scrutiny meetings when required including special meetings (call-in) and work programming sessions to answer questions and discuss issues where required to do so (or in their absence, the relevant lead member).
2. Provide information including performance, financial and risk information where required to do so.
3. Recognise scrutiny's independent and non-partisan role
4. Ensure the Cabinet's priorities are communicated to scrutiny to inform work planning to ensure that it is adding value.
5. Keep scrutiny chairs and deputies and support officers informed of the outlines of major decisions as they are being developed, to allow for discussion of scrutiny's potential involvement in policy and strategy development.
6. Provide a clear written response to scrutiny recommendations within two months of receipt.

Scrutiny members including co-opted members should:

1. Engage with and support the scrutiny function and its priorities.
2. Take responsibility for their role by acting independently and in a non-partisan capacity.
3. Provide an environment conducive to effective scrutiny by setting and maintaining a strong culture of mutual respect.

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4. Hold the Cabinet to account on decisions or other action taken.
5. Not view the call-in process as a party-political tool or as a substitute for early involvement in the decision-making process.
6. Work proactively to identify any potential contentious issues and plan how to manage them.
7. Amplify the voices and concerns of the people of Lancashire.
8. Assist in the development of work programmes in consultation with Cabinet members and officers.
9. Provide constructive challenge and not a de facto opposition to the Cabinet.
10. Share key findings, drafts of scrutiny reports and recommendations with Cabinet members and officers to ensure no surprises.

Compliance with the protocol and mediation

To support the wider aim of promoting a strong organisational culture with scrutiny and good governance, the oversight of compliance will be managed in the following ways:

1. Matters relating to compliance with the protocol and the scrutiny function's powers not being adhered to can be raised by any councillor and should be brought to the attention of the county council's Statutory Scrutiny Officer and Monitoring Officer for consideration and action.
2. Where disagreement or breakdown in relations occurs between scrutiny and the Cabinet, the scrutiny committee should refer the matter to the Chief Executive, Monitoring Officer, and the Statutory Scrutiny Officer together with the relevant scrutiny Chair and Cabinet member and the Leader of the Council to reach an agreement.

Part 2 – Article 7 (Other Committees of the Council)

By law, some important Council functions cannot be undertaken by the Cabinet, and some of these functions are exercised by the following Committees:

• Conduct Committee	2
• Independent Panel	3
• Audit, Risk and Governance Committee	4
• Development Control Committee	9
• Regulatory Committee	11
• Pension Fund Committee	14
• Lancashire Local Pension Board	28
• Urgency Committee	37
• Employment Committee	38
• Health and Wellbeing Board	44

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Owner - Democratic Services)**

Conduct Committee

Composition and role

The Committee shall consist of five County Councillors.

The Committee shall meet as and when required at the request of the Monitoring Officer to undertake its functions set out in these Terms of Reference.

Terms of Reference

1. To determine whether a councillor or co-opted member has failed to comply with the Council's Code of Conduct,
2. Where it finds that a failure to comply with the Code of Conduct has occurred to determine what action, if any, to take,

PROVIDED THAT before a decision under 1 or 2 is taken the Committee must have regard to the views of an Independent Person appointed by the Full Council who shall attend meetings of the Committee for that purpose as an observer.

3. To consider whether to grant a dispensation to a member or co-opted member under section 33 of the Localism Act 2011 relieving the member/co-opted member from either or both of the restrictions in Section 31(4) of the Act by allowing him/her to participate in any discussion at a meeting or vote in relation to any matter in which they have a disclosable pecuniary interest.
4. At the request of the Employment Committee to consider a recommendation to dismiss the Head of the Paid Service, the Monitoring Officer and Chief Finance Officer and to submit views on the proposed dismissal to the Employment Committee which will then reported to Full Council for determination.

Meetings are normally open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed or from meetings dealing with those matters set out at Paragraph 12 below. – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.

Independent Panel

Composition and role

The Panel shall comprise at least two Independent Persons.

Terms of Reference

At the request of the Employment Committee to consider a recommendation to dismiss the Head of the Paid Service, the Monitoring Officer or Chief Finance Officer and to submit views on the proposed dismissal to the Employment Committee which will then report to Full Council for determination.

Audit, Risk and Governance Committee

Meetings are open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix ‘H’ to this Constitution.

Membership

The members of the Audit, Risk and Governance Committee shall comprise eight councillors.

Statement of purpose

1. The Audit, Risk and Governance Committee is a key element of Lancashire County Council's corporate governance. It provides an independent and high- level focus on the risk management, audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The primary purpose of the Committee is to provide independent assurance to the members (being those charged with governance) of the adequacy of the risk management framework and the internal control environment. It provides independent review of the 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.
3. The Committee's members should therefore behave objectively and independently in their deliberations and decisions.
4. The Committee is also required to fulfil other functions relevant to its overall responsibilities as required by the Council. In particular, the Committee oversees the Council's treasury management activity.

Governance

The Committee will:

5. Review the council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
6. Review and recommend the code of corporate governance for adoption by the Council.
7. Review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the head of internal audit's opinion on the overall

adequacy and effectiveness of the Council's framework of governance, risk management and control.

8. Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
9. Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
10. Consider the Council's arrangements for discharging its duties in relation to promotion and maintenance of high standards of conduct by members and co-opted members, in accordance with the Localism Act 2011.

Risk management and control

The Committee will:

11. Monitor the effective development and operation of the risk management framework and processes across the Council.
12. Monitor progress in addressing risk-related issues reported to the Committee.
13. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
14. Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
15. Monitor the counter-fraud strategy, actions and resources.

Internal audit

The Committee will:

16. Approve the internal audit charter.
17. Approve the risk-based internal audit plan, including the Internal Audit Service's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
18. Approve significant interim changes to the risk-based internal audit plan and resource requirements.
19. Make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

20. Consider reports from the head of internal audit 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 Service 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.
21. Consider the head of internal audit's 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.
 - 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, which will assist the Committee in reviewing the annual governance statement.
22. Consider summaries of specific internal audit reports as requested.
23. Receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
24. 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.
25. Support the development of effective communication with the head of internal audit.
26. Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

External audit

The Committee will:

27. Consider appointment of the Council's external auditor proposed by the appointing person under the Local Audit (Appointing Person) Regulations 2015 and assess whether there are any valid reasons for the Council to object.
28. Approve the letters of representation required by the external auditor and consider the external auditor's annual letter, audit opinion, relevant reports, and the report to those charged with governance.
29. Consider specific reports as agreed with the external auditor.
30. Comment on the scope and depth of external audit work and to ensure it gives value for money.
31. Commission additional work from the external auditor as necessary.

Financial reporting

The Committee will:

32. Review and approve the annual statement of accounts of the Council and the Lancashire Pension Fund. Specifically, it will consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit work that need to be brought to the attention of the Council.
33. Consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

The Committee will:

34. 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.
35. Prepare a report annually on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

Treasury management

The Committee will:

36. Oversee and scrutinise the Council's treasury management function, receiving regular advice and reports on treasury management activity.
37. Consider and recommend the treasury management strategy for Council's approval.
38. Consider and recommend changes to the borrowing and investment strategy for Council's approval.
39. Consider and recommend the prudential indicators for Council's approval.
40. Consider and recommend the treasury management indicators for Council's approval.

Development Control Committee

Composition and role

The Committee comprises twelve County Councillors who are not in the Cabinet and deals with applications for planning permission for waste disposal and mineral extraction developments, and for development proposed by the Council.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix ‘H’ to this Constitution.

Terms of Reference

The Committee shall carry out the following functions:

1. To determine applications for planning permission, under Part III Section 62 and Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 where one or more of the following apply:
 - (i) An objection to the application has been received;
 - (ii) The application is supported by an Environmental Statement;
 - (iii) A refusal is recommended by officers;
 - (iv) There is a conflict of interest with the functions of the Head of Service;
 - (v) The application has been submitted by, or benefits, a councillor or officer of the County Council.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development).
3. To exercise the functions relating to the making of determinations of planning applications under Section 92 (outline planning permission) of the Town and Country Planning Act 1990.
4. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
5. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.

6. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).
7. To exercise powers under Sections 198 and 199 of the Town and Country Planning Act 1990 (Tree Preservation Orders).
8. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.
9. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
10. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
11. To authorise by Order the stopping up or diversion of footpaths or bridleways under section 257 and 261 of the Town and Country Planning Act 1990.
12. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
13. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
14. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

The Regulatory Committee

The Committee comprises twelve County Councillors and deals principally with claims relating to public rights of way and various licensing and registration functions (except registration functions relating to Social Services).

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix ‘H’ to this Constitution.

Terms of Reference

The Committee shall carry out the following functions:

Public Rights of Way

1. To determine applications under S53 of the Wildlife and Countryside Act 1981 and to decide whether to make and promote to confirmation Orders thereunder.
2. To exercise the following functions, duties and powers of the Council under the Highways Act 1980:
 - (a) to authorise creation of footpaths, bridleways or restricted byways by agreement under Section 25;
 - (b) to decide whether to make and promote to confirmation Orders for the creation of footpaths, bridleways and restricted byways under Section 26;
 - (c) to decide whether to make and promote to confirmation Orders for the extinguishment of footpaths, bridleways and restricted byways in accordance with Section 118; with the exception of those which are delegated to the Head of Service for Planning and Environment;
 - (d) to decide whether to make and promote to confirmation rail crossing extinguishment orders under Section 118A;
 - (e) to decide whether to make and promote to confirmation special extinguishment orders for the purpose of preventing or reducing crime or of protecting school pupils or staff under Section 118B;
 - (f) to decide whether to make and promote to confirmation public path extinguishment orders (Section 118ZA) and special extinguishment orders (Section 118C);
 - (g) to decide whether to make and promote to confirmation Orders for the diversion of footpaths, bridleways and restricted byways in accordance with Section 119; with the exception of those which are delegated to the Head of Service for Planning and Environment;
 - (h) to decide whether to make and promote to confirmation rail crossing diversion orders under Section 119A;

- (i) to decide whether to make and promote to confirmation special diversion orders for the purpose of preventing or reducing crime or of protecting school pupils or staff under Section 119B;
 - (j) to decide whether to make and promote to confirmation SSSI diversion orders under Section 119D;
 - (k) to decide whether to make and promote to confirmation public path diversion orders (Section 119ZA) and a special diversion order (Section 119C(4)).
3. To decide whether to make orders and promote to confirmation to extinguish certain public rights of way under Section 32 of the Acquisition of Land Act 1981.
 4. To decide whether to make orders and promote to confirmation orders to designate a footpath as a cycle track under Section 3 of the Cycle Tracks Act 1984.

Other Licensing Registration and Regulatory Functions

1. To make appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
2. To establish Sub-Committees to undertake any part of the Committee's functions.

Common Land and Town and Village Greens

1. To decide whether to exercise the Council's powers under the Commons Registration Act 1965 to alter the Register in respect of applications.
2. To make recommendations to the Cabinet on matters under the Commons Registration Act 1965 as amended and Regulations thereunder where responsibility lies with the Cabinet.
3. To make decisions on applications and proposals as determining authority under Part 1 Commons Act 2006 save for those under Regulation 43 of the Regulations thereunder.
4. To decide whether to apply to the Secretary of State as owner for de-registration of Common Land or Town or Village Green under S 16 Commons act 2006.
5. To decide whether to take steps and what steps to take to protect unclaimed common land or town or village greens against unlawful interference and whether to institute proceedings under Section 45 of the Commons Act 2006.

6. To decide whether to apply to the Court for orders against unlawful works on common land under Section 41 of the Commons Act 2006.

Mandatory Training

1. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the Committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.

Pension Fund Committee

Terms of Reference

Composition and role:

1. The Pension Fund Committee ("the Committee") comprises twelve County Councillors and seven voting co-optees representing the following organisations.
 - a. One co-optee representing the Further and Higher Education sector in Lancashire.
 - b. One co-optee from Blackburn with Darwen Council.
 - c. One co-optee from Blackpool Council.
 - d. Two co-optees representing Trade Unions; and
 - e. Two co-optees representing the Lancashire Borough and City Councils.
2. The role of the Committee is to:
 - a. Fulfil the role of Scheme Manager, as set out in regulations, of the Lancashire County Pension Fund ("the Fund" or "LCPF").
 - b. Establish policies in relation to investment management, which shall include meeting with the Investment Panel to consider future Investment policy for the Fund.
 - c. Monitor and review investment activity and the performance of the Fund. and
 - d. present an annual report to the Full Council on the state of the Fund and on the investment activities during the preceding year.
3. The Committee shall meet at least quarterly, or otherwise as necessary, with members of the Investment Panel in attendance.
4. Meetings of the Committee shall be open to the public, but the public may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to the County Council's Constitution.

General:

5. To exercise Lancashire County Council's responsibility for the management of the Fund, including the administration of benefits and strategic management of Fund assets and liabilities.
6. To determine which pension related functions and responsibilities should be exercised under a Scheme of Delegation to the Head of the LCPF, the Council's s.151 Officer and the Monitoring Officer.

7. To review governance arrangements and the efficient and effective use of external advisors to ensure good decision-making.
8. To appoint a minimum of two suitable persons to an Investment Panel through a sub committee convened for that purpose.
9. To establish sub-committees and panels as necessary to undertake any part of the Committee's functions.
10. To receive an annual report from the Lancashire Local Pension Board on the nature and effect of its activities.

Policies (other than Investment, Administration and Funding – see below):

11. To approve the following key policy documents:
 - a) A 3 Year Strategic Plan for the Fund.
 - b) An Investment Strategy Statement
 - c) Governance Compliance Statement.
 - d) Pension Fund Annual Report.
 - e) Communication Policy
 - f) Internal Dispute Resolution Procedure.
 - g) Death Grant Policy
 - h) Bulk Transfer Payment Policy.
 - i) Commutation policy (small pensions).
 - j) Transfer policy.
 - k) Abatement policy and
 - l) Any other discretionary policies as required under LGPS regulations

Investment:

12. To determine the strategic asset allocation policy, giving due recognition to the options made available by Local Pensions Partnership Investments Ltd (LPPI).
13. To monitor the performance of the Fund's investments and ensure that best practice is being adopted and value for money is being delivered
14. To submit an annual report to the Full Council on the performance and state of the Fund and on the investment activities during the year.
15. To approve and review on a regular basis an overall Investment Strategy and subsidiary Strategies for such asset classes as the Investment Panel consider appropriate.
16. To have overall responsibility for investment policy.

Administration:

17. To approve the Annual Administration Report.
18. To approve the Pensions Administration Strategy Statement.
19. To monitor the performance of the pensions administration function.
20. To authorise the payment of any statutory pensions, gratuities, grants, etc. under the provisions of the Superannuation and Pensions Acts and Regulations and any Local Acts.
21. To approve applications for early payment of preserved pension benefits on compassionate grounds.
22. To approve payments under the County of Lancashire Act 1984.
23. To determine the actual injury allowance payable on each individual qualifying case of injury or disease, both retrospective and for the future.
24. To review annually the actual amounts of injury allowances payable under the Local Government Superannuation Regulations, as amended, to employees who have sustained injuries or contracted diseases, resulting from anything they were required to do in carrying out their work. and to make any changes appropriate to reflect changes in the relevant financial circumstances of the payee.

Funding:

25. To approve the Funding Strategy Statement which shall include the Fund's policy in respect of:
 - a. the Funding Target.
 - b. the collection of employee contributions.
 - c. the collection of employer contributions.
 - d. the collection of additional employer contributions
 - e. Admissions and Terminations; and
 - f. Employer risk.
26. To approve Scheme Funding Advice
27. To review ongoing funding updates for potential cash contribution implications

Procurement:

28. To approve the procurement process, tender award criteria and evaluation methodology in advance of any tender being invited for the appointment of external support, including:
 - a. an external corporate governance adviser.
 - b. an external Fund custodian.
 - c. external performance measurement advisers.
 - d. the Fund Actuary and
 - e. the Fund's AVC Provider.

Training:

29. To approve the annual Training Plan for members of the Pension Fund Committee and actively participate in training opportunities.

Local Pensions Partnership Ltd (LPPL):

LPPL was formed in partnership between the County Council and the London Pension Funds Authority (LPFA) to carry out certain pension functions such as investment activity and administration on behalf of the two partner authorities. The relationship between the County Council and LPFA is governed by various agreements, one of which (the Shareholders Agreement dated 8th April 2016) reserves certain key matters for the determination of the County Council and LPFA rather than LPPL (the "Reserved Matters"). References to delegated powers relating to LPPL address the Reserved Matters. Unless stipulated, any reference to the "Agreement" is a reference to the Shareholders Agreement dated 8th April 2016.

Pension administration services are provided by the administration arm of LPP, which is called Local Pensions Partnership Administration Limited, with investment services being undertaken by the investment arm, Local Pensions Partnership Investments Limited.

Incorporation or winding up of subsidiaries:

30. To approve, with the exception to the formation of vehicles which are necessary for any transactional, operational or tax efficiency reasons in the sole opinion of the Board, any incorporation of any new subsidiary of LPPL or any of its Group Companies or any liquidation or winding up of LLP or any of its Group Companies. Any acquisition of any shares in any company, whether through subscription or transfer, such that the company concerned becomes a Subsidiary of LPPL or any Group Company.

Merger/acquisition of any business undertaking:

31. To approve the amalgamation or merger with any company, association, partnership or legal entity or the acquisition of any business undertaking of any other person.

Financial and Business:

32. To approve any Strategic Plan for LPPL or make any material changes to any Strategic Plan after its approval.
33. To approve any extension of the activities of LPPL outside the scope of the Business or to close any business operation.
34. To receive the annual accounts of LPPL.
35. To approve the establishment, provision, or amendment of any pension scheme for LPPL.
36. To give or take any loans, borrowing or credit (other than normal trade credit in the ordinary course of business) exceeding £1,000,000 or cause the aggregate indebtedness of LPPL to exceed £[5m].

Shares, shareholder loans and constitutional:

37. To pay or declare any dividend (other than as expressly provided for in the Shareholder agreement) or other distribution to the Shareholders or redeem or buy any Shares or otherwise reorganise the share capital of LPPL.
38. To admit any person whether by subscription or transfer as a member of LPPL save as provided for in the Shareholder Agreement.
39. To approve any change to the name of LPPL.

Control, management, Directors, and employees:

40. To approve the remuneration policy of LPPL Non-Executive Directors.
41. To approve the appointment or removal of any statutory director of LPPL otherwise than in accordance with the Shareholder Agreement and the Articles of LPPL.
42. To enter or vary any agreement for the provision of consultancy, management or other services by any person which will, or is likely to result in, LPPL being managed otherwise than by its directors or controlled otherwise than by its shareholders.

43. To approve the move of the central management and control of LPPL or LPPL's tax residence outside of the UK.

Contract with related parties

44. To enter into or vary, any contracts or arrangements with any of the Shareholders or Directors or any person with whom any Shareholder or Director is connected (whether as director, consultant, shareholder or otherwise) save as anticipated in the various agreements between the County Council, LPFA and LPPL entered into on 8th April 2016.
45. To approve the commencement or the taking of steps to commence any insolvency proceedings under any law relating to insolvency anywhere in the world unless LPPL is at the relevant time unable to pay its debts as they fall due or the value of its assets is less than its liabilities, including its contingent and prospective liabilities and the directors reasonably consider (taking into account their fiduciary duties) that it ought to be wound up or it ought to enter into administration.
46. To enter into any partnership, joint venture or profit-sharing arrangement with any person or create any share option scheme.
47. To enter into or make any material variation to any agreement not in the ordinary course of the Business and/or which is not on an arm's length basis.
48. To approve the sale, lease (as lessor), licence (as licensor), transfer or otherwise dispose of any of its material assets.
49. To enter into any contract which cannot be terminated within 48 months and under which the liability for such termination could exceed £1 million.

Pension Fund Committee – Scheme of Delegation Arrangements.

1. Matters reserved to Full Council

Local Pensions Partnership Ltd (LPPL):

Changes to the Articles or any Share rights impacting on any pre-approval matter(s)

Approval to alter any of the provisions of the LPPL Articles (including the articles of the LPPL subsidiary companies) or alter any of the rights attaching to the Shares (including where any such alterations directly or indirectly impact on a Reserved Matter) unless such amendment is of a purely administrative nature.

Dilution on Shareholding/Issue of Shares and Share Options

Approval to reduce or cancel any share capital of LPPL, purchase its own shares, hold any shares in treasury, allot or agree to allot, whether actually or contingently, any of the share capital of LPPL or any security of LPPL convertible into share capital, grant any options or other rights to subscribe for or to convert any security into shares of LPPL or alter the classification of any part of the share capital of LPPL save as the power to do so without prior Shareholder approval is specifically provided for in the Agreement .

Creation of any Holdco of LPPL

To approve the formation of any holding company of LPPL.

Change of Company status

To approve a change of status of LPPL from a limited company to a public limited company or from a company limited by shares to any other form of legal entity.

2. Matters reserved to the Employment Committee

Local Pensions Partnership Ltd (LPPL):

Approval of LPPL's Remuneration Policy

To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors

Changes to Directors' Remuneration Policy

To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both LCC and LPFA. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of

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carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

Proposed redundancies of any Group employees

To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

Proposed re-location of any LPPL employees

To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of LCC.

Chief Executive

To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.

3. Matters reserved to Officers

The following functions have been delegated to the Head of the Lancashire County Pension Fund (LCPF), the Monitoring Officer, and the Council's s.151 Officer as indicated below:

The Head of the LCPF, the Monitoring Officer, and Council's s.151 Officer may allocate or re-allocate responsibility for exercising powers (delegated to them by Full Council or the Pension Fund Committee) to other officers on their behalf in the interests of effective corporate management as he/she thinks fit.

Records of all such authorisations must be retained and a copy sent to Democratic Services for retention. The 'other' officer(s) to whom a power has been re-allocated cannot further delegate that power to another officer.

Any decisions taken under the Scheme of Delegation must be recorded in the electronic decision recording system.

Matters reserved to the Monitoring Officer

Agreements

To enter or vary any agreement to do any of the things reserved to the Pension Fund Committee and to officers under the Scheme of Delegation arrangements.

Local Pensions Partnership Ltd (LPPL):

Guarantees and Indemnities

To give any guarantee, suretyship, or indemnity outside the ordinary course of business to secure the liabilities of any person or assume the obligations of any person.

Disputes and proceedings

To commence, settle or defend any claim, proceedings or other litigation brought by or against LPPL, except in relation to debt collection (not exceeding £2m) in the ordinary course of the Business.

Matters reserved to the Council's S.151 Officer

As the officer designated under s.151 of the Local Government Act 1972 to be responsible for the proper administration of the financial affairs of the County Council, for this purpose including the Lancashire County Pension Fund.

Accounts and Records

To maintain all necessary accounts and records in relation to the Pension Fund save as otherwise discharged in accordance with arrangements determined by the Pension Fund Committee.

Local Pensions Partnership Ltd (LPPL):

Shares, Shareholder loans and constitutional:

1. Save as provided for in the Shareholders Agreement, to approve an increase in the amount of any Shareholder Loans or the variation of the terms of any Shareholder Loans.
2. To approve the repurchase, repayment, redemption or cancellation of any Shareholder Loan other than in accordance with the terms of any Loan Agreement, Loan Notes or the terms of the Shareholders Agreement.
3. To enter into any agreement with a Shareholder for the provision of additional funds or financial support from that Shareholder which differ from the terms on which the other Shareholder is providing equivalent finance or support.

Matters reserved to the Head of the Lancashire County Pension Fund

As the officer responsible for the management of the Lancashire County Pension Fund:

1. To set the appropriate funding target for the Fund.
2. To place any monies not allocated to investments on short term deposit in accordance with arrangements approved by the Pension Fund Committee.
3. In consultation with the Investment Panel, to monitor and review the performance of investments made by LPPL and to report to each meeting of the Pension Fund Committee on the exercise of this delegation.
4. To arrange and authorise the provision of appropriate and necessary training for members of the Pension Fund Committee including the attendance at conferences and other similar pension fund related events by members of the Pension Fund Committee.
5. To accept for admission into the Lancashire County Pension Fund employees of authorities and bodies as prescribed in Regulations including transferee and community admissions which are considered as 'exceptional circumstances', subject to an approved Admission Agreement, and subject to any necessary indemnities as appropriate.
6. To prepare and submit the following to Pension Fund Committee:
 - a) A 3 Year Strategic Plan for the Fund.
 - b) An Investment Strategy Statement (to include policy on the management of cash balances).
 - c) A Governance Compliance Statement.
 - d) The Pension Fund Annual Report.
 - e) A Funding Strategy Statement to include the Fund's policy in respect of:
 - the Funding Target.
 - the collection of employee contributions.
 - the collection of employer contributions.
 - the collection of additional employer contributions;
 - Admissions and Terminations; and
 - Employer risk.
 - f) The Pensions Administration Strategy Statement.
 - g) The Communication Policy.
 - h) An Internal Dispute Resolution Procedure.
 - i) The Death Grant Policy.
 - j) The Bulk Transfer Payment Policy.
 - k) A Commutation Policy (small pensions).
 - l) The Transfer Policy,
 - m) The Abatement Policy, and
 - n) Any other discretionary policies as required under LGPS regulations.

7. To carry out the administrative functions of the administering authority relating to the Local Government Pension Scheme.
8. To approve the payment of death grants in accordance with the agreed Death Grant Policy.
9. To appoint any required external support (subject to the role of the Pension Fund Committee and the Investment Panel), their terms of office and remit.
10. To deal with stage 2 appeals under the Internal Dispute Resolution Procedure.
11. To authorise the payment of any statutory pensions, gratuities, grants, etc. under the provisions of the Superannuation and Pensions Acts and Regulations and any Local Acts.
12. To approve applications for early payment of preserved pension benefits on compassionate grounds.
13. To approve payments under the County of Lancashire Act 1984
14. To determine the actual injury allowance payable on each individual qualifying case of injury or disease, both retrospective and for the future.
15. To review annually the actual amounts of injury allowances payable under the Local Government Superannuation Regulations, as amended, to employees who have sustained injuries or contracted diseases, as a result of anything they were required to do in carrying out their work and to make any changes appropriate to reflect changes in the relevant financial circumstances of the payee.
16. To provide support to the Local Pension Board to enable it to fulfil its role and responsibilities as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013.

Local Pensions Partnership Ltd (LPPL):

To approve the following:

17. The appointment or removal of the auditors of LPPL.
18. The alteration of LPPL's accounting reference date.
19. Any significant change to any of LPPL's accounting or reporting practices.

20. The creation of any Encumbrance over the whole or part of the undertaking or assets of LPPL.
21. Any item or series of items of capital expenditure including finance leases but excluding operating leases of more than £5,000,000.
22. The entering into or variation of any operating lease either as lessor or lessee, of any plant, property or equipment of a duration exceeding 10 years or involving aggregate premium and annual rental payments in excess of £5m.
23. The factor or discount any book debts of LPPL.
24. The making of any agreement or reach any settlement with any revenue authorities or any other taxing authority, or make any claim, disclaimer, election or consent of a material nature for tax purposes in relation to LPPL, its business, assets or undertaking.
25. Any change to the bankers of LPPL.
26. Any change to the registered office of LPPL.

Pension Fund Investment Panel

Terms of Reference (as approved by Full Council on 13th July 2023)

1. The Investment Panel ("the Panel") provides expert professional strategic advice to the Pension Fund Committee in relation to investment strategy and on occasion to the full Council.
2. Remit of the Panel
 - To review the Fund's long term investment strategy and where necessary make recommendations to the Pension Fund Committee.
 - To advise on strategic and/or tactical asset allocations proposed by the Local Pensions Partnership Investments Ltd (LPPI).
 - To restrict and control the range of asset allocations used by LPPI, as set out in the Statement of Investment Principles.
 - To consider appropriate risk management strategies to include the matching of pension liabilities with suitable investments, possibly involving derivatives, and where necessary make recommendations to the Pension Fund Committee.
 - To consider foreign exchange hedging strategies relating to the equity and/or other asset allocations and where necessary make recommendations to the Pension Fund Committee.
 - To monitor and review the investment activity; and
 - To review and report on the performance of the Fund and where necessary make recommendations to the Pension Fund Committee.
- 3 The Panel does not exercise any delegated powers but instead will provide support to the Head of Fund in the exercise of their delegated powers and in making recommendations to the Pension Fund Committee taking account of advice and views from the Panel.
- 4 The membership of the Panel comprises:
 1. The Head of Fund (as Chair); and
 2. Not less than two Independent Investment Advisers appointed in accordance with arrangements determined by the Pension Fund Committee.
5. The Panel will meet quarterly, or otherwise as necessary

- 6 For a meeting to be quorate the Chair and at least one Investment Adviser must be present.
7. The Panel may operate through sub-groups to undertake specific tasks but will formulate recommendations to the Head of Fund and/or the Pension Fund Committee through meetings of the full Panel.
8. The Panel may secure specialist advice within allocated budgets.
9. One member of the Panel will attend at least the Local Pension Partnership Ltd Conference or any equivalent event on an annual basis.



Lancashire Local Pension Board

Terms of Reference

1. Role and remit of the Board

- a) To assist Lancashire County Council as the Administering Authority in its role as Scheme Manager (as delegated to the Pension Fund Committee):
 - i. to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS.
 - ii. to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
 - iii. in such other matters as the LGPS regulations may specify.
- b) To ensure the effective and efficient governance and administration of the LGPS for the Lancashire County Pension Fund (the Fund).
- c) To provide the Pension Fund Committee with such information as it requires to ensure that any member of the Board or person to be appointed to the Board does not have a conflict of interest.
- d) To review and scrutinise governance processes and procedures to ensure that the Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- e) To meet sufficiently regularly to discharge its duties and responsibilities effectively, but not less than four times in any year.
- f) To review the key policy documents for the Fund to ensure they are fit for purpose.
- g) The Board must assist the Pension Fund Committee with such other matters as the scheme regulations may specify. This role involves but is not limited to assisting with the oversight of and commenting on:
 - i the development of improved customer services.
 - ii the monitoring of administration and governance against key performance targets and indicators.
 - iii the effectiveness of processes for the appointment of advisors and suppliers to the County Council.
 - iv a review of the Lancashire County Pension Fund Risk Register as it relates to the Scheme Manager function of the Authority.
 - v the development of improved management, administration and governance structures and policies.
 - vi a review of the outcome of actuarial reporting and valuations.

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- vii any other area within the core function (i.e. ensuring effective and efficient governance of the Scheme) that the Board deems appropriate.
- h) To review the outcome of internal and external audit reports in relation to the Fund.
- i) To make such recommendations to the Pension Fund Committee and/or Full Council as it considers appropriate in relation to any matter that the Board considers may improve the performance of the Fund.
- j) To submit to the Pension Fund Committee in March each year a proposed annual work plan for the forthcoming financial year.
- k) To carry out any activities relating to the efficient governance and administration of the Fund which the Pension Fund Committee or full Council may request the Board to undertake.

2. Membership and Appointment Process

The Board shall consist of nine members and be constituted as follows:

One independent member selected by the Pension Fund Committee who shall not be a member of the Lancashire County Pension Fund and who shall be appointed as Chair of the Board.

Four employer representatives, of whom:

- Two shall be nominated by Lancashire County Council. Where these are councillors or officers, they shall meet the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority.
- One shall be nominated by the Unitary, City, and Borough Councils and the Police and Fire bodies which are employers within the Lancashire County Pension Fund; and
- One shall be nominated following consultation with the other employers within the Fund.

Four scheme member representatives drawn from the membership of the Fund.

Members in the above categories will only be appointed to the Board by the full Council if they meet the knowledge and understanding requirements set out in the relevant regulations and guidance, and as set out in Section 5 below.

Process

- a) Two employer representatives shall be nominated by Lancashire County Council. The nomination of a county councillor or an officer shall comply with

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the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority.

- b) One employer representative to be drawn from the Unitary, City, and Borough Councils and the Police and Fire bodies which are employers within the Fund.
- c) One employer representative to be drawn from all other employers within the Fund.
- d) Four scheme member representatives to be drawn from the membership of the Fund.

Employers within the Fund shall be notified of any vacancies arising under categories b) and c) above. Any nominations shall be submitted to the Head of the Pension Fund.

A vacancy arising under category d) shall be brought to the attention of employer and member representative bodies to enable the vacancy to be advertised as widely as possible. This will include details of the vacancy being published on websites as appropriate. Scheme members shall submit expressions of interest to the Head of the Pension Fund.

All nominations and expressions of interest submitted under categories b), c) and d) would go through an initial sifting process by the Head of the Pension Fund in consultation with the Chair of the Lancashire Local Pension Board. Nominations and expressions of interest would be considered against the role profile and having regard to equal opportunities legislation. In the event that more than one suitable candidate is identified, there will be a formal interview process involving the Chair and two other members of the Board. The interview process would test the ability of the individual to meet the requirements of the role and any recommended appointment would be made on merit.

Once a suitable representative has been identified they would need to be formally appointed to the Board by the full Council.

- e) One independent member selected and appointed by the county council as the Administering Authority.

This person shall not be a member of the Fund. Such appointment will only be made following an openly advertised competition for the role. Interviews will be arranged and conducted as necessary by the Head of the Pension Fund who shall make a recommendation to the Pension Fund Committee for consideration who will then refer the matter to the Full Council for a decision as appropriate.

3. Term of office and removal of members of the Board.

- a) The independent Chair of the Pension Board shall be appointed by the full Council for an initial 2 years with an option for the appointment to be extended

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for an additional 2 years.

- b) Other members of the Board will serve for a maximum period of up to 8 years subject to the approval of the Full Council. Other than as a result of retirement at the expiry of this period the term of office of a member of the Board will come to an end:
- i) For an employer representative who is a councillor if they
 - cease to hold office as a councillor.
 - are appointed to serve on the Pension Fund Committee,
 - are replaced in accordance with the change of membership procedure adopted by the County Council, or
 - are removed by a resolution of the Full Council.
 - ii) For employer representatives who are not councillors when they cease to be employed by the employing body where they were employed on appointment;
 - iii) For a scheme member or employer representative if they are appointed to a role with responsibility for the management or administration of the Fund.
 - iv) For scheme member representatives if they cease to be a member of the Fund.
 - v) Where there is a conflict of interest which cannot be managed in accordance with the Conflict of Interests Policy.
 - vi) Where an individual fails to attend meetings, undertake training or otherwise comply with the requirements of being a member of the Pension Board.
- c) Each Board member should endeavor to and is expected to attend all Board meetings during the year. Given the nature of the Board as a supervisory body and the need for appropriate knowledge and skills and the clear avoidance of conflicts of interest substitute members are not permitted.
- d) Other than by ceasing to be eligible as set out above, a Board member (including the independent member) may only be removed from office during a term of appointment by the consent of the Full Council.

4. Code of Conduct and Conflict of Interests Policy for Board Members, Officers and Advisors

The role of the Pension Board requires the highest standards of conduct and therefore the “seven principles of public life” will be applied to all Board members and embodied in their Code of Conduct as approved by the Board and published on the Local Pension Fund Website.

5. Knowledge and Understanding

- a) Board members must be conversant with:
 - i) The legislation and associated guidance of the LGPS.
 - ii) Any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund.
- b) Board members must have knowledge and understanding of:
 - i) The law relating to pensions, and
 - ii) Any other matters which are prescribed in regulations.
- c) It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board. In line with this requirement Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. A record of the training which Board members have undertaken will be presented to the Board on an annual basis.
- d) Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.
- e) Board members will comply with the Training Policy approved by the Pension Fund Committee.

6. Role of the Chair

- a) To ensure that the Board delivers its purpose as set out in these Terms of Reference.
- b) To ensure that Board meetings are productive and effective and that all members of the Board have an opportunity to contribute to discussions.
- c) To seek to ensure that the Board reach consensus when making decisions and to put decisions to a vote when it cannot be reached (see section 8).
- d) To facilitate the Annual Review of the effectiveness of the operation of the Board over the previous year and draft a report on the findings for inclusion in the Annual Report of the Fund.

7. Quorum

- a) For the Board to be quorate the Chair and at least two employer representatives and two scheme member representatives must be present.

- b) In the event that the Board is inquorate the meeting may continue but any decisions will be non-binding until they can be ratified by the Board.

8. Decision making

- a) Employer/scheme member representatives on the Board will have an individual voting right but it is expected the Board will, as far as possible, reach a consensus.
- b) Under Regulation 106(7) of the LGPS Regulations 2013 the Chair is explicitly excluded from having the right to vote.
- c) Written resolution procedure - Should the Board need to take a decision between scheduled meetings then all Employer/Scheme Member representatives on the Board shall be consulted by email on the proposal and asked to indicate whether they support the recommendation or not. The Chair will receive a copy of the written resolution for their information. The decision of the Board will then be based on a simple majority of the responses received and will be reported to the subsequent Board meeting.

