

Appendix 'A'

Lancaster Three Tier Forum – Constitution and Terms of Reference

1) Role and Purpose

The Lancaster District Three Tier Forum is a Joint Committee of the County Council, Lancaster City Council, and the Parish and Town Councils in the Lancaster district, in accordance with Section 101(5) Local Government Act 1972.

The purpose of the Three Tier Forum is to provide a democratically accountable and transparent oversight of the joint working between the tiers of local government in the district.

2) Functions

The key functions of the Lancaster Three Tier Forum are:-

- To exercise those functions delegated to it by the County Council and City Council.
- To explore opportunities for joint working between the County Council and the City Council
- To provide democratic oversight of joint working arrangements and initiatives between the County Council and the City Council

3) Membership

The membership of the Three Tier Forum shall be:

- a) All County Councillors representing divisions in the Lancaster district area.
- b) An equal number of Lancaster City Councillors, appointed by the City Council
- c) One Parish and Town Councillor representative, nominated from the Parish and Town Councils in the area, to be appointed through LALC.

4) Substitutes

- a) No substitutes or replacements are permitted for County Councillors.
- b) Lancaster City Councillors may be substituted or replaced in line with the City Council's rules and procedures.
- c) The Parish and Town Council representative may be substituted or replaced with a nominated replacement, to be provided by LALC.
- d) Any substitutions or replacements must be notified to the clerk prior to the start of the meeting.

5) Appointment of Chair and Deputy Chair

- a) The Chair shall be elected at the annual meeting of the Three Tier Forum.
- b) The Deputy Chair shall be elected at the annual meeting of the Three Tier Forum.
- c) The Chair and Deputy Chair shall, unless he or she resigns the office or ceases to be a member of the Three Tier Forum, continue in office until a successor is appointed at the next annual meeting.
- d) The Chair shall preside at all meetings of the Three Tier Forum. In the absence of the Chair, the Deputy Chair shall preside at the meeting. In the absence of both, the members present shall, as the first item of business, appoint one of their number to be Chair of the meeting.

6) Clerking and Officer Support

- a) A nominated representative of the Chief Executive of the County Council or Lancaster City Council shall act as Clerk to the Lancaster Three Tier Forum and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the minutes.
- b) Officers from the County Council and the City Council will attend the Three Tier Forum as appropriate to support and advise the Committee.
- c) The Forum cannot require any officer of the County Council or City Council to attend

7) Meetings

- a) The Lancaster Three Tier Forum will meet four times a year.
- b) Meetings shall be held in public other than in the circumstances set out in Standing Order 19
- c) Meetings will be held at an appropriate venue within the Lancaster City Council area, and will commence at 6.15, or such time as agreed by the Chair.
- d) The meeting held in June each year, or if there is no scheduled meeting that month the first meeting after June, shall be the Annual Meeting of the Lancaster Three Tier Forum.
- e) The Chair or in his/her absence the Deputy Chair may call a special meeting of the Lancaster Three Tier Forum to consider a matter that falls within its remit but cannot await the next scheduled meeting.

8) Delegated Powers

- a) The delegated powers mean those powers to be discharged by the Lancaster Three Tier Forum as set out in Appendix A of this Constitution.
- b) The Lancaster Three Tier Forum shall discharge the delegated powers, within the budgetary and policy framework set by the County Council in the case of County functions or by the City Council in the case of its functions.
- c) When discharging the delegated powers the Lancaster Three Tier Forum shall take decisions only after taking into account advice given in writing or orally from relevant Officers of the County Council or of the City Council as appropriate, including legal, financial and policy advice.

