

Meeting of the Full Council
Meeting to be held on Thursday, 20 July 2017

Report submitted by: Head of Legal and Democratic Services

Part A

Electoral Division affected:
(None)

Constitutional Amendments
(Appendices 'A' to 'D' refer)

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Executive Summary

This report proposes a number of constitutional changes relating to:

- The Council's Corporate Complaints Procedure;
- The Regulatory Committee's terms of reference;
- The Development Control Committee's terms of reference; and
- The Protocol of Good Practice on Development Control Matters.

Recommendation

The Full Council is recommended:

- (i) To approve:
 - (a) The revised Corporate Complaints Procedure (Appendix 'K' to the Constitution), as set out at Appendix 'A'.
 - (b) The updated terms of reference of the Regulatory Committee, as set out at Appendix 'B'.
 - (c) The updated terms of reference of the Development Control Committee, as set out at Appendix 'C'.
 - (d) The revised Protocol of Good Practice on Development Control Matters (Appendix N to the Constitution), as set out at Appendix 'D'.
- (ii) To authorise the Director of Governance, Finance and Public Services to make any consequential amendments to the Constitution.

Background and Advice

Corporate Complaints Procedure

The Corporate Complaints Procedure (Appendix 'K' to the Council's Constitution)

was last updated in 2012. Since then, the Council has restructured and Directorates have been dissolved. In April 2015, the council completed a Phase 1 restructure and a complaints manager for the council was appointed. All appointments within the Complaints and Appeals Team were completed as part of a Phase 2 restructure and confirmed in January 2017.

There is now a single team in the council that deals with all statutory and non-statutory council related complaints. This has made it easier for the public to contact the council with their complaints and get matters resolved. The Corporate Complaints Procedure needs to be amended to reflect the changes required.

In 2016/17 the Council dealt with:

- 479 adult social care statutory complaints (not the corporate procedure)
- 313 children's statutory social care and non-statutory complaints (not the corporate procedure)
- 934 corporate related expressions of dissatisfaction. 97% of these were resolved early in the complaint pathway, and 'nipped in the bud' as part of ongoing business matters. 27 complaints entered the formal process and there was only one Corporate Complaints Committee hearing in 2016/2017.

The majority of corporate complaints are about highways due to the considerable size of this service and the fact that roads impact on every Lancashire citizen. It also attracts a large volume of enquires and as a result, is also the most complimented community service.

The draft updated Corporate Complaints Procedure is set out at Appendix 'A'. The main changes to the Corporate Complaints Procedure are:

- being clearer about what is and what is not considered a complaint;
- being clearer about who can and cannot complain;
- a statement that the complaints process is not intended for compensation payments;
- the removal of 'Directorates';
- the inclusion of the Complaints and Appeals Manager as the officer with responsibility for all council complaints.
- the inclusion of the relevant Head of Service as the Designated Complaints Officer for complaints about their service area;
- the lengthening of times scales for the resolution of complaints from 15 days to 20 days, to reflect internal council processes within highways and to bring timescales into line with the social care statutory complaints processes;
- the acknowledgement of complaints within 3 working days (as in the statutory social care procedures); and

- the option of an early referral to the Local Government Ombudsman (as in the statutory social care procedures).

Council Committees - Terms of Reference Updates

Officers are in the process of reviewing the terms of reference of council committees to ensure they are up to date and reflect current legislation, as well as administrative practices across the council.

It has become apparent that the terms of reference of the Regulatory Committee and the Development Control Committee need to be amended and brought up to date. The proposed revised terms of reference are set out at Appendix 'B' (Regulatory Committee) and Appendix 'C' (Development Control Committee). There are no significant or substantive changes proposed.

It is likely that the terms of reference of the Audit and Governance Committee will also need to be updated and a further report will be presented to Full Council.

In accordance with the Council's Scheme of Delegation arrangements, the functions which are set out in the terms of reference of Council Committees are reserved to and can only be exercised by those Committees. Any functions which have not been reserved to a Committee shall be exercised by officers in accordance with the Scheme of Delegation to Heads of Service that was approved on 24 March 2015.

Protocol of Good Practice on Development Control Matters

The Protocol of Good Practice on Development Control Matters (Appendix 'N' to the Council's Constitution) provides guidance to members and officers working on development control matters.

It is necessary to update the Protocol to reflect changes in legislation and procedural arrangements. The Development Control Committee, at its meeting held on the 28 June 2017, agreed to recommend the Full Council to approve a revised Protocol which is attached at Appendix 'D'. The revised Protocol contains a number of administrative changes including updates to pecuniary interests and predetermination, and clarifies existing processes and practices. There are no significant substantive changes proposed.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

No significant risks have been identified.

Local Government (Access to Information) Act 1985
List of Background Papers

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A