9. Board Meetings – Notice, Minutes and Reporting

- a) The Monitoring Officer shall give notice to all Board members of every meeting of the Board and shall ensure that papers are published on the Lancashire County Pension Fund Website at least 5 working days prior to each meeting.
- b) The Monitoring Officer shall ensure that a formal record of Board proceedings is maintained. Subsequent to each meeting the Chair will be asked to approve the minutes for publication and circulation to all members of the Board.
- c) The Board in considering items of business at its ordinary meetings shall in relation to each item consider whether it wishes to make a recommendation to the Pension Fund Committee with the response of the Committee being reported to the subsequent Board meeting.
- d) The Pension Board shall produce an **Annual Report** on the nature and effect of its activities for consideration by the Pension Fund Committee. The contents of this Annual Report will be subject to consideration and agreement at a meeting of the Board, but should include, inter alia:
 - i) Details of the attendance of members at Board meetings;
 - ii) Details of the training and development activities provided for members of the Board and attendance at such activities;
 - iii) Details of any specific recommendations made by the Board to the Pension Fund Committee and the response of the Committee to those recommendations.
 - iv) Details of the costs incurred in the operation of the Board.
 - v) A statement by the Chair on the findings of the Annual Review of the

effectiveness of the Board.

If approved by the Committee the Annual Report of the Board will be incorporated into the Annual Report of the Fund and submitted to the full Council for approval.

- e) If considered appropriate the Board may establish Sub-Groups to look in detail at specific issues and report back to the Board.

10. Publication of Pension Board information.

- a) Scheme members and other interested parties will want to know that the Fund is being efficiently and effectively managed. They will also want to be confident that the Board is properly constituted, trained and competent in order to comply with scheme regulations, the governance and administration of the scheme and requirements of the Pension Regulator.
- b) The Board will ensure that up to date information is posted on the Lancashire County Pension Fund website showing
 - The names, contact details and other relevant information about Board members.
 - The responsibilities of the Pension Board as a whole.
 - The full Terms of Reference of the Pension Board.
 - Any specific roles and responsibilities of individual Board members.
- c) The Pension Fund Committee will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

11. Budget.

- a) The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board shall be met from the Lancashire County Pension Fund.
- b) The Pension Fund Committee shall approve an annual budget for the Board which will be managed by and at the discretion of the Head of Fund.

12. Reimbursement of Travel and Subsistence Expenses and Remuneration.

- a) All Board members shall, on the production of relevant receipts be reimbursed for travel and subsistence expenses they have actually and necessarily incurred in the conduct of their duties as a member of the Board, including attendance at relevant training and development activities.
- b) Board members shall be reimbursed a mileage allowance for use of their own

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car at the rate proscribed by HM Revenues and Customs from time to time as adopted by Lancashire County Council.

- c) Where members of the Board are in employment their employer will be able to reclaim from the Lancashire County Pension Fund a sum equivalent to salary, employers' national insurance contributions and employers' pension contributions, in respect of time spent by the individual in fulfilling their duties as a member of the Board, including attendance at relevant training and development activities. Where any applicable sums and contributions are claimed by an employer, costs must have been incurred by the employer and evidence must be provided with any claim.
- d) Board Members may be able to reclaim from the Lancashire County Pension Fund a sum in financial loss commensurate to time spent by the individual in fulfilling their duties as a member of the Board, including attendance at relevant training and development activities, except where such sums are recoverable under any other paragraph of these terms of reference. Where any applicable sums are claimed by an individual evidence must be provided with the claim. The Head of Fund will have absolute discretion to determine the final sum reimbursed based on what is deemed sufficiently evidenced, reasonable and proportionate, to be assessed on a case by case basis.
- e) In accordance with the decision taken by the Executive Director of Resources on behalf of the Urgency Committee of Full Council on 26 June 2023, the Chair of the Board shall receive a fixed annual allowance of £10,000 (in addition to travel and subsistence expenses) to be inflated in April each year by the Consumer Price Index for the previous September.

13. Advisers to the Board

- a) The Board may be supported in its role and responsibilities through the appointment of advisers, in addition to the County Council's officers and the Fund's various advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties.
- b) The Board shall ensure that the performance of any advisers so appointed is reviewed on a regular basis.

14. Reporting Breaches

Any breach brought to the attention of the Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in a separate [policy](#).

Note

Administering Authority	Is the Full Council of Lancashire County Council as set out in Part I of Schedule 3 of the Local Government Scheme Regulations 2013
Scheme Manager	Is the Pension Fund Committee (Full Council having delegated powers to the Committee as set out in the County Councils Constitution).
Pension Board or Board	Is the local Pension Board for the Lancashire County Council as Administering Authority for the Lancashire County Pension Fund as required under the Public Service Pensions Act 2013
Chair	The individual responsible for chairing meetings of the Lancashire Local Pension Board and guiding its debates.
LGPS or Scheme	Means the Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009
Fund	Means the Lancashire County Pension Fund

Urgency Committee

Composition and role

The Committee comprises twelve County Councillors of whom no more than two shall be members of the Cabinet.

Meetings are open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.

Terms of Reference

The Committee shall carry out the following functions:

Except those matters which cannot be delegated under Section 101 of the Local Government Act 1972, to deal with any matter requiring a decision by the Full Council which cannot await its next meeting, including any matters which have been delegated to the Committee by the Full Council.

The following matter has been specifically delegated to the Committee by the Full Council: -

To approve any minor amendments to the Constitution for the purpose of improving its operational efficiency or for giving greater clarity to the existing processes.

Employment Committee

The Committee comprises 8 County Councillors, chaired by the Leader of the Council and including an appropriate cabinet member or lead member depending upon the specific issue being dealt with.

Meetings are open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix ‘H’ to this Constitution.

The Committee shall discharge the following functions.

A. Appointment and Dismissal of "Senior Officers" and Other Statutory Officers

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (s.151 Officer), collectively referred to as “Senior Officers”.
 - 1.1 The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory responsibilities:
 - Children's Services.
 - Adult Services; and
 - Public Health.
2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, where appropriate, agree to make a permanent appointment of an existing member of staff by way of redeployment or agree to a temporary appointment for a fixed term of not normally more than 12 months.
3. Where an appointment is not made in accordance with paragraph 2 the Committee shall:
 - (a) Draw up a job description and person specification.
 - (b) Determine the arrangements for recruitment to the post including, where they consider it appropriate, the appointment of recruitment consultants and advertising.
 - (c) Make arrangements to interview such applicants for the post as they may determine.

4. Where the Committee is appointing or dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given, subject to paragraph 5 below.
5. In the case of paragraphs 1 and 1.1 above no offer of appointment (including by way of an appointment pursuant to paragraph 2) and, in the case of paragraph 1, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:
 - (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
 - (b) the Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (c) the Leader has, within the period specified in the notification, notified the Committee that neither he/she nor any member of the Cabinet has any objections.

Conditions of Service

6. The Committee shall exercise all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
7. The appraisal of Senior Officers and other statutory officers listed at paragraph 1.1 shall be carried out by the Chief Executive.

Disciplinary Action

8. The Committee may take any disciplinary action (including suspension) against the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
9. The Committee may approve the suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer for an initial period of up to two months to enable an investigation to be undertaken to help determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension if it considers that to be necessary. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.
10. If an exceptional situation arises whereby allegations of misconduct by the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that his/her remaining presence at work poses a serious risk to the

health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee (subject to a decision to suspend being ratified by the Employment Committee within 7 days of the decision).

11. A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be taken by the Full Council having taken into account:
 - Any views submitted under paragraph 5.
 - Any advice, views or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 (d) for the purposes of advising the Council on matters relating to the dismissal of the named officers.
 - The conclusions of any investigation into the proposed dismissal; and
 - Any representations from the relevant officer.
12. A decision to suspend an Executive Director shall be taken by the Chief Executive.
13. Subject to paragraphs 8, 9 and 10 any disciplinary action in relation to a Senior Officer will be dealt with by the Committee in accordance with the appropriate Council's Disciplinary Procedure.
14. Subject to paragraphs 8, 9 and 10 the Committee is authorised to take any disciplinary action in respect of a Senior Officer short of dismissal with no requirement to consult cabinet members in accordance with paragraph 5 above or to seek approval from the Full Council.
15. Any appeal against action short of dismissal will be considered by an Appeals Committee established by the Full Council comprising five members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet. The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.
16. In the event that the Committee's decision is to propose to dismiss the Chief Executive, Monitoring Officer or Chief Financial Officer the appeal stage will be fulfilled by the Full Council when they consider that proposal in accordance with paragraph 4.

Capability and Dismissal Procedures

17. Any issue regarding the capability of a Senior Officer shall be dealt with by the Committee in accordance with the Council's Disciplinary and Capability Procedures.

**(Approved and last updated by Full Council, 23 February 2023
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18. Any issue which is not appropriately dealt with under the Disciplinary or Capability Procedures, but which may result in the dismissal of the Senior Officer will be dealt with by the Committee.

Appointment, Dismissal and Disciplinary Action

19. Subject to paragraphs 1-18 above, the functions of appointment, dismissal, and taking disciplinary action against any other employee must be discharged by the Chief Executive or by an officer(s) of the Council nominated by him and in accordance with such procedures as may be determined by the Committee as referred to at paragraph B1 below.
20. Subject to paragraphs 1-18 above, the Chief Executive and other Senior Officers may appoint, dismiss (including dismissal by reason of redundancy) and discipline all Directors in accordance with the Council's procedures. Appointments and dismissals can only proceed after all cabinet members have been notified by Democratic Services of the proposed appointment or dismissal. Agreed corporate processes must be followed in respect of all redundancy payments.

B. All Other Staff

Terms and Conditions of Employment

The Committee shall:

1. Determine the terms and conditions on which employees hold office including (but not limited to):
 - The Council's pay and grading structure.
 - Any fees, allowances or payments made to employees, including any relating to termination of employment.
 - Any policies, procedures and practices relating to employment including recruitment and selection.
 - (Any minor changes to these policies, procedures and practices to reflect legislative changes and improve working practices can be approved by the Head of Service for Human Resources under the Council's Scheme of Delegation arrangements).
 - Any collective agreements relating to the above.
 - To determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required.
2. Consider, at the request of a recognised trade union, any disagreement regarding the matters referred to at paragraph 1 above (excluding issues relating to individual employees). In referring any such matter the trade union(s) concerned shall be entitled to make oral representations to the Committee to such extent as the Committee consider appropriate.

3. Determine the facilities to be provided to trade union representatives.
4. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
5. Monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

C. Lancashire Renewables Limited

Terms and Conditions of Employment

The Committee shall be responsible for determining the terms and conditions of service on which all employees of Lancashire Renewables Limited ("the Company") are engaged and approving the Company's proposals in respect of the same.

This shall include, but not be limited to the following:

1. approving the Company's pay and grading structure.
2. approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based.
3. ensuring that all employees of the Company are paid a minimum of the living wage.
4. approving the Company's employment policies, procedures and practices.
5. determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.

In discharging its obligations, the Committee shall ensure that, so far as is possible, the principles of equality are maintained vis-à-vis the terms and conditions of employees of the County Council in comparable positions.

D. Lancashire Coroners

The Committee shall be responsible for determining the pay, and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.

E. Local Pensions Partnership Ltd (LPPL):

Approval of LPPL's Remuneration Policy

1. To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors.

**(Approved and last updated by Full Council, 23 February 2023
Owner - Democratic Services)**

Changes to Directors' Remuneration Policy

1. To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both LCC and LPFA. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

Proposed redundancies of any Group employees

2. To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

Proposed re-location of any LPPL employees

3. To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of LCC.

Chief Executive

4. To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.

Lancashire Health and Wellbeing Board

Terms of Reference

1. Purpose

To achieve the best possible health and wellbeing outcomes and reduce health inequalities in Lancashire.

2. Functions

To achieve the purpose outlined above, the Health and Wellbeing Board will deliver the following key functions:

Enable shared understanding - to lead the development of a Joint Strategic Needs Assessment and ensure that it is informing the development of plans and priorities of the Board and its partners.

Develop a Health and Wellbeing Strategy – to agree a Health and Wellbeing Strategy and work in partnership with our system partners to support the delivery of this Strategy.

Provide System Leadership – to lead and direct the health and wellbeing system to ensure we continuously improve our services and make the best use of resources that deliver better outcomes for people.

Seek Assurance through monitoring and evaluation of the health and wellbeing strategy and where necessary provide appropriate and effective challenge.

Accountability – to be able to demonstrate and evidence that the decisions of the Board, and their subsequent outcomes, are clearly focused on improving the health and wellbeing and reducing health inequalities in Lancashire.

Commissioning - to enable collaboration between commissioners, joint commissioning and pooled budgets, where this provides better integrated service delivery and outcomes.

Engagement – listen to and understand the needs of local people; to ensure there is effective dialogue and engagement with our communities, and joint working between the county council, our district councils, local NHS and with other key strategic partnerships via. Safeguarding Boards, Local Economic Partnership, Children and Young People Partnership, Community Safety Partnership etc.

Integration – to promote integration and partnership working between the NHS, local government and wider public, private, voluntary, community and faith sector.

3. Principles

The Health and Wellbeing Board members recognise shared values as the foundation of a strong partnership and through trust, openness, equality and fairness will ensure a strong and sustainable partnership that delivers improved health and wellbeing outcomes and reduce health inequalities in Lancashire.

Trust – to have confidence in the integrity and ability of all partner organisations working collaboratively through the Health and Wellbeing Board.

Openness – demonstrating transparency and openness between partners in how decisions are made and in sharing activities, plans and ambitions.

Equality – each partner organisation/sector has an equal standing within the Health and Wellbeing Board.

Fairness – commitment throughout the Health and Wellbeing Board that the behaviour and actions of partners is equitable, impartial and objective.

4. Membership

The membership of the Lancashire Health and Wellbeing Board is comprised of the following:

- The Cabinet Member for Health & Wellbeing (Chair)
- The Leader of the Council*
- The Lead Member for Health
- Executive Director of Adult Services and Health & Wellbeing*
- Executive Director of Education and Children's Services*
- Director of Public Health*
- 1 member (Chair, CEO or Executive Director) to be nominated by NHS Lancashire and South Cumbria Integrated Care Board*
- Three District Councillors (one from each of the sub areas of Lancashire, to be nominated by the Lancashire Leaders Group)
- One District Council Chief Executive (to be nominated by the Lancashire Chief Executives Group)
- The Chair of Healthwatch*

*Members marked with an asterisk are statutory members who must be on the Board to meet the requirements of the Health and Social Care Act 2012.

All Board members to have one vote each.

The Board may invite any other representatives to meetings of the Board as it deems appropriate. Such representatives will not be formal members of the Board and they shall not have a vote but may participate in the debate with the consent of the Chair.

5. Meeting Arrangements

The Health and Wellbeing Board is a committee of the County Council and unless specified below, meeting arrangements are subject to the County Council's procedural Standing Orders:

- The Board will appoint the Deputy Chair annually from amongst the voting membership.
- The Board will meet at least four times a year. Additional meetings may be arranged by resolution of the Board or with the agreement of the Chair.
- Meetings will be at County Hall, Preston, unless otherwise agreed by the Board.
- Decisions will be made by consensus where possible, or when appropriate by a majority vote.
- In the event of a tied vote, the Chair has a second or casting vote.
- The quorum at a meeting of the Board shall be a quarter of the whole number of voting members of the Board with at least one Cabinet Member being present.
- Substitutes for Board members are permitted with written notification being given to the Clerk by the relevant nominating body in advance of the meeting.
- The Board may invite any other representatives to meetings of the Board as it deems appropriate. Such representatives will not be formal members of the Board and they shall not have a vote but may participate in the debate with the consent of the Chair.
- Meetings of the Board are open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Rules set out at Appendix 'H' in the County Council's Constitution.
- The Board cannot discharge the functions of any of the Partners.

Part 2 – Article 8 (Citizens Rights)

The rights of members of the public shall include the following:

- vote at local elections if they are registered to vote with their relevant District Council;
- [contact their local County Councillor](#) about any matters of concern to them;
- obtain a copy of the Constitution free of charge;
- attend [meetings of the Council](#) and its Committees except where, confidential or exempt information is being discussed - see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution;
- find out what key [decisions](#) are to be decided and when by the Cabinet Committees, Cabinet Members or officers;
- see [reports and background papers](#), and any record of decisions made by the Council, Cabinet and Cabinet Members with the exception of those containing confidential or exempt information (details of members of the public's rights to inspect agenda, reports and minutes and to attend meetings are set out in Appendix 'H' of this Constitution);
- [complain to the Council](#) about its services in line with its formal Complaints Procedure, details of which are set out at Appendix 'K' of this Constitution;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, the Ombudsman would prefer complaints to be pursued via the Council's own Complaints Procedure first;
- complain to the Monitoring Officer if they have evidence which they think shows that a County Councillor or voting Co-optee has not followed the Council's Code of Conduct;
- inspect the [Council's accounts](#) and make their views known to the external auditor;
- submit petitions in accordance with the [Council's petitions scheme](#);
- make representations regarding a planning application to the [Development Control Committee](#) and speak at the meeting (the [protocol for speaking](#) can be found at annex 2 of appendix N of the constitution);
- contribute to investigations conducted by the Overview and Scrutiny Committees;
- under the Freedom of Information Act 2000, request and receive information in the possession of the Council subject to defined exceptions within the Act;

Citizen's responsibilities:

Members of the public are expected to conduct themselves in a reasonable manner, in line with normally accepted standards in society, when they deal with Councillors or Officers and particularly so when they attend any meetings of the County Council, its Committees and Cabinet. The principles behind this expectation are:

- due respect for the rights and opinions of others;

- non-confrontational behaviour;
- respect at all times for the decisions on conduct and procedure in the meeting, from the person responsible Chairing that meeting
- willingness to listen as well as an expectation of being listened to, in a way which is both constructive and supportive.

The Chairman will warn members of the public if they interrupt a meeting and will order his/her removal from the meeting room if this continues.

Anyone intending to film or record a meeting of the County Council should refer to Appendix 'P': Protocol on reporting on and recording meetings of the County Council and should notify Democratic Services in advance of the meeting by email to democratic.services@lancashire.gov.uk.

Part 2 – Article 9 (Officers)

The Officers comprise administrative, professional, technical and operational employees whose role is to advise the whole of the Council on all aspects of its functions, to put into effect decisions which are taken, and to provide to the public the services for which the Council is responsible.

The Officers are grouped as set out below. Organisational Charts showing the senior management structure of each of these groups are included at Appendix ‘J’ of this Constitution.

Certain officers are statutory appointees, in particular:

The Monitoring Officer

The Director of Law and Governance is the Council’s Monitoring Officer. The Monitoring Officer is responsible for ensuring that the decisions and actions of the Council are lawful and in accordance with the adopted policy frameworks.

The Chief Finance Officer

The Executive Director of Resources is the Council’s Chief Finance Officer (S151 officer). The Chief Finance Officer is responsible for ensuring the proper administration of the Council’s financial affairs and that actions and decisions are in accordance with the Council’s budget.

The Proper Officer

The Proper Officer of the Council shall be the Chief Executive.

Scheme of Delegation to Cabinet and Cabinet Members

Cabinet

The following functions and decisions are reserved to Cabinet:

1. to approve executive (Key and Non-Key) decisions collectively.
2. to make financial commitments, within the Budgetary and Policy Frameworks set by the Full Council, and discharge the functions of the Council in delivering services to the community (primarily Children and Young People Services, Adult and Community Services, Highways and Transportation, Planning and the Environment and Public Protection), and for providing Resources (primarily administrative, financial, legal, personnel, property and information and communications technology services).
3. to prepare draft proposals for the Policy Framework documents as set out in the functions of the Full Council, and in so doing consult with interested parties and the appropriate Overview and Scrutiny Committees and shall include in its submission to the Full Council a statement of all views received and the Cabinet response to those views.
4. on an annual basis, to draw up of proposals for the Council's Revenue Budget, Capital Programme, the Treasury Management Policy and Council Tax levels, and in so doing shall consult with interested parties and the appropriate Overview and Scrutiny Committees, for consideration and determination by the Full Council.
5. to make additions and amendments to the approved Capital Programme at any time provided that a source of finance, other than borrowing, has been identified and that the revenue consequences can be contained within existing budgetary provision.
6. to refer to the Full Council for determination all matters which, although normally reserved for the Cabinet to decide, are not in accordance with the Budget and Policy Framework adopted by the Full Council, except matters of urgency which shall be dealt with in accordance with the procedures set out in Standing Order 29.
7. to undertake a continuing review of the Council's broad policy objectives and priorities over the whole range of its functions and to secure a continuous review and evaluation of the effectiveness of services in accordance with value for money principles, calling upon any Overview and Scrutiny Committee to assist in that process as it considers appropriate.

**(Approved and last updated by Full Council, 25 May 2023
Owner – Democratic Services)**



8. to change approved policies.
9. to create new policies and make decisions on matters of significant policy.
10. to take decisions on the withdrawal or modification of public services.
11. to approve and revise major strategies, schemes, plans, projects, placements and other new initiatives.
12. to approve schemes and the making of orders which have resulted in the receipt of objections or adverse comments arising from local consultation procedures or the giving of Public Notices of the proposals.
13. to report to the Full Council at each scheduled meeting on the proceedings of the Cabinet. The report shall include a summary of all key decisions taken by the Cabinet collectively, individual Cabinet Members, Cabinet Committees and officers.
14. to report to the Full Council on any matters which the Full Council or an Overview and Scrutiny Committee request.
15. to deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.
16. to provide formal responses to any White Paper, Green Paper or other consultations e.g. nationally significant infrastructure planning likely to lead to policy changes or have a significant impact upon services or the interests of the County Council.
17. to consider as appropriate all Bills introduced into Parliament and all Acts passed, which affect the interests of the Council, and pursue any changes in the law which it feels appropriate.
18. to make decisions in relation to significant new powers or duties arising from new legislation.
19. to make appointments to the outside organisations, committees, companies and panels whose functions relate to those exercised by the Cabinet.
20. to discharge any function under a Local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (As Amended) and other than any other function where the power relates to the granting of a consent, licence, permission, registration or similar function.
21. to make arrangements for the determination of any appeal arising from any decision other than of the Cabinet or Cabinet Member where a right of appeal arises by virtue of any policy or statutory provision.

**(Approved and last updated by Full Council, 25 May 2023
Owner – Democratic Services)**



22. to consider and respond to petitions in accordance with the Council's petitions scheme – see Appendix 'O' to the Constitution.
23. make decisions to alter fees, charges, and allowances above the rate of inflation;
24. to approve the discharge of functions by an officer or by another local authority;
25. approve grants to outside bodies (unless specifically delegated to a senior officer).
26. to liaise with the appropriate Head of Service, Executive Director or Director/Deputy Director as appropriate on a regular basis to ensure that there is no conflict over the exercise of delegated powers.

Heads of Service shall take all decisions within their remit that have not been reserved, as set out above, to the Cabinet. Such decisions shall be taken in accordance with the Scheme of Delegation to Heads of Service (Constitution, Appendix 'B')

Cabinet Members

Cabinet Members have been allocated the following areas of responsibility by the Leader. Ordinarily decisions in these areas of responsibility will be taken by the Cabinet collectively or by officers under the Scheme of Delegation to Heads of Service. Any urgent decisions which cannot await the next meeting of the Cabinet shall be approved by the Leader (or in his/her absence, the Deputy Leader) and the relevant Cabinet Member.

No decision relating to services for Children and Young People as set out at Section 18 of the Children Act 2004 may be taken without consultation of the designated Lead Member for Children's Services.

Leader

Responsible for:

- Governance
- Legal
- Corporate Strategy
- Performance
- External Relations
- Corporate Communications

Cabinet Member for Resources, HR and Property (Deputy Leader)

Responsible for:

- Asset and Facilities Management
- Property, Land and Buildings
- Finance, Procurement and Treasury Management
- External Funding
- Business Continuity, Emergency Preparedness, Health & Safety and Resilience
- Human Resources
- Partnerships and Companies
- Member Support
- Appointments to Outside Bodies

Cabinet Member for Community and Cultural Services

Responsible for:

- Cultural Services including Libraries, Museums and Archives
- Community Safety and Domestic Abuse
- Equalities, Community Cohesion, Counter Terrorism and Prevent
- Refugee Integration and Welfare Rights

**(Approved and last updated by Full Council, 25 May 2023
Owner – Democratic Services)**



- Customer Access and Digital Services
- Registrations and Coroners Services
- Voluntary, Community and Faith Sector
- Parish and Town Councils

Cabinet Member for Environment and Climate Change

Responsible for:

- Climate Change
- Nature Recovery, Biodiversity and Environment Strategies
- Local Air Quality Management
- Waste Management and Recycling
- Flood Risk Management
- Rural affairs
- County Council Countryside Sites and Areas of Outstanding Natural Beauty
- Public Rights of Way
- Planning, Archaeology and Development Control

Cabinet Member for Economic Development and Growth

Responsible for:

- Economic Development and Growth
- Levelling Up and Regional Affairs
- Strategic Investment, Major Projects and Infrastructure
- Economic Partnerships
- Place-Making and Regeneration
- Business Support and Collaboration
- Tourism and the Visitor Economy

Cabinet Member for Highways and Transport

Responsible for:

- Highways Asset Management
- Roads, Bridges/Structures, Street Lighting and Highway Drainage
- Network Management, Traffic Control Systems and Parking
- Road and Traffic Safety Policy
- Public Transport Policy
- Local Transport Planning
- Active Travel
- School Transport

**(Approved and last updated by Full Council, 25 May 2023
Owner – Democratic Services)**



Cabinet Member for Children and Families

To act as the statutory Lead Member for Children's Services across children's social care and education services.

Responsible for:

- Children's Social Care
- Safeguarding Children and Young People
- Fostering and Adoption Services
- Corporate Parenting
- Young People's Services and Engagement
- Youth Justice Services
- Early Years and Childcare Provision

Cabinet Member for Education and Skills

Responsible for:

- Pupil Place Planning
- Special Educational Needs and Disability
- School Performance
- School Governor Support
- Schools Condition and Capital Programme
- Further, Higher, Technical and Adult Education
- Lifetime Skills and Apprenticeships

Cabinet Member for Health and Wellbeing

Responsible for:

- Public Health
- Health and Wellbeing Strategy
- Health and Social Care Joint Strategic Needs Assessment
- The Lancashire Health and Wellbeing Board
- Trading Standards and Scientific Services
- Healthwatch
- Start for Life and Family Hubs

Cabinet Member for Adult Social Care

Responsible for:

- Adult Social Care
- Working with NHS and other partners
- Safeguarding Adults and Quality Assurance
- Find, Develop and Commission Care

**(Approved and last updated by Full Council, 25 May 2023
Owner – Democratic Services)**



- Care Market Sustainability, Supply and Quality
- Care Services Delivery including In-house and Independent Provision



Scheme of Delegation to Heads of Service

General Principles

The general principles behind the delegated authority (powers) of Heads of Service are as follows:

- if a function, power or responsibility has not been specifically reserved to the Council, a Committee¹, the Executive (the Cabinet, Cabinet Members, Cabinet Committee) or by virtue of legislation or regulations solely to a statutorily appointed officer, then the Head of Service within whose remit the matter falls is authorised to act. Functions reserved to the Council, a Committee or the Executive are specified in the Council's Constitution;
- in relation to Executive functions, the Head of Service is only authorised to act in relation to decisions which are not "key decisions" as defined by the Council's constitution (except where a Cabinet Member and the Leader of the Council have specifically authorised the Head of Service to do so);
- the Council, its Committees and the Executive will take all decisions on matters of significant policy. Heads of Service have express authority to take all necessary actions to implement Council, Committee and Executive decisions that commit resources, within agreed budgets, as are appropriate;
- heads of service are empowered to take all operational decisions, within agreed budgets, policies and relevant legislation, in relation to the services for which they are responsible;
- under this Scheme, staff on grade 13 and below may continue to take decisions that were delegated to them prior to 1 April 2015, subject to the decision taker being employed in the same service area and to the agreement of the HoS. HoS may revoke and reallocate responsibility for exercising powers to another officer where he/she considers that to be appropriate.
- heads of service should allocate or re-allocate responsibility for exercising powers to other officers including the Chief Executive, Executive Directors and Directors/Deputy Directors on their behalf in the interests of effective corporate management as he/she thinks fit. Records of all such authorisations must be retained and a copy sent to Democratic Services for retention. The 'other' officer(s) to whom a power has been re-allocated cannot further delegate that power to another officer;

¹ Committees may agree to delegate functions to officers in which case the powers will be set out in separate schemes eg Pension Fund Committee

- heads of service may refer delegated decisions to the Council, a Committee, the Executive, the Chief Executive, Executive Directors and Directors/Deputy Directors as appropriate for determination in lieu of exercising his/her powers in relation to that matter; or

in deciding whether or not to exercise a power under this Scheme, Heads of Service should consider whether to consult the appropriate Cabinet Member(s), Committee chair, Chief Executive, Executive Directors or Director/Deputy Director and will have regard to their views;

- where there is doubt over the responsibility for the exercise of a power under these delegation arrangements the Head of Service should consult the Monitoring Officer whose decision shall be final;
- these delegations should be interpreted widely to aid the smooth running of the organisation, the effective deployment of resources and the efficient delivery of services;
- nothing in this Scheme prevents the Council, the Executive or a Committee of the Council from exercising a function in place of an officer; and
- in the event that a Head of Service is unable to discharge his/her specific decision making functions under the Scheme due to absence or due to a declaration of interest by the Head of Service in a particular matter for decision, the Chief Executive, the Executive Director or the Director/Deputy Director whose remit the matter falls may take the decision.
- in the event that a Director is unable to discharge his/her specific decision making functions under the Scheme due to absence or due to a declaration of interest in a particular matter for decision, the Chief Executive and Director of Resources or an Executive Director may take the action.

Limitations on delegations

Heads of Service are expected to liaise with the Chief Executive, Executive Director, Director/Deputy Director, Cabinet Member(s) or Committee chair as appropriate on a regular basis² to ensure that there is no conflict over the exercise of delegated powers and should only use those powers if:

- appropriate resources are in place within the current financial year and the budget framework and financial strategy;
- the Council has the legal power to act (in cases of uncertainty the issue must be referred to the Monitoring Officer whose opinion shall be conclusive);

² Cabinet Members may opt to take decisions even where they are otherwise delegated.

- there will be no conflict with any power exercisable by a relevant Cabinet Member, the Cabinet, the Council or other relevant Committee of the Council.
- he/she acts at all times within any policies or guidelines issued from time to time by the Council, the Cabinet or any relevant Committee(s); and

Heads of Service MAY NOT:

- take “Key Decisions” (unless specifically delegated by a Cabinet Member and the Leader of the Council);
- change approved policies;
- create new policies or make decisions on matters of significant policy;
- take decisions on the withdrawal or modification of public services;
- approve and revise major strategies, schemes, plans, projects, placements and other new initiatives;
- approve schemes and the making of orders which have resulted in the receipt of objections or adverse comments arising from local consultation procedures or the giving of Public Notices of the proposals. In such cases the approval of the scheme/order shall be undertaken by the Executive or Council Committee as appropriate;
- make decisions in relation to significant new powers or duties arising from new legislation;
- make financial commitments that are not within the Council's budget framework and financial strategy;
- provide formal responses to any White Paper, Green Paper or other consultations e.g. nationally significant infrastructure planning, likely to lead to policy changes or have a significant impact upon services or the interests of the County Council;
- take decisions that are likely to be political or controversial;
- take decisions if legislation or regulations require the decision to be taken by a statutory officer;
- make decisions to alter fees, charges and allowances above the rate of inflation;
- award grants (unless specifically delegated by the Leader of the Council or the Cabinet collectively); and

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- allocate or re-allocate decisions making responsibilities to non-county council employees or bodies.
- take decisions which are the statutory responsibility of the Director of Public Health. The Director of Public Health may at any time agree in writing that any of his/her statutory functions can be undertaken by another officer where he/she considers that to be appropriate but the officer cannot further delegate that function to another officer. Any such agreement made by the Director of Public Health may at any time be rescinded.

Heads of Service **MUST**:

- obtain advance approval from the Council's Management Team to the payment of honoraria to officers.
- maintain adequate records of decisions taken as specified by the Monitoring Officer;
- consult the Monitoring Officer in relation to any matter reserved to him/her (as shown below) and/or in relation to any matter which may have significant legal or financial implications for the Council;
- comply with the Council's policies and protocols including but not limited to³:
 - Employment policies and procedures set out in the personnel code⁴;
 - Procurement Rules;
 - Financial Regulations; and
 - Land and Buildings.

Matters reserved to the Monitoring Officer:

- the functions of Monitoring Officer;
- the issue of (or response to) any statutory Notice or Order served under any enactment;
- the institution of any legal proceedings in relation to any criminal offence;
- enforcement action to be taken under any enactment;
- the institution of any legal proceedings for the recovery of possession of property and the recovery of debts;
- the defence or settlement (including costs) of any civil claims;
- the issue of any statutory consent or licence;
- the power to enter into any legal agreement that is required to be under seal;
- the affixing and attesting of the Common Seal;

³ Policies and protocols will be held electronically in a central repository

⁴ All appointments must only be made on the Lancashire Pay Spine (or other relevant nationally/locally determined grades) and all posts are subject to job evaluation

- the power to provide any indemnity on behalf of the Council;
- consult with and instruct counsel, and the procurement of any other external legal advice or representation;
- the authorisation of surveillance activities in accordance with the Regulation of Investigatory Powers Act 2000;
- the appointment and removal of company directors;
- the transfer of accountable body status to the County Council; and
- the authorisation of the payment of non-routine expenditure proposed by Council Champions
- the taking of action in accordance with any delegations from the Pension Fund Committee.

The Monitoring Officer may at any time agree in writing that any of the above functions can be undertaken by another officer where he/she considers that to be appropriate, but the officer cannot further delegate that function to another officer. Any such agreement made by the Monitoring Officer may at any time be rescinded.

Section A: Standing Orders - General and Introduction

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4	Principles of Decision Making	3

Interpretation and Definitions

1. (1) These Standing Orders are the rules which apply to the proceedings of committees and decision making at the council.
- (2) These Standing Orders have five Sections:
 - (a) General and Introduction (page 1);
 - (b) Full Council Procedural Standing Orders (page 5);
 - (c) Cabinet Procedural Standing Orders (page 23);
 - (d) Committee Procedural Standing Orders (page 39); and
 - (e) Overview and Scrutiny Procedural Standing Orders (page 45).
- (3) References in these Standing Orders to the Chairman of the Council, Leader of the Council or Chair of a Committee, include the appointed Vice-Chairman of the Council or Deputy (Deputies) or any other Member acting at a meeting in his/her absence.
- (4) These Standing Orders should be read in conjunction with the rest of the Council's constitution, including but not limited to:
 - (a) Terms of Reference;
 - (b) Schemes of Delegation;
 - (c) Procurement Rules (Contract Standing Orders) and Financial Regulations;
 - (d) Ethical Framework i.e. Code of Conduct, Development Control Good Practice; and
 - (e) Members' Allowance Scheme.
- (5) References in these Standing Orders to motions include reference to amendments where appropriate.
- (6) Unless specified, reference in these Standing Orders to a "member" of a committee shall refer to any member of a committee, including non-voting and co-opted members.
- (7) At a meeting the interpretation and application of these Standing Orders lies with the Chairman. The Monitoring Officer shall advise the Chairman as necessary and shall be responsible for ruling on the interpretation and

application of these Standing Orders in between meetings. The ruling of the Chairman or Monitoring Officer is final.

- (8) References in these Standing Orders to requirements to make submissions or requests in writing shall include e-mails, as long as the email is from the councillors' own Lancashire County Council provided e-mail account. When making submissions or requests using email, these should be sent to democratic.services@lancashire.gov.uk.
- (9) References in these Standing Orders to other relevant Standing Orders shall refer to the relevant paragraph in the same Section, unless otherwise stated.

Councillors' General Conduct at Meetings

2. All councillors shall:

- (a) respect the Chair at all times;
- (b) adhere to the Member's Code of Conduct when attending a meeting;
- (c) recognise and acknowledge that they are personally responsible for their own conduct and have a responsibility to secure and promote good conduct on the part of all Councillors and of their Political Group; and
- (d) exercise a reasonable degree of self-control in their conduct and behaviour at meetings and shall not make a personal attack on any other Councillor or Officer.