9) Executive Decisions

- a) An executive decision means a decision by the Lancaster Three Tier Forum that has been delegated to it by the Executive (or Cabinet) of the County Council or of the City Council.
- b) Any meeting of the Lancaster Three Tier Forum in which an executive decision is to be taken shall be held in public
- c) Standing Order 9) b) does not apply if there would be a disclosure of exempt or confidential information
- d) If the Lancaster Three Tier Forum wishes to hold a meeting at which an executive decision shall be taken in private, it must, at least 28 clear days before a private meeting, make available at County Hall, Preston, and the Town Halls in Lancaster and Morecambe a notice of its intention to hold the meeting in private, and publish that notice on the Councils' websites.
- e) A notice under Standing Order 9) d) must include a statement of the reasons for the meeting to be held in private.
- f) At least five clear working days before a private meeting, the Clerk must make available at County Hall, Preston, and the Town Halls in Lancaster and Morecambe a further notice of its intention to hold the meeting in private, and publish that notice on the Councils' websites.
- g) Such notice must include:
 - i) a statement of the reasons for the meeting to be held in private;
 - ii) details of any representations received by the County Council or City Council about why the meeting should be open to the public; and
 - iii) a statement of response to any such representations.

- h) Where the date by which a meeting must be held makes compliance with Standing Orders impracticable, the meeting may only be held in private where the Lancaster Three Tier Forum has obtained agreement from:
 - i) the Chair of the relevant Overview and Scrutiny Committee of the authority which has delegated the decision for consideration; or
 - ii) if there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chairman or Mayor of the authority which has delegated the decision for consideration; or
 - iii) where there is no Chairman or of either the relevant Overview and Scrutiny Committee or Chairman or Mayor of the relevant authority, the Vice-Chairman or the Deputy Mayor of the authority which has delegated the decision for consideration,

that the meeting is urgent and cannot reasonably be deferred.

- i) As soon as reasonably practicable after the Lancaster Three Tier Forum has obtained agreement under Standing Order 9) h) 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.

10) Key Decisions

- a) A key decision is a decision which meets the definition of a key decision as defined in the constitution of the County Council (in the case of decisions delegated by the County Council) or the City Council (in the case of decisions delegated by the City Council)
- b) Key decisions may only be taken in accordance with the rules set out in relation to the taking of key decisions in the constitution of the County Council (in the case of decisions delegated by the County Council) or the City Council (in the case of decisions delegated by the City Council)

11) Overview and Scrutiny

- a) Executive decisions made by the Lancaster Three Tier Forum are subject to scrutiny by the County Council's or the City Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
- b) The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of the County Council or the City Council depending on which Authority delegated the executive decision in question.

- c) An Overview and Scrutiny Committee shall not exercise the 'call-in' function in respect of an executive decision by the Lancaster Three Tier Forum where that decision has been designated by the Lancaster Three Tier Forum as being urgent in that any delay in its implementation could adversely affect the efficient execution of their responsibilities on behalf of the County Council or the City Council, and provided that the designation and the reasons for it are recorded in the Minutes.
- d) Executive decisions made by the Lancaster Three Tier Forum shall be implemented by the County Council or the City Council as appropriate, in accordance with their respective Constitutions.

12) Access to Information

Items of business may not be considered at a meeting of the Lancaster Three Tier Forum unless a copy of the item has been open to inspection by members of the public for at least five working days before the meeting (or where the meeting is convened at shorter notice, from the time the meeting is convened). However an item that has not been open to inspection may 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.

13) Agendas and Minutes

- a) Agendas for meetings of the Lancaster Three Tier Forum shall be dispatched by the Clerk at least five clear working days in advance of a meeting, and will be published on the both councils' websites. The Agenda will be available for public inspection, on request, from County Hall, Preston or from Lancaster and Morecambe Town Halls.
- b) The minutes of a meeting shall be published on both councils' websites as soon as is reasonably practicable, and wherever possible within three clear working days after a meeting at which an executive decision has been made.

14) Quorum

The quorum for any meeting shall be one quarter of the total membership including at least 2 representatives from each of the County Council and the City Council. If there is not a quorum of Members, the meeting shall be adjourned for 15 minutes. If after that time there is still no quorum the meeting shall be adjourned until a date and time to be fixed by the Chair

15) Members Code of Conduct

Members are bound by the Code of Conduct of the authority which appointed them to the Three Tier Forum.

16) Voting

All members are entitled to vote and voting shall be by show of hands, and in the case of an equality of votes the Chair of the meeting shall have a second or casting vote.

