

Lancashire County Council - Our Constitution

Summary



(Last updated – 1 April 2019
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

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- the role of council champions;
- overview and scrutiny committees;
- the conduct committee;
- the development control committee;
- the regulatory committee
- the audit, risk and governance committee;
- the corporate complaints committee;
- the pension fund committee;
- the Lancashire local pension board;
- the urgency committee;
- the employment committee;
- the student support appeals 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

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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;

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- 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
- 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.

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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 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

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

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and conferences and the payment of a grant or loan to individuals and outside bodies and organisations. The Director of Corporate Services 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;
- 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 £1.6m) 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 relevant overview and scrutiny committee 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.

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If in exceptional circumstances a key decision is so urgent that this procedure cannot be followed, the chair of the relevant overview and scrutiny committee 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.

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.

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All meetings are broadcast live on our website.

The internal scrutiny committee

- co-ordinates and monitors the work of the other committees;
- reviews and scrutinises the decisions and actions of the county council.

The health scrutiny committee

- reviews and scrutinises issues around public health and health inequalities.
- has a statutory duty in relation to health.

The education scrutiny committee

- reviews and scrutinises issues around education.

The external services scrutiny committee

- reviews and scrutinises issues, services and activities of external partners and organisations.
- has a statutory duty in relation to:
 - flood risk management; and
 - crime and disorder;

The children's services scrutiny committee

- reviews and scrutinises issues relating to children and young people's services including the statutory powers of a scrutiny committee as they relate to the NHS. Education matters are reserved for the Education Scrutiny Committee.

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.

The corporate complaints committee

- deals with complaints made by members of the public against the county council under its complaints procedure; and

This committee will normally be dealing with personal information, so most of its meetings are held in private.

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The student support appeals committee

- deals with appeals against decisions of the county council concerning home to school/college transport, and
- appeals against decisions of the county council relating to awards, grants and welfare benefits, and.
- writing off of over-payments/debts of awards grants.

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.

Our Chief Executive is:

Angie Ridgwell

Chief Executive and Director of Resources
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.

She is also the council's proper officer and s151 officer (see below)

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**

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- An officer with statutory responsibility for **Adult Services**
- An officer with statutory responsibility for **Children's Services**

Our Monitoring Officer is:

Laura Sales

Monitoring Officer
PO Box 78
County Hall
Preston PR1 8XJ

Our Chief Finance Officer is:

Angie Ridgwell

Chief Executive and Director of Resources
PO Box 78
County Hall
Preston PR1 8XJ

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:

Edwina Grant OBE

Executive Director of Education and Children's Services
PO Box 78
County Hall
Preston PR1 8XJ

Rights of members of the public

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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;
- 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

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- 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:

Chris Mather, Democratic Services manager

Tel: (01772) 533559

Email: chris.mather@lancashire.gov.uk

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