3. The Chair of a meeting shall:

- (a) act to maintain order, and may require a member acting in breach of the above to apologise;
- (b) at all times act impartially, fairly and honestly in upholding these Standing Orders and ensuring the smooth running of council meetings; and
- (c) explain rulings and decisions if invited to do so by a councillor in a meeting.

Principles of Decision Making

4. All decisions of the council, including Cabinet and Committees, will be

- (a) proportionate in all ways, including financially, to the issues under consideration and to the desired outcome;

- (b) based on appropriate consultation and professional officer advice;
- (c) In line with our duties around Human Rights and equality and diversity;
- (d) clear in terms of aims and outcomes;
- (e) in line with the legal test of reasonableness; and
- (f) made with all relevant information being available to the decision makers, and, where appropriate, other councillors and the public.

Section B - Full Council - Procedural Standing Orders

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Annual Meeting

1. The Annual Meeting of the Full Council shall, subject to Standing Order 4 below, be held:
 - (a) in the year of County Council elections within 3 weeks after the date of the election.
 - (b) in any other year on a day in May as the Full Council decides.

Ordinary Meetings

2. Subject to Standing Order 4, Ordinary meetings will take place in accordance with a programme decided by the Full Council.

Extraordinary Meetings

3. Those listed below may request the Chief Executive to call an Extraordinary Meeting:
 - (a) The Council by resolution.
 - (b) The Chairman of the Council.
 - (c) Any five members of the Council if they have signed a request presented to the Chairman and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the request.

Place and Time of Meetings

4.
 - (1) Meetings shall be held in County Hall, Preston, on a Thursday at 1.00 pm or at such other time as the Full Council may decide.
 - (2) The Chairman, in his discretion, may, in consultation with the Political groups represented on the Council, alter the time, date or place of the meeting.

Changes to Calendar of Meetings

5. A timetable of meetings will be approved annually by Full Council. Any alterations to the date, time and venue for a meeting and any additional meetings shall be approved by the Chairman in accordance with Standing Order 4(2). There will be a presumption against alterations once the annual timetable has been approved.

Allocation of Seats in the Council Chamber

6. Each seat in the Council Chamber shall be numbered and allocated to Councillors in accordance with
 - i. An overall allocation to each political group represented on the council (and to any individual councillors who are not members of a group) agreed by the Monitoring Officer
 - ii. the wishes of the Political Groups within those allocations

Political Groups must inform the Chairman of the Council of the allocation of seats, and any changes to those allocations, at least 48 hours before a meeting of the Full Council. Any changes made less than 48 hours before a meeting may only be requested in exceptional circumstances and must be agreed by the Chairman.

Attendance at Meetings

7. All Councillors present during the whole or part of a meeting shall have their attendance recorded.

Quorum

8. The quorum of a meeting shall be a quarter of the Full Council's membership at the time of the meeting. If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting and any remaining business shall stand adjourned to a time fixed by the Chairman or, if he/she does not fix a time, to the next ordinary meeting.

Chair of Meeting

9. At every meeting the Chairman, if present, shall preside. If the Chairman is absent, the Vice-Chairman, if present, shall preside. If both the Chairman and the Vice-Chairman are absent, the meeting shall elect a Chairman from one of its voting members for the duration of the meeting.

Chairman's Interpretation and Application of Standing Orders

10.
 - (1) The ruling of the Chairman at any meeting, as to the interpretation and application of any of these Standing Orders, or as to the proceedings of Full Council, shall be final.
 - (2) The Chairman may be invited to explain or reconsider a ruling by any voting member. Once this has been provided, the Chairman's ruling cannot be challenged further, other than by an order of the court.

Chairman Standing - Call to Order

11. If the Chairman so directs or stands, a Councillor speaking must immediately resume his/her seat and be silent.

Interruption by a County Councillor

12. (1) If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- (2) If the Councillor continues to behave improperly after such a motion is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

Interruption by a member of the public

13. If a member of the public interrupts the meeting the Chairman will warn the person concerned. If he/she continues to interrupt the Chairman will order his/her removal from the meeting room.

General Disturbance

14. If there is a general disturbance making orderly business impossible the Chairman may adjourn the meeting for as long as he/she thinks necessary.

Councillors Standing to Speak – Two Councillors Not to Remain Standing

15. When speaking, a Councillor must stand and address the meeting through the Chairman. If more than one Councillor stands the Chairman will ask one to speak and the others must sit. Other Councillors must remain seated whilst a Councillor is speaking unless they wish to make a point of order or a point of personal explanation. With the permission of the Chairman, this Standing Order shall not apply to any Councillor who is unable to stand or sit for whatever reason.

Explanation of Speech

16. A Councillor may make a personal explanation at any time with the permission of the Chairman. An explanation shall only relate to some material part of his/her earlier speech which may have been misunderstood. The ruling of the Chairman on the admissibility of a personal explanation shall be final and not open to discussion.

Point of Order

17. A Councillor may raise a point of order at any time in relation to an alleged breach of a Standing Order or law and shall be entitled to be heard immediately. The Councillor must specify the Standing Order or law and the way in which he or she considers it has been broken. The ruling of the Chairman on a point of order shall be final and not open to discussion.

Agenda and advice

18. (1) The Chief Executive shall issue an Agenda not less than five clear working days before a meeting.
- (2) Decisions shall be taken only after Full Council has considered any advice given by the Chief Executive, the Chief Financial officer, the Monitoring Officer and any other appropriate Executive Director or their nominated representatives.

Order of Business

19. (1) Subject to Standing Order 19(2) below, the Agenda shall be divided into Part A (Matters for Decision), Part B (Matters for Information) and Part C (Notices of Motion) and the order of business (other than at an Extraordinary Meeting or at the annual budget setting meeting) shall be:
- (a) to appoint a person to preside if the Chairman and Vice-Chairman are absent;
 - (b) Councillor Question Time (Standing Order 28 below);
 - (c) to confirm the Minutes of the last meeting of the Full Council;
 - (d) to deal with Reports of the Cabinet, Committees and Executive Directors, Directors and Heads of Service;
 - (e) to consider Notices of Motion in the order in which they have been set out in the agenda. The Chairman may alter the order in which they are discussed at the meeting; and
 - (f) other business, if any, specified in the Agenda.
- (2) The order of business falling under Standing Orders 19(1) (b) - (e) above may be varied by the Chairman at his/her discretion or by resolution which shall be moved and voted upon without debate.
- (3) The only business to be conducted at an Extraordinary Meeting of the Council shall be the business specified in the summons for the meeting.

- (4) Councillor Question Time and the consideration of Notices of Motion shall not form part of the agenda at the annual budget setting meeting.

Consideration by Full Council of Cabinet Proposals and Conflict Resolution

20. The Full Council will resolve any disputes between the Full Council and the Cabinet in setting the Policy and Planning Framework and the Budget in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).

Moving of Cabinet or Committee Recommendations

21. At a Full Council meeting the adoption of any recommendations of the Cabinet or a Committee shall be moved by a Cabinet Member or the Chairman of the Committee, or in their absence by another member of the Cabinet or the Committee.

Committee Reports to Full Council

22. The following Committees shall submit a report on decisions taken to the next ordinary meeting of Full Council. Each report shall be presented by the Chair of the relevant Committee:
- Conduct
 - Health and Wellbeing Board
 - Employment Committee
 - Lancashire Pension Fund Committee
 - Audit, Risk & Governance Committee
 - The Overview and Scrutiny Committees
 - Urgency Committee

Minutes

23. (1) The Minutes of each meeting shall be presented to the next Ordinary meeting of the Full Council. Where the next meeting is an Extraordinary Meeting, the minutes of the previous meeting shall not be presented, but shall instead be presented to the next Ordinary meeting.
- (2) The Chairman shall put the question that the Minutes of the previous meeting be approved as a correct record. No discussion shall take place about the Minutes, except about their accuracy. If no question is raised, or when a question about the accuracy of the Minutes has been raised and dealt with, the Chairman shall sign the Minutes as a true and correct record.
- (3) A record of each decision taken by the Full Council shall be available for public inspection at County Hall and on the Council's website as soon as reasonably practicable.

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Owner - Democratic Services)**

Suspension of Standing Orders

24. (1) The Full Council's Procedural Standing Orders, except those detailed at Standing Order 24(2), may be suspended by motion with or without notice if at least one half of the whole number of members of the Full Council are present and vote. Suspension can only be for the duration of the meeting.
- (2) (a) Standing Order 45(2) below, (Matters decided by a simple majority of Councillors voting and present);
- (b) Standing Order 45(5) below, (Request by a Councillor that his/her vote be recorded);
- (c) Standing Order 45(6) below, (Chair to have a casting vote);
- (d) Standing Order 23(1) above, (Minutes to be signed at the next ordinary meeting if the next actual meeting is an extraordinary meeting);

Exclusion of Press and Public

25. (1) The Full Council may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.
- (2) If any question arises at a meeting of the Full Council as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the Full Council has decided whether or not the power of exclusion of the public under the relevant statutory power shall be exercised.
- (3) The business which is the subject of a resolution under Standing Orders 25(1) or 25(2) above shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

Procedure for dealing with matters of Urgent Business which cannot await a meeting of the Full Council

26. (1) The Chief Executive, the Monitoring Officer and each Executive Director may deal with matters of urgency which cannot await a meeting of the Full Council or the Urgency Committee of the Full Council, following

consultation with the Chair and Deputy Chair of the Urgency Committee. The other political group spokespersons on the Urgency Committee should be informed of matters of urgency as soon as practicable after the decision has been made. In the event that a political group is not represented on the Urgency Committee, the Leader of that Group shall, subject to the Council's Access to Information Procedure Rules, be informed of the decision taken.

- (2) The provisions at Standing Order 26(1) above shall be suspended in the period beginning with the fourth day after the County Council Elections and ending on the date of the first Annual Meeting of the new Council. During that period, the Chief Executive may deal with matters of urgency which cannot await a meeting of Full Council where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.
- (3) The Chief Executive shall only exercise the powers at Standing Order 26(2) above following consultation with the Leader (or in his/her absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leader (or in his/her absence the Deputy Leader) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as he/she considers appropriate.

Procedure for dealing with matters of Urgent Business at meetings

27. An item of business not included on an Agenda shall only be considered where, by reason of special circumstances which shall be specified in the Minutes, the Chairman of the County Council is of the opinion that the item should be considered at the meeting as a matter of urgency.

Councillor Question Time

28. (1) Subject to the provisions of this Standing Order, a Councillor may ask a question at Full Council about any matter relating to the Council's powers and duties; or which affects the Council's administrative area or its residents; or which affects an organisation on which the Council is represented by a Councillor appointed or nominated by it.
- (2) A Councillor may ask only one question at a meeting, although he/she may also ask one related supplementary question.
- (3) Subject to Standing Order 28(4) below, a question under this Standing Order must be submitted in writing to the Head of Legal and Democratic Services by no later than 12 noon seven clear working days before the Council meeting. For example, if the meeting is on a Thursday, the

question must be received in writing by 12 noon on the Monday of the preceding week.

- (4) The time limit set out in Standing Order 28(3) above may be waived to allow a Councillor to ask a question on any matter as described therein, where the Chairman and the Monitoring Officer are satisfied that the circumstances giving rise to the question have arisen after the date specified and that the matter is of genuine urgency, and provided that the question is received in writing by 12 noon on the day before the Council meeting.
- (5) Questions asked under Standing Order 28(4) above shall not be subject to the time limit at each Council meeting for questions from Councillors, specified in Standing Order 28(12) below.
- (6) Questions shall be asked in the order received and included on the Council agenda by the Head of Legal and Democratic Services, but the order can be varied in exceptional circumstances by the Chairman with the consent of the Council.
- (7) The Councillor shall ask the question him/herself. If the Councillor is not present at the meeting when the Chairman invites him/her to ask the question, the question shall not be asked and shall receive a written reply. Any such written reply will be circulated to all Councillors.
- (8) The Councillor shall ask the question, as set out in the agenda, without making an introductory or explanatory speech.
- (9) Any such question may, at the invitation of the Chairman, be answered by the following as appropriate:
 - (a) the Leader or a Cabinet/Lead Member;
 - (b) another Councillor nominated by the Leader or Cabinet/Lead Member.
- (10) There shall also be a time limit of five minutes for each answer given orally to a question from a Councillor.
- (11) Once the question has been answered the councillor asking the original question may ask a supplementary question on the same topic without making an introductory or explanatory speech.
- (12) The time limit at each Council meeting for questions from Councillors under Standing Order 28 is thirty minutes but this can be extended for a short period at the Chairman's discretion.
- (13) If questions are not answered within the time limit set out in Standing

Order 28(12) above, the Head of Legal and Democratic Services will arrange for the Councillor who submitted the question to receive a written reply. Any such written reply will be circulated to all Councillors.

Councillor Questions on Cabinet and Committee Reports

- 29.** In relation to a report which appears on an agenda, any Councillor may ask the relevant Cabinet Member or Committee Chair questions on that Report. Where practicable, the Councillor should give notice to the Chief Executive of his/her intention to refer to that matter.

Motions and Amendments

(In this section, all references to Motions refer equally to Amendments unless otherwise specified)

Scope of Motions

- 30.** Motions must be:
- (a) about matters for which the Council has a responsibility or which directly affect the Council's area.
 - (b) concise, clear and to the point
 - (c) positive, that is require the Council to adopt a course of action

Motions which may be Moved without Notice

- 31.** The following Motions may be moved without Notice:
- (a) appointment of a Chairman of the meeting at which the Motion is made;
 - (b) relating to the accuracy of the Minutes;
 - (c) that an item of business specified in the Agenda shall have precedence;
 - (d) to adopt recommendations of the Cabinet, a Committee or an Executive Director submitted to the Full Council for decision;
 - (e) to refer back a recommendation of a Committee, the Cabinet or an Executive Director;
 - (f) that a Motion be withdrawn or amended;
 - (g) any of the matters referred to in Standing Order 24 (Suspension of Standing Orders), Standing Orders 45(4) and 45(5) (Voting) or Standing Order 44(1) (Closure of debate);

- (h) to exclude the public and press in accordance with the Access to Information Rules; and
 - (i) that a Councillor be suspended from the meeting Standing Orders 12(1) and (2) above - Interruption by a County Councillor);
- 32.** If any Councillor wishes to move a Motion under this paragraph he/she must first specify the Motion, and in the case of a Motion under Standing Order 31.1 (f) above, shall immediately after speaking hand the Motion in writing to the Chief Executive.

Motions which cannot be Moved

- 33.** The following motions shall not be accepted by the Chief Executive:
- (a) any Motion which seeks to rescind any resolution or decision which has been passed at a meeting of the Full Council held within the preceding 12 months.
 - (b) any Motion which has been voted upon, but not carried within 6 months of the date of the meeting of the Full Council at which it, or one to the same effect, was voted upon.
 - (c) any Motion which would require the Council to act in breach of its own Constitution or legislation
 - (d) any Motion which requires the Council to act in a way that is beyond its powers and responsibilities.
 - (e) is vague and ambiguous.
 - (f) merely expresses an opinion and does not require the Council to adopt a course of action.
 - (g) any Motion which has been withdrawn at the request of the mover or which has failed for not being moved within the last 6 months.

Withdrawal of Motion which is before the Council

- 34.** A Notice of Motion will be regarded as withdrawn if:
- (a) prior to the Council meeting, an indication to this effect is given in writing to the Chief Executive by the Member who submitted the Notice, or
 - (b) at the Council meeting, oral notice to this effect is given by the Member who submitted the Notice before the Motion is moved, or

- (c) the Notice of Motion is not moved and seconded at the meeting of Council.

Once moved, a Motion may only be withdrawn with the consent of the meeting. If the mover requests their Motion be withdrawn, the request shall be voted on immediately, with no debate.

Motions not dealt with

- 35. Any Motion which has not been disposed of at any Full Council meeting shall be dealt with at the next meeting of the Full Council unless withdrawn by the original mover.

Submission of Notice of Motion in Writing and Ruling of the Chief Executive

- 36. (1) Notice of every Motion, other than a Motion referred in Standing Order 31 above, shall be given in writing, signed by the Councillor(s) giving the Notice, and delivered to the Chief Executive no later than 12 noon at least seven clear working days before the meeting of the Full Council. For example, if the meeting is on a Thursday, the question must be received in writing by 12 noon on the Monday of the preceding week.
- (2) The Chief Executive will consider the Notice of Motion submitted in accordance with Standing Order 36(1) above and, subject to Standing Order 36(3) below, include the Motion in the agenda in the order in which they have been received. The Chairman may alter the order in which they are discussed at the meeting.
- (3) The Chairman may on the advice of the Chief Executive rule that a Notice of Motion is out of order.
- (4) If a Notice of Motion is ruled out of order the Councillor who gave the notice shall be notified by the Chief Executive and the Notice shall be brought to the attention of Full Council.
- (5) Any Notice of Motion which is received after the specified time at Standing Order 36(1) above, may only be considered if the Chairman of the meeting agrees by reason of special circumstances which shall be specified in the Minutes.
- (6) A councillor may only submit one Notice of Motion per meeting.
- (7) A maximum of four Notices of Motion may be permitted per meeting. Additional motions submitted above this number will not be accepted, and will not automatically be dealt with at the next meeting.

Speaking on Motions

**(Approved and last updated, 23 February 2023
Owner - Democratic Services)**

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- 37.** (1) Councillors may only speak on a matter which appears in the Agenda or in respect of a matter at meetings of the Full Council on which a Notice of Motion has been properly registered.
- (2) No Councillor shall speak more than once on each Motion, except:
- (a) to speak once on an Amendment moved by another Member;
 - (b) if the motion has been amended since he/she last spoke, to move a further Amendment;
 - (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
 - (d) in exercise of a right of reply;
 - (e) on a point of order referring to the specific Procedure Rule;
 - (f) by way of personal explanation of any material statement made by him/her which he/she believes to have been misunderstood; or
 - (g) to move one of the motions specified in Standing Orders 10(2), 24 and 44 when the procedure in those paragraphs shall be followed.
- (3) When a Councillor speaks, he/she must confine his/her remarks strictly to the Motion then under discussion.
- (4) A councillor may, during his or her speech, move an amendment to a motion, subject to Standing Orders 39 and 40 below. Moving an amendment is considered to constitute a speech.
- (5) No Councillor may speak on a Motion after the mover has indicated that he/she wishes to withdraw the Motion in accordance with Standing Order 34 above.

Length of speeches and debates

- 38.** (1) No speech at Full Council shall exceed 5 minutes except:
- (a) When moving a report
 - (b) When the Cabinet Member with responsibility for Finance presents his or her budget

- (c) When Opposition Group Spokespersons present their budget proposals.
 - (d) When making any speech, other than to move the original motion, on a Notice of Motion, including moving an amendment, when no speech shall exceed 3 minutes
- (2) Where the length of a speech is subject to a time limit, the councillor speaking shall receive notification of one minute remaining before he/she has to finish speaking.
- (3) The following will apply to the debate on Motions of which notice has been given under Standing Order 36(1) above or Notices of Motion accepted by the Chairman, under Standing Order 36(5) above, as an urgent item of business:
 - (a) there will be a maximum time limit of 30 minutes per motion and any amendments thereto;
 - (b) the maximum length of time for the consideration of all such motions at a meeting will be 120 minutes;
 - (c) the Chairman may extend the limits at 38 (3) (a) and (b) above in a particular case.
- (4) All timings of speeches are at the discretion of the Chairman and his/her decision is final.

Moving and Seconding of Motions

- 39.** (1) Every Motion must be moved and seconded before any debate can take place.
- (2) Only one Amendment may be moved and discussed at any one time. No further Amendment may be moved until the Amendment under discussion has been disposed of.
- (3) An Amendment must be relevant to the Motion and shall either be:
- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out a word or words;
 - (c) to leave out a word or words and insert or add others, or to insert a word or words.

as long as the effect of leaving out and/or inserting a word or words does not amount to a direct contradiction of, or have the same effect as voting against, the motion.

- (4) The following amendments will not be accepted – those that
- (a) propose such a substantial alteration of the motion as to make it a new motion
 - (b) are vague, vexatious or obstructive so as to impede the proper transaction of council business
 - (c) are irrelevant, bearing no relation to the original motion
 - (d) introduce a new topic
- (5) Any Councillor may second a Motion, reserving his/her speech for a later period of the debate.

Amendment Carried to Become Substantive Motion

40. (1) If an Amendment is carried, the Motion, as amended, takes the place of the original Motion and becomes the substantive Motion. The mover of the Amendment has the right to reply in accordance with Standing Order 43(1) and (2) below.
- (2) After an amendment has been carried, the Chairman will read out the amended Motion before accepting any further amendments.

Subsequent Amendments

41. If the first Amendment is lost, then subsequent Amendments may be moved to the original Motion.

Friendly Amendments

42. The mover of a Motion may amend or accept an Amendment without debate or vote. The amended Motion automatically becomes the substantive Motion, and the mover of the original motion retains the right to reply in accordance with Standing Order 43(1) and (2) below.

Right of Reply

43. (1) The mover of a Motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.
- (2) If an Amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the Amendment but may not otherwise speak on it.

- (3) The mover of the Amendment has no right of reply to the debate on his or her Amendment.

Closure of Debate

44. (1) A Councillor may move without comment the following procedural motions at the end of a speech of another Councillor:
 - (a) "That the question be now put";
 - (b) "That the Full Council proceed to the next business";
 - (c) "That the debate be adjourned";
 - (d) "That the Full Council adjourn";
- (2) If a motion that the question be now put is seconded and the Chairman considers the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting the motion to the vote.
- (3) If a motion to proceed to the next business is seconded and the Chairman considers the item has been sufficiently discussed, he/she give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (4) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

Voting

45. (1) Votes shall be by show of hands or by affirmation of the meeting.
- (2) Subject to Standing Order 45(3) below, any matter will be decided by a simple majority of Councillors (and Co-opted members) entitled to vote and present in the room at the time the question was put.
- (3) At a Full Council meeting Councillors must be in their designated seats for their vote to be counted.
- (4) Any six Councillors may request a named vote and shall signify their wish for a named vote by rising in their places. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.

- (5) Immediately after a vote is taken any Councillor may request that it is recorded in the Minutes of that meeting how he/she voted, or abstained from voting.
- (6) The Chairman shall have, in case of equality of votes, a second or casting vote.
- (7) In accordance with the Local Government (Standing Orders) (England) (Amendment) Regulations 2014 there must be a recorded vote on decisions taken at the Budget meeting of the Council, or at any meeting where making the calculation or issuing the precept is included as an item of business. Immediately after any vote is taken there must be recorded in the minutes the names of the Councillors who cast a vote for or against the decision or who abstained from voting.

Section C – Cabinet and Cabinet Committee - Procedural Standing Orders

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Calendar of meetings

1. Subject to Standing Order 3 below, meetings of the Cabinet will take place in accordance with a programme decided annually by the Full Council.

Extraordinary Meetings

2. The Leader of the Council may request the Chief Executive to call an Extraordinary Meeting of Cabinet.

Place and Time of Meetings and Agenda

3. (1) Meetings shall be held in County Hall, Preston, on a Thursday at 2 pm or at such other time as the Cabinet may decide.
(2) The Leader of the Council, at his or her discretion, may alter the time, date or place of the meeting.
(3) The Chief Executive shall issue an agenda not less than five clear working days before a meeting.

Attendance at Meetings

4. All Councillors present during the whole or part of a meeting of Cabinet shall have their attendance recorded.

Chair of Meeting

5. At every meeting the Leader of the Council, if present shall act as Chair and shall preside. If the Leader is absent, the Deputy Leader, if present, shall preside. If both the Leader and the Deputy Leader are absent, the Cabinet shall elect a Chair from one of its members for the duration of the meeting.

Chair's Interpretation and Application of Standing Orders

6. (1) The ruling of the Chair at any meeting, as to the interpretation and application of any of these Standing Orders, or as to the proceedings of Cabinet, shall be final.
(2) The Chair may be invited to explain or reconsider a ruling by any voting member. Once this has been provided, the Chair's ruling cannot be challenged further, other than by an order of the court.

Chair Standing - Call to Order

7. If the Chair so directs or stands, a Councillor speaking must immediately be silent.

Interruption by a County Councillor

8. (1) If a Councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Councillor be not heard further. If seconded, the motion will be voted on without discussion.
- (2) If the Councillor continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

Interruption by a member of the public

9. If a member of the public interrupts the meeting the Chair will warn the person concerned. If he/she continues to interrupt the Chair will order his/her removal from the meeting room.

General Disturbance

10. If there is a general disturbance making orderly business impossible the Chair may adjourn the meeting for as long as he/she thinks necessary.

Minutes

11. (1) The Chair will sign the minutes of the proceedings at the next suitable meeting to confirm that they are a correct record. The minutes of a meeting shall not be discussed other than in relation to their accuracy.
- (2) Where the next Cabinet meeting is an Extraordinary Meeting the minutes shall be signed at the next Ordinary meeting.
- (3) A record of each decision taken by the Cabinet shall be published in accordance with Standing Order 30.

Quorum

12. The quorum at a meeting of the Cabinet or a Cabinet Committee shall be two voting Councillors at the time of the meeting. If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting and any remaining business shall stand adjourned to a time fixed by the Chair or, if he/she does not fix a time, to the next ordinary meeting.

Cabinet Committee Membership and Voting Rights

13. Committees of the Cabinet shall comprise members of the Cabinet and such other County Councillors and co-opted members as the Leader shall decide. Only Cabinet Members may vote.

Attendance at Meetings

14. (1) Lead Members may, in the absence of the relevant Cabinet Member, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote.
- (2) The Leader and Deputy Leader of the main opposition group may, as of right, attend meetings of the Cabinet and participate fully in discussion on all agenda items, but cannot vote.
- (3) Meetings of the Cabinet and any Committees of the Cabinet shall have in attendance the Chief Executive, the Chief Financial Officer, the Monitoring Officer and other relevant Executive Directors in the light of items to be discussed, or their nominated representatives.
- (4) Subject to Standing Order 14 (1) and (2) above and to the provisions of the councillor's Code of Conduct and the Council's Access to Information Rules, any councillor may attend a meeting of the Cabinet to:
- i. Ask a question of Cabinet in accordance with Standing Order 35 below; or
 - ii. Observe the meeting. Observers shall not be entitled to speak.

Following the allocated time for Questions for Cabinet, any councillor attending a meeting of the Cabinet to ask a question shall become an observer and shall not be entitled to speak, as set out at ii above.

Exclusion of Press and Public

15. (1) The Cabinet may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.
- (2) If any question arises at a meeting of the, Cabinet or Cabinet Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the Cabinet or Cabinet Committee, as the case may be, has decided

whether or not the power of exclusion of the public under the relevant statutory power shall be exercised.

- (3) The business which is the subject of a resolution under Standing Orders 15(1) or 15(2) above shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

Procedure for dealing with matters of Urgent Business

16. (1) The Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet member may deal with matters of urgency which cannot await a meeting of the Cabinet.
- (2) During the period beginning with the fourth day after the County Council Elections and ending on the date of the first Annual Meeting of the new Council, the Chief Executive may deal with matters of urgency which cannot await a meeting of the Cabinet where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.
- (3) The Chief Executive shall only exercise the powers at Standing Order 16(2) above following consultation with the Leader (or in his/her absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leader (or in his/her absence the Deputy Leader) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as he/she considers appropriate.

Procedure for dealing with matters of Urgent Business at meetings

17. An item of business not included on an Agenda shall only be considered where, by reason of special circumstances which shall be specified in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Executive Meetings held in public

18. (1) All decision-making meetings of the Cabinet or of any Committee of the Cabinet shall be held in public.
- (2) Standing Order 18(1) above does not apply if there would be a disclosure of exempt or confidential information.
- (3) If the Cabinet or any committee of the Cabinet wish to hold a meeting or part of a meeting in private, it must, at least 28 clear days before a private

meeting, make available at County Hall, Preston, a notice of its intention to hold the meeting in private, and publish that notice on the Council's website.

- (4) A notice under Standing Order 18(3) above must include a statement of the reasons for the meeting to be held in private.
- (5) At least five clear working days before a private meeting, the Cabinet or Cabinet Committee must make available at County Hall, Preston, a further notice of its intention to hold the meeting in private, and publish that notice on the Council's website.
- (6) A notice under Standing Order 18(5) above must include:
 - (a) a statement of the reasons for the meeting to be held in private;
 - (b) details of any representations received by the Cabinet or Cabinet Committee about why the meeting should be open to the public; and
 - (c) a statement of its response to any such representations.
- (7) Where the date by which a meeting must be held makes compliance with Standing Orders 18(3) above impracticable, the meeting may only be held in private where the Cabinet or Cabinet Committee has obtained agreement from:
 - (a) the Chair of the relevant Overview and Scrutiny Committee; or
 - (b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the County Council; or
 - (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the County Council, the vice-chairman of the County Council,that the meeting is urgent and cannot reasonably be deferred.
- (8) As soon as reasonably practicable after the Cabinet or Cabinet Committee has obtained agreement under Standing Order 18(7) above to hold a private meeting, it must make available at County Hall, Preston a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and publish that notice on the Council's website.

Consideration of Key Decisions

19. (1) A key decision means an executive decision which is likely:
- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function which the decision relates; or
 - (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the council.

For the purposes of paragraph (1) (a), the threshold for "significant" is £2 million.

- (2) Where a decision maker intends to make a key decision, that decision must not be made until a document has been published in accordance with Standing Order 19(3) below, which states:
- (a) that a key decision is to be made;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision maker; and
 - (h) the procedure for requesting details of those documents (if any) as they become available.
- (3) At least 28 clear days before a key decision is made, the document referred to in Standing Order 19(2) above must be made available for inspection by the public at County Hall and on the Council's website and

intranet.

- (4) Where, in relation to any matter including exempt or confidential information the document referred to in Standing Order 19(3) above must contain particulars of the matter but may not contain any confidential or exempt information.
- (5) At least 5 clear working days before a key decision is made, the relevant report in respect of the decision to be made must be made publicly available.

General Exception to the Publication of the Intention to make a Key Decision

- 20.** (1) Where the publication of the intention to make a key decision in accordance with Standing Order 19(3) above is impracticable and the matter would be a key decision, that decision shall only be made:
- (a) where the Chief Executive has informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
 - (b) where the Chief Executive has made available at County Hall, Preston for inspection by the public and published on the council's website a copy of the notice given under Standing Order 20(1)(a) above; and
 - (c) after five clear working days have elapsed following the day on which the Chief Executive made available the notice referred to in Standing Order 20(1)(b) above.
- (2) As soon as reasonably practicable after the Chief Executive has complied with Standing Order 20(1) above, he or she must make available at County Hall, Preston a notice setting out the reasons why compliance with Standing Order 19(3) above is impracticable; and publish that notice on the council's website.

Urgent Key Decisions

- 21.** (1) Where the date by which a key decision must be made makes compliance with Standing Order 19(5) above impracticable, the decision shall only be made where the decision maker has via the Chief Executive obtained agreement from:
- (a) the Chair of the relevant Overview and Scrutiny Committee;
or

- (b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the County Council; or
- (c) where there is no Chair of either the relevant Overview and Scrutiny Committee or of the County Council, the Deputy Chair of the County Council,

that the making of the decision is urgent and cannot reasonably be deferred.

- (2) As soon as reasonably practicable after the Chief Executive has complied with Standing Order 21(1) above, he or she must make available at County Hall, Preston a notice setting out the reasons why compliance with Standing Order 19(3) above is impracticable; and publish that notice on the council's website.

Report of Urgent Key Decisions to Full Council

- 22.** The Leader shall submit, or ensure the submission of, a report to each Full Council containing details of each key decision taken in the period since the last Full Council and agreed as urgent. The report shall include particulars of each such key decision and a summary of the matters in respect of which each decision was made.

Urgent Determinations outside Budget or Policy Framework

- 23.** (1) Any proposed determination of a matter in the discharge of a function of the Cabinet collectively, a member of the Cabinet, or a Committee of the Cabinet which is contrary to the Budget or Policy Framework set by the Full Council may only be taken in exceptional circumstances where:
 - (a) the decision may reasonably be regarded as urgent and is designated as urgent by the relevant decision taker and
 - (b) the relevant decision taker has obtained a statement in writing that the determination needs to be made as a matter of urgency from the Chair of the relevant Overview and Scrutiny Committee or, in his/her absence, the Chairman of the County Council, or in his/her absence, the Vice-Chairman and, in the case of a proposed decision outside the Budget set by the Full Council, also from the Cabinet Member for with responsibility for Resources, or in his/her absence, the Leader of the Council.
- (2) Urgent determinations taken under Standing Order 23(1) above must be reported to the next available meeting of the Full Council giving details

of the emergency or other circumstances in which it was made and the reasons for the determination.

- (3) Notwithstanding Standing Orders 23(1) and 23(2) above, the Cabinet may make additions and amendments to the approved Capital Programme provided that a source of finance, other than borrowing, has been identified and the revenue consequences can be contained within existing budgetary provision.

Disputes as to Decisions outside Budget or Policy Framework

24. (1) In the event of disagreement or doubt as to whether a proposed decision is outside the Budget, this will be determined by the Chief Financial Officer who shall consult as necessary with the Monitoring Officer and all relevant Executive Directors.
- (2) In the event of disagreement or doubt as to whether a proposed decision is outside the Policy Framework, this will be determined by the Monitoring Officer who shall consult with all relevant Executive Directors.

Report to Full Council where Key Decision Procedure is not followed

25. Where a decision which was not treated as being a key decision has been made and the Scrutiny Management Board is of the opinion that the decision should have been treated as a key decision, the Scrutiny Management Board may require the Cabinet to submit a report to the Full Council, within such reasonable period as the Committee may specify. The report shall include the following details:
 - (a) the decision and the reasons for the decision;
 - (b) the decision making body by which, or the individual by whom, the decision was made; and
 - (c) if the Cabinet is of the opinion that the decision was not a key decision, the reasons for that opinion.

Notification of Cabinet Functions Allocated by the Leader and Cabinet

26. The allocation of Cabinet functions shall be included in the Scheme of Delegation to Cabinet Members and the Scheme of Delegation to Officers. Amendments to these schemes and the delegation of functions to Committees of the Cabinet shall be reported to the Full Council at its next meeting and will be included in the Constitution.

Advice When Taking Decisions

27. Decisions (including decisions taken under Standing Orders 20, 21 and 23) above shall be taken only after the decision taker has considered any advice given by the Chief Executive, the Chief Financial officer, the Monitoring Officer and any other appropriate Executive Director or their nominated representatives.

Taking Effect of Executive Decisions

28. (1) Subject to Standing Order 28(3) and 29 below, any urgent decisions taken by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member (including decisions taken under Standing Orders 20, 21 and 23) above, shall not take effect unless and until formally recorded in a form approved by the Chief Executive, and signed by the relevant decision takers and the Chief Executive or the appropriate Executive Director or his/her nominated representative as to the appropriateness of the record.
- (2) Subject to Standing Orders 28(3) and 29 below, decisions taken by Cabinet collectively (including decisions taken under Standing Orders 20, 21 and 23) above, shall be recorded in the minutes of the meeting and shall take immediate effect and a record of the decision taken published in accordance with Standing Order 30 below.
- (3) Decisions may be implemented on the expiry of three working days after the publication of a decision taken by Cabinet collectively or following the publication of an urgent decision taken by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member, unless a meeting of the Scrutiny Management Board is called in accordance with and for the purpose of Standing Order E1 below. In such cases, no action can be taken to implement the decision until the Committee has met and if necessary, the decision taker has responded in accordance with the process set out in Standing Order E2(11) below to any request for the decision to be reconsidered.

Decisions requiring urgent implementation

29. The Cabinet, a member of the Cabinet, a Committee of the Cabinet or an officer, may designate a decision as urgent if it is required to be acted upon urgently because any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities. In such cases a decision can be implemented immediately without waiting for three working days under Standing Order 28(3) above. The designation and the reasons for it shall be recorded as part of the decision. Where a decision is designated as urgent under this Standing Order, the Scrutiny Management Board shall not

be entitled to exercise its functions under Section 21(3)(a) or (b) of the Local Government Act, 2000, (call-in) in relation to that decision.

Recording and Publication of Executive Decisions

- 30.** (1) For the purposes of this Standing Order, the Proper Officer shall be the Chief Executive.
- (2) As soon as is reasonably practicable after an Executive decision has been made, the Proper Officer or a nominated representative, shall produce a written record in respect of that decision and which shall include the information specified in Standing Order 30(3) below. As soon as the record has been produced it shall be made available for inspection at County Hall and on the Council's website and Intranet.
- (3) The information to be contained in the written records referred to in Standing Order 30(2) above shall include:
- (a) details of the decision and the reasons for the decision;
 - (b) details of any alternative options considered and rejected;
 - (c) details of any conflict of interest declared by:
 - i. any member of the meeting taking the decision; or
 - ii. any member of the Cabinet who is consulted by the Leader (or in his/her absence the Deputy Leader) and the relevant Cabinet Member taking an urgent decision, or
 - iii. an officer taking the decision under delegated authority
- together with details of any dispensation granted.