17) Members of the public

The "Protocol for Public Speaking" at Appendix B applies.

18) Other speakers

- a) The Lancaster Three Tier Forum may invite any person or organisation with an interest in services in the district area to attend a meeting of the committee where appropriate. Any such person shall be entitled to speak at the meeting, but shall not vote
- b) Lancaster City Councillors who are not members of the Three Tier Forum are entitled to attend meetings of the Three Tier Forum and speak, but not vote.
- c) Parish and Town Councillors who are not members of the Forum are entitled to attend meetings of the Three Tier Forum and speak, but not vote.

19) Exclusion of the Press and Public

The Lancaster Three Tier Forum may, by resolution, exclude the press and 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 of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

20) Urgent Business Procedure

- a) The County Secretary and Solicitor may in consultation with the Chief Executive of the City Council, and with the Chair and Deputy Chair of the Lancaster Three Tier Forum, deal with matters of urgency which cannot await the next meeting and which do not in the view of the Chair and Deputy Chair warrant a special meeting being convened.
- b) Any decision taken under the Urgent Business Procedure shall be reported to the next meeting of the Forum.

21) Conduct at Meetings

The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chair of the meeting whose ruling is final.

Appendix A – Delegated Matters

(To be agreed)

DRAFT

Appendix B – Protocol on Public Speaking

For the purpose of this protocol, "members of the public" includes members of the press. It does not include officers of county or district authorities who are in attendance to support and advise the meeting.

The Lancaster Three Tier Forum will allow up to 20 minutes for public contributions at the beginning of each meeting. Members of the Public may also speak on any item on the agenda.

Public speaking must be on topics included on the agenda for the meeting.

Whilst a member of the public is speaking, no interruption shall be allowed from either a member of the Forum or another member of the public.

At all times, permission of the public to speak is subject to the discretion of the Chair of the meeting. This includes the right of the Chair to terminate a speech if it is felt appropriate to do so. The Chair's judgement will be informed by the following provision:

Members of the public must not

- Speak at a point in the meeting other than those specified
- Interrupt another speaker
- Speak for longer than the allotted time
- Reveal personal information about another individual
- Make a personal complaint about a service provided by County, District or Town / Parish Councils in the area
- Make individual or personal complaints against any member or officer of the authority, or against any other individual
- Reveal information which they know or believe to be confidential
- Use offensive, abusive or threatening language
- Ignore the ruling of the Chair of the meeting

Members of the public who breach these guidelines may, following a warning, be asked to leave the meeting. If a person refuses to leave the room, the chair shall adjourn the meeting for a short period of time and if necessary to a later date

Speeches by members of the public are not expected to be the subject of a debate, nor are any questions raised required to be answered at the meeting. The Chair may, at his or her discretion, invite a response or comment from an appropriate officer or Forum member. Otherwise, comments will be noted and dealt with outside of the meeting, or, if appropriate, be the subject of an agenda item at a future meeting of the Forum.

Chorley Three Tier Forum -Terms of Reference

Role and Purpose

The Chorley Three Tier Forum is a joint meeting of the County Council, Chorley Borough Council, and the Parish and Town Councils in the Chorley district area.

The Forum will be a consultative meeting held in public at which the three tiers of local government in the Chorley area consider issues of shared priority and concern, and through which all three tiers can seek the views of others on strategic issues which impact on the local community.

Functions

The key functions of the Chorley Three Tier Forum are:-

- To allow elected representatives to have an overview of Borough and County strategic priorities
- To enable Parish and Town Councils to engage with the County and Borough Council on issues of strategic importance which impact on the local community within the Chorley borough area.
- To provide a forum for significant issue facing all three tiers of government to be raised and debated in advance of decisions being made

Membership

The membership of the Chorley Three Tier Forum shall be

- All seven Chorley County Councillors.
- One Borough Councillor from each of the eight Neighbourhood Areas.
- One additional Borough Councillor to represent Chorley town area
- One Parish/Town Councillor from each of the 22 Parish/Town Councils in Chorley Borough

Any County Council or Borough Council Executive Member may attend and speak at any meeting of the Forum, at the invitation of the Chair.

