

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 Corporate Complaints Committee;
- The Pension Fund Committee;
- The Lancashire Local Pension Board;
- The Urgency Committee;
- The Employment Committee;
- The Employment Appeals Committee;
- The Student Support Appeals Committee;
- Health and Wellbeing Board;

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- Officers of the Council;
- Political Management structure
- 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

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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 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 Committees do not take service decisions. They scrutinise the work of the Cabinet, undertake policy and service reviews and make recommendations on improvements. They also monitor decisions of the Cabinet, individual Cabinet Members and Officers and can 'call-in' a decision which has been taken but not yet implemented. This means that the Committee can resolve to ask the decision taker to reconsider the decision. They may also be consulted by the Cabinet, individual Cabinet Member or Full Council on forthcoming decisions and the development of policy.

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.