Overview and Scrutiny

- 31.** The above Standing Orders (18 to 30) should be read in conjunction with those relating to Overview and Scrutiny in Section E below.

Length of Speech

- 32.** Members of the Cabinet and the opposition Leader and Deputy Leader may, at the discretion of the Chair, speak as often and for as long as the Chair allows.

Moving of Reports at Cabinet meetings

- 33.** (1) Only a Cabinet Member may move the recommendations contained in a report at a Cabinet meeting. In doing so, Cabinet may make amendments to the published recommendations.

- (2) Amendments to published recommendations must be relevant to the subject of the report.
- (3) Recommendations moved at Cabinet do not need to be seconded.

Voting

- 34.** (1) Only Cabinet Members may vote at Cabinet meetings.
- (2) Votes shall be by show of hands or by affirmation of the meeting.
 - (3) Subject to Standing Order 33(3) below, any matter will be decided by a simple majority of Cabinet Members present in the room at the time the question was put.
 - (4) Any six Cabinet Members may request a named vote and shall signify their wish for a named vote by a show of hands. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.
 - (5) Immediately after a vote is taken any Cabinet Member may request that it is recorded in the Minutes of that meeting how he/she voted, or abstained from voting.
 - (6) The Chair of a meeting shall have, in case of equality of votes, a second or casting vote.

Questions for Cabinet

- 35.** (1) At each meeting of the Cabinet there shall be up to 30 minutes set aside for questions for Cabinet Members.
- (2) A County Councillor or any person who lives or works in the county, or is affected by the work of the County Council, may ask the Leader of the Council or a Cabinet Member a written question on any matter which relates to any item on the Cabinet agenda for that meeting.
 - (3) Each County Councillor or member of the public may only submit one question per meeting.
 - (4) A written copy of the question must have been delivered to the Democratic Services team by 12 midday pm two clear working days before the date of the meeting, specifying the full question and the agenda item to which it relates.
 - (5) Questions may be ruled out of order by the Monitoring Officer if they are considered to be:

- i. Not related to an item on the Agenda;
 - ii. Defamatory, frivolous, vexatious or offensive;
 - iii. Substantially the same as a question that has been asked and answered by the Cabinet or Council in the past six months;
 - iv. Related to a matter due to be determined by the Development Control or Regulatory Committees
 - v. Requiring the disclosure of confidential or exempt information
- (6) A question from a member of the public will receive a written reply. The question and answer will be published within 5 working days following the date of the Cabinet meeting.
 - (7) County Councillors may attend the meeting of Cabinet in person and ask the question they have submitted. Questions will be taken in the order in which they were submitted
 - (8) Once a question has been asked, the Cabinet member will provide an oral response. The original questioner may ask a supplementary question on the same topic. The Cabinet member will provide an oral response.
 - (9) At the end of the 30 minutes, any questions which have not been asked orally will be treated as written questions and receive a written answer.
 - (10) Any question submitted by a County Councillor where the County Councillor has not attended Cabinet in person shall be treated as a written question and receive a written answer.
 - (11) Any question about a Part II item on the agenda will be treated as a written question and receive a written answer. It cannot be asked in person at the meeting.
 - (12) All written questions and answers shall be published within 5 working days following the date of the Cabinet meeting.
 - (13) In the meeting, the Chairman's ruling on questions and answers shall be final.
 - (14) An urgent written question may be asked by a County Councillor about any item on the Cabinet agenda for that meeting, which the Chair considers could not have been reasonably submitted by the deadline for

the receipt of written questions, provided that they give notice of the question to Democratic Services by 12 noon the day before the meeting.



Section D - Committees of the Full Council – Procedural Standing Orders

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**(Approved and last updated, 13 December 2018
Owner - Democratic Services)**



Ordinary Meetings

1. (1) Ordinary meetings of all Committees will take place in County Hall, Preston, in accordance with a programme decided annually by the Full Council.
- (2) The Chair of a Committee, or the Committee by resolution, may alter the time, date or place of a meeting.

Extraordinary Meetings

2. The Chair of a Committee, or the Committee by resolution, may request the Chief Executive to call an Extraordinary Meeting of the Committee.

Agenda

3. The Chief Executive shall issue an Agenda not less than five clear working days before a meeting.

Minutes

4. (1) The Chair will sign the minutes of the proceedings at the next suitable meeting to confirm that they are a correct record. The minutes of a meeting shall not be discussed other than in relation to their accuracy.
- (2) Where the next Committee meeting is an Extraordinary Meeting the minutes shall be signed at the next Ordinary meeting.
- (3) A record of each decision taken by Committees shall be available for public inspection at County Hall and on the Council's website as soon as reasonably practicable.

Chair of Meeting

5. Ordinarily the Chair and Deputy Chair shall be appointed by the Full Council annually. At every meeting Chair, if present, shall preside. If the Chair is absent, the Deputy Chair, if present, shall preside. If both the Chair and the Deputy Chair are absent, the Committee shall elect a Chair from one of its members for the duration of the meeting.

Chair's Interpretation and Application of Standing Orders

6. (1) The ruling of the Chair at any meeting, as to the interpretation and application of any of these Standing Orders, or as to the proceedings of the Committee, shall be final.

- (2) The Chair may be invited to explain or reconsider a ruling by any voting member. Once this has been provided, the Chair's ruling cannot be challenged further, other than by an order of the court.

Chair Standing - Call to Order

7. If the Chair so directs or stands, a Councillor speaking must immediately be silent.

Interruption by a County Councillor or Co-opted member

8. (1) If a Councillor or a co-opted member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Councillor or Co-opted member be not heard further. If seconded, the motion will be voted on without discussion.
- (2) If the Councillor or Co-opted member continues to behave improperly after such a motion is carried, the Chair may move that either the Councillor or Co-opted member leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

Interruption by a member of the public

9. If a member of the public interrupts the meeting the Chair will warn the person concerned. If he/she continues to interrupt the Chair will order his/her removal from the meeting room.

General Disturbance

10. If there is a general disturbance making orderly business impossible the Chair may adjourn the meeting for as long as he/she thinks necessary.

Quorum

11. The quorum of a meeting shall be a quarter of the whole number of voting members of the Committee. If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting shall stand adjourned to a time fixed by the Chair or, if he/she does not fix a time, to the next ordinary meeting.

Committee Vacancies and Membership Changes

12. If a vacancy occurs on a Committee, it may be filled by the appointment of a Councillor who has been nominated in writing to the Monitoring Officer by the appropriate Political Group Officer. A Councillor will not be able to take part in a Committee meeting or vote until the nomination has been received.

**(Approved and last updated, 13 December 2018
Owner - Democratic Services)**

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Attendance at Meetings

13. (1) Subject to Standing Order 13(2) below, and to the provisions of the Councillors' Code of Conduct, and the Council's Access to Information Rules, a Councillor may attend as an observer a meeting of any Committee of which they are not a member. They may not speak without the consent of the Committee, or in any case vote.
- (2) Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee but shall be entitled to attend any part of a meeting of those Committees in accordance with Standing Order 13(1) above where a matter affecting their electoral division is under discussion.
- (3) Meetings of Committees shall have in attendance the relevant Executive Directors or their nominated representatives, in light of the items to be discussed.

Exclusion of Press and Public

14. (1) A Committee may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.
- (2) If any question arises at a meeting of any Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the Committee has decided whether or not the power of exclusion of the public under the relevant statutory power shall be exercised.
- (3) The business which is the subject of a resolution under Standing Orders 14(1) or 14(2) below shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

Procedure for dealing with matters of Urgent Business which cannot await a Committee meeting

15. (1) The Chief Executive, the Monitoring Officer and each Executive Director may deal with matters of urgency which cannot await a meeting of any Committee of the Full Council, following consultation with the appropriate Chair and Deputy Chair. The other party spokespersons should be informed of matters of urgency as soon as practicable after the decision has been made.

- (2) The provisions at Standing Order 15(1) above shall be suspended in the period beginning with the fourth day after the County Council Elections and ending on the date of the first Annual Meeting of the new Council. During that period, the Chief Executive may deal with matters of urgency which cannot await a meeting of any Committee of the Full Council where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.
- (3) The Chief Executive shall only exercise the powers at Standing Order 15(2) above following consultation with the Leader (or in his/her absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leader (or in his/her absence the Deputy Leader) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as he/she considers appropriate.

Procedure for dealing with matters of Urgent Business at meetings

16. An item of business not included on an Agenda shall only be considered where, by reason of special circumstances which shall be specified in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Advice When Taking Decisions

17. Decisions shall be taken only after the decision taker has considered any advice given by the Chief Executive or any appropriate Executive Director or their nominated representatives.

Length of Speech

18. Members of a Committee may, at the discretion of the Chair, speak as often and for as long as the Chair allows.

Moving of Reports at Committee meetings

19. (1) Any Committee member may move the recommendations contained in a report at a Committee meeting. In doing so, Committee members may make amendments to the published recommendations.
- (2) Amendments to published recommendations must be relevant to the subject of the report.
- (3) Recommendations moved in Committees must be seconded.

Voting

- 20.** (1) Votes shall be by show of hands or by affirmation of the meeting.
- (2) Subject to Standing Order 20(3) below, any matter will be decided by a simple majority of Councillors (and Co-opted members) entitled to vote and present in the room at the time the question was put.
- (3) Any six committee members including voting co-opted members may request a named vote and shall signify their wish for a named vote by a show of hands. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.
- (4) Immediately after a vote is taken any Committee member (and Co-opted members) may request that it is recorded in the Minutes of that meeting how he/she voted, or abstained from voting.
- (5) The Chair of a meeting shall have, in case of equality of votes, a second or casting vote.

Point of Order

- 21.** A Councillor (and Co-opted members) may raise a point of order at any time in relation to an alleged breach of a Standing Order or law and shall be entitled to be heard immediately. The Councillor (and Co-opted members) must specify the Standing Order or law and the way in which he or she considers it has been broken. The ruling of the Chairman on a point of order shall be final and not open to discussion.

Section E - Overview and Scrutiny Procedural Standing Orders

(The following paragraphs need to be read in conjunction with Standing Orders 18 to 30 of Section C – Cabinet Standing Orders. The Procedural Standing Orders in Section D shall also apply to Overview and Scrutiny committee meetings)

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Request for a Decision not Implemented to be Reconsidered

1. The Scrutiny Management Board may consider whether an executive decision made but not implemented should be reconsidered by the decision maker (known as a "Call In"), or to arrange for the Full Council to review that decision and decide whether it should be reconsidered.
2. Requests in accordance with Standing Order 1 above must be made in accordance with the following procedure:
 - (1) Unless designated as Urgent in accordance with Standing Order C29 above, no decision of the Executive can be implemented until after three clear working days following the date of the Cabinet or Cabinet Committee at which the decision was made, or, in the case of decisions made by individual Cabinet members, from the date that the decision is published.
 - (2) During this period a written request for a meeting in accordance with Standing Order 1 above to be called for the consideration of "Call In" can be made by any five County Councillors representing more than one single political group on the County Council. Co-opted Members cannot request a special meeting to consider "Call In".
 - (3) The request(s) must be received by Democratic Services on behalf of the Chief Executive by no later than 5.00pm on the third working day following the date of the record of the decision being published. A request submitted later than that cannot be considered.
 - (4) Requests for a special meeting must be made in writing, and signed by the councillor(s) making the request, a proforma for this purpose is available from the C-First portal. E-mail requests must be emailed to democratic.services@lancashire.gov.uk. For verification purposes, requests must come from the Councillors' county council provided email address. Any Councillor wanting to request a special Call In meeting by email must submit an individual email. Emails cannot be sent by one councillor on behalf of another councillor(s).
 - (5) Requests for a special meeting must specify how the decision has breached one or more of the Principles of Decision Making set out at Standing Order A4 above.
 - (6) The meeting of the Scrutiny Management Board must be held within seven clear working days of the request being received by Democratic Services. The date will be agreed by the Chair of the relevant Scrutiny Management Board.
 - (7) The following will be invited to attend the scrutiny meeting:

- (a) Any Councillor who requested the special meeting;
 - (b) Appropriate representatives of Cabinet;
 - (c) The appropriate officers from the service subject to the proposed decision; and
 - (d) Any other witness the committee wishes to invite.
- (8) At the meeting, the case for the Call In will first be heard. Those requesting the Call In will be given 20 minutes to present the case, and they may, within that time, arrange for outside witnesses (such as members of the public or representatives of other organisations) to speak.
- (9) The Decision Maker (or representative) if present will be invited to respond, and officers invited to clarify any issues raised. The committee will then debate the matter, questioning any of the presenters as required, and a vote will be taken whether to request the Call In.
- (10) At the special meeting, the committee may request Full Council to review the decision and decide whether it should be reconsidered only where the original decision was contrary to the Budget and Policy Framework set by the Full Council
- (11) If the Call In is requested, the committee must also agree the reasons on which the request is based. These reasons must specify which of the Principles of Decision Making set out at Standing Order A4 has been breached and how. The decision and the grounds upon which the request is based shall be registered in writing with the Chief Executive within three clear working days of the meeting of the Scrutiny Management Board.
- (12) The Decision Maker shall reconsider the decision as soon as is reasonably practical, and publish his/her response in accordance with the rules for the publication of executive decisions. A copy shall be provided to the Chair of the Scrutiny Management Board.
- (13) All arrangements are subject to the Council's Standing Orders.
- (14) Once the written request described at Standing Order 2(2) above has been made, the decision must not be implemented until either the Scrutiny Management Board has decided not to request a reconsideration, or until the Decision Maker has published a response to a request for reconsideration, with reasons.

Decision to be reconsidered once only

3. The Decision Maker can only be required to reconsider the same decision on one occasion.

Decisions not to be reconsidered

4. The Scrutiny Management Board shall not exercise its functions under Standing Order 1 above:
 - (a) where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities; or
 - (b) in respect of decisions taken by officers; or
 - (c) where an executive decision takes the form of recommendations for final decision by the Full Council.

Party Whips

5. In any meeting of any Overview and Scrutiny Committee the Party Whip should not be applied by any political group, but if it is applied it shall be declared at the commencement of every meeting and the item or items to be the subject of the Party Whip shall be specified.

Request for matter to be considered by an Overview and Scrutiny Committee

6. If any Member of the County Council or a Co-opted Member of an Overview and Scrutiny Committee wishes to have a matter considered by an Overview and Scrutiny Committee he/she must submit the request in writing to Democratic Services (on behalf of the Chief Executive) who will bring the request to the attention of the next meeting of the Scrutiny Management Board, or in cases of urgency to the Chair of the Scrutiny Management Board who will then refer the matter to the appropriate Committee for consideration.

Financial Regulations

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Financial Regulations

1. Financial Accountabilities and Management

- 1.1. The Chief Finance Officer shall be the officer charged with the responsibility for the proper administration of the County Council's financial affairs and for acting as financial adviser to the Full Council, the Cabinet, individual Cabinet Members and Committees.
- 1.2. All money in the hands of the Council shall be under the control of the Chief Finance Officer who is the officer designated for the purposes of Section 151 of the Local Government Act 1972.
- 1.3. All accounts and financial records shall be kept in a form approved by the Chief Finance Officer who will also be responsible for the submission of all claims for grant to Government Departments and other public bodies, and for exercising a current supervision over all financial matters.
- 1.4. Heads of Service/Directors shall be responsible for ensuring that these Financial Regulations are observed throughout the service areas under their control.
- 1.5. For the purpose of complying with these Regulations, the appropriate Heads of Service/Directors shall provide the Chief Finance Officer with any information which he/she may require and, in addition, shall allow the Chief Finance Officer access where necessary to the documents and records under his/her control.
- 1.6. The Chief Finance Officer shall be responsible for preparing and publishing the Statement of Accounts in accordance with the statutory timetable. Heads of Service/Directors shall comply with accounting guidance provided by the Chief Finance Officer and supply him/her with the necessary information when required.
- 1.7. For schools, is a separate version of the financial regulations - [The School and Early Years Finance \(England\) Regulations 2014](#) which should be complied with by Schools' Forum activities. The regulations should also be read in conjunction with the [Scheme for Financing Schools in Lancashire \(September 2015\)](#) and where appropriate, the "Procedures and guidance for the operation of schools' local bank accounts". In addition, schools are required to comply with the Consistent Financial Reporting framework as specified by the Department for Education (DfE).
- 1.8. Members of the Cabinet responsible for specific service budgets shall be empowered to incur expenditure within their approved budgets subject to compliance with the Standing Orders and Procurement Rules of the County Council. However, no expenditure, capital or revenue, shall be incurred in connection with the adoption of any new policy or extension of existing policy outside the budget without the prior approval of the Full Council.

**(Approved and last updated, 18 October 2018
Owner - Director of Finance)**

- 1.9. All Financial Regulations are subject to the provisions of Standing Order 29, which allows urgent decisions which are outside the budget or policy framework to be taken.
- 1.10. The Financial Regulations Guidance Notes and Financial Procedure Rules supplement these Financial Regulations and set out how the regulations will be implemented.
- 1.11. Failure to comply with the Financial Regulations may constitute misconduct and lead to formal disciplinary action.

2. Financial Planning

Revenue Expenditure

- 2.1. Estimates of expenditure and income for the appropriate periods and times shall be prepared jointly by the Chief Finance Officer and the appropriate Chief Officer for submission in the first instance to the Cabinet and then to the Full Council.
- 2.2. Subject to Regulation 2.4 Heads of Service/Directors shall be responsible for ensuring that the amount provided in any budgets approved by the Full Council shall not in whole or in part be used for any purpose other than that for which it is authorised.
- 2.3. Heads of Service/Directors shall maintain appropriate budgetary control within their service areas and ensure that all income and expenditure are properly recorded and accounted for.
- 2.4. Heads of Service/Directors shall be responsible for ensuring that any proposed item of expenditure not included in the approved budget or any likely overspending or reduction of estimated income which cannot be met by a transfer in accordance with Regulation 2.17 or from reserves shall not be incurred unless an alternative source of finance has been identified and the prior consent of the Cabinet has been obtained. In all cases, Heads of Service/Directors must ensure that funding has been identified for the ongoing costs of any decisions taken.

Capital Expenditure

- 2.5. Programmes of capital expenditure estimates shall be prepared jointly by the Chief Finance Officer and the appropriate Heads of Service/Directors for submission to the Cabinet and subsequently to the Full Council, for such periods and at such times as shall be determined by the Full Council.
- 2.6. Programmes of capital expenditure estimates shall be consolidated into a comprehensive report by the Chief Finance Officer in consultation with individual Cabinet Members for submission to the Cabinet.

**(Approved and last updated, 18 October 2018
Owner - Director of Finance)**

- 2.7. Approval by the Full Council of the programme of capital expenditure estimates (The Capital Programme) shall constitute the authority for incurring expenditure. Additions to the authorised Capital Programme may be made by cabinet at any time provided that the source of finance is clear at the point of approval and that the revenue consequences including that of any increased borrowing can be contained within existing budgetary provision. Amendments to the capital programme will be dealt with under the Scheme of Delegation to officers where the changes are within the total approved budget for a service programme and the scope of works within it are not fundamentally changed. Amendments requiring additional funding or a fundamental change of scope of a programme will require Cabinet approval. The Cabinet shall have the power to suspend all authority to commit or to incur any capital expenditure which is not legally or contractually committed pending confirmation by the Full Council.
- 2.8. The estimated expenditure committed by officers under the above authority must not exceed the amount approved for the scheme in the Capital Programme by more than 20% of the programme budget or £100,000 (whichever is the lower). If estimated expenditure does exceed the approved Capital Programme figure by more than the above limits then approval to the excess must be sought from Cabinet and Full Council as necessary before any commitment is entered into.
- 2.9. The estimated expenditure referred to in para 2.7 shall be the amount of the accepted tender (adjusted if necessary for any non-contract items), or, if there is no tender, the latest estimate of cost. This figure shall constitute the approved amount for monitoring purposes.
- 2.10. Cost increases which arise in the course of a programme are to be treated as follows:
- (a) if additional payments arising from cost increases are required to allow a project to continue without delay or if the cost increases arise from fluctuations in the price of loose furniture and equipment, no prior approval is required but any action taken under this Regulation should be reported by an officer decision under the scheme of delegation as long as the programme budget is not breached.
 - (b) if total increased costs, including any previous increases are less than 20% of the programme budget or £100,000 (whichever is the lower) approval to the increase may be given by the Chief Finance Officer on the recommendation of the appropriate Chief Officer and Capital Board, but any action taken under this Regulation.
 - (c) approval to any other cost increases in a programme budget must be sought from Cabinet before any expenditure arising from such cost increases is committed. Where there are no additional costs to the council in relation to an additional scheme, approval can be undertaken by officers under the Scheme of Delegation.

- 2.11. For each capital project with an out-turn cost greater than £1,000,000 a post-completion statement is to be presented to the relevant Cabinet Member. The statement must show the original capital programme cost estimate, the amount of the accepted tender, any subsequent approvals to increased costs and the actual out-turn expenditure. The statement is to be produced as soon as possible, and at the latest within two years after practical completion of the project.
- 2.12. Where a capital scheme takes the form of a general approval to spend over a programme and the detailed projects within the programme are identified, officers can allocate funding between the projects as long as the overall funding envelope is not exceeded and the scope is not changed. Where a change to scope or overall costs is required this should be approval by Cabinet as necessary. Where approval to a programme is a general allocation, with scheme details to be worked up then approval by Cabinet to the detailed programme of capital expenditure is necessary prior to expenditure being incurred. This regulation does not apply to schemes for structural maintenance.

Maintenance of Reserves

- 2.13. The Chief Finance Officer shall be responsible for advising upon prudent levels of reserves for the Council.
- 2.14. For each reserve established, the purpose, usage (including the timeframe for usage) and basis of transactions shall be clearly articulated.
- 2.15. Authorisation to finance expenditure from reserves will require the approval of the Cabinet, upon the advice of the Chief Finance Officer, unless alternative arrangements were agreed when the reserve was established.
- 2.16. Under Section 114 of the Local Government Finance Act 1988 the Chief Finance Officer must report to Council if there is or is likely to be unlawful expenditure or an unbalanced budget. This would include situations where reserves have become seriously depleted and it is forecast that the Council will not have the resources to meet its expenditure in a particular financial year.

Scheme of Virement

- 2.17. Transfers of expenditure between budgets (virements) may be made by Heads of Service/Directors within delegated budgets provided the amount of any individual transfer does not exceed 10% of the gross expenditure or £250,000, whichever is the lower:

Or in any other case, with the consent of the relevant Cabinet Member/s.

In Year Budget Increase/Supplementary Budgets

- 2.18. In the event that it is not possible to move resources between budget headings to meet a liability, a request may be made to Cabinet following consultation with the Cabinet Member with responsibility for Resources and the Chief Finance Officer, for an increase in budget.

Treatment of Year End Balances

- 2.19. The Cabinet shall be responsible for agreeing procedures for carrying forward any under or over spending on budgets, provided that such carry forwards do not constitute an alteration to the policy and budget framework.

Financial Implications of Reports

- 2.20. Heads of Service/Directors shall be responsible for ensuring that Cabinet Members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Chief Finance Officer prior to the reports being submitted to the Cabinet or Cabinet Members.

3. Risk Management and Control of Resources

Insurance

- 3.1. The Chief Finance Officer shall arrange and administer all insurances as directed by the Cabinet or, in the case of a school exercising the option for delegation, be arranged by the school in a manner approved by the Chief Finance Officer.
- 3.2. Heads of Service/Directors shall notify the Chief Finance Officer promptly of all risks, liabilities, properties or vehicles which require to be insured and of any alterations affecting risks or insurances indicating the amount of cover required.
- 3.3. Heads of Service/Directors shall immediately notify the Chief Finance Officer of any fire, loss, accident or other event which may give rise to a claim against the County Council's insurers.

Internal Audit

- 3.4. The Chief Finance Officer shall, to the extent he/she considers necessary or desirable, conduct or arrange for the examination and audit of the accounts of the County Council and of its officers and agents.
- 3.5. The Chief Finance Officer or his/her representative shall have access for any necessary examination and audit, at all reasonable times, to all cash, property, documents, books of accounts and vouchers appertaining in any way to the finances of the County Council, and shall be entitled to require such

explanations as may be reasonably considered necessary to satisfy himself/herself of the correctness of any matter under examination.

Control of Resources

- 3.6. Heads of Service/Directors shall be responsible for the safe custody and physical control of stores and equipment and for the maintenance of records in the form approved by the Chief Finance Officer. The records shall include such items as the Chief Finance Officer, after consultation with Heads of Service/Directors, considers necessary.
- 3.7. Heads of Service/Directors shall arrange periodic physical checks of equipment and stores against relevant records by officers other than those responsible for their custody and control.

Irregularities

- 3.8. Heads of Service/Directors shall notify the Chief Finance Officer immediately of all financial or accounting irregularities or suspected irregularities or of any circumstances which may suggest the possibility of irregularities including those affecting cash, stores, property, remuneration or allowances.

Third Party Funds

- 3.9. Third party funds held by an employee of the County Council acting by virtue of his/her office or employment shall be notified to the appropriate Chief Officer concerned who shall, where necessary and in consultation and on the advice of the Chief Finance Officer, prescribe from time to time procedures for ensuring that such funds are properly administered, accounted for and audited.

Treasury Management

- 3.10. The County Council has adopted CIPFA's Treasury Management in Public Services: Code of Practice, as described in that Code.
- 3.11. The Chief Finance Officer shall create and maintain a Treasury Policy Statement and suitable Treasury Management Practices as recommended in the CIPFA Treasury Management Code of Practice.
- 3.12. The Chief Finance Officer shall undertake to submit to the Full Council its Treasury Management Strategy in advance of the year.
- 3.13. The County Council sets its Treasury Management Strategy in line with the indicators required under the CIPFA Prudential Code for Capital Finance.
- 3.14. Within the approved indicators set for the authorised limit and operational boundary for debt, the Chief Finance Officer shall have delegated authority to switch between the levels agreed for borrowing and other credit liabilities.

**(Approved and last updated, 18 October 2018
Owner - Director of Finance)**

- 3.15. All arrangements with the County Council's bankers shall be made solely by the Chief Finance Officer, or in a manner approved by him/her after consultation with the appropriate Heads of Service/Directors. The Chief Finance Officer shall be authorised to open such accounts in the name of the County Council and to give such directions thereon as shall be necessary for the making of payments on behalf of the County Council and for the deposit of moneys received by the County Council.

4. Financial Systems and Procedures

Income and Expenditure

- 4.1. New financial procedures and systems shall not be introduced or existing systems amended without consultation with, and the prior approval of, the Chief Finance Officer.
- 4.2. All receipts shall be paid into and all payments shall be made out of the County Fund by or under the direction of the Chief Finance Officer.
- 4.3. Arrangements for the safe and efficient receipt and accounting of all moneys due to the County Council shall be subject to the supervision of the Chief Finance Officer who may issue such instructions as he/she deems necessary.
- 4.4. The Chief Finance Officer shall issue such instructions as he/she deems necessary on the procedures for the ordering of goods and the verification of invoices and claims; and he/she shall be entitled to make enquiries and to receive such information and explanation as he/she may reasonably require. (See also Regulation 4.10).
- 4.5. Invoices and claims for payment shall be examined and verified by or on behalf of Heads of Service/Directors and shall be certified in such form and manner as shall be prescribed by the Chief Finance Officer.
- 4.6. The Chief Finance Officer shall provide such Imprest and Advance Accounts as he/she considers suitable for appropriate officers and other employees of the County Council for the purposes of defraying petty cash and other expenses and shall issue the necessary instructions to imprest holders for the setting up and operation of these accounts.
- 4.7. The Chief Finance Officer shall, to the extent he/she considers necessary, examine, prior to payment, final accounts of contracts.
- 4.8. Without prejudice to the legal obligations of the nominated Architect or Engineer under the contract, on the completion of any contract for Building Construction or Engineering Works the final certificate of completion shall not be issued until the appropriate officers, private architects, engineers or consultants have provided to the Chief Finance Officer detailed statements of account and other relevant documents.

- 4.9. The Chief Finance Officer shall be informed in writing of all written contracts, agreements, awards and other instruments involving the payment or receipt of money by the County Council.
- 4.10. Purchase of equipment, goods and materials shall be effected through the most economical and practical means, making use of contracts arranged by the Corporate Procurement Team and co-ordinated purchasing or any other contracting arrangements where these are available. To this end the Chief Finance Officer shall issue such general instructions as he/she deems necessary and shall be entitled to make such enquiries and to receive such information and explanations as he/she may reasonably require.

Payments to Employees and Members

- 4.11. The assessment, calculation and payment of all salaries, wages, pensions, pension payments, compensation and other emoluments or allowances to employees or Members or former employees of the County Council shall be made by the Chief Finance Officer, or in a manner approved by him/her after consultation with the appropriate Heads of Service/Directors.

Taxation

- 4.12. The Chief Finance Officer shall be responsible for maintaining the Council's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.

5. External Funding

- 5.1. Heads of Service/Directors shall ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts in a form approved by the Chief Finance Officer. Heads of Service/Directors shall also ensure that the written approval of the Chief Finance Officer is obtained prior to committing the County Council to act as the "accountable body" for any partnership with which it is involved.
- 5.2. Heads of Service/Directors shall ensure that the matched funding requirements are considered prior to entering into an agreement and that future revenue budgets reflect these requirements.
- 5.3. Heads of Service/Directors shall ensure that audit requirements are met, that all claims for funds are made by the due date and that all expenditure is properly incurred and recorded.

Note

The above Regulations, whilst specific in terms, are intended to operate with proper consultations with the appropriate Heads of Service/Directors, especially where other professions and skills are required to give effect to them in relation to procedures and professional practices to be observed.

These Regulations should be read in conjunction with other internal regulatory frameworks which form part of the Council's Constitution, for example, procurement rules (contract standing orders); schemes of delegation; the Codes of Conduct for employees and Members and the Financial Regulations Guidance Notes and Financial Procedure Rules.

Members' and Co-opted Members' Code of Conduct

You are a member or co-opted member of the Lancashire County Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member:

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any disclosable pecuniary or non-pecuniary interests that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

You must always treat people with respect, including the organisations and public you engage with and those you work alongside.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly (including for political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.

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You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

1. Registering and declaring disclosable interests

- 1.1 You must, within 28 days of your election or appointment to office as a member or co-opted member, notify the Council's Monitoring Officer in writing of any disclosable interests you have. Disclosable interests may be pecuniary or non-pecuniary (see paragraph 2 below).
- 1.2 You must notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any changes to a disclosable interest previously notified or of any new disclosable interest not previously notified.
- 1.3 If a disclosable interest, has not been entered onto the Council's register, then the member or co-opted member must disclose the interest to any meeting of the Council at which they are present, where they have a disclosable interest and where the matter is not a 'sensitive interest' (see section 4 below).
- 1.4 Following disclosure of a disclosable interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 1.5 You must disclose any disclosable interest at the beginning of any meeting or decision making session at which a matter relevant to your interest is considered.
- 1.6 Unless dispensation has been granted by the Conduct Committee, you may not participate in any discussion of, vote on, or discharge any executive or non-executive function related to any matter in which you have a disclosable pecuniary interest.
- 1.7 Section 34 of the Localism Act 2011 creates a number of criminal offences relating to the disclosure of pecuniary interests.

It is a criminal offence if, without reasonable excuse, you:

- (a) fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of your election or appointment as a Member or Co-opted Member of the Council, or
- (b) fail to disclose the interest at a meeting which you attend, where the interest relates to a matter to be considered, and where the interest has not been entered in the register of interests, or

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- (c) in the case of an interest falling under (b), do not notify the Monitoring Officer within 28 days of the disclosure, or
- (d) participate in any discussion or votes at a meeting where you have disclosed, or ought to have disclosed, a pecuniary interest*, or
- (e) as an executive member, have a disclosable pecuniary interest in a decision which you would otherwise take and have taken any steps in relation to the matter to which the interest relates other than to enable the decision to be taken by another executive member; or
- (f) knowingly or recklessly provide information that is false or misleading in relation to any of the above matters.

* note – dispensations apply to certain pecuniary interests which allows a Member or Co-opted Member to participate in a discussion and vote (see section 5.2). The Council's Monitoring Officer will advise where any such dispensation applies.

A person who is guilty of such an offence is liable upon conviction to a fine of up to level 5 (currently £5,000) and the person may also be disqualified from being or becoming a Member or Co-opted Member of the Council for up to five years."

2. Definitions

2.1 Pecuniary Interests

Disclosable pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land Any beneficial interest in land which is within the area of the relevant authority.

Licences Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

Corporate Tenancies Any tenancy where (to M's knowledge):

- (a) the landlord is the relevant authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities Any beneficial interest in securities of a body where:

- (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and
- (b) either:
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

2.2 Non-Pecuniary Interests

Disclosable non-pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	Description
Outside Bodies	Any position of general control or management, or membership of any body, except where you have been nominated to that body by the County Council
Gifts and Hospitality	Any person or body from whom you have received a gift or hospitality with an estimated value above £50 (see section 6)

Explanation of the terms used in this section:

the Act means the Localism Act 2011;

body in which the relevant person has a beneficial interest means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

director includes a member of the committee of management of an industrial and provident society;

land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

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M means a member of a relevant authority;

meeting means any meeting of the Council, the Cabinet, any of the Council's or Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees;

member includes a co-opted member;

relevant authority means the authority of which M is a member;

relevant period means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

relevant person means M or any other person referred to in section 30(3)(b) of the Act;

securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

3. Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

4. Sensitive Interests

Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

5. Non-participation in case of pecuniary interest

5.1 Where you have a disclosable pecuniary interest in any business of your authority:

- (a) You may not participate in any discussion or any vote on the matter and you must leave the room where the meeting is held while any discussion or voting takes place.

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- (b) If the interest is not registered, you must disclose the interest to the meeting.
 - (c) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days, for inclusion in the register of interests.
- 5.2 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:
- (i) housing, where you are a tenant of a local authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.
- 5.3 Where, as an executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer in writing of the interest and must not take any steps or further steps in the matter, or seek improperly to influence a decision about the matter.
- 5.4 Dispensations may additionally be granted by the Conduct Committee. A member seeking a dispensation should apply, in the first instance, to the Monitoring Officer

6. Gifts and Hospitality

Members and Co-opted Members must (within 28 days of receiving it) notify the Council's Monitoring Officer in writing of any gifts or hospitality received under 2.2 above, the value of which is estimated at being over £50. "Hospitality" is defined as accommodation, food or drink, or entertainment which is provided free of charge or at a discounted rate. The requirement applies where the gifts or hospitality is received in

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your capacity as a member, rather than from friends or family, received from any person or body other than the authority.

Your notification must also give the identity of the donor of the gift or hospitality.

You should also make a notification of an accumulation of smaller gifts or hospitality valued at £50 or less received over a short period of time which when added together are valued above £50.

If you are uncertain of the value of a gift or hospitality you should declare it. It is also good practice to notify the Monitoring officer of offers of gifts or hospitality which have been offered but refused.

A failure to notify the Monitoring Officer of any gifts and/or hospitality over the value of £50 is a breach of the Council's Code of Conduct.

Any gifts or hospitality notified to the Monitoring Officer will be included on the Council's register of Gifts & Hospitality, a copy of which is available for public inspection and published on the Council's website.

However, where you consider that disclosure of the details of any gift or hospitality could lead to you, or a person connected with you, being subject to violence or intimidation the Monitoring Officer may agree to exclude from the Council's register such details as he considers appropriate and that information will not be included on the Council's register.

7. Complying with the Code of Conduct

- 7.1 You must undertake Code of Conduct training provided by the county council.
- 7.2 You must cooperate with any Code of Conduct investigation and/or determination.
- 7.3 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.
- 7.4 You must comply with any sanction(s) imposed following a finding that you have breached the Code of Conduct.

Annex 1: Protocol for Members and Co-opted Members on Language and Behaviour

This protocol provides to Members and Co-opted Members of the county council guidance to support the requirement to promote equality through actions, behaviour and conduct (including use of social media) and the types of discrimination, bullying and harassment which can occur. This document should be read in conjunction with the Code of Conduct and forms part of it.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The following are definitions of the nine protected characteristics of the Equality Act 2010. These are deemed to be protected from unlawful behaviour such as harassment and offensive behaviour.