The officer(s) supporting the meeting must be notified of any changes in membership, prior to a meeting. Political balance rules do not apply to the Three Tier Forum

Meetings

The Chorley Three Tier Forum shall meet four times a year at Chorley Town Hall, unless otherwise agreed by the Chair of the Forum.

Agendas

- The Forum will discuss issues that are of joint interest across the three levels of local government in the area. Agenda items will focus on strategic matters that impact on the local community.

- Any member of the Forum can request that an item is considered at a future meeting of the Forum. The Chair and Deputy Chair are jointly responsible for agreeing the agenda and deciding whether an issue raised by a member will appear on an agenda. Where an issue raised does not fall within the remit of the Forum these will be dealt with via the appropriate mechanism and the member advised accordingly.
- Urgent business is allowed in exceptional circumstances and with the consent of the Chair and Deputy Chair. Any member wishing to raise a matter of urgent business should advise the Chair via the officer support for the Forum as soon as possible.

Officer Support

Secretarial support to the Chorley Three Tier Forum will be provided by an officer nominated by the Chief Executive of Chorley Borough Council.

Officers of the County Council and the Borough Council may attend the Forum if appropriate.

Public Speaking

The Protocol for Public Speaking at Appendix A applies.

Debate

The Chair of the meeting is responsible for managing the debate at the Forum. The Chair's ruling on any aspect of a member of the committee's right to speak will be final. Members who persistently ignore the ruling of the Chair may be asked to leave the meeting.

Voting

As a Consultative Forum it is expected that decisions will be taken mainly by consensus, however where a vote is required, decisions are by simple 'show of hands' majority with the chair having a casting vote.

Access to Information

The Forum is not a formal committee of the County, District or Parish Councils, therefore Access to Information provisions do not apply. However, as it is a public meeting, agendas and minutes will be available on the website of the County Council and the Borough Council and by request can be obtained in person at County Hall, Preston and Chorley Town Hall.

Chair and Deputy Chair

The Chair and Deputy Chair will be elected at the first meeting in the Council year from amongst the membership of the Forum. Should a vacancy arise during the year, a new Chair or Deputy will be elected. A Chair or Deputy may be removed from their position by a vote of the Forum.

The Chair shall alternate each year between the County Council and the Borough Council. The Deputy Chair will always be from the County or Borough Council not represented by the Chair.

The Chair shall preside at all meetings of the Forum. In the absence of the Chair, the Deputy Chair shall preside. In the absence of both the Chair and Deputy, the members present, as the first item of business, appoint one of their number to be Chair of the meeting.

Protocol for Public Speaking at Three Tier Forums

In order to allow members of the Forum and members of the public to raise issues of local concern, a period of 20 minutes has been set aside at the beginning of the meeting.

For the purpose of this protocol, "members of the public" includes members of the press and parish and district councillors who are not members of the Forum. It does not include officers of county or district authorities who are in attendance to support and advise the meeting.

A member of the public may speak for no more than 3 minutes. Members of the public are not required to give notice of the issue they intend to raise, although it is expected in the case of service issues that the appropriate mechanisms for resolving the issue have been explored. Where a question is raised which cannot be answered at the Forum, a record will be kept by officers supporting the Forum and it will be responded to via the appropriate mechanism.

Whilst a member of the public is speaking, no interruption shall be allowed from either a member of the Forum or another member of the public.

However, the Chair of the meeting may intervene in the speech of a member of the public. This includes the right of the Chair to terminate a speech if it is felt appropriate to do so. The Chair's judgement will be informed by the following provision:

Members of the public must not

- Speak at a point in the meeting other than those specified
- Interrupt another speaker
- Speak for longer than the allotted time
- Reveal personal information about another individual
- Make a personal complaint about a service provided by County, District or Town / Parish Councils in the area
- Make individual or personal complaints against any member of the authority
- Reveal information which they know or believe to be confidential
- Use offensive, abusive or threatening language
- Ignore the ruling of the Chair of the meeting

Members of the public who breach these guidelines may, following a warning, be asked to leave.