Age: An individual of a certain age or in or not in a certain age group. Discrimination by perception (someone thinks you are (or are not) a specific age or age group) and discrimination by association (you are connected to someone of a specific age or age group) is also included as part of this protected characteristic.

Disability: An individual who has a mental, physical or progressive condition, which is substantially long-term and adversely affects their ability to carry out normally day-day activities. Discrimination by perception or by association is also included as part of this protected characteristic.

Gender Reassignment: An individual who is undergoing, has undergone or is planning to undergo a process (or part of a process) for the purpose of reassigning their sex by changing the physiological or other attributes of their birth sex to their preferred sex. Individuals do not need to have undergone any specific treatment or surgery to change from their birth sex to their preferred gender. It also covers individuals who dress in a particularly way to express their preferred sex, in order for them to show their preferred gender identity.

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Marriage and Civil Partnership: An individual who is legally married or in a civil partnership. Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.

Pregnancy and Maternity: Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race: 'Race' includes; colour, nationality, citizenship, ethnic origins, or national origins. Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

Religion and Belief: Religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. This also covers non-belief or a lack of religion or belief. In addition, discrimination **by perception or association** is also included as part of this protected characteristic.

Sex: Applies to men and women of any ages and includes being treated differently because of their sex and discrimination by perception or association. This characteristic also provides protection against forms of unwanted behaviour such as unwanted sexual attention, advances and propositions, physical or verbal sexual approaches which are either deliberate, unreasonable, imposed or offensive to the recipient.

Sexual Orientation: Applies to any sexual orientation (or discrimination by perception or association) and includes how sexual orientation is expressed, such as through an individual's appearance or the places visited.

Discrimination can come in one of the following forms:

- Direct discrimination – treating someone with a protected characteristic less favourably than others.
- Indirect discrimination – putting rules or arrangements in place that apply to everyone, but that put someone with a protected characteristic at an unfair disadvantage.
- Harassment – unwanted behaviour linked to a protected characteristic that violates someone's dignity or creates an offensive environment for them.
- Victimisation – treating someone unfairly because they've complained about discrimination or harassment

In all of the above characteristics, the discrimination does not have to be re-occurring and can be a one-off event. It can include verbal threats of abuse, display of offensive

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material, any form of speech or action (such as nicknames, teasing, name-calling, pulling faces, jokes, pranks and comments) which are considered offensive, are deliberate and unwelcome or which are likely to bring the Authority into disrepute. Even if this behaviour is not deliberately meant to hurt the individual, it may still count as discrimination if they find it upsetting.

Annex 2: Public Interest Test

The following provides to Members and Co-opted Members of the county council information to support the requirement to comply with the Code of Conduct. This document should be read in conjunction with the Code of Conduct and forms part of it.

When applying the public interest test, the Monitoring Officer shall consider each of the following public interest factors set out below, and shall seek the views of an Independent Person as appropriate, in considering whether to investigate a complaint, and how that investigation should proceed.

These factors are not exhaustive, and not all may be relevant in every case. The weight to be attached to each of these factors, and the factors identified, will also vary according to the facts and merits of each case.

The seriousness of the breach.

- Whether the member is alleged to have deliberately sought personal gain for themselves or another person at the public expense.
- Whether the allegation is that a member has misused a position of trust or authority and caused harm to a person.
- Whether the alleged breach was motivated by any form of discrimination against the victim's ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity.
- Where there is evidence of previous similar behaviour on the part of the member.
- If the breach is such that it may damage public confidence in elected members or the council.
- The resources that would be required to undertake an investigation compared to the seriousness of the breach and the likely sanction even if the member was found to have breached the code.
- Any admission of guilt, apology or other action already taken by the member to resolve or mitigate the issue caused.
- Whether the complaint appears to be malicious, vexatious, politically motivated or trivial retaliation.

Code of Conduct for Employees

1. Introduction

The public is entitled to expect the highest standards of conduct from all Lancashire County Council employees, who must conduct themselves and Council business in compliance with the highest professional standards and in accordance with legislative requirements.

This Code of Conduct sets out the behavioural standards that must be upheld by employees of the Council.

2. General Principles

The following general principles apply to employees of the County Council are embodied within the requirements of this Code.

Standards in Public Life

Employees serving the public must at all times practice and exhibit the following behaviours through the course of their work:

- Selflessness;
- Integrity;
- Objectivity;
- Accountability;
- Openness; and
- Honesty.

Organisational Values and behaviours

The Council has developed a set of values and behaviours that employees are expected to demonstrate through the course of their work. These define a Lancashire County Council employee and underpin the specific requirements that are set out within this Code.

Employees may also be subject to other service specific or organisational values.

3. Status of the Code

The Code sets out the minimum standards of conduct and forms part of the Council's terms and conditions of employment.

4. Application of the Code

This Code applies to all employees of the Council, except those employed in schools (although the Code is recommended for adoption by schools).

If you are in any doubt about any provision of this Code or what is expected or required of you, you must raise any issues you have with your line manager.

Inevitably some of the issues covered in the Code may affect senior, managerial and professional employees more than others but the principles apply to all employees. Non compliance with the Code may result in action being taken under the Council's Disciplinary Procedure (see section 7 below).

Any breach of professional Codes of Conduct, where these apply to employees as a result of their professional role, is unacceptable and may also result in action being taken under the Council's Disciplinary Procedure.

If you consider that other employees may be guilty of misconduct you have a duty to report this to your line manager or raise it through one of the other available policies or procedures (e.g. the Council's Whistleblowing Policy).

You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

5. General Requirements as an Employee of Lancashire County Council

As an employee of Lancashire County Council you must and you are required to:

1. Fulfil the obligations placed upon you under the terms of your contract of employment, e.g.:
 - Be ready and willing to work as specified in your role profile.
 - Undertake your duties and responsibilities effectively, efficiently and diligently.
 - Conduct your work in a co-operative manner.
 - Attend work.
 - Be punctual in time keeping.
 - Be honest and trustworthy.
 - Obey reasonable management instructions.
 - Take care of yourself, your colleagues and others whilst at work.
 - Take care of Council property.
2. Adhere to the Council's Statement of Ethical Standards (Annex 1).
3. Adhere to all corporate and service-specific policies and procedures.
4. Demonstrate the Council's (and other organisational or service-specific) values and behaviours through the course of your work.

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5. Follow any local rules laid down for your work location.
6. Familiarise yourself with, and follow, the Health and Safety rules that apply to your particular area of work/location, including compliance with the Council's Smoke-free Policy.
7. Show respect for all people that you come into contact with in the course of your duties (e.g. the public, fellow employees, employees from other agencies, etc) and demonstrate continually whilst at work your commitment to ensuring equality and respect for all. Employees must not engage in any activity whilst in or outside of work that may be, or may be perceived to be, a hate incident or crime.
8. Demonstrate impartiality in respect of any decisions you take and advice you provide on behalf of the Council.
9. Maintain the confidentiality of any confidential information obtained in the course of your employment. You must not:
 - disclose information given to you in confidence by anyone, or information acquired that you believe is of a confidential nature;
 - use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way; or
 - give information to the media unless you are authorised to do so (see point 12 below regarding the arrangements in relation to contact with the media).
10. Follow the Council's policies/procedures governing:
 - Trade Union duties and activities (as appropriate for members of Trade Unions) and as set out in the Council's Facilities Agreement.
 - Your personal responsibility as an employee for reporting absence/changed circumstances, claiming payments/expenses/allowances, etc.
 - Use of facilities - at work, you may have access to facilities, such as office equipment, computers, telephones, transport, etc. These facilities are not intended for private use. Where some personal use is permitted, you must observe any corporate protocols, including the Internet, Email and Telephone System Acceptable Use Policy.
 - Your professional responsibilities in respect of the service provided to users and/or other customers.
 - Intellectual property (e.g. designs, programmes, drawing and inventions) - the ownership and copyright of work you produce for the Council will normally belong to the Council. Further guidance on this issue can be obtained from the Director of Corporate Services.
 - Outside employment - employees must not undertake any additional outside employment which is in conflict with the Council's

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interests/business. Employees paid above Scp 19 on the Lancashire pay spine, or equivalent, must seek permission prior to undertaking any additional outside employment.

- Any managerial responsibilities you may have, including those relating to operational, financial and HR matters, and statutory obligations.
- Membership of any organisation that is not open to the public without formal membership and which has a commitment of allegiance or secrecy about rules of membership or conduct.

11. Use the appropriate lines of communication to express views/issues relating to your employment or the council's services (i.e. via your line manager).
12. Follow the Council's arrangements in relation to contact with the media. You must acknowledge and accept that as a Council employee all press enquiries concerning the business of the Council should be channelled through the Communications Service, who offer support and advice on all matters relating to the media.
13. Notify your line manager* of any known or suspected breaches of the law or Council's policies, procedures and regulations, and co-operate with any investigation of such breaches. (* If you feel unable to approach your immediate line manager on a specific matter, you should notify a more senior manager responsible for the area of the service in which you work or use the confidential whistleblowing line – 01772 532500)
14. Disclose to the Council as required on appointment, or at any time, any criminal charges/convictions and cautions in accordance with the provisions of the Rehabilitation of Offenders Act 1974. Being charged or in possession of a conviction or caution may not necessarily debar you from appointment or lead to disciplinary action. However, failure to disclose where required will be considered under the Council's Disciplinary Procedure and may result in dismissal.
15. If employed in a 'regulated activity' post, disclose to the Council on appointment, or at any time if you are subject to any ongoing investigation into any matter which may bring into question your suitability, if a referral has been made to the Independent Safeguarding Authority (ISA) and your application status is 'under consideration', 'minded to bar' or if you are 'barred' from working with children or vulnerable adults.
16. Serve all councillors equally (not just those of the controlling group), ensuring that the individual rights of all councillors are respected. You must not allow your own personal or political opinions to interfere with your work. Close personal familiarity between employees and individual councillors should be avoided. A protocol on councillor/officer relations is set out within the Council's [Constitution](#).

17. Undertake training courses and learning/e-learning modules as required by your job role or employment with the Council.
18. Notify your line manager of any personal relationship in or outside of work which may result in your honesty/objectivity/integrity being challenged in your role with the Council.
19. Disclose any known relationship between yourself and a candidate who has applied for a Council post where you are involved in appointing to the post. All appointments must be made on the basis of merit in line with the Council's Recruitment and Selection Policy and associated processes.
20. Notify your line manager of any change in your personal circumstances which could affect your ability to fulfil the role in which you are employed.
21. If supplied with a uniform or clothes/overalls for your role with the Council, you must wear these whilst carrying out your duties. All other employees are required to dress in a way that is appropriate to the work they have to do, as determined by their line manager or recognised conventions (e.g. smart clothes for court appearances, public meetings, etc).
22. Take care to ensure that your personal hygiene and also your personal appearance is appropriate having regard to the conventions of your workplace and internal/external working environment.

In addition to complying with the above, you are also expected to conduct yourself, both on and off duty, in a manner appropriate to and compatible with your employment with the Council.

6. Political Restrictions

Certain employees hold politically restricted posts that are defined in the Local Government and Housing Act 1989 as:

- specified posts, such as the Head of the Paid Service and the Monitoring Officer. These post holders are restricted without exemption or appeal; or
- posts that meet the duties-related criteria for determining a 'sensitive' post, unless the post holder appeals successfully against such a determination. These posts are defined as those that (i) give advice on a regular basis to the employing authority, or (ii) speak on behalf of the authority on a regular basis to journalists and broadcasters.

If you hold a 'politically restricted post' you are disqualified from membership of any authority, other than a parish or community council, from being a MP or MEP and are subject to prescribed restrictions on your political activity. Further information about political restrictions can be obtained from the Director of Corporate Services.

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If the post you hold is politically restricted, your line manager will notify you of this on appointment.

7. Employee Compliance

Failure to comply with the standards of conduct set out under this Code may result in action being taken under the Council's Disciplinary Procedure, and could result in your dismissal from employment with the Council.

Further information about levels of misconduct can be found within the Council's Disciplinary Procedure.

Annex 1: Statement of Ethical Standards for Employees

1. Introduction

- 1.1 The County Council's reputation for acting with integrity is to a great extent measured by the way in which our employees conduct themselves with our customers, other organisations and each other. This statement sets out the ethical standards which must be upheld by all Council employees [\[1\]](#). The standards are an important and integral part of the Council's [Code of Conduct for Employees](#) which sets all the standards of behaviour that the Council requires employees to comply with.
- 1.2 Our customers, the general public and external organisations are entitled to expect the highest standards of conduct from the Council and its employees. Public confidence in our integrity would be shaken were the least suspicion to arise that the Council or any employee could in any way be influenced by improper motives. Employees must therefore be aware that whilst social contact with persons who have business with the Council can be perfectly proper, care must be taken to ensure that contacts of this nature cannot be misconstrued.
- 1.3 Relationships such as kinship, friendship, membership of an association or club may give the impression to others that an employee might, when undertaking Council business, be acting from personal motives and have divided loyalties. The test is whether others would think the interest is of a kind to make this possible. Accordingly, where such relationships exist employees must be aware of their responsibilities under this Statement and, if they consider that any relationship might give such an impression, or if they are in any doubt, they must inform their line manager at once and, if necessary, make a formal declaration as required.

2. Application of the Statement

- 2.1 This Statement reflects relevant legislation and sets out the Council's expectations of all persons working for the Council. Whilst some of the issues addressed by this Statement are likely to affect senior, managerial and professional employees more than others, all employees and workers are covered by this Statement including those working in schools, employees seconded to other organisations or those working in companies wholly owned by the Council. The Statement applies to permanent, temporary and fixed-term employees and casual workers.
- 2.2 The Statement sets out standards that all employees must comply with. Council employees must conduct themselves at all times when undertaking Council business in accordance with the highest professional and ethical standards and the laws of all countries in which the Council does business.

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- 2.3 On appointment (and when otherwise required by the Council) employees shall be required to confirm their acceptance of the provisions of the Statement as a fundamental term of their contract of employment with the Council.
- 2.4 Non compliance with any of the provisions of this Statement will be regarded as misconduct and may result in action being taken under the Council's [Disciplinary Procedure](#). In some circumstances it may also result in criminal proceedings.
- 2.5 If you consider that other employees may be acting or have acted in breach of any of the provisions of the Statement then you must report this to your line manager or raise it through one of the other available procedures e.g. [whistleblowing](#).
- 2.6 You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.
- 2.7 You must pay particular attention to these provisions if your role with the Council involves dealing with the award of any contracts by the Council or if you deal with any financial transactions, particularly where they are high value. You must also carefully consider the implications of any external activity that you may undertake (where that is permitted see paragraph 2.8) in addition to your employment with the Council.
- 2.8 You must not undertake any additional outside employment which is in conflict with your role as an employee. If you are paid above Scp 19 on the Lancashire pay spine, or equivalent, you must seek permission prior to undertaking any additional outside employment – see [the Code of Conduct](#)

3. Anti-Bribery and Corruption

- 3.1 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. This conduct is never acceptable.
- 3.2 It is not acceptable for you (or someone on your behalf) to:
- (i) give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;
 - (ii) give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;
 - (iii) accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;

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- (iv) accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided in return;
 - (v) threaten or retaliate against another employee who has refused to commit a bribery offence or who has raised concerns under these rules; and
 - (vi) engage in any activity that might lead to a breach of paragraphs (i) to (v) above.
- 3.3 The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving bribes can result in fines and/or up to 10 years' imprisonment.

4 Gifts, Hospitality and Sponsorship

- 4.1 The acceptance/giving of any gift or hospitality by an employee from/to a person (customer, potential customer, supplier, family member of an employee or any other person), who has or may seem to have dealings with the Council can be viewed with suspicion.
- 4.2 Although such offers may be made in perfectly good faith, employees must not accept or make offers where any suggestion of improper influence might arise. A gift or hospitality must not be able to be construed as a bribe nor must it seek to influence any decision or be contrary to any laws or regulations.
- 4.3 Any gift or hospitality should only be accepted where you are satisfied that any purchasing, planning or other Council decisions are not compromised. You should not put yourself in a position where your own integrity and the integrity of the Council may be called into question.
- 4.4 Gifts and hospitality should not be offered to or accepted from any existing or potential supplier or customer during a procurement exercise.
- 4.5 You should only accept a gift or hospitality where it is reasonable and justifiable and is on a scale appropriate to the circumstances, for example:
- A gift with a token face value of up to £25 given by way of trade advertising to a wide range of contacts (e.g. calendars, pens, diaries);
 - The gift is not in the form of cash or securities;
 - The gift or hospitality is a one-off and not repeated on a regular basis; and
 - The gift or hospitality is given openly, not secretly.
- 4.6 You must seek prior approval, where possible, from your line manager before accepting any gift or hospitality that is estimated to be beyond a face value of £25.

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- 4.7 You must declare all gifts and hospitality received or rejected that is estimated to be beyond a face value of £25. The appropriate form to make a declaration is available on the 'Gifts and Hospitality' [intranet site](#). The Director of Corporate Services will maintain a register of all declarations of gifts and hospitality. Your completed declaration form should be emailed within 10 days of the date of the gift or hospitality to: democratic.services@lancashire.gov.uk. The register will be open to inspection by Heads of Service and other managers as appropriate. If you are seconded to an organisation then it is appropriate to use that organisation's forms and procedures in order to make this declaration.
- 4.8 You should always consider the benefit to you and the Council of declining a gift or hospitality. When a gift or hospitality has to be declined you should courteously but firmly inform those making the offer of the procedures and standards operating within the Council.

5 Financial, Personal and Pecuniary Interests

- 5.1 You should disclose any financial or personal interests that you feel conflict or might be seen as conflicting with the Council's interests, for example:
- acting as a school governor within schools maintained by the Council;
 - involvement with an organisation receiving grant aid from the Council;
 - membership of another public sector organisation;
 - membership of a body exercising functions of a public nature;
 - involvement with an organisation or pressure group which may seek to influence the Council's policies;
 - involvement with an organisation or company that is doing business with the Council e.g. as a director ;
 - membership of a charitable body that has a relationship with the County Council;
 - membership of the freemasons or any similar organisation.
- 5.2 Section 117 of the Local Government Act 1972 requires you to disclose any direct or indirect financial interest which you may have in any contract involving the Council. An interest is deemed to include a beneficial interest in a company, or partnership with, or employment by a person with such an interest. It extends to the interest of your spouse or partner. You must not accept any reward, fee, unauthorised commission, gift, present or payment for any work you perform for the Council other than your proper remuneration. Failure to declare such interests may be a criminal offence.
- 5.3 If you wish to declare any financial or personal interests you should submit a completed declaration form to the Director Corporate Services. The form is available on the [intranet site](#) and should be emailed to: democratic.services@lancashire.gov.uk The register of interests will be open to inspection by Heads of Service and other managers as appropriate.

6. Compliance

6.1 Failure to comply with the principles and steps set out in this Statement may result in action being taken under the Council's [Disciplinary Procedure](#) and can lead to dismissal. Examples include, but are not limited to:

- (i) Failure to comply with the principles and steps set out in this Statement;
- (ii) Failure to report a suspected, or actual, instance of non-compliance with the principles and steps set out in this Statement;
- (iii) Failure to make, or falsification of, any declaration to the Council that the Statement requires you to make;
- (iv) Lack of attention or diligence on the part of managers that directly or indirectly leads to a breach of any provision of this Statement or a breach of the law;
- (v) Direct or indirect retaliation against an employee who reports an actual, or suspected, breach of the principles and steps required by this Statement.

6.2 In addition to any disciplinary action that may be taken a breach of any of the provisions of this statement may also amount to a criminal offence. Offences under the Bribery Act 2010 may result in imprisonment^[1]. Breach of the provisions of this Statement may also amount to a criminal offence under the provisions of s.117 of the Local Government Act 1972^[2].

7. Amendments to the Statement

7.1 The Council reserves the right to amend this Statement at any time as it thinks fit to ensure compliance with legislation or otherwise by giving employees not less than 28 days' notice of any change whereupon the provisions of the revised Statement will take effect as a fundamental term of the employee's contract of employment.

7.2 Should you require any clarification about the requirements of this Statement please contact your line manager. You can also obtain further advice from the Director of Corporate Services at: democratic.services@lancashire.gov.uk.

^[1] See paragraph 3.3

^[2] See paragraph 5.2

^[1] For the purposes of this Statement "employee" is defined in paragraph 2.1

Details of County Councillors and Co-opted Members and members of the Cabinet and Committees

Elections for the 84 county councillors are held every four years. The next county council elections will be held in May 2025.

- Current [political composition](#) of the County Council
- List of [county council members](#)
- List of [committee memberships](#) including cabinet and co-opted members

Access to Information

1. Scope

These rules apply to all meetings of the Full Council, all Committees of the Council including Overview and Scrutiny, and meetings of the Cabinet and its Committees, and also individual members of the Cabinet.

They rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

The County Council provides electronic access to the minutes, agendas and reports of its Council and Committee meetings, as well as records of Key Decisions. This can be accessed on www.lancashire.gov.uk.

2. Meetings

The Council will give, wherever possible, at least five clear working days notice of any meeting by posting details of the meeting at County Hall, Preston and on its website.

Members of the public may attend all meetings subject only to the exceptions in these rules.

3. Public Access to Agenda and Reports

Copies of agenda and reports to be considered at meetings or by individual Cabinet Members or authorised Officers (key decisions only) and which are open to the public will be made available for inspection at County Hall, Preston and on the Council's website and Intranet, wherever possible, at least five clear working days before the meeting or decision making session in the case of a Cabinet Member. If an item is subsequently added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda.

4. Access to Minutes of meetings and Decisions taken by individual Cabinet Members and Authorised Officers

4.1 A record of each decision taken at meetings or by an individual member of the Cabinet or a key decision taken by an authorised Officer shall be made available for inspection as soon as reasonably practicable after the meeting or the decision has been taken. The record will be placed on deposit at County Hall, Preston, and on the Council's website and Intranet.

4.2 Copies of the following documents will be made available for six years after a meeting:

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- (a) the minutes of the meeting, together with reasons for excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items which did not disclose exempt or confidential information

4.3 Copies of the following documents will be made available for six years after a decision has been taken by an individual member of the Cabinet or a key decision taken by an authorised Officer:

- (a) the record of the decision taken including a summary of any report containing exempt or confidential information;
- (c) the agenda; and
- (d) reports relating to items which did not disclose exempt or confidential information.

5. Background Papers

5.1 List of background papers

Every report will list those documents (called background papers) which:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report

but may not include published works or those which disclose confidential or exempt or information as defined in paragraph 9 below.

5.2 Public inspection of background papers

The Council will make available for public inspection five clear working days before the meeting or prior to a decision being taken by an individual member of the Cabinet or key decision taken by an authorised Officer, and for four years after the date of the meeting or decision a copy of each of the documents on the list of background papers. The council may make a charge for processing requests for copies of these papers.

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6. Exclusion of Access by the Public to Meetings

6.1 Confidential information – requirement to exclude public

The public have to be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

6.2 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order and as fully defined in Section 100A(3) of the Local Government Act 1972.

6.3 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

6.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to the qualifications below):

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes -
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.

7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

- (a) Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.
- (b) Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.
- (c) Information in one of the seven categories of exempt information which is not prevented from being exempt by either of the two points described above is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing it.

6.5 Procedures Prior to Private Meetings of Cabinet or a Cabinet Committee

If Cabinet or a Cabinet Committee intends to hold a meeting in private in order to consider confidential or exempt information, it will give 28 clear days notice of its intention to do so, via a notice made available at County Hall, Preston and published on the council's website. The notice will include a statement of the reasons for the meeting to be held in private.

At least five clear working days before the private meeting, the cabinet or cabinet Committee will make available at County Hall, Preston and on the council's website, a further notice of the intention to hold a meeting in private. This notice will include a statement of the reasons for the meeting to be held in private; details of any representations received about why the meeting should be open to the public; and a statement of response to any representations.

If, for reasons of urgency, the above timescales cannot be met, the meeting shall only be held in private where the Cabinet or Cabinet committee has obtained agreement from the chair of the relevant Overview and Scrutiny committee; or, if there is no such person or the chair of the Scrutiny committee is unable to act, the Chairman of the County Council; or, where there is no Chairman either of the Overview and Scrutiny Committee or of the County Council, the Vice Chair of the County Council. In this case, a notice will be made available at County Hall, Preston and published on the council's website as soon as possible after that agreement is obtained.

7. Key decisions

7.1 Definition of a Key Decision

A key decision means an executive decision which is likely:

- (a) to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the council.

For the purposes of paragraph 7(1)(a), the threshold for "significant" is £2 million.

7.2 Publication of the Intention to make a Key Decision

Where a decision maker intends to make a key decision, a notice will be made available at County Hall, Preston and published on the Council's website at least 28 clear days in advance of the date of the decision. That notice will state:

- (a) that a key decision is to be made;
- (b) the matter in respect of which the decision is to be made;
- (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
- (d) the date on which, or the period within which, the decision is to be made;
- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available.

7.3 General Exception

Where the publication of the intention to make a key decision in accordance with the above is impracticable and the matter would be a key decision, that decision shall only be made:

- (a) where the Chief Executive has informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
- (b) where the Chief Executive has made available at County Hall, Preston for inspection by the public and published on the council's website a copy of the notice given under Standing Order 20(1)(a); and
- (c) after five clear working days have elapsed following the day on which the Chief Executive made available the notice referred to in Standing Order 20(1)(b).

As soon as reasonably practicable after the Chief Executive has informed the relevant person, he or she must make available at County Hall, Preston a notice setting out the reasons why giving 28 days notice is impracticable; and publish that notice on the council's website.

7.4 Urgent Key Decisions

Where a key decision must be made urgently, making publication 28 days in advance impracticable, the decision shall only be made where the decision maker has via the Chief Executive obtained agreement from:

- (a) the Chair of the relevant Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the County Council; or
- (c) where there is no Chair of either the relevant Overview and Scrutiny Committee or of the County Council, the Deputy Chair of the County Council,

that the making of the decision is urgent and cannot reasonably be deferred.

As soon as reasonably practicable after the Chief Executive has obtained this agreement), he or she must make available at County Hall, Preston a notice setting out the reasons why this has had to be done and publish that notice on the council's website.

8. Additional Rights for Members

8.1 Overview and Scrutiny Committees

Subject to paragraph 8.1.1 below, a member of an Overview and Scrutiny Committee (including its Sub-Committees or Task Groups) will be entitled to a copy of any document which is in the possession or control of the executive and which contains material relating to:

- (a) any business transacted at a private or public meeting of the Cabinet or a Cabinet Committee;

or

- (b) any decision taken by an individual Member of the Cabinet in accordance with executive arrangements;

or

- (c) any decision made by an officer in accordance with executive arrangements.

8.1.1 Timescales

Where a member of an Overview and Scrutiny Committee requests a document in accordance with 8.1 above, the Cabinet or Cabinet Committee must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the executive receives the request.

8.1.2 Limits on rights

A member of an Overview and Scrutiny Committee will not be entitled to any document or part of a document:

- (a) that is in draft form;

or

- (b) that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work.

or

- (c) containing advice provided by a political advisor or assistant.

Where the Cabinet or Cabinet Committee determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a

document or part of a document for a reason set out above, it will provide the Overview and Scrutiny Committee with a written statement of its reasons for that decision.

8.2 Executive, Full Council and Committee Documents

8.2.1 Public Meetings

Subject to paragraph 8.2.3 below any document which is in the possession of or under the control of the Executive, the Full Council and its Committees and contains material relating to any business to be transacted at a public meeting must be available for inspection by any member of the Council.

8.2.2 Executive Decisions

Subject to paragraph 8.2.3 below any document which is in the possession of or under the control of the Executive and contains material relating to any business transacted at a private meeting; any decision made by an individual member in accordance with executive arrangements, or any decision made by an officer in accordance with executive arrangements must be available for inspection by any member of the Council within 24 hours of the meeting or the decision being made..

8.2.3 Limits on Rights

The rights at paragraph 8.2.1 and 8.2.2 do not apply to any document or part of a document that contains exempt information unless it is only exempt by virtue of paragraph 6.4(3) above (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the case of negotiations for a contract); or paragraph 6.4 (6) above.

8.3 Council Documents

Councillors as elected representatives have a right to inspect documents in the Council's possession subject to such documents being necessary for the performance of their Council duties. A Councillor may be required to demonstrate why access to a particular document is required where the document in question is not already in the public domain.

8.4 Part II Reports and Confidential Information

Councillors must only use confidential information (including information contained in Part II Reports) in accordance with the County Council's Protocol on the Disclosure of Confidential Information which is at Appendix Q of the Constitution.

Lancashire County Council

Members' Allowance Scheme

1.0 Background

Lancashire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme:

- 1.1 This Scheme shall have effect for the period 1 April 2023 to 31 March 2024 and subsequent years.
- 1.2 The County Council is required to convene a panel of independent persons, the Independent Remuneration Panel, and have regard to its recommendations on the allowances that are paid.
- 1.3 Each year the County Council has to publish details of its Scheme, and the amounts paid to each Councillor under the Scheme. The record is open to inspection by any local government elector for the County Council's area during normal working hours, and electors are entitled to make a copy of any part of the record.

2.0 Scheme Definitions

- 2.1 In this Scheme:

"Councillor" means an elected member of Lancashire County Council.

"Co-opted member" means a person other than a Councillor who is appointed to serve on a Council Committee, Sub-Committee or Board.

"Year" means the twelve months commencing 1 April.

"Meetings" means a meeting of the Full Council or a body of Members formally established by the Full Council, the Leader of the County Council, the Cabinet or a Council Committee.

3.0 Allowances General

- 3.1 The main Allowances which are provided for in this Scheme are as follows:

- Basic Allowance
- Special Responsibility Allowance

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Owner – Democratic Services)**

- Dependants' Carer's Allowance
- Travelling Allowances

The Allowances shall be uprated annually in accordance with paragraph 13 of this Scheme.

- 3.2 For the avoidance of doubt, Attendance Allowances and Subsistence Allowances are not payable under this Scheme.

4.0 Basic Allowance

- 4.1 Subject to paragraphs 9.0 and 10.0 below, a basic annual flat rate allowance shall be paid to every Councillor. The amount of the Basic Allowance is shown in paragraph 1.1 of Schedule 'A' of this Scheme.
- 4.2 The Basic Allowance is paid monthly and is intended to recognise the time commitment of all Councillors including such inevitable calls on their time as meetings with Council officers and constituents, and attendance at political group meetings. It is also intended to cover incidental costs such as the use of Councillors' homes.

5.0 Special Responsibility Allowance

- 5.1 Subject to paragraphs 9.0 and 10.0 below, each Councillor or Co-opted Member who holds a special responsibility as defined within the Regulations and specified within this Scheme, will receive a Special Responsibility Allowance as shown in Schedule 'B' of this Scheme.
- 5.2 Special Responsibility Allowances are paid monthly.
- 5.3 There is no statutory limit on the number of Special Responsibility Allowances which may be paid to a Councillor. However, the Council on the recommendation of its Independent Remuneration Panel has agreed that a Councillor may not receive more than one Special Responsibility Allowance.

6.0 Dependants' Carer's Allowance

- 6.1 Subject to paragraphs 6.2 and 6.3, a Dependants' Carer's Allowance may be claimed in respect of named children aged 16 or under or in respect of other named dependants where there is medical or social evidence that care is required.
- 6.2 Payment of Dependants' Carer's Allowance shall:

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- (a) Be based on actual receipted expenditure subject to a maximum hourly rate and a maximum annual Allowance, as specified in paragraph 3 of Schedule 'A' of this Scheme.
 - (b) Not be made where a Councillor already receives a carer's allowance from the Department for Works and Pensions.
 - (c) Not be payable where the carer is a parent or is a member of the household.
 - (d) Not be payable unless the carer has been cleared by the Disclosure and Barring Service.
- 6.3 The Dependants' Carer's Allowance may be claimed where the actual expenditure has been incurred in connection with the Approved Duties that apply to claims for travel as detailed in Schedule 'D' of this Scheme.

7.0 Co-opted Members' Allowance

- 7.1 Co-opted Members may claim travel expenses they have actually and necessarily incurred in the performance of an Approved Duty as defined in Schedule 'D' of the Scheme.

For the avoidance of doubt the provisions of paragraphs 8 and 12 shall apply to the Co-opted Members' Allowance.

8.0 Travelling Allowances

- 8.1 A Councillor including the Chairman and Vice-Chairman of the County Council, and or Co-opted Member shall be entitled to receive Travelling Allowances for journeys made within the County of Lancashire only. Travelling Allowances will only be paid for journeys made beyond Lancashire in exceptional circumstances, which shall be approved by the Cabinet Member with responsibility for Members' Allowances (See Schedule 'E' - Annex 2).
- 8.2 Subject to paragraph 8.1 above, a Councillor including the Chairman and Vice-Chairman of the County Council, and or Co-opted Member shall be entitled to receive Travelling Allowances at the rates specified in Schedule C.
- 8.3 Appropriate receipts **must** be obtained and retained in respect of any claims made by a Councillor or Co-opted Member for the reimbursement of public transport and taxi fares (See Schedule 'E' – Annex 2), car parking fees and other incidental expenses.
- 8.4 Receipts must be retained for 3 years following the financial year in which the expenses were incurred.

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- 8.5 A Councillor or Co-opted Member must produce his/her receipts if required by claim processing officers, as well as internal or external auditors.
- 8.6 Each Councillor or Co-opted Member shall agree with the Monitoring Officer a fixed mileage for journeys between his/her home address and County Hall for the purpose of verifying travel expense claims. The schedule of agreed and approved mileages will be updated following the Monitoring Officer being notified of a change of address.

9.0 Renunciation

- 9.1 A Councillor may, by notice in writing to the Chief Executive, elect to forego all or part of any Allowance to he/she may be entitled under the Scheme. Such a notice can subsequently be withdrawn or amended non-retrospectively.

10.0 Adjustments to Entitlements in Year

- 10.1 The provisions of this paragraph apply in relation to the entitlement of a Councillor to Allowances where, in the course of a year:
- (a) The scheme is amended.
 - (b) A person becomes, or ceases to be, a Councillor.
 - (c) A Councillor accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
 - (d) A Councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the County Council.
- 10.2 If, during the year, the Scheme is amended and this results in a change to a Councillor's entitlement to Special Responsibility Allowance and/or Basic Allowance, the actual entitlement shall be based on:
- (a) A proportion of the original annual Allowance based on the number of days up to the date of amendment plus
 - (b) A proportion of the revised annual Allowance based on the number of days from the date of amendment.
- 10.3 When the term of office of a Councillor either begins and/or ends during the course of a year, the entitlement to Basic Allowance shall be based on the number of days in office during that year. Similar pro rata

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entitlements will apply in situations where Basic Allowance is amended under sub-paragraph 10.2 above.

10.4 Where, for a part of the year, a Councillor has such special responsibilities as specified in this Scheme, the entitlement to Special Responsibility Allowance shall be based on the number of days during that year that the Councillor has held such special responsibilities, such entitlement being pro rata to a full year. Similar pro rata entitlement will apply in situations where Special Responsibility Allowances have been amended under sub-paragraph 10.2 above.

10.5 Where a Councillor is suspended or partially suspended from his/her responsibilities or duties as a Member of the County Council in accordance with Part III of the Local Government Act 2000 (or Regulations made under that Part), the part of the Basic, Special Responsibility, Travel Allowances payable in respect of the period of suspension may be withheld by the County Council.

11. Submission of Claims

11.1 Separately, individual claims for Dependents' Carer's Allowances and Travel shall be made on a monthly basis and shall be submitted to Democratic Services on or before the fourth day of each month. This applies especially to year end claims (i.e. claims for Allowances for duties performed up to and including 31 March each year). Claims submitted after 31 May for the preceding financial year will not be accepted.

11.2 Claims **must** be submitted via the electronic Members' Allowances System as soon as possible at the end of each month. Claims may be submitted by non-electronic means (by an agreed paper-based method) only in exceptional circumstances approved by the Monitoring Officer.

11.3 Claims **must** be submitted within two months of the period to which they relate or a payment will not be made unless it is approved by the Chief Executive, good cause having been shown by the member submitting the late claim.

11.4 Each claim shall provide details of the duties undertaken together with adequate supporting information in relation to claims for travel. Such information must include the Place and Time for both the start and finish of each claim.

11.5 Each claim shall be certified by the Councillor or Co-opted member that he/she has **actually and necessarily incurred** the expenditure claimed in the performance of Approved Duties as defined in Schedule 'D' and that he/she will not make any other claim in respect of that expenditure other than under this Scheme.

**(Approved and last updated, 14 December 2023
Owner – Democratic Services)**

12.0 Payment of Allowances

- 12.1 Payments of Basic Allowance and Special Responsibility Allowance shall be made monthly on the last working day of each month.
- 12.2 Claims for Travel and Dependents' Carer's Allowances which are received by Democratic Services on or before the fourth day of each month shall be paid on the last working day of that month.
- 12.2 The monthly amount payable in respect of the Basic Allowance and a Special Responsibility Allowance shall be one-twelfth of the annual allowance(s) specified in this Scheme and subject to paragraphs 9 and 10.0 above.

13. Scheme Amendments

- 13.1 The amounts specified in paragraphs 1.0, 2.0, 3.0 and 5.0 (Basic Allowance, Special Responsibility Allowance, Dependents' Carer's Allowance and the Council's Chairman/Vice-Chairman Allowance respectively) of Schedule 'A' are subject to an annual uprating on 1 April. This uprating shall equate to the average annual percentage increase in employees' pay under the National Joint Council for Local Government Services pay structure.
- 13.2 Overnight Accommodation and Travel Abroad Allowances shall be increased annually with effect from 1 April in every year in line with the Consumer Price Index published in November of the preceding year.
- 13.3 Motor car, Motor cycle, and Bicycle Travelling Allowances shall be revised annually with effect from 1 April in every year in accordance with the maximum allowance for Income Tax purposes as determined by HM Revenue and Customs.

14. General Information

- 14.1 Schedule 'E' contains additional background information and supporting guidance to the Scheme, including:
- Annex 1 – Contacts, Enquiries and Other General Matters
 - Annex 2 - Travel Allowances
 - Annex 3 - Taxation
 - Annex 4 - National Insurance

**(Approved and last updated, 14 December 2023
Owner – Democratic Services)**



- **Annex 5 - Insurance Arrangements**

Lancashire County Council
Members' Allowance Scheme
Schedule 'A'

1.0 Basic Allowance

- 1.1 An annual Basic Allowance of £13,777 is payable to each Councillor.

2.0 Special Responsibility Allowance

- 2.1 Based on an annual Special Responsibility Allowance total of £529,871 the actual individual Allowances are detailed in Schedule 'B'. The amounts quoted in Schedule 'B' are in respect of a full year term of office.

3.0 Dependants'/Carer's Allowance

- 3.1 Payment of a Dependants'/Carer's Allowance, as provided for in Paragraphs 6.1 to 6.3 of this Scheme, shall be based on actual receipted expenditure subject to a maximum hourly rate of £9.46. Total payments in any one year shall not exceed £1,987.

4.0 Travelling Allowances

- 4.1 The amounts payable by way of Travelling Allowances including Overnight Accommodation, and Travel Abroad shall be subject to the rates specified in Schedule 'C' of this Scheme.

5.0 Chairman and Vice-Chairman of the County Council Allowances

- 5.1 An annual Allowance of £20,657 is payable to the Chairman of the County Council and the Vice-Chairman shall receive an annual allowance of £10,329.

Lancashire County Council
Members' Allowance Scheme
Schedule 'B' - Special Responsibility Allowances

Position			Amount £	% of Leader
Leader			41,331	100.00
Deputy Leader			28,932	70.00
Cabinet Members		8@	22,732	55.00
Lead Members		5@	11,366	27.50
Champions		6@	7,233	17.50
Chairs	Overview and Scrutiny	4@	10,333	25.00
	Corporate Parenting Board		10,333	25.00
	Development Control		10,333	25.00
	Pension Fund		10,333	25.00
	Regulatory		10,333	25.00
	Audit, Risk and Governance		10,333	25.00
	Lancs County Dev Ltd		5,167	12.50
Deputy Chairs	Development Control		5,167	50.00
	Overview and Scrutiny	4@	4,857	47.00
<i>(This is the % of the amount paid to the Chairs of the relevant Committees)</i>				
Majority Group	Secretary		6,200	15.00
	Whip		6,200	15.00
Largest Opposition Group	Leader		22,732	55.00
	Deputy Leader		11,366	27.50
	Secretary		4,133	10.00
	Whip		4,133	10.00

Lancashire County Council

Members' Allowance Scheme

Schedule 'C' – Travelling Allowances (see also Schedule 'E')

Travelling by Private Vehicle

The rate for travel by a Councillor or Co-opted member in his/her own private vehicle, or one belonging to a member of the family or otherwise provided for the Councillor or Co-opted member's use, for journeys made in accordance with paragraph 8.1 of the Scheme shall not exceed:

Type of vehicle	First 10,000 miles	Above 10,000 miles
Cars and vans	45p	25p
Motorcycles	24p	24p
Cycles	20p	20p

In addition to the rates detailed above, the actual and receipted expenditure incurred on public transport, taxis (see Schedule 'E' – Annex 2), tolls, ferries or parking fees, including overnight garaging may be claimed.

Overnight Accommodation

Where the nature of the duties being undertaken result in a Councillor or Co-opted member being absent from his/her usual place of residence, overnight accommodation will be booked and paid directly by the County Council.

In exceptional circumstances where it is not possible for the County Council to make a direct booking on behalf of a Councillor or Co-opted member, the actual receipted cost of accommodation, will be reimbursed to the Councillor or Co-opted member. Such reimbursement will be subject to a maximum allowance per night of £179.70 for London and £156.47 elsewhere in the UK.

Travel Abroad

For Councillors or Co-opted members travelling outside Great Britain on approved duties (including, for the purpose of this section, travelling in Northern Ireland), a flat daily rate of £86.78 will be provided to cover costs incurred on transport whilst actually abroad. An unused portion of this allowance must be returned to the County Council.

Lancashire County Council

Members' Allowance Scheme

Schedule 'D' – Travel – 'Approved Duties' (See also Schedule 'E', Annex 2)

Appropriate travel allowances may be claimed in accordance with the above details where such travelling has been undertaken in connection with one or more of the following 'Approved Duties':

1. The attendance in connection with the efficient conduct or discharge of duties for which a Special Responsibility Allowance is paid in accordance with this Scheme.
2. The attendance at a meeting of the Full Council or of any Council Committee, Sub-Committee, Task Group, Working Group, Steering Group or Board.
3. The attendance as the Council's appointee at meetings of Outside bodies including any Committees or Sub-Committees of such a body where allowances cannot be claimed direct from the body concerned.
4. The attendance at any other meeting, the holding of which is authorised by the Authority, or a Committee or Sub-Committee of the Authority, or a joint Committee, or the Authority and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a Sub-Committee of such a joint committee provided that:
 - (i) where the Authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited, or
 - (ii) if the Authority is not so divided, it is a meeting to which at least two members of the Authority have been invited.

For the purposes of paragraphs 2 to 4 above, claims for Travel can only be made in respect of attendance at meetings of a Committee, Sub-Committee or other body of which the Councillor claiming is a member or where the Councillor is invited to attend by that body.

5. The attendance at a meeting of the Cabinet.
6. Meetings, Official Inspections and Visits authorised by the Cabinet, a Cabinet Member (where a decision cannot await the next meeting of the Cabinet), a Council Committee, Sub-Committee, Task Group, Working Group, Steering Group or Board.

7. Conferences and Seminars authorised by the Cabinet or where a decision cannot await the next meeting of the Cabinet by the Cabinet Member with responsibility for Resources.
8. Authorised training events.
9. Attendance by Councillors appointed by the Council and who are not principal office holders on the Local Government Association (LGA) at LGA meetings.
8. Public meetings concerning a Council Service.
9. Any authorised Official or Courtesy visit on behalf the County Council.
10. Any of the following authorised County Council events in Lancashire:
 - i. Opening Ceremonies
 - ii. Open days
 - iii. Receptions
 - iv. Displays
 - v. Concerts
 - vi. Demonstrations and Presentations
 - vii. Competitions
11. Foster/Adoption Panels.
12. Meetings with other representatives of local authorities, government departments and Members of Parliament.
13. Joint Negotiating Councils.
14. Political group meetings that are held immediately prior to a Full Council meeting for the purpose of discussing council business.
15. Attendance at the Royal Garden Party.
16. The performance of any duty in pursuance of any Procurement Rule under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened.
17. The performance of any duty in connection with the discharge of any function of the Authority conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.
18. The performance of any duty in connection with arrangements made by the Authority for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.

19. The carrying out of any duties as Chairman and Vice-Chairman of the County Council.

Attendance at any of the following are not authorised as an 'Approved Duty' and no travel allowances will be paid.

1. All other Political Group Meetings other than those specified in paragraph 14 of the 'Approved Duties' section shown above.
2. Meetings with officers and constituents.
3. Member Surgeries.
4. Standing Order No. 19(1) (Attendance by Members of the County Council at meetings of Committees or Sub-Committees of which they are not members).
5. Meetings of any outside body where allowances are paid by the body concerned. This shall include meetings of the Local Government Association where a Councillor is a principal office holder or has been appointed by the Association or Assembly to attend in a representative role. Such Councillors should claim direct from the Local Government Association.
6. Lancashire Combined Fire Authority and associated meetings. Members of this Authority should claim direct from the Fire Authority.
7. Meetings of any outside body where a councilor has been appointed by a political party.

Lancashire County Council

Members' Allowance Scheme

Schedule 'E' – Supporting Guidance

Annex 1 - Contacts, Enquiries and Other General Matters

If Councillors or Co-opted members:

- a) require help with the submission of claims for Allowances or wish to question any payment made to them, would they please contact Lisa Cook, Democratic Services on 01772 536552.
- b) wish to raise a point of principle or require clarification of the Members' Allowance Scheme, would they please contact Josh Mynott, Democratic Services on 01772 534580.

Cases of Uncertainty

Where questions arise in connection with Members' Allowances and are not specifically covered in the Scheme (e.g. whether a function is sufficiently closely connected with the functions of the County Council to warrant approved duty status and thus attract the payment of allowances) the matter falls for consideration by the Chief Executive in consultation with the Cabinet Member responsible for Members' Allowances.

Any such matters should be raised with the Chief Executive by contacting Josh Mynott, Democratic Services on 01772 534580.

Attendance Record

Councillors should ensure that they sign an official attendance record circulated at each place of meeting as this will support a claim for allowances and form part of the permanent record.

Record of Payments

The County Council is required to keep a record of all payments to Councillors, indicating the amount paid to each Councillor in respect of each type of allowance. That record is open to inspection at all reasonable hours by any local government elector resident in the area of the council. Each year the payments made in the preceding year are placed on the County Council's website.

Annex 2 - Travelling Allowances - Additional Guidance and Provision

General

Allowances should be claimed according to the actual method of travel used. When Councillors or Co-opted members travel, in the performance of approved duties, in the car, of an officer or another Councillor or Co-opted member who is claiming reimbursement, or when transport is provided, they are not entitled to any allowance for that journey.

Travel by public transport

First Class travel is permitted and must be authorised by the Cabinet Member with responsibility for Members Allowances.

Councillors and Co-opted members are asked to notify Julie Trafford, Procurement team, on 01772 533406 of their travel requirements as early as possible so that the County Council can benefit from discounts for advance booking where available. Exceptionally, Councillors and Co-opted members may purchase their own tickets at short notice, but reimbursement will only be made on production of the rail tickets used or a receipt for payment.

Unused portions of rail tickets should be returned to Julie Trafford, Procurement team.

Travel by Private Vehicle

Councillors and Co-opted members are prohibited from using personal vehicles to travel outside Lancashire unless prior approval is given in exceptional circumstances by the Cabinet Member with responsibility for Members Allowances.

Exceptional circumstances would be where an event is held at a remote location with no public transport connections or where the event start/finish time means that the use of public transport is impractical. Councillors and Co-opted members can elect to use their own vehicle for journeys beyond Lancashire, but they can only claim the equivalent public transport cost unless the journey has been previously approved by the Cabinet Member via Democratic Services.

Councillors and Co-opted members are encouraged to car share wherever possible and journeys should be made via the shortest practicable route.

Councillors and Co-opted members are responsible for ensuring that their motor insurance covers use of the vehicle on Council business. Please see Annex 5.

Travel by Taxi

Councillors and Co-opted members are permitted to reclaim the cost of a taxi journey in the following circumstances only:

- (i) Where a taxi needs to be used prior to or following a train journey in connection with attendance at a conference or other similar event away from County Hall; or
- (ii) An emergency situation where no other form of transport is available; or
- (iii) Where a journey by taxi has been given prior approval by the Monitoring Officer.

Overnight Accommodation

Julie Trafford (01772 533406) will make the necessary arrangements, including payment, in respect of any overnight accommodation. In exceptional circumstances, where it is not possible for a direct booking to be made, the actual receipted cost of accommodation, will be reimbursed in accordance with Schedule 'C' to the Scheme.

Travel Abroad

A flat daily rate will be paid to Councillors or Co-opted members traveling outside Great Britain on approved duties. This Allowance is intended to cover costs incurred on transport whilst actually abroad. Any unused portion of this Allowance e.g. in respect of meals provided at no cost to the Councillor or Co-opted member must be returned to the Council. Details of the rate are set out in Schedule 'C' to the Scheme.

Annex 3 - Taxation

PAYE

Basic Flat Rate Allowance and Special Responsibility Allowance are taxable emoluments. As such, the allowances will be taxed, less any tax free pay notified to the Council's Payroll Service in the form of a tax code notification from HM Revenue and Customs (HMRC). It should be noted that it is up to each Councillor to contact HMRC direct in order to obtain or query such notifications. This can be done online, by phone or by in writing.

On Line: <https://www.gov.uk/personal-tax-account>

Tel: 0300 200 3300

Address:

Pay As You Earn and Self-Assessment
HM Revenue and Customs
BX9 1AS
United Kingdom

Allowances paid and tax deducted are notified to HMRC monthly and a certificate (P60) will be issued to each Councillor showing the total amount of taxable allowances paid and the total tax deducted in the year by 31 May of the following year. The certificate should be retained to check any notice of assessment, which the Tax office may issue.

The Dependants'/Carer's allowance is also subject to tax.

Annex 4 - National Insurance

General Liability for National Insurance Contributions

The Social Security Contributions & Benefits Act 1992 and subsequent amendments provide for National Insurance contributions to be collected along with Income Tax under the PAYE procedure.

As Basic Flat Rate Allowance and Special Responsibility Allowance are taxable under Schedule 'E' (emoluments from office), they are also liable for National Insurance contributions.

The carers/dependants allowance is also subject to National Insurance contributions.

National insurance contributions are payable on the total of all monies earned by an individual that are subject to national insurance, (including allowances) in excess of the Earnings Threshold. Contributions are payable at the standard rate up to an Upper Earnings Limit after which a reduced rate applies. These limits are subject to annual adjustment and are available on request.

Councillors should notify the local office of the Department for Work & Pensions of any taxable allowances received if they are claiming or receiving benefits from the Department for Work & Pensions.

Persons of Pensionable Age

No Class 1 contribution will be payable by a person over pensionable age who is a retirement pensioner or who does not satisfy the contribution conditions for a retirement pension. In such circumstances, the Councillor should apply to HM Revenue & Customs, National Insurance Contributions Office, Longbenton, Newcastle Upon Tyne, NE98 1ZZ for a Certificate of Age Exemption (CF384) telephone 0300 200 3500. This certificate should then be forwarded to the County Council's Payroll Service.

Married Women and Widows

There is now no right to "opt out" of paying full rate National Insurance contributions; however, those Councillors who currently hold a reduced rate certificate, and have paid contributions during the last two consecutive tax years, can retain the right to pay reduced rate. Any valid certificate should be forwarded to the County Council's Payroll Service.

Dual Employment etc.

Each employment or office is considered separately for contribution purposes and no account is taken for the fact that a Councillor may be employed or the holder of another office under another "employer" or self-employed.

However, in situations where the taxable emoluments received, either in total or in one particular employment exceed the Upper Earnings limit, Councillors should contact HM Revenue & Customs, National Insurance Contributions Office, Longbenton, Newcastle Upon Tyne, NE98 1ZZ in order to limit contributions payable (by use of Form CA2700) or obtain an appropriate refund of contributions paid.

Annex 5 - Insurance Arrangements

Liability Insurance

The County Council's liability insurance arrangements provide appropriate cover in respect of the actions of Councillors whilst acting on County Council business.

Personal Accident Insurance

The County Council has a Personal Accident Insurance Policy which provides financial benefits regardless of legal liability for Councillors who are accidentally killed or injured while attending a Council or committee meeting or any other function or engagement which forms part of their duties as members of the Council, or whilst traveling to and from such meetings, or functions, including travel abroad on County Council business.

The benefits provided by this policy are as follows:

- a) For death or permanent total disablement, a lump sum of £200,000 (this could be reduced if no dependants).
- b) For other permanent partial disablement(s) (e.g. loss of a finger) a lump sum percentage of £200,000 on a scale determined according to the severity of the injury.
- c) For temporary total or partial disablement, actual loss of net earnings up to a maximum of £200 per week for a maximum period of 104 weeks.
- d) In addition to the benefits outlined in paragraphs a), b) and c) above, the following benefits are provided whilst traveling abroad on County Council business:

		Maximum per person
i)	Medical and emergency travel expenses	Unlimited
ii)	Personal baggage (subject to a single article limit of £2,000)	£10,000
iii)	Personal money (subject to the cover for cash being limited to £2,000)	£10,000

Notes

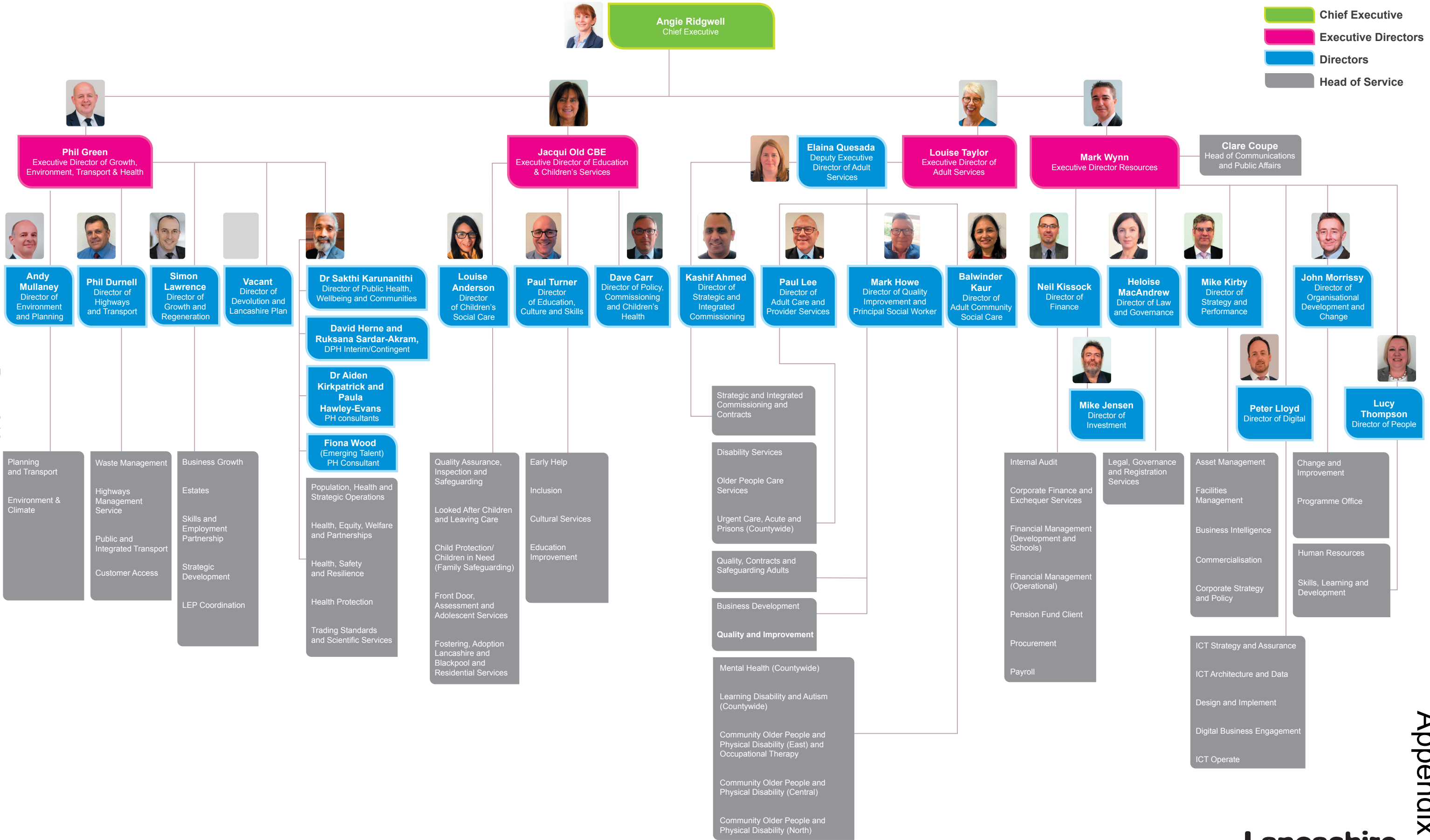
- i) There is no upper age limit on the policy
- ii) At the age of 75, the lump sum benefits for death and permanent total disablement are reduced. Benefits for permanent partial disablement and all temporary disablement cease to be payable at the age of 75.

- iii) Medical expenses cover for travel abroad is subject to the proviso that such journeys are not made against medical advice.

Motor Vehicle Insurance

The use of motor vehicles is subject to compulsory insurance cover and where Councillors and or Co-opted members use private motor vehicles on County Council business, it is the responsibility of individual Councillors and or Co-opted Members to ensure that their own motor vehicle insurance policies provide appropriate cover for such use.

Lancashire County Council Senior Leadership Team Structure February 2024



Corporate Complaints Procedure

Introduction

The Council is committed to providing the best possible service it can. If we fail to do this, we want to know about it so that we can deal with the specific problem and take steps to avoid it happening again so that we can improve our services.

We will try to resolve most complaints on an informal basis at the first point of contact but this procedure explains how you can take up matters formally through the Council's **Corporate Complaints Procedure** if you think the service you have received from the Council is unsatisfactory.

What is a complaint?

For the purpose of this procedure, the Council accepts the definition by the Local Government and Social Care Ombudsman:

"An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of service, whether the action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council".

The Council's complaints procedure is not intended to be used to obtain compensation payments. The Council may however offer a payment if the complainant is out of pocket as a result of an upheld complaint and, if a complaint is upheld by the Council, it will consider making a "time and trouble" payment, in line with Ombudsman recommendations.

Is this the right procedure for my complaint?

The Corporate Complaints Procedure deals with all complaints where there is not a separate specific or legal procedure to deal with the matter.

By law, the Council has to consider complaints about the following matters under separate procedures set by the Government:

- Complaints about social care issues relating to children
- Complaints about social care issues relating to adults
- Complaints against County Councillors should be e-mailed to codeofconduct@lancashire.gov.uk

The Council also has specific procedures to deal with complaints about the following:

- Street lighting

**(Approved and last updated by the Urgency Committee, 4 June 2019
Owner – Angela Esslinger, Legal & Democratic Services)**

- Highway defects
- Public rights of way obstructions, defects and certain legal orders
- Public transport services
- Quality of goods you have purchased from a shop or trader (Trading Standards)

We cannot deal with:

- Complaints about schools – these should be referred directly to the school
- Any matter on which you have commenced legal action against the Council which also includes abandoned matters.
- Complaints from County Council employees (or ex-employees) and their representatives in respect of matters relating to their employment or pension
- Complaints about issues covered by a separate appeals procedure, for example Penalty Charge Notices (PCNs).
- Complaints about data protection or other information governance issues which are within the remit of the Information Commissioner

Complaints received anonymously will be recorded and considered where the Complaints Manager feels that this is appropriate, but action may be limited if there is insufficient information available to enable a full investigation to take place.

Delays

It becomes increasingly difficult to ensure a fair investigation after a period of time has elapsed since the original incident occurred. Complaints will therefore not be investigated after a period of 12 months has elapsed from the incident which gives rise to the complaint or after the person becomes aware of the matter which gives rise to the complaint.

Outcomes

The aims of the Corporate Complaints Procedure are:

- to assist the Council in providing a customer focussed service
- to provide a fair, effective, transparent and structured means to investigate complaints or concerns about service delivery promptly and, where we are at fault, to put things right
- to make sure that complaints are dealt with consistently throughout the Council to encourage constructive feedback
- to help us improve our services and encourage best practice by all staff
- to increase customer satisfaction in Council services and in the way we handle feedback

**(Approved and last updated by the Urgency Committee, 4 June 2019
Owner – Angela Esslinger, Legal & Democratic Services)**



How to make a complaint

We have tried to make this procedure as accessible and straightforward as possible. Customers can contact us about their concerns in many different ways.

- in person at any of our offices
- by telephone through our Customer Access Centre: 0300 1236720
- by email sent to: complaintsandfeedback@lancashire.gov.uk
- by completing the [on-line form](#) on the LCC website
- by letter to:

Complaints and Appeals Team
Lancashire County Council
Christ Church Precinct
County Hall
Preston PR1 8XJ

Please ensure that any communication contains:

- Your full name
- Your postal address
- The date (where possible) and details of the complaint
- The service concerned where possible

A template for reporting your complaint can be found at the end of this document.

Our investigations into your complaint will be thorough and unbiased, will be completed within strict timescales unless otherwise agreed with you and your confidentiality will be respected as far as possible.

What is a complaint?

The Complaints and Appeals Manager is responsible for all council complaints and will decide what issue to treat as a corporate complaint and at what level. The appropriate Head of Service or Director for the service to which the complaint relates, will act as the Council Designated Complaints Officer for the complaint, dependant on the severity of the complaint.

The first reports of any defect / incident / fault will always be considered as "business as usual". Requests for service, including complaints about defects in infrastructure for which the Council has responsibility, are also regarded as a routine and are therefore not regarded as complaints. These should be reported via the '[Love Clean Streets](#)' app or through the customer access centre. If such requests are received within the Complaints Team, the customer will be responded to promptly and within 3 working days, providing contact details of the Council team responsible for the service delivery.

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Owner – Angela Esslinger, Legal & Democratic Services)**



The Complaints Team will consider all expressions of dissatisfaction to decide on the appropriate action to take in each case. Issues will be promptly acknowledged and responded to within 20 working days and if it is believed that fault lies with the Council, these will be progressed to 'informal complaints' (and a reference number will be provided). This means that even if an email or letter states 'formal complaint', it does not necessarily mean that the Council will treat the issue in this way.

Unless the expression of dissatisfaction can be resolved to your satisfaction informally, the following process will be followed:

Stage 1 - Investigation

- The complaint will be formally acknowledged by the Council within 3 working days.
- It will be recorded on the Council's electronic complaints management system.
- The appropriate manager for the service / staff member to which the complaint relates will investigate and respond to the complaint.
- In exceptional circumstances, where the issues raised are more complex and will take more than 20 days to investigate, we will let you know why we need more time, provide you with a progress report within the initial 20 working day period, and inform you of when we believe it will be possible to let you have a full response.

We hope that the Stage 1 response to your complaint will resolve your matter to your complete satisfaction. However if you still remain dissatisfied with your response, you may ask for your complaint to be escalated to Stage 2 in the process.

Stage 2 – Consideration by Head of Service

- The appropriate Head of Service or Director of the service to which the complaint relates, will act as the Council Designated Complaints Officer for the complaint
- A senior manager who has not previously been involved with your complaint will examine the reasons for your continued dissatisfaction and carry out a full review and if necessary, further investigate your complaint. You will be sent a comprehensive reply within 20 working days of when you escalated your complaint to Stage 2.
- In exceptional circumstances, where the issues raised are more complex and will take more than 20 days to investigate, we will let you know why we need more time, provide you with an update within the initial 20 working day period, and inform you of when we believe it will be possible to let you have a full response.

**(Approved and last updated by the Urgency Committee, 4 June 2019
Owner – Angela Esslinger, Legal & Democratic Services)**



What if you are still unhappy with the response you receive?

We hope to resolve your complaint to your satisfaction. However, if you are still not happy after both stages of the procedure have been completed, you can ask the Local Government and Social Care Ombudsman, an independent 'watchdog', to investigate your complaint. Details of how to do that will be included in your Stage 2 response. The Ombudsman's contact details are as follows:

Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH
Telephone: 0300 061 0614

e-mail: advice@lgo.org.uk

The Ombudsman will expect you to have given the Council the opportunity to resolve your complaint through its own procedures before it will investigate.

Management Information

Lancashire County Council uses complaints and customer feedback to improve services and ensure that lessons are learnt. Complaints are therefore monitored and reported on monthly, quarterly and annually, so that best practice is disseminated throughout the Council.

We ensure that:

- Every complaint is logged
- Progress is monitored
- An annual report on Corporate Complaints is produced for review by senior managers every financial year
- The Corporate Complaints Annual Report is considered by County Councillors, so that any actions and recommendations are endorsed and communicated across the Council.

Complainants have the option to record information about gender, age, ethnicity and disability. This information is used to ensure that our complaints process is accessible to all groups of customers.

Management of unreasonable complainant behaviour

There are a small number of complainants who pursue their complaints in ways that are unreasonable and /or who take up an unwarranted amount of Council resources.

In such circumstances, the Council may choose to apply its policy on the management of unreasonable complainant behaviour, which has been drawn up in

**(Approved and last updated by the Urgency Committee, 4 June 2019
Owner – Angela Esslinger, Legal & Democratic Services)**



line with guidance issued by the Local Government and Social Care Ombudsman. Such action is very rare and not taken lightly and complainants will be informed before any restrictions are applied to them in order that they might moderate their behaviour.

Interpretation

The Complaints and Appeals Manager for the Council will determine any issue relating to the interpretation of any provision in this procedure

Corporate Complaints Procedure: Formal Investigation

Name

Address

Daytime telephone number

E-mail address

Are you happy for us to correspond with you by e-mail? Yes/No

County Council Service concerned (if you know)
.....

Reference on any previous correspondence

What do you think the Council did wrong?

[illegible]

What do you think the Council should do to put things right?

.....

**(Approved and last updated by the Urgency Committee, 4 June 2019
Owner – Angela Esslinger, Legal & Democratic Services)**

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Date of Completion



Lancashire County Council

Protocol on County Councillor/Officer Relations

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General Principles

County Councillors and Officers are expected to adhere to the principles relating to conduct and behaviour as laid down in their respective Codes.

1. Introduction

County Councillors who are elected as Members of the County Council, and professional officers who are its employees, have complementary roles in providing local governance, which is transparent and accountable. Effective partnership requires mutual respect and a proper understanding of the status and obligations of the individuals concerned.

Under the Constitution, County Councillors are collectively accountable to the electorate for the conduct of the County Council in performing its statutory duties and other local government functions. In some cases they are responsible for discharging those functions through their membership of Committees. Executive Members who are appointed to the Cabinet are responsible for discharging defined executive functions and for determining policy and providing political direction to the Council.

Officers are charged with the implementation of decisions taken by the Full Council, Cabinet and Committees. Individual decision making responsibilities of Cabinet Members are set out in the Scheme of Delegation to Cabinet Members within the County Council's Constitution. The County Council exercises a monitoring role through meetings of the Full Council and a monitoring role is undertaken by Overview and Scrutiny Committees.

Officers serve the Council as a whole. They are required to carry out their duties objectively, free of any political bias. Relationships between all County Councillors and officers should not be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with all Councillors as individuals and with all political groups. Councillors must accept that Chief and senior officers act independently in performing their functions and in no way seek to compromise their political neutrality. Officers must not assist County Councillors in any research or support that is linked to their party political activity.

The Protocol applies, where appropriate, to voting co-opted Members of the Council

2. Principles Underlying County Councillor/Officer Relations

This protocol embodies the principles underlying the respective codes of conduct adopted by the County Council for both County Councillors and officers and other procedures adopted by the County Council such as the respective Codes for use of computers and the Race Equality Scheme.

3. Expectations of Officers by County Councillors

County Councillors are the elected representatives of their community as a whole and are directly accountable to the electorate for the delivery of policies and services. Officers are required to respect the representational role of Councillors and their status as the accredited spokesperson for their particular district. County Councillors should not involve themselves in the day-to-day management of services but they are entitled to be listened to when raising issues on behalf of the people they represent. In fulfilling their role the following standards can be expected of officers:

- Officers to provide objective, unbiased information and advice on matters of County Council business
- Officers to act with integrity and respect confidentiality within the limits of their own responsibilities
- Officers to respect and support the representational and leadership role of County Councillors and associated workloads and pressures
- Officers to use their best endeavours to ensure that County Councillors are informed in advance of executive decisions which are specific to their Electoral Divisions

4. Expectations of County Councillors by Officers

Officers are accountable to the Full Council, the Cabinet and Committees for the implementation of policies and the delivery of services, and are responsible for the day-to-day management of services. In fulfilling these roles officers can expect:

- to be treated with dignity, courtesy and respect by County Councillors
- County Councillors to provide mutual support and respect appropriate confidentiality
- not to be put under any undue or unnecessary pressure by County Councillors, who will have regard to the respective seniority of officers and demands that can reasonably be made upon relevant grades of officers
- to comply at all times with the relevant codes of conduct
- County Councillors reasonably to fulfil commitments to attend and participate in public meetings and events
- respect for their own working time and requirements of their posts.

5. Officers

Officers within a service directorate are accountable to their Director and/or service head. Whilst officers should always seek to assist a Cabinet Member or any County Councillor, in doing so they must not exceed the powers which they have been authorised to exercise. Officers should also refer to the County Council's Scheme of Delegation to Heads of Service, Code of Conduct for Officers, and to the County Council's Constitution for clarification about the boundaries of their responsibility. Officers should support and offer advice to both the Executive and Overview and Scrutiny functions of the County Council.

6. Relationships between Officers and County Councillors Performing Particular Roles

Some County Councillors have been appointed to responsibilities and duties which require a particular working relationship with certain officers. Specific guidance on these particular relationships is offered below.

Leader and Deputy

The role of the Leader of the County Council is set out in the Constitution. The Leader and Deputy require regular briefings from the Chief Executive and other chief and senior officers on County Council business and policy.

Cabinet Members

Cabinet Members and the Cabinet collectively, will routinely be consulted and briefed as part of the process of preparing reports for decision by individual Cabinet Members or Cabinet. Any advice given by officers must be considered by Cabinet Members, and taken account of, in reaching a decision in accordance with Standing Orders. The Code of Conduct for County Councillors also provides that any County Councillor must when reaching decisions have regard to any formal statutory reports from the County Council's Chief Finance Officer and the Monitoring Officer.

Cabinet Members, individually or collectively, will bear the responsibility for decisions taken following the advice given, and duly recorded.

Chairs and Members of Committees

Chairs and Deputies of Committees will be consulted and briefed routinely as part of the process of preparing agenda reports for committees. Any advice given by officers must be considered by chairs and members of committees in reaching a decision. Where officers are required to attend an Overview and Scrutiny Committee the approach should be through the appropriate Director in accordance with the Terms of Reference of the Overview and Scrutiny Committees.

7. Opposition Group Briefings

Nominated opposition group spokespersons are entitled to request and receive regular briefings on issues of County Council business to be considered by: the Full Council; Cabinet; Cabinet Members, or Committees. The briefing is provided by the appropriate Director or his/her nominated representative.

8. Non Group Councillors

County Councillors who do not belong to a party group are entitled to seek and receive information on County Council business on a similar basis.

9. Officer Relationships with Party Groups

Officers will not normally provide advice or information to a party group. Similarly, officers should not normally be asked to brief party group meetings or discussions which involve non-council representatives. Exceptions to this principle should be cleared through the appropriate Director or Head of Service.

10. County Councillors in their Electoral Division Role and Officers

Whenever a public meeting is organised by the County Council to consider a local issue, all the County Councillor(s) representing the electoral division(s) affected are to be invited to attend the meeting. Similarly, whenever the County Council carries out any form of consultative exercise on a local issue, the County Councillor(s) for that electoral division(s) are to be notified.

All County Councillors have access, through the County Council's intranet/internet sites, to all Cabinet, Full Council and Committee Agendas. The intranet site provides facilities to identify the specific electoral divisions for items under consideration.

11. County Councillors' Access to Documents and Information

County Councillors can approach the appropriate Service Area or Democratic Services, to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a County Councillor. A request might be for general information about a particular aspect of a service's activities or a request for specific information on behalf of a constituent. Such approaches should be directed to the Service Director, Head of Service or their nominated representative. If County Councillors wish to visit offices they should, whenever possible, contact the appropriate Director or Head of Service to make the necessary arrangements.

County Councillors have legal rights of access to documents and information held by the County. However, these rights are not absolute and in some circumstances a County Councillor may have to establish a 'need to know' to justify access. Data Protection and Human Rights considerations may also apply in particular circumstances. Part II Reports are provided to County Councillors on the basis that they are private and confidential and disclosure may be unlawful. Any information contained within a Part II Report must not be given to the press or members of the public unless permission is specifically given by a Cabinet Member or Chair of a Committee following advice from the appropriate Director and/or the Monitoring Officer.

A County Councillor of one party group does not have the right to inspect a document that forms part of the internal workings of another party group or any document or part of a document containing advice provided by a political adviser or assistant.

12. Confidential Information

The requirements of confidentiality referred to in the Protocol on the disclosure of confidential information for members must be strictly observed. Any material provided on a confidential basis must remain so unless permission to share that information is given by the person providing it. Officers must also at all times consider data protection and any other statutory provision relating to confidentiality and confidential material.

13. Local Government Act 1986 - Publication of Material

Material must not be published which in whole or in part appears to affect public support for a political party and information published is restricted the provision of information relating to the functions of the County Council only. Restrictions also apply to the publication of material within 28 days of any local election or referendum.

14. Correspondence

Correspondence between an individual County Councillor and an officer should not normally be copied by the officer to any other County Councillor. Where it is felt necessary to copy the correspondence to another County Councillor, this should be made clear to the County Councillor who originated the enquiry. If the correspondence includes information relating to another County Councillor then it will automatically be copied to the other County Councillor concerned, without reference to the County Councillor originating the enquiry.

15. Support Services to County Councillors and Party Groups

The only basis on which the County Council can lawfully provide support services such as stationery, typing, printing, photocopying, transport to County Councillors, is to assist them in discharging their role as County Councillors. Such support services must therefore only be used for County Council business. The services should not be used in connection with party political or campaigning activity. Any service used for this type of activity can only be provided with prior approval and is subject to payment of an appropriate charge by the individual County Councillor or group. County Councillors must ensure that they adhere to the relevant codes of conduct or procedures relating to the use of computers, County Councillors' own websites, and any other equipment. County Councillors should also follow health and safety procedures.

16. "Think Councillor" initiative

"Think Councillor" is an initiative that helps officers to think about County Councillors in all areas of their work. It helps officers to be more aware of what County Councillors do and how they can work with them.

There are six key principles of "Think Councillor":

1. Working positively with County Councillors to continually improve services for the people of Lancashire
2. Putting County Councillors' needs and expectations at the heart of everything we do
3. Giving County Councillors a high standard of service at all times
4. Finding out what County Councillors need and responding to it
5. Supporting County Councillors to carry out their roles
6. Keeping our County Councillors informed

Further information can be found in the [Think Councillor Guide](#)

17. Media Relations

The Media Relations Team is the main contact point for media enquiries and responses and offers advice to County Councillors and officers on all media-related matters.

Press releases and other communications with the media must be politically balanced and not favour the views of any political group over another.

Where a press release refers to a particular electoral division and involves an issue of particular local interest, the local County Councillor should whenever possible be invited to comment and be involved in any photo opportunity or other media event that is organised.

For more detail see the Media Relations Policy.

18. Guidance for Site Visits and Official Openings

Democratic Services can offer guidance to assist County Councillors when attending site visits and official openings on behalf of the County Council. Particular Protocols may exist for certain operational establishments.

The [Think Councillor Guide](#) provides advice to officers on the organisation of events, opening ceremonies, conferences and receptions.

19. Monitoring and Evaluation of the Protocol

Government Guidance recommends that where a Protocol of this nature exists it should be included within a Council's Constitution. The Full Council will be asked to adopt the Protocol for inclusion within the County Council's Constitution.

20. Advice on the Operation of the Protocol

The protocol is intended to act as a guide for both County Councillors and officers. Democratic Services will offer advice on the implementation and operation of the

protocol. This does not replace existing statutory or County Council procedures relating to complaints being made against officers or County Councillors.

Protocol of Good Practice on Development Control Matters

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1. Introduction

This Protocol applies to both Councillors who serve on the Development Control Committee and officers who support its functions. The Protocol supplements the County Council's Codes of Conduct for Councillors and officers, and addresses the particular issues faced by Members who serve on the Development Control Committee.

Employees of the County Council who are Chartered Town Planners are bound by the Royal Town Planning Institute (RTPI) Code of Professional Conduct and all officers whether or not they are members of the RTPI are expected to act in accordance with the Code applicable to RTPI Members.

2. Training

The planning process requires decisions to be made within a complex framework which is continuously evolving through legislation and case law. For that reason, regular training is provided to all Councillors on the planning process. As well as initial training for Councillors, updates will be provided when required to ensure Councillors are up to date on issues and procedures.

Councillors who sit as members of the committee should ensure that they have received up to date training on development control matters, and it is strongly recommended that councillors whose training and understanding is not up to date should not sit as members of the committee.

3. Declaration of Interests

Rules in relation to declarations of interest at the Development Control Committee are the same as apply to all other meetings of the council. Councillors who are also district councillors should declare a non pecuniary interest in items relating to applications made by their district council under consideration. Councillors do not need to declare an interest in an application simply because it is in the division they represent or in their own neighbourhood, unless this specifically affects their land or property as defined in the Code of Conduct.

4. Predetermination

Councillors on the Development Control Committee must take care to ensure that they do not predetermine any issue that comes before them. Predetermination effectively means forming a judgement on a matter before it comes to committee that you would be unwilling to change.

The law says a decision maker was not to be taken to have had, or to have appeared to have had, a closed mind when making the decision just because:

- the decision maker had previously done anything that directly or indirectly indicated what view the decision maker took, or would or might take, in relation to a matter, and
- the matter was relevant to the decision. The Development Control Committee considers planning applications some of which may be controversial matters that are of interest to the public. It is possible that Councillors will be involved in campaigns for or against development proposals. This does not in itself prevent a councillor from being a member of the committee and taking a decision on such an issue.

However, Councillors should take great care in any campaigning they do, not to express views which appear to demonstrate that the councillor has fixed their view and would not listen to the evidence presented at committee. This applies to both traditional campaigning and publicity and to social media, such as Twitter or Facebook.

5. Social Contacts

Councillors and officers should exercise caution about their social contacts with known developers, agents, groups and associations, especially when developments are contemplated or applications are being proposed or being considered and when controversial decisions are likely to be made.

Councillors and Officers are required to declare any gifts or hospitality over the value of £25, even where it is declined.

6. Development Proposals Submitted by Councillors

- Councillors who act as agents for people pursuing planning matters with the County Council should play no part in the decision making process for those proposals. Likewise, if they submit their own proposal to the County Council they must play no part in its processing;
- the Council's Monitoring Officer should be informed of such proposals;
- any such planning applications should be reported to the Committee and not dealt with by officers under delegated powers.

Under the terms of the County Council's code these applications would result in a Councillor having a pecuniary interest and the Councillor concerned would need to withdraw from any consideration of the matter. Although he/she must not seek to improperly influence a decision, the Councillor would have the same rights as a member of the public in explaining or seeking to justify the proposal to an officer prior to its consideration by the Committee.

7. County Council Developments

Proposals for the County Council's own development must be treated in exactly the same way as those of private developers.

**(Approved and last Updated by Full Council, 28 February 2019
Owner - Democratic Services)**

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8. Lobbying of and by Councillors

Lobbying of members:

Councillors may be subject to lobbying in relation to decisions due to be made by the Development Control Committee. As far as possible, Councillors should restrict themselves to giving procedural advice and avoid expressing an opinion that may be taken to indicate predetermination.

Councillors should make it clear they can only make a final decision after having considered all the information at Committee.

Group Meetings:

Group meetings prior to the Committee meeting should not be used to decide how Councillors should vote. The Ombudsman has determined in relation to planning that the use of whips or similar political instructions to heavily or decisively influence the outcome of a planning application can amount to maladministration.

Lobbying by members of the Committee:

Members of the Development Control Committee should normally avoid organising support for or against an application and also should avoid lobbying other Councillors. This should also apply to any Members of the County Council.

Pressure on Officers:

Councillors should not put improper pressure on officers for a particular recommendation.

9. Pre-Application Discussions

- Any pre-application or other discussions with Councillors or officers which take place before a decision is taken should follow clear guidelines:
- it should be made clear that the discussions will not bind the Council to a particular decision and any views expressed will be personal and provisional because not all consultations will have taken place or relevant information be at hand at that stage;
- advice should be consistent and based on the development plan and other material considerations. Officers taking part should make clear whether or not they are the decision-maker;
- notes should be made of all potentially contentious meetings or telephone discussions. At least one officer should attend the meetings and a follow-up letter is advisable;
- advice given should not be, or be seen to be, partial.

**(Approved and last Updated by Full Council, 28 February 2019
Owner - Democratic Services)**

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10. Officer Reports to the Development Control Committee

The following principles will be adhered to in the production of reports to the Development Control Committee:

- reports should be accurate and cover, amongst other things, the substance of objections and the views of those consulted;
- there should be a clear exposition of the development plan policies, the site, related history and any other material considerations;
- there should be a written recommendation; oral reporting should be limited to updating and should be minuted;
- the reports should contain technical appraisals which clearly justify the recommendation;
- if the recommendation is contrary to development plan policy, the material considerations justifying the departure should be clearly stated.

11. Decisions Contrary to Officer Recommendations and/or the Development Plan

Departures from the Development Plan:

Decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. Departures must be advertised as such and, if it is intended to approve the application, the material considerations must be identified and it must be stated why they override the plan policies. Depending on type and scale, the application may have to be referred to the Secretary of State if the Committee is minded to approve. Justification for the approval of the departure must be included in full in the report.

Decisions Contrary to Recommendation:

The Committee must make clear its reasons for any decision which runs contrary to the officer recommendation, including the policies which the Committee considers the proposal to be contrary to, together with technical evidence as far as possible and these will be recorded in the minutes. Members may seek advice from officers on such policies and how they may be used to support a decision. It may be appropriate to defer the matter until a subsequent meeting so that full reasons can be set out.

Committee members voting to reject or approve an application contrary to officer recommendation should be aware that they may be expected to give evidence in support of their decision in the event of any subsequent hearing or public inquiry.

Changes to Conditions:

Where Councillors wish to change the recommended conditions on an approval, the officers should be asked to draft any new conditions or amendments to conditions to be agreed at the meeting, or at a subsequent meeting, or by specified senior officers under delegated powers.

12. Appeal

If the council refuses planning permission or imposes conditions that the applicant considers unreasonable, the applicant can appeal to the Secretary of State of the Department for Communities and Local Government within a period of six months from the decision notice.

Any such appeal is then considered by an independent inspector of the Planning Inspectorate who will report the findings to the Secretary of State. The appeal process can either be by written representations, an informal hearing or by a full public inquiry, depending on the complexity and nature of the case.

If the county council or the Secretary of State grants planning permission, there is no right of appeal for those who object to it. It is possible to challenge the decision on a point of law but this would be a matter for the courts

13. Committee Site Visits

Site visits should be the exception rather than the rule. There must be the expectation of substantial benefit from the visit. They should not be used as a means of delaying the determination of a planning application.

The decision for making a site visit should be based on:

- difficulty in visualising the proposed development from the plans and any supporting material, including photographs of the site;
- good reasons why the comments of the applicant and objectors cannot be adequately expressed in writing;
- the particularly contentious nature of the proposal;
- request from the Electoral Division Member or the Planning Officer, subject to expected benefit being substantial.

Where Members of the Committee pass a resolution in favour of undertaking a site visit, it is expected that those Members so voting attend the visit.

Procedures for Site Visits:

- Site visits will be organised to ensure the purpose, format and conduct are clearly established at the outset and adhered to throughout the visit.
- Members should have regard to the County Council “Guidelines for Member Site Visits”. (Annex 1 to this Protocol). Members should not disclose details of the site visit to third parties. Site visits are for the benefit of Members of the Committee only and are not intended to be a forum for debate with objectors.
- Applicants for planning permission may attend such site visits but only to answer questions raised by Members regarding the purpose, location and design of the development.

14. Public speaking at meetings of the Development Control Committee

The current procedure for anyone wishing to speak at a meeting is set out in Annex 2 to this Protocol.

Annex 1

Lancashire County Council Guidelines for Member Site Visits

1. Status and Purpose of these Guidelines

The purpose of the guidelines is to assist the Chair and Members of the Committee in the conduct of site visits. Site visits require careful thought and management, especially where groups of campaigners for or against a proposal may be present. It is essential that the site visit is, and is seen to be, part of the impartial gathering of information about an application, in order to ensure confidence in impartial and transparent decision making.

2. The Purpose of Site Visits

Site visits are not meetings of the Committee and are not intended to involve discussion of the merits of any planning application. The appropriate place for any such discussion is a formally convened meeting of the Committee.

Site visits are intended to give Members of the Committee the opportunity of visiting and viewing the site and its locality.

Site visits should be the exception not the rule. They should not be used as an excuse to delay the determination of a planning application. They are expensive and time-consuming and excessive use of them detracts from their true value.

3. Role of the Chair of the Committee

The Chair is responsible for the conduct of the site visit and his/her decision is final on all issues. In his/her absence the Deputy Chair will assume responsibility.

4. The Local County Councillor

The County Councillor for the division in which the application is located will be invited to attend the visit whether or not they are a Member of the Committee. The local County Councillor is expected to abide by these guidelines.

5. Information to be provided to Members

To assist members a report containing details of the application and general observations on the development and level of representations will be provided to Members prior to the visit.

6. County Council Officers

Officers attend the site visit to assist Members. Officers will acquaint Members with details of the application and the principal planning issues. They will draw Members' attention to details on the site itself and at other places in the locality of the site as appropriate. References will be made to the planning application in question but these will be for the purpose of explanation and should not be taken as implying any partiality on the part of the Officers concerned.

7. Applicant and Landowner

The Applicant will be asked to arrange access to the site. It is not possible to prevent either the Applicant or a Landowner, if separate, from attending the visit. However, the purpose of the visit will be made clear to them and it will be explained that they have no right to address the Members although they may wish to be prepared to answer any questions which Members may wish to raise. Separate arrangements are in place for Applicants to address the committee if they wish to do so

8. Other Interested Parties

It may be the case that campaigners for or against a proposed development are at a site in order to lobby Members. Members should avoid being drawn into individual discussions or debates with campaigners. In general, members should stick to procedural comments, and not express opinions about the proposals which may be taken as an indication of predetermination or otherwise apparently indicate a councillors view of a matter. Separate arrangements are in place for campaigners to address the committee if they wish to do so.

9. Transport

Normally a coach or similar will be arranged to provide transport for Members to the site and during the site visit. Whilst it may be more convenient for some Members to meet the coach at the site, the visit itself will be conducted from the coach. This ensures that all Members present receive all information relevant to the visit and that the visit can be conducted in an orderly manner.

10. Health and Safety

Sites for proposed developments may present a range of health and safety issues. Members should adhere to any health and safety guidance issued by officers in relation to the site and visit.

Annex 2

Protocol for speaking at the Development Control Committee Lancashire County Council

Status and Purpose of these Guidelines

1. The purpose of this guidance is to advise on the public speaking procedures at meetings of the Development Control Committee.

2. Who can speak at the meetings:

Speakers will be invited to address the Committee in the following order:

- anyone objecting to the planning application
- anyone in favour of the proposal
- elected representatives
- the applicant/agent

3. Length of speech:

Up to 3 minutes per speaker.

4. Number of speakers and priority:

There is a limit of 30 speakers on each planning application or linked application. There are 15 slots for those wishing to speak in support of an application and 15 slots for speakers opposing an application.

Where there are more than 30 requests to speak, the following priority is given:

- i) The applicant or their agent:

They will always be given a slot if they wish to take it

- ii) Elected representatives for the area:

The Parish/Town Council, the District Council, and the MP for the area in which the application is based will be provided with a slot. Each local authority will be given one slot each, and the MP a single slot. The County Councillor for the area will also be provided with a slot.

- iii) Members of the public:

The remaining slots in each category (for and against) are allocated to members of the public. Where the number of speakers exceeds the number of remaining slots in each category, priority is given to those

most affected (this is calculated on the distance between the speakers' property and the application site boundary). There is a limit of one representative per household. If a speaker is unable to attend the meeting then, in certain circumstances, their speech will be read out by an officer of the county council.

5. Registering to speak

Members of the public are required to formally submit a request to speak. An electronic registration form is available on the council's [website](#) for this purpose. A paper version is also available.

This should be done as soon as possible and by no later than 12 noon, 3 clear working days before the committee meeting. For major applications other timescales may apply. These will be determined and agreed by the Monitoring Officer in consultation with the chair of the Development Control Committee.

6. What happens if the application is deferred for any reason?

There is one opportunity to speak on an application or linked applications. If the Committee postpones a decision for any reason, speakers will not be allowed to address the meeting again. However, if the application/s is deferred before they have chance to speak, they will be given the opportunity to speak when the Committee next consider the application/s.

7. Additional material

A limited number of hard copy photographs or illustrations may be submitted by the speaker in support of their speech. These should be sent to the Committee Support Officer (contact details shown below) at least 3 working days before the meeting so that they may be passed to Committee Members to consider in advance of the meeting. No documentation is allowed to be circulated at the meeting

8. Contact Details

The Development Control Committee Support Officer,
Democratic Services Team,
Lancashire County Council,
P.O. Box 100,
County Hall,
Fishergate, Preston, PR1 0LD
Email: democratic.services@lancashire.gov.uk

Lancashire County Council Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in the area can submit or sign a petition. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt.

Paper petitions can be sent to:

The Petitions Officer
Legal and Democratic Services
Lancashire County Council
PO Box 100
County Hall
PR1 0LD

If you want to hand in your petition in person, please [contact the Petitions Officer](#) to arrange this.

A petition is just one of many ways you can tell us your views. Depending on the circumstances it may be better for you to raise the issue through a different route, perhaps via [your county councillor](#) or our [comments, complaints and compliments process](#). If you're not sure, contact Democratic Services by emailing petitions@lancashire.gov.uk to discuss it.

What are the guidelines for submitting a petition?

Petitions can be submitted to the council either on paper or electronically. Petitions submitted to the council must include:

- a clear, short statement covering the subject of the petition. It should state what action the petitioners wish the council to take.
- the name and address and signature of those supporters

Petitions should be accompanied by contact details, including an address for the petition organiser. This is the person we will contact to explain how we will respond to the petition.

Petitions which are considered by the council to be vexatious, abusive or otherwise inappropriate will not be accepted.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, we may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the authority do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as the admission of a child to a particular school, other procedures apply, and petitions on these matters will not be accepted. Further information on all these procedures and how you can express your views is available on our website

Where a petition is submitted in response to a public consultation being run by the council, the petition will be acknowledged as part of that process, and will be considered along with other consultation responses. The council will not necessarily respond to the petition separately in this case.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition. We reserve the right to check the authenticity of names and addresses on all petitions received.

A copy of the petition will also be sent to any County Councillor who represents an area affected by the petition and to the relevant Cabinet Member.

How will the council respond to petitions?

Our response to a petition will depend on what a petition asks for. We will provide the petition organiser with a response to the petition within 28 days of receipt explaining what we've done or intend to do.

If your petition is about something over which the council has no direct control (for example the local railway or hospital), or if about something that is the responsibility of a different council we will advise you of that and pass the petition on to the relevant body

E-Petitions

As mentioned earlier, petitions can also be set up electronically through the council's e-petition facility. An e-petition is a petition which collects signatures on-line. It is possible to create and sign and submit petitions on-line from the council's website via the following link.

<http://council.lancashire.gov.uk/mgepetitionlistdisplay.aspx>

The e-petition organiser will need to provide us with their name, full postal address and email address. An e-petition can be put on our website for any period the organiser wants, up to six months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature.

If we feel we cannot publish your petition (for example if it is vexatious, abusive or contains a statement that is not factually correct), we will contact you within this time to explain. We will, where possible, suggest an amended form of words that are considered acceptable.

When an e-petition has closed for signature, it will automatically be submitted to the council to go through the same procedure as a paper petition. A response will be emailed to the petition organiser within 28 days of the closure of the petition and published on this website. Where a petition is submitted in connection with a public consultation exercise, the council will respond following the completion of the exercise.

Contact

A petition is one of many ways in which you can tell us about your concern. Before considering whether or not to raise a petition, you may want to discuss the issue by contacting Democratic Services on 01772 537997 or email us at: petitions@lancashire.gov.uk.

Alternatively, you may wish to raise the matter with your local [county councillor](#).

The Local Authorities (Referendums) (Petitions) (England) Regulations 2011

These Regulations cover the holding of a referendum on whether the local authority should change to a different form of governance where at least 5% of the local government electors in the authority's area petition the authority. In 2023/24 the 5% figure equates to 45,996 electors.

Protocol on webcasting, recording and reporting on meetings of the County Council

The county council is committed to open and transparent decision making. This protocol explains the rights of the press and public to report on or record meetings of the council.

All formal meetings of the county council, its Cabinet, committees, sub committees and joint committees are open to the public, except where there are legal requirements preventing them from being so.

Members of the press or public are not required to give notice of their intention to attend a meeting that is open to the public. However, in order to make sure appropriate arrangements are in place to facilitate attendance, it is requested that individuals with special access needs or large groups wishing to attend a meeting contact Democratic Services in advance of the meeting by emailing democratic.services@lancashire.gov.uk

Webcasting

The council provides a webcasting service, whereby meetings are broadcast live over the internet via the council's website and are also available to view after the meeting.

Scheduled meetings of the following committees are webcast:

- Full Council
- Cabinet
- Audit, Risk and Governance Committee
- Development Control Committee
- Employment Committee
- Lancashire Health and Wellbeing Board (meetings that are held in County Hall)
- Pension Fund Committee
- Regulatory (including any sub-committees)
- Urgency Committee of the Full Council
- Children, Families and Skills Scrutiny Committee
- Community, Cultural, and Corporate Services Scrutiny Committee
- Environment, Economic Growth and Transport Scrutiny Committee
- Health and Adult Services Scrutiny Committee
- Scrutiny Management Board

How does webcasting work?

The meetings are webcast using fixed cameras in the meeting rooms. Webcasts will take the form of a video and audio broadcast of the meeting.

**(Approved and last updated, 14 July 2022
Owner – Democratic Services)**

Please note that the location of the cameras in the rooms mean that anyone attending the meeting may appear on screen. Whilst the cameras focus on the speaker, anyone sitting behind a speaker may also be shown.

Speakers at the Development Control Committee will also be shown and heard on the webcast.

Where possible, if an attendee specifically requests not to be shown on webcast, Democratic Services will seek to identify seating in an area of the meeting room which will not be shown on screen or make facilities available for the person to view from another location. However, this facility is not available in every room.

Notices will be posted at the venue to advise people that a meeting is to be webcast.

Where councillors at a meeting resolve to exclude the press and public from a meeting because there is likely to be a disclosure of confidential information, those parts of the meeting will not be webcast. This is only done where the council is satisfied that the at least one of the legal exemptions to the duty to hold meetings in public is met.

Webcasts are available on the council's website or by contacting democratic.services@lancashire.gov.uk. Webcasts are retained for 6 years.

Filming or recording meetings of the county council

Members of the public or media are entitled to make their own audio and / or video recording of council meetings.

Anyone intending to film or record a meeting of the county council should notify Democratic Services in advance of the meeting by emailing democratic.services@lancashire.gov.uk.

Unless specific permission is given by the Monitoring Officer in advance of the meeting, filming or photography must be from a fixed spot and should aim to focus on the speaker. Any member of the public in attendance who has indicated that they do not wish to be filmed or photographed must not be. In no circumstances should any children in attendance at a meeting be filmed or photographed. County Councillors who are members of the committee may not request that they are not filmed.

The County Council requests that any video recordings or photographs made during a meeting are not subsequently edited in a way that would misrepresent the views of a speaker or the general proceedings.

All recording activity must be done in such a way that does not disrupt or interfere with the running of the meeting or with the ability of other observers to view or record the proceedings. For that reason, large or distracting equipment (such as lighting rigs, flash photography, floor standing cameras) would generally not be allowed without the express permission of the Monitoring Officer.

**(Approved and last updated, 14 July 2022
Owner – Democratic Services)**



Anyone recording or attending a meeting is not permitted to provide an oral commentary from within the room.

Social media

Members of the public and the press are welcome to tweet or blog (or use any other form of real time social media) from any meeting of the council that is open to the public.

Oral commentary from within the meeting room is not permitted.

Any use of social media within a meeting room must not disrupt or interfere with the meeting.

General

All recording must be done in an open and transparent way.

All recording must be conducted in a way that does not disrupt the meeting. In general, all recording devices and equipment should operate quietly and unobtrusively (electronic devices, such as Smart phones, should be switched to silent, for example).

Recording of meetings or parts of meetings where the councillors present have legitimately resolved that the press and public must be excluded because there is likely to be a disclosure of confidential information is not permitted.

The rights set out in this protocol are subject to the County Council's existing rules set out in the constitution on members of the public attendance at meetings.

These rules allow that, in the event that a member of the public is disrupting the meeting, the Chair of a meeting, after giving a warning, may order that a member of the public be removed from the meeting, or that a meeting be adjourned.

Any queries about this protocol or requests for special permissions requiring the Monitoring officer's consent, should be directed to Democratic Services by emailing democratic.services@lancashire.gov.uk.

On all matters connected to this protocol, the decision of the Monitoring Officer (outside of the meeting) or the Chair of the meeting (during the meeting) are final.

Protocol on the Disclosure of Confidential Information for Members of the County Council

Lancashire County Council seeks to make information it holds freely available to the public in fulfilling its responsibility for openness and accountability.

In doing so, it must respect the rights of individuals. It is also in the public interest that its commercial interests are protected to the extent recognised by the Freedom of Information Act.

This protocol sets out the arrangements agreed by the County Council for the treatment by councillors of confidential information.

1. Confidential information will be identified in one of the following ways:
 - a. Marked "not for publication" and include a statement that the report contains confidential or exempt information
 - b. Included in Part 2 of an agenda for a formal meeting of the County Council
 - c. Received with a covering letter or other communication which indicates the document is confidential
2. If you receive confidential information you should assume that it is provided to you for your personal information and you should not disclose it to anyone unless one of the following applies;
 - a. Information at 1b above will be supplied to all other members attending the meeting in question and will be shared and discussed with them. It should not however, be shared with officers and councillors who are not involved in the meeting
 - b. You have the written consent of the person who provided you with the information or of the Chief Executive to the specific disclosure made.
 - c. You have received legal advice that you are under a legal obligation to disclose that information to a person who has requested it. The Monitoring Officer will provide advice on this point if requested.
 - d. You may disclose the information if it is necessary for you to do so in order to obtain advice from a professional adviser, provided that adviser gives a binding obligation not to disclose the information themselves.
3. If none of the circumstances outlined in paragraph 2 apply, but you still wish to make a disclosure of confidential information, there are certain circumstances where it is lawful for you to do so. However, it is a requirement of this authority that before doing so, you seek advice from the Monitoring Officer.

Lancashire County Council Procurement Rules

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**(Approved and last updated to include revised EU Thresholds as from 1 January 2022, the revised EU Thresholds are now inclusive of VAT
Owner – Head of Service Procurement)**

1. Interpretation

1.1. In the Procurement Rules, the following terms shall have the following meanings:

Central Purchasing Body (CPB)	A Central Purchasing Body (CPB) means a Contracting Authority that: <ul style="list-style-type: none">• acquires supplies or services intended for one or more Contracting Authorities; or <ul style="list-style-type: none">• awards public Contracts for works, supplies or services intended for one or more Contracting Authorities; or <ul style="list-style-type: none">• concludes framework agreements for works, supplies or services intended for one or more Contracting Authorities.
Contract	Means any contract, whether in writing or not, including but not limited to the provision of services, goods or supplies, any execution of works, the appointment of consultants, hire and leasing arrangements.
Contracting Authority	Shall have the meaning ascribed under the Regulations.
Council	Means Lancashire County Council.
Directive	Means Directive 2014/24/EU on public procurement.
EU Threshold	Means the thresholds above which the provisions of the Directive and the Regulations are held to apply as stated in Article 4 of the Directive.
Financial Regulations	Means Lancashire County Council's financial regulations published in accordance with s151 of the Local Government Act 1972.
Framework Agreement	Has the meaning ascribed in the Regulations, as set out at

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	paragraph 6.1 of these Procurement Rules.
Procurement Documents	Has the meaning ascribed in the Regulations.
Regulations	Means the Public Contracts Regulations 2015 (as amended).
Schedule 3 Services	Refers to social and other services listed in Schedule 3 to the Regulations included at Appendix A for ease of reference.
Scheme of Delegation	Means the Council's Scheme of Delegation to Heads of Service
SME	Means small and medium enterprises.
Tender Process	Refers to any process to appoint a contractor.
TFEU	Means the Treaty on the Functioning of the European Union.
Third Sector	Means non-government and non-profit making organisations or associations, including charities, voluntary and community groups.
Works, Supplies and Services	As defined in the Directive.

- 1.2. Where the term "contractor" is used, this should be taken to include any provider or supplier of Works, Supplies and Services or economic operator as defined within the Regulations at Regulation 112.

2. Scope and Status of Procurement Rules

- 2.1. The Council is required as a matter of law¹ to make standing orders in connection with its contracting requirements for goods and supplies, services and works. These Procurement Rules form part of the Council's constitution and compliance with them by all staff is mandatory.
- 2.2. The Council is a Contracting Authority for the purposes of the Regulations and is therefore legally bound to comply with certain practices and procedures in the award of Contracts to which the Regulations apply.
- 2.3. These Procurement Rules are designed to assist the Council in complying with relevant legislation and to ensure that the public purse is managed in a proper and responsible fashion and in a way which will promote value for

¹ S135 Local Government Act 1972

money and act as a safeguard for the Council and its staff against any allegations of dishonesty and corruption.

- 2.4. Consequently, save for the exceptions listed at 2.8, every Contract made by or on behalf of the Council shall comply with the provisions and principles of the TFEU, the Directive, the Regulations and all other applicable EU and domestic legal requirements, these Procurement Rules and Financial Regulations. In the event of any inconsistency between the provisions of the Procurement Rules and any legal requirement then the legal requirement shall prevail.
- 2.5. These Procurement Rules are supplemented by the Council's Procurement Strategy and Social Value Policy; and regard must be had to them in relation to any procurement activity.
- 2.6. When conducting procurement activities all staff must comply with the County Council Code of Conduct for Employees.
- 2.7. Where any employee either of the Council or of a contractor may be affected by any change in supplier/contractor, it is essential that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) are considered prior to commencing any Tender Process.
- 2.8. The provisions of these Procurement Rules shall not apply to Contracts for the provision of legal services or land transactions to the extent that these are exempted from the application of the Regulations and the Directive. In cases such as these further advice should be sought from Legal and Democratic Services.

3. Required approvals

- 3.1. Where contractual spend concerns a key decision² then appropriate approval to undertake a Tender Process should be sought from the Cabinet. Where a decision to undertake a Tender Process cannot await the next meeting of the Cabinet, the decision shall be taken by the Cabinet Member with responsibility for Procurement. This approval will provide authority to the relevant Head of Service to proceed to award a Contract on the completion of the Tender Process, in which case no further Cabinet approval will be required and the provisions of paragraph 3.3 will apply.
- 3.2. Where contractual spend would not involve a key decision the relevant Head of Service must approve the commencement of a Tender Process, and recorded the decision on the Scheme of Delegation recording system.

² Advice in relation to what constitutes a [key decision](#) should be sought from Democratic Services
**(Approved and last updated to include revised EU Thresholds as from 1 January 2022, the revised EU Thresholds are now inclusive of VAT
Owner – Head of Service Procurement)**

- 3.3. The Head of Service must approve the award of a Contract on the satisfactory completion of the Tender Process prior to entering into a Contract or notifying any person or organisation of the Council's intention to award a contract. The same Head of Service shall ensure the relevant

4. Principles of procurement

- 4.1. Any Tender Process conducted by the Council shall comply with the following principles:-
- 4.1.1. All contractors involved in any Tender Process shall be treated equally and without discrimination.
 - 4.1.2. All Tender Processes should be conducted in a transparent and proportionate manner.
 - 4.1.3. The design of any Tender Process shall not be made with the intention of excluding it from the scope of the Regulations and/or the Directive.
 - 4.1.4. Achieve value for money for public money spent.
 - 4.1.5. Be consistent with the highest standards of integrity.
 - 4.1.6. Comply with all legal requirements
- 4.2. For the avoidance of doubt, the provisions of paragraph 4.1 shall apply equally to tenders or procurement activities below the EU Threshold as above the EU Threshold.

5. Contract value, lotting, aggregation and supplier selection

- 5.1. It is important to properly estimate the total value of a Contract on the basis that different rules apply depending the nature and value of a Contract (please refer to paragraphs 9, 10 and 11). Please note that paragraph 11 only applies to Schedule 3 Services (as set out in Appendix A) and not to services Contracts generally.
- 5.2. The estimated total value of a Contract shall be the total value of the Contract net of VAT. This is the total consideration estimated to be payable over the full term of the Contract by the Council to the contractor, including any extensions.
- 5.3. Where the Contract is one where the benefit to the contractor is made up entirely or in part from benefits other than simple monetary payment³ from the Council, a best estimate of the total financial value should nonetheless

³ Such other benefits may include but are not limited to concessions, options, licences or more generally exposure to other opportunities or funding streams.



be ascertained and this should be treated at the relevant Contract value for the purposes of the application of the remainder of this paragraph 5.

- 5.4. Where, in relation to Contracts for Services, the Contract period or total value of the Contract is indefinite or uncertain, the estimated value shall be calculated on the basis that the Contract will be of four years' duration.
- 5.5. Where the Contract has an option to extend, then the proposed extension period must be included in determining the Contract value.
- 5.6. The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the Council (and other Contracting Authorities if appropriate) over the duration of the Framework Agreement.
- 5.7. In the case of supply/goods Contracts which are regular in nature (i.e. a series of similar individual purchases throughout the year), there is a requirement to aggregate these and assess their value on the basis of spend over the preceding 12 months or, where such data is unavailable, the estimated value over the 12 months following the first delivery under the contract to be procured; and this calculation is to be used as the relevant Contract value for the purposes of the application of these Procurement Rules.
- 5.8. Purchases of the same or similar nature must be aggregated wherever practicable; and it is unlawful to deliberately disaggregate purchases so as to avoid the application of the Regulations..
- 5.9. For Contracts above EU Threshold under the Regulations purchase requirements should be lotted where appropriate so as to attract the interest of SME and VCFS organisations. Where this is not practicable the justification for the decision must be recorded on any associated report and/or Procurement Initiative Plan.
- 5.10. Where purchase requirements are lotted, the estimated value of Contracts should be the estimated value of all lots envisaged for the total term.
- 5.11. Whatever method is used for the calculation of the estimated Contract value, you must not choose a manner of estimated Contract values with the deliberate intention of excluding that Contract from the scope of the application of the Regulations or the Directive.
- 5.12. Contracts which are below the relevant EU Threshold may still need to be procured in accordance with the treaty principles of proportionality, mutual recognition, transparency, non-discrimination and equal treatment (derived from the TFEU), where there is potential for cross-border interest.

- 5.13. For the avoidance of doubt, Contracts relating to the leasing, hire, rental or hire purchase and Contracts for concessions are subject to the provisions of these Procurement Rules.
- 5.14. All contracts for works, services and goods in excess of £5 million will in accordance with the Government Procurement Policy Note 03/14: Measures to Promote Tax Compliance be subject to additional questions as part of the evaluation process.

6. Framework Agreements

- 6.1. The Regulations define a Framework Agreement as:

“an agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged”.

- 6.2. In other words, a Framework Agreement is a general term for agreements with providers that set out terms and conditions under which specific purchases ("call-offs") can be made throughout the term of the Framework Agreement. It may be the case that a Framework Agreement itself is not a Contract, but the procurement to establish a Framework Agreement will still be subject to the Regulations and the Directive where the estimated value exceeds the relevant EU threshold, save where the subject matter of the framework is exempt from their application. All Framework Agreements established by the Council are required to be in writing.
- 6.3. The Council may set up its own Framework Agreements or may use Framework Agreements set up by other CPBs. Without prejudice to the remainder of this paragraph 6.3 and the requirements set out in paragraph 3 of these Procurement Rules, all purchases made via a CPB are deemed to comply with these Procurement Rules and no waiver will be required. In any eventuality, use of Framework Agreements must be exercised only through the Council's Procurement Services to ensure that such action reflects compliance with these Procurement Rules and the Regulations and any other appropriate legislation.
- 6.4. For the purposes of determining whether the value of a proposed Framework Agreement is such as to attract the application of the Regulations, please refer to paragraph 5.6 above.
- 6.5. For the avoidance of doubt, the use of select lists, preferred providers or approved providers shall, for the purposes of these Procurement Rules, be treated as a Framework Agreement and shall therefore require compliance with this paragraph 6 and these Procurement Rules generally.

- 6.6. A Framework Agreement shall not exceed 4 years' duration without prior approval of the Monitoring Officer, which will only be given in exceptional circumstances where justified by the subject matter of the Framework Agreement. A call-off Contract may be let for a period of longer than 4 years, but not in a manner that distorts or restricts competition. Call-off Contracts should not in any event exceed more than 7 years' duration.

7. Grants

- 7.1. The award of grants of public money may invoke the State Aid Rules and/or the Regulations. In either case advice should be sought from Legal and Democratic Services Commercial and Procurement Team unless you have had confirmation from Government or a quasi-government body that the State Aid Rules and/or the Regulations do not apply OR you carry out appropriate procurement activity in compliance with these Procurement Rules and, where appropriate, the Regulations.

8. Use of Pre-Qualification Questionnaires (PQQs)

- 8.1. The use of PQQs for any Tender Process is governed by the Regulations (irrespective of value).
- 8.2. In order to determine whether you are permitted to use a PQQ and if you are, any requirement to use a national standard form PQQ is set out in Appendix C to these Procurement Rules.
- 8.3. In the event that you are required to use a standard form PQQ or alternatively you are not permitted to use a PQQ at all then this requirement cannot be deviated from or waived. The Procurement Service can provide further assistance and advice in connection with these requirements.

Paragraphs 9, 10 and 11 identify specific requirements for Service and Supply Contracts, Contracts concerning the execution of Works and Contracts for Schedule 3 Services.

The requirements set out below reflect the nature of the Services, Supplies and Works purchased by the Council and are designed to provide the most efficient and effective route to market, whilst maintaining compliance with both the Directive and the Regulations and appropriate governance.

9. Contract Procurement Activity Requirements for Services and Supplies by Value

Aggregate value	Quotes or Tender Process?	How should you approach the market?	Who undertakes the Procurement?	Must the Contract be formally advertised?	What is the minimum quote / tender period?
£0 to £9,999	Minimum of one quote	Email / Call Supplier for quote, raise requisition for LPS Purchasing Team. Use a Lancashire supplier if they offer best value.	Service Area	No	n/a
£10,000 to £74,999	Minimum of three quotes*	Raise a requisition for Procurement Service Purchasing Team, develop request for quotation documentation, quote process conducted through Oracle Sourcing Portal	Procurement Service Purchasing Team or Service Area where agreed.	No	10 days
£75,000 to £177,897	Via Tender Process	Oracle Sourcing Portal**	Procurement Service Category Management or Service Area where agreed.	Yes, via the LCC website and Contracts Finder	10 days
£177,897***, (Exc. VAT) and above	Via Tender Process	Oracle Sourcing Portal**	Procurement Service Category Management or Service Area where agreed.	Yes, via the OJEU, the LCC website and Contracts Finder	30 days (open procedure)

*If this is not reasonably practicable in the circumstances, the reasons for not doing so must be formally recorded by the relevant Head of Service.

**Whilst the Council's default option will be to tender electronically, there will be processes and procedures put in place to accept hard copies in appropriate circumstances by arrangement with the Procurement Service.

***The EU Threshold figure for Services and Supplies inclusive of VAT is £213,477

(Approved and last updated to include revised EU Thresholds as from 1 January 2022, the revised EU Thresholds are now inclusive of VAT

Owner – Head of Service Procurement)

10. Contract Procurement Activity Requirements for Execution of Works by Value

Aggregate value	Quotes or Tender Process?	How should you approach the market?	Who undertakes the Procurement?	Must the Contract be formally advertised?	What is the minimum quote / tender period?
£0 to £24,999	Minimum of one quote	Email / Call Supplier for quote, raise requisition for LPS Purchasing Team. Use a Lancashire supplier if they offer best value.	Service Area	No	n/a
£25,000 to £99,999	Minimum of three quotes*	Oracle Sourcing Portal**	Procurement Service Purchasing Team or Service Area where agreed.	No	10 days
£100,000 to £4,447,447	Via Tender Process	Oracle Sourcing Portal**	Procurement Service Category Management or Service Area where agreed.	Yes, via the LCC website and Contracts Finder	10 days
£4,447,447*** (Exc. VAT) and above	Via Tender Process	Oracle Sourcing Portal**	Procurement Service Category Management or Service Area where agreed.	Yes, via the OJEU, the LCC website and Contracts Finder	30 days (open procedure)

*If this is not reasonably practicable in the circumstances, the reasons for not doing so must be formally recorded by the relevant Head of Service.

**Whilst the Council's default option will be to tender electronically, there will be processes and procedures put in place to accept hard copies in appropriate circumstances by arrangement with the Procurement Service.

*** The EU Threshold figure for Works inclusive of VAT is £5,336,937

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Owner – Head of Service Procurement)



11.Contract Procurement Activity Requirements for Service Contracts for Schedule 3 Services (Only applicable to Schedule 3 Services).

Aggregate value	Quotes or Tender Process?	How should you approach the market?	Who undertakes the Procurement?	Must the Contract be formally advertised?	What is the minimum quote / tender period?
£0 to £552,950	To be determined as appropriate by Procurement and Legal Services*	Oracle Sourcing Portal**	Procurement Service Category Management or Service Area where agreed.	No	n/a
£552,950*** (Exc. VAT) and above	Process followed to be communicated in notice.	Oracle Sourcing Portal**	Procurement Service Category Management or Service Area where agreed.	Yes, via the OJEU, the LCC website and Contracts Finder	n/a

*The Regulations still provide obligations of transparency and equal treatment on a Contracting Authority awarding a contract which is of cross-border interest, in which case some form of advertising of the opportunity and process is likely to be required.

**Whilst the Council's default option will be to tender electronically, there will be processes and procedures put in place to accept hard copies in appropriate circumstances by arrangement with the Procurement Service.

(Approved and last updated to include revised EU Thresholds as from 1 January 2022, the revised EU Thresholds are now inclusive of VAT

Owner – Head of Service Procurement)



12. General Contract Requirements.

- 12.1. The optimum use of the Council's purchasing power must be made by aggregating purchases and through the use of Framework Agreements and Contracts. Where there is an approved Contract or Framework Agreement in place then this should be used in the first instance for purchasing Supplies, Services or Works.
- 12.2. All Contracts awarded by competitive tender must be in writing. Save where the Council's standard terms and conditions are used advice is to be sought from Legal and Democratic Services as to the suitability and adequacy of any proposed written conditions of contract.
- 12.3. In the event that a low value Contract carries a disproportionate risk by means of concerning high risk services or service users, or carrying significant reputational, operational or financial risk, advice should be sought from Legal and Democratic Services Commercial and the Procurement Service prior to any Contract award.
- 12.4. All Contracts, whether in writing or otherwise, shall require the Council to make payment within 30 days of receipt of an undisputed invoice and Contracts shall require a similar payment term to be reflected down any relevant supply chain.
- 12.5. In the case of any Contract in writing, reference should be had to the Scheme of Delegation as to who is authorised to attest the Council's seal or sign a particular Contract. If in doubt contact Democratic Services.
- 12.6. Notwithstanding the provisions of paragraph 12.5, any Contract that meets any of the following criteria **MUST** be made under seal:
 - 12.6.1. Any Contract that is required by law to be executed as a Deed (which includes but is not limited to appointment of trustees, transfers of land, powers of attorney, some formal scheme amendments – please seek further guidance from Legal and Democratic Services).
 - 12.6.2. Any agreement that is otherwise executed as a deed (for example, agreements for no consideration or where it is uncertain as to whether any valuable consideration exists (i.e. there is no price or no obvious benefit to a party), where an extended limitation period is required (standard Contracts have a 6 years limitation period whereas deeds have a 12 year limitation period)).
- 12.7. In entering into any Contract you should have regard to and ensure compliance with any relevant provisions of the Scheme of Delegation to Heads of Service.

13. Contract Modification & Short Term Contract Extensions

- 13.1. Contracts may only be modified, changed or amended in very limited circumstances and regard should be had to Regulation 72 of the Regulations. Such modifications, changes or amendments that are not compliant with the Regulations may result in a legal challenge, including termination of the Contract. Prior to modifying any Contract, whether in terms of value, duration, scope or otherwise, advice must first be sought from the Procurement Service.
- 13.2. Provided justification is agreed by the relevant Head of Service, and recorded on the Scheme of Delegation recording system, any Contract may be extended beyond its advertised term, provided that each of following circumstances apply:
- i. a compliant procurement process has commenced and will be complete by the date at which the extension to the Contract expires;
 - ii. the extension is a proportionate response to the circumstances;
 - iii. a break in service/supply would be detrimental to service provision;
 - iv. the value of the extension does not constitute more than 10% of the Contract value* for services and supply Contracts and 15% of the Contract value* for works Contracts; and,
 - v. the extension to the Contract is not more than three calendar months.

14. Waiving Procurement Rules

- 14.1. Any decision to be taken contrary to these Procurement Rules where the financial implications do not exceed £75,000 for Services and Supply contracts or £100,000 for works contracts AND the total contract value⁴ (including the value of any proposed or actual extensions) does not exceed the applicable EU Threshold must be formally recorded by the relevant Head of Service on the Scheme of Delegation recording system. All supporting documentation should be retained and made available to the Procurement Service.
- 14.2. Save as is provided for in paragraph 14.1, decisions taken contrary to these Procurement Rules must be taken by the Cabinet. Where a decision cannot await the next meeting of the Cabinet, the decision shall be taken by the Cabinet Member with responsibility for Procurement.
- 14.3. For avoidance of doubt, the definition of a waiver to these Procurement Rules incorporates decisions concerning the direct award of Contracts, including extensions to existing Contracts where the period and/or value of extension was not provided for in the original Tender Process.

⁴ Contract value shall be determined in accordance with paragraph 5 of these Procurement Rules.

- 14.4. For the sake of completeness, it should be noted that it is not possible to seek a waiver of the requirements of the Regulations or the Directive in relation to the procurement activity, but such conduct must be referred to the Head of Procurement and notified to the Cabinet Member responsible as portfolio holder for Procurement.
- 14.5. Save as is provided for in paragraph 14.1, decisions taken contrary to these Procurement Rules shall be reported to Cabinet on a monthly basis.

15. Paper Tenders

- 15.1. Any paper tenders received must be treated as per the Requirements for Tender Opening Procedures guidance set out as Appendix B to these rules.
- 15.2. Paper Tender Opening Procedures will be arranged by exception at the request of the lead officer for the given procurement process on notice of paper submission(s) under exceptional circumstances.

APPENDIX A: SCHEDULE 3: SOCIAL AND OTHER SPECIFIC SERVICES

Common Procurement Vocabulary (CPV) Code	Description
75200000-8; 75231200-6; 75231240-8; 79611000-0; 79622000-0 (Supply services of domestic help personnel); 79624000-4 (Supply services of nursing personnel) and 79625000-1 (Supply services of medical personnel) from 85000000-9 to 85323000-9; 98133100-5, 98133000-4; 98200000-5; 98500000-8 (Private households with employed persons) and 98513000-2 to 98514000-9 (Manpower services for households, Agency staff services for households, Clerical staff services for households, Temporary staff for households, Home-help services and Domestic services)	Health, social and related services
85321000-5 and 85322000-2, 75000000-6 (Administration, defence and social security services), 75121000-0, 75122000-7, 75124000-1; from 79995000-5 to 79995200-7; from 80000000-4 Education and training services to 80660000-8; from 92000000-1 to 92700000-8; 79950000-8 (Exhibition, fair and congress organisation services), 79951000-5 (Seminar organisation services), 79952000-2 (Event services), 79952100-3 (Cultural event organisation services), 79953000-9 (Festival organisation services), 79954000-6 (Party organisation services), 79955000-3 (Fashion shows organisation services), 79956000-0 (Fair and exhibition organisation services)	Administrative social, educational, healthcare and cultural services
75300000-9	Compulsory social security services
75310000-2, 75311000-9, 75312000-6, 75313000-3, 75313100-4, 75314000-0, 75320000-5, 75330000-8, 75340000-1	Benefit services
98000000-3; 98120000-0; 98132000-7; 98133110-8 and 98130000-3	Other community, social and personal services including services furnished by trade unions, political organisations, youth associations and other membership organisation services
98131000-0	Religious services
55100000-1 to 55410000-7; 55521000-8 to 55521200-0 (55521000-8 Catering services for private households, 55521100-9 Meals-on-wheels services, 55521200-0 Meal delivery service)	Hotel and restaurant services

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Common Procurement Vocabulary (CPV) Code	Description
55520000-1 Catering services, 55522000-5 Catering services for transport enterprises, 55523000-2 Catering services for other enterprises or other institutions, 55524000-9 School catering services 55510000-8 Canteen services, 55511000-5 Canteen and other restricted-clientele cafeteria services, 55512000-2 Canteen management services, 55523100-3 School-meal services	
79100000-5 to 79140000-7; 75231100-5;	Legal services, to the extent not excluded by regulation 10(1)(d)
75100000-7 to 75120000-3; 75123000-4; 75125000-8 to 75131000-3	Other administrative services and government services
75200000-8 to 75231000-4	Provision of services to the community
75231210-9 to 75231230-5; 75240000-0 to 75252000-7; 794300000-7; 98113100-9	Prison related services, public security and rescue services to the extent not excluded by regulation 10(1)(h)
79700000-1 to 79721000-4 (Investigation and security services, Security services, Alarm-monitoring services, Guard services, Surveillance services, Tracing system services, Absconder-tracing services, Patrol services, Identification badge release services, Investigation services and Detective agency services) 79722000-1 (Graphology services), 79723000-8 (Waste analysis services)	Investigation and security services
98900000-2 (Services provided by extra-territorial organisations and bodies) and 98910000-5 (Services specific to international organisations and bodies)	International services
64000000-6 (Postal and telecommunications services), 64100000-7 (Post and courier services), 64110000-0 (Postal services), 64111000-7 (Postal services related to newspapers and periodicals), 64112000-4 (Postal services related to letters), 64113000-1 (Postal services related to parcels), 64114000-8 (Post office counter services), 64115000-5 (Mailbox rental), 64116000-2 (Post-restante services), 64122000-7 (Internal office mail and messenger services)	Postal services

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50116510-9 (Tyre-remoulding services), 71550000-8 (Blacksmith services)	Miscellaneous services
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APPENDIX B: REQUIREMENTS FOR TENDER OPENING PROCEDURES

The following requirements are Tender Opening procedures applying to hardcopy tenders. The council must accept hardcopy paper tender returns to electronic tender processes in appropriate circumstances. Tenders received in the electronic tendering system shall be unlocked by the Procurement Service.

Pre-opening Procedure

1. All tender return dates should be set for a Tuesday or Friday at 10:00am to align with Tender Opening Procedures.
2. Hardcopy paper tenders received at a County Hall reception must be promptly receipted, have the time and date received recorded on the envelope/package and be placed in the tender box.
3. Tenderers are to be instructed by the appropriate instructions included within the published tender pack to ensure that the external surfaces of the envelope/package identifies the name and reference number of the tender process concerned only.

During the Opening Procedure

4. Tender Opening Procedures shall take place at County Hall every Tuesday and Friday at 14:30 in the presence of one officer from the Procurement Service and one officer from a separate service.
5. The officers shall ensure that the external surfaces of the envelope/package do not contain any franking thereon, or bear any marks, sign or reference which might indicate who the tenderer is. Any such tender that does not meet this requirement may be disqualified.
6. The officers shall open the tenders and record the name of the organisation that submitted the tender as well as the date and time the tender was received.
7. In the circumstance where the envelope/package does not identify the tender process it belongs to, the officers undertaking the opening procedure are required to open the tender and identify the tender process concerned. The officers will record their actions and apply the information identified at paragraph 3 onto the external surface of the tender, ensure it is properly sealed, and replace in the tender box.

Post Opening Procedure

8. A record of all hardcopy paper tenders received against electronic tender processes will be maintained by the Procurement Service.
9. A record of the collection of all hardcopy paper tenders following the Tender Opening procedure by the responsible officer will be maintained by the Procurement Service. This shall include the name of the responsible officer, the details of the tender recorded in paragraph 6, the date and time of collection.

**(Approved and last updated to include revised EU Thresholds as from 1 January 2022, the revised EU Thresholds are now inclusive of VAT
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Other Situations

10. Where the Head of Procurement has consented to a tender process conducted wholly independently of the electronic tendering system special provisions will need to be made to ensure the volume of paper tenders received can be opened at a Tender Opening Procedure.

APPENDIX C – REQUIREMENTS RELATING TO THE USE OF PQQS

TYPE OF PROCUREMENT	VALUE	PQQ Permitted	If using a PQQ - Standard Gov't PQQ and guidance issued under Reg 107 applies
Services/supply	£0 to £24,999	✗	N/A
	£25,000 to £177,897	✗	N/A
	£177,897 (Exc. VAT) and above	✓	✓
Works	£0 to £24,999	✗	N/A
	£25,000 to £181,301	✗	N/A
	£181,302 to £4,447,447	✓	✗ but can choose to apply if you so wish
	£4,447,447 (Exc. VAT) and above	✓	✓
Schedule 3	£0 to £24,999	✗	N/A
	£25,000 to £181,301	✗	N/A
	£181,302 to ££552,950	✓	✗ but can choose to apply if you so wish
	£552,950 (Exc. VAT) and above	✓	✓

(Approved and last updated to include revised EU Thresholds as from 1 January 2022, the revised EU Thresholds are now inclusive of VAT

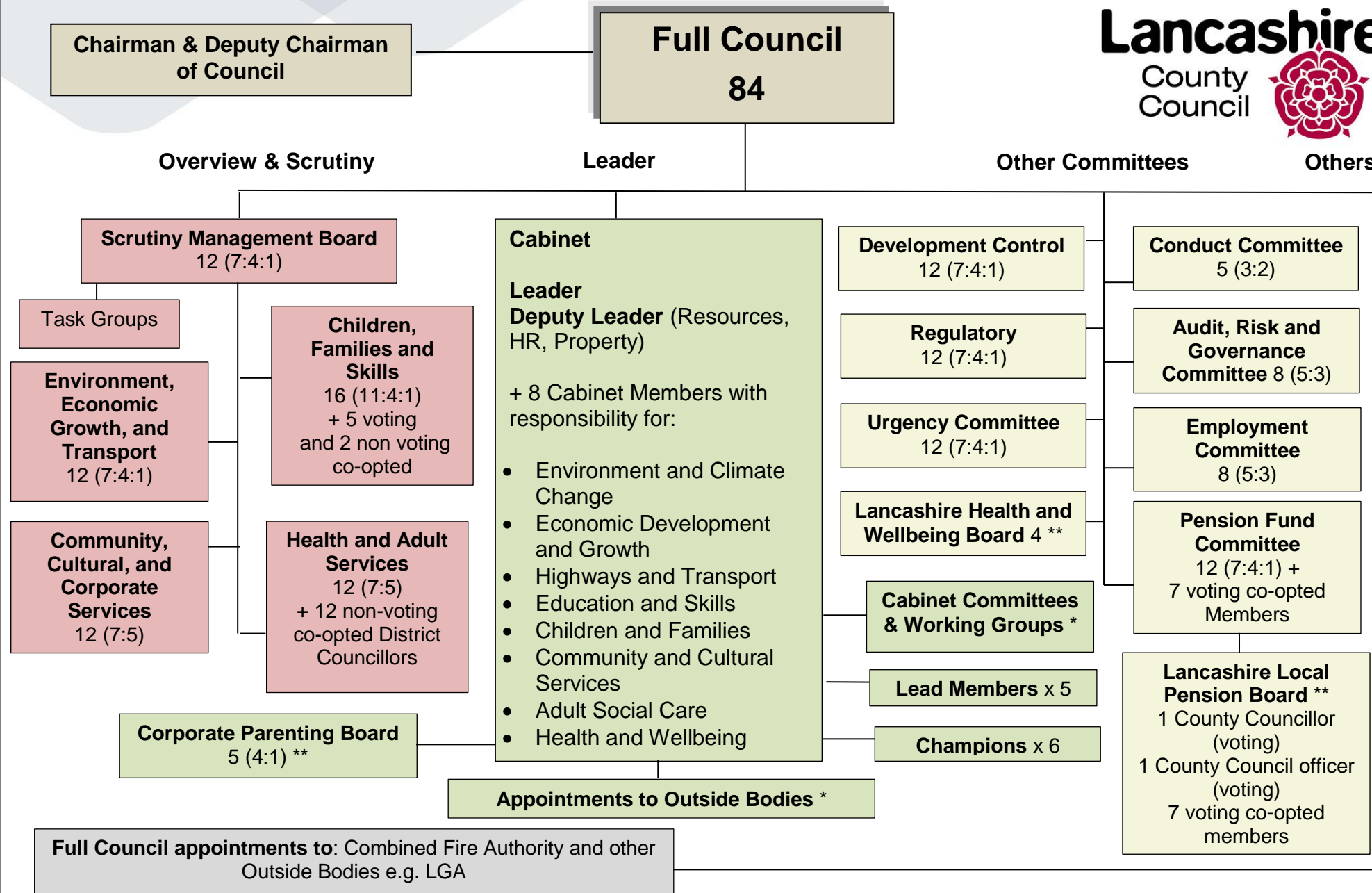
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APPENDIX D: NOT USED

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* Appointments to be made by the Cabinet – Membership not exclusively member of the Cabinet
** Does not need to be politically balanced

Lancashire County Council – Our Constitution

Summary



(Approved and last updated, 26 May 2022
Owner – Democratic Services)



This summary is only a guide to the county council's constitution, and does not form part of it

Introduction

For over 100 years before the Local Government Act 2000, county council decisions were taken by the full council, committees or sub-committees. As part of the government's programme to modernise local government, and following public consultation on the possible options, the county council chose a new structure for decision-making based on a cabinet of up to 10 councillors, including the leader and deputy leader of the county council.

Under our constitution the bulk of decisions are now taken by the cabinet, either collectively or, in the case of urgent decisions, by individual cabinet members under delegated powers, in accordance with budgetary and policy frameworks set by the full council.

The county council has five overview and scrutiny committees. These committees hold the cabinet to account for their decisions, undertake service reviews and make recommendations on future policy options.

Some functions such as ethical standards, planning permissions, public rights-of-way claims and certain registration functions cannot by law be the responsibility of the cabinet. Council committees continue to undertake these non-cabinet matters.

Purpose of the constitution

The constitution sets out how the council operates, how decisions are made and the procedures that ensure these decisions are efficient, transparent and accountable to local people. Most of the procedures are required by law.

You can see copies of the constitution at Democratic Services (Christ Church Precinct), County Hall, Preston, and at main district libraries throughout the county. You can also find the constitution on our website at www.lancashire.gov.uk under 'Your council'.

What's in the constitution?

The constitution contains details on:

- the full council;
- the role of the leader of the council;
- the role of the chair of the council;
- the role of councillors;
- the cabinet;
- the responsibilities of cabinet members;
- the role of lead members
- the role of council champions;

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- overview and scrutiny committees;
- the conduct committee;
- the development control committee;
- the regulatory committee
- the audit, risk and governance committee;
- the pension fund committee;
- the Lancashire local pension board;
- the urgency committee;
- the employment committee;
- the health and wellbeing board;
- officers of the council;
- rights of members of the public;
- schemes of delegation to cabinet members and heads of service;
- codes of conduct for councillors and officers;
- standing orders and financial regulations;
- councillor contact details;
- rules and procedures for access to information;
- the members' allowance scheme; and
- the council's complaints procedure.

This summary outlines how key parts of the council operate. It includes openness in decision-making, and the rights of citizens in their dealings with us.

You will need to look at the constitution document itself for full details of our decision-making procedures.

The full council

The county council comprises 84 councillors who all meet in full council at least six times a year. All meetings are broadcast live on our website as part of our policy of bringing decision-making closer to the public.

The main role of the full council is:

- to appoint the leader
- to approve the constitution and any amendments to it;
- to determine policies that set the framework in which the county council carries out its functions; and
- to set the county council's budget and council tax levels.

Agendas are published seven clear days in advance of the full council meeting. Copies are sent to all members of the council, and can be accessed on our website at www.lancashire.gov.uk under 'Your council'. The minutes of the meetings, which record any decisions made, are also posted on our website as soon as practicable after the meeting.

The role of the leader of the council

The leader chairs the cabinet. He or she is a councillor elected to the position of leader by full council at its first meeting after county council elections. The leader holds office until the day of the annual meeting following the next election after his/her appointment and remains a member of the council until that date unless he or she:

- resigns from the office;
- is disqualified from being a county councillor; or
- is removed from office by the full council.

The leader can appoint and remove members of the cabinet and is responsible for delegating functions to them.

The role of the chair of the county council

The chair is elected by the full council annually and is responsible for:

- (a) impartially chairing meetings of the full council;
- (b) promoting the council's activities to the public; and
- (c) representing the council at civic and ceremonial occasions.

The role of councillors

County councillors are elected every four years and are democratically accountable to residents in their electoral division. Their overriding duty is to the whole community of Lancashire, but they have a special duty to their constituents, including those who did not vote for them.

All councillors will:

- collectively in full council be the ultimate policy-makers;
- be involved in decision making
- represent their communities and bring their views into the council's decision-making process;
- deal with local issues and act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests within their electoral division and represent the electoral division as a whole;
- be available to represent the council on other bodies; and

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- maintain the highest standards of conduct and ethics in accordance with all relevant codes of conduct and protocols, and register financial and other interests.

The Cabinet

The cabinet consists of up to 10 councillors, including the leader and deputy leader of the county council. The cabinet is responsible for taking 'executive' decisions and recommends proposals for approval by full council on the budget, council tax levels and the council's policy framework.

Within the budgetary and policy frameworks set by the full council, the cabinet is responsible for carrying out almost all of the county council's functions in delivering services to the community. These are mainly services for children and young people, adults, the community, highways, transport, planning, the environment and public protection.

Through partnership-working with local and public authorities and other stakeholders, the cabinet is the engine for the continuous improvement of county services to meet the needs of Lancashire people. The cabinet is at the forefront of community planning and promotes economic, social and environmental wellbeing in Lancashire.

The cabinet can form committees, working groups and panels. For example, a committee has been set up to monitor and oversee the council's performance and improvement agenda.

The cabinet meets every month and all meetings are broadcast live on our website. Agendas are published five clear working days in advance of the meeting. Copies are sent to all members of the council and can be accessed on our website at www.lancashire.gov.uk under 'Your council'.

Cabinet decisions and any urgent decisions taken by the leader/deputy leader and relevant cabinet member (see below) must:

- take account of advice from officers;
- be recorded; and
- be published on our website as soon as practicable after the meeting or following the taking of an urgent decision.

The responsibilities of cabinet members

Only councillors may be appointed to the cabinet. There can be no co-opted members, nor deputies or substitutes for cabinet members. Neither the chair nor deputy chair of the council may be appointed to the cabinet.

While the cabinet is collectively responsible for taking executive decisions, urgent decisions which cannot await a meeting of the cabinet may be approved by the leader of the council (or in his/her absence, the deputy leader) and the relevant cabinet

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member with responsibility for the service area. The leader may change the responsibilities of individual cabinet members at any time. Service responsibilities currently delegated to individual members of the cabinet are:

- leader (governance, finance, procurement, property, HR, performance)
- deputy leader (waste management, flooding, coroners' service, welfare rights and trading standards)
- adult services;
- highways and transport;
- economic development, environment and planning
- children, young people and schools;
- community and cultural services; and
- health and wellbeing.

There is more information about the areas of individual responsibility in the constitution under the scheme of delegation to cabinet members.

Cabinet members hold office until:

- they resign from office;
- they are suspended from being councillors under the Local Government Act 2000;
- they are no longer councillors; or
- they are removed from office by the leader.

Champions

The Leader has appointed county councillors, who are not a member of the Cabinet, to the role 'Champions' for the themes set out below:

- Champion for Older People
- Champion for Young People
- Champion for Parishes
- Champion for Disabled People; and
- Champion for Armed Forces and Veterans
- Champion for Mental Health

Whilst the Champions cannot make any decisions, they have an annual budget to use at their discretion to finance their activities e.g. organising meetings, seminars and conferences and the payment of a grant or loan to individuals and outside bodies and organisations. The Monitoring Officer is responsible for approving the award of any Champions' grants.

Lead Members

The Leader of the Council has also appointed county councillors, who are not a member of the Cabinet, as Lead Members to support the work of individual cabinet members on the following matters:

- Young People;
- Health and Adult Services;
- Highways and Transport;
- Economic Development and Cultural Services;
- HR and Property;

Whilst the lead members cannot take any decisions, they:

- lead on specific areas to be determined by the cabinet member;
- focus on information gathering and understanding key policy/service delivery areas;
- assist with the development of options and policies for consideration by the cabinet member;
- brief and make recommendations to cabinet members and others on the relevant issues that affect the decision making; and
- represent or deputise for the cabinet member as necessary

Key decisions

A key decision means an executive decision which is likely:

- to result in the council incurring expenditure which is, or the making of savings which are significant (threshold is £2m) having regard to the council's budget for the service or function which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the council.

When key decisions are to be made, notice will be published at least 28 days clear days before the date of the decision. However, it is not always possible to anticipate all key decisions in advance. In exceptional circumstances where 28 days notice cannot be given, key decisions can be taken as long as the chair of the Scrutiny Management Board is notified in advance of the decision being taken.

Reports containing the advice of officers on key decisions are posted on our website at least five clear working days before the decision is taken.

If in exceptional circumstances a key decision is so urgent that this procedure cannot be followed, the chair of the Scrutiny Management Board must agree the reasons for urgency before the decision can be taken. The reasons must also be reported to the next full council meeting for information.

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Reconsideration of cabinet and cabinet member decisions

Overview and scrutiny committees may ask the cabinet or, in the case of an urgent decision, individual cabinet members to reconsider a decision they have taken which has not yet been carried out. The committees can do this by:

- directly asking the decision-taker to reconsider; or
- referring the matter to full council to debate whether the decision-taker should reconsider.

Committees cannot use this procedure if:

- exceptionally, the decision-taker, in accordance with standing orders, formally designates the decision as 'urgent' in that it must be acted upon immediately;
- the chair of the relevant overview and scrutiny committee considers that the decision does not raise significant issues or, in the case of a proposed referral to full council, the decision is not contrary to the budget or policy framework set by full council; or
- the decision is a day-to-day operational and management one taken by officers.

Decision-takers must publish their response to any request for reconsideration. They can confirm their original decision or change it. Either way, their decision following reconsideration is final.

Overview and Scrutiny Committees

There are five overview and scrutiny committees. They do not take decisions. Their role is to monitor the council's work and make recommendations on the way services are provided. The committees act as a check on the cabinet by holding them to account for their decisions. They also review council policies and service programmes, and play a major part in developing policy by carrying out in-depth investigations.

Most in-depth investigations are carried out by task groups who report and make recommendations to the relevant committee.

Members of the cabinet may not be members of an overview and scrutiny committee.

All meetings are broadcast live on our website.

The scrutiny management board

- the overall management, coordination and monitoring of Overview and Scrutiny, to ensure the general effectiveness and development of the county

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council's Overview and Scrutiny Committees for the benefit of the people of Lancashire;

- reviews and scrutinises the decisions and actions of the county council.

The health and adult services scrutiny committee

- reviews and scrutinises any matter relating to the planning, provision and operation of the health service in the area, and to review and scrutinise county council Adult Services and Public Health;
- has a statutory responsibility for scrutiny of NHS proposals for a substantial development or variation relating to both adults and children's health in Lancashire.

The children, families and skills scrutiny committee

- reviews and scrutinises the county council's children's services functions and other matters affecting children, young people and families;
- to satisfy the statutory responsibilities related to education functions of a Children's Services Authority.

The environment, economic growth and transport scrutiny committee

- review and scrutinises the work of the county council and external organisations on matters relating to the environment and climate change, economic development and growth, and highways and transport.

The community, cultural and corporate services scrutiny committee

- reviews and scrutinises the work of the county council and external organisations on matters relating to community safety and cohesion, and county council support services.

Other council committees

By law, some important council functions cannot be undertaken by the cabinet and are the responsibility of the following committees.

The development control committee:

- deals with applications for planning permission for waste disposal and mineral extraction, and for developments proposed by the county council.

All meetings are broadcast live on our website.

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The regulatory committee:

- deals mainly with claims about public rights of way and various licensing and registration functions (except registrations relating to social services).

All meetings are broadcast live on our website.

The audit and governance committee:

- monitors the scope and adequacy of the council's governance, risk management and internal controls, and oversees the financial reporting process.

All meetings are broadcast live on our website.

The pension fund committee:

- administers the Lancashire County Pension Fund.

The health and wellbeing board

- is a forum for key leaders from the health and care system in Lancashire to work together to improve the health and wellbeing of the local population and reduce health inequalities.

Agendas for the above committees and the overview and scrutiny committees are published five clear working days in advance of the meeting. Copies are sent to all members of the committee, and to the media, and can be accessed on our website at www.lancashire.gov.uk under 'Your council'. Committee minutes recording decisions are also placed on our website, as soon as practicable after the meeting.

The conduct committee

- determines whether a councillor has failed to comply with the code of conduct for councillors, and what action to take, if any, where a breach of the code of conduct has been found.

This committee will normally be dealing with personal information, so most of its meetings are held in private.

Officers of the council

Officers serve the whole council. There are administrative, professional, technical and operational staff, who advise the full council, cabinet and committees on all aspects of council functions, put into effect the decisions we take, and provide to the public the services for which we are responsible.

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Our Chief Executive is:

Angie Ridgwell
Chief Executive
PO Box 78
County Hall
Preston PR1 8XJ

The chief executive is the county council's main adviser on policy. She has overall responsibility for formulating and implementing our programmes and initiatives.

Statutory officers

Each council must have:

- a **Proper officer** (Chief Executive – see above)
- a **Monitoring officer** to ensure the decisions and actions of the council are lawful; and
- a **Chief finance (s151) officer** to ensure that the council's financial affairs are properly administered and that actions and decisions are in accordance with the council's budget.
- A **Director of Public Health**
- An officer with statutory responsibility for **Adult Services**
- An officer with statutory responsibility for **Children's Services**

Our Monitoring Officer is:

Heloise MacAndrew
Monitoring Officer
PO Box 78
County Hall
Preston PR1 8XJ

Our Chief Finance Officer is:

Mark Wynn
Executive Director of Resources
PO Box 78
County Hall
Preston PR1 8XJ

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Our Director of Public Health is:

Dr Sakthi Karunanithi
Director of Public Health
PO Box 78
County Hall
Preston PR1 8XJ

Our Officer with statutory responsibility for Adult Services is:

Louise Taylor
Executive Director of Adults Services and Health and Wellbeing
PO Box 78
County Hall
Preston PR1 8XJ

Our Officer with statutory responsibility for Children's Services is:

Jacqui Old CBE
Executive Director of Education and Children's Services
PO Box 78
County Hall
Preston PR1 8XJ

Rights of members of the public

The public have a number of general rights in their dealings with us.

When members of the public use council services, for example as parents of a school pupil, they have additional specific rights that are not covered below.

Members of the public have a general right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the constitution;
- attend meetings of the full council, the cabinet and council committees except where confidential matters are being discussed;
- find out what key decisions are to be taken and when by the cabinet, cabinet committees, cabinet members or officers;
- see reports (and background papers) to the full council, cabinet, cabinet members and council committees except those of a confidential nature, and a record of decisions taken;

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- complain to us about our services in line with our formal complaints procedure;
- complain to the ombudsman if they think we have not followed our procedures properly;
- complain to the council's monitoring officer if they have evidence that they think shows that a councillor has not followed our code of conduct;
- at the appropriate time each year, inspect our annual accounts and give the external auditor their views; and
- submit petitions in accordance with the council's petitions scheme.

Codes of conduct for councillors and officers

Councillors must observe the council's code of conduct, which among other things requires them to disclose a pecuniary or non-pecuniary interest in any matter requiring a decision. Councillors also have a general obligation to:

- promote equality;
- treat others with respect; and
- not use their position for their own advantage or to confer unfair advantage or disadvantage on any other person.

Officers have to observe a similar code of conduct that sets guidelines on behaviour and standards of conduct at work.

Standing orders, financial regulations and procurement rules

These contain the detailed procedural 'rules' that must be followed in conducting council business.

If you want to find out more about the council's constitution, write to the chief executive at the address shown in this document or contact:

Josh Mynott, Democratic and Member Services Manager

Tel: (01772) 534580

Email: josh.mynott@lancashire.gov.uk

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