

Report to the Cabinet

Meeting to be held on Thursday, 5 May 2022

Report of the Head of Legal and Democratic Services

Part I

Electoral Division affected:
None;

Corporate Priorities:
Delivering better services;

Constitutional and Governance Updates

(Appendices 'A' - 'D' refer)

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Brief Summary

Cabinet is asked to consider a number of proposals in relation to the council's governance and committee arrangements, in the following areas:

- Cabinet Portfolios
- Cabinet Committee on Performance Improvement
- Scrutiny
- Political Governance Working Group
- Local Member Grants
- Lead Members

Recommendation

Cabinet is asked to:

- (i) Approve the amendments to the Cabinet Member portfolio descriptions as set out at Appendix 'A'.
- (ii) Recommend that Full Council approves to amend the constitution to reflect the changes to the portfolio descriptions.
- (iii) Approve that the Cabinet Committee on Performance Improvement be disestablished.
- (iv) Recommend to Full Council the proposals for changes to the scrutiny function as set out in the report.

- (v) Approve that decisions on Local Member Grants may be made by the Monitoring Officer where the local member has an interest that prevents them taking the decision.
- (vi) Approve that any funds left over in the Local Member Grant budget at year end over the £200 that each member can carry forward be allocated to schemes or projects designed to support looked after children and care leavers, with details of these allocations to be reported to the Corporate Parenting Board.
- (vii) Approve that the position of "Lead Member for Highways" be retitled "Lead Member for Highways and Active Travel" and recommend that Full Council approve the necessary amendments to the constitution to reflect this.

Detail

Cabinet is asked to consider a range of proposals relating to the committees and decision making arrangements of the county council, specifically in relation to the following areas:

- Cabinet Portfolios
- Cabinet Committee on Performance Improvement
- Scrutiny
- Political Governance Working Group
- Local Member Grants
- Champions and Lead Members

Some of these are matters for Cabinet itself to determine, but others require Full Council approval. In these latter cases, Cabinet is asked to make a recommendation to Full Council to consider at the Annual General Meeting in May.

Cabinet Portfolios

The Scheme of Delegation to Cabinet Members sets out the areas of responsibility for each Cabinet portfolio. This is regularly reviewed to ensure that the descriptions of the portfolios and the areas covered remain relevant and up to date.

Attached at Appendix 'A' are the proposed updated responsibility areas. There are no changes to the portfolios themselves, only amendments to the descriptions. The portfolios have been ordered to reflect lines of accountability with the proposed new scrutiny committees, as outlined elsewhere in this report.

Cabinet is asked to approve the changes and ask Full Council to amend the constitution accordingly.

Cabinet Committee on Performance Improvement

The Cabinet Committee on Performance Improvement is a committee of the Cabinet with the remit to oversee the council's performance monitoring arrangements and influence and monitor progress against the corporate priorities.

Following the refresh of the corporate priorities, it is felt that these objectives would be better served by returning these functions to Cabinet itself, which would both give performance a higher profile and allow it to be considered by all Cabinet Members alongside financial and other information which is already regularly reported to Cabinet.

It is therefore proposed that the Cabinet Committee on Performance Improvement be disestablished, and its functions delivered by Cabinet.

Scrutiny

Amongst the recommendations in the Corporate Peer Challenge (the "Peer Review") undertaken in October 2021 was a suggestion that the council should:

"Review the Council's approach to Overview and Scrutiny. Look at how Overview and Scrutiny can have increased impact both in terms of policy development and accountability".

In addition, the recent Councillor survey sought views from councillors on scrutiny. Amongst the key issues identified were a need for better and more effective work planning, better engagement with Cabinet, and further training.

Cabinet is therefore now invited to consider a proposed new structure and approach to scrutiny and make recommendations to Full Council. The proposals include four service area base committees and the creation of a new "Management Board" to oversee the work and performance of scrutiny. The Chair of the Management Board will be drawn from the four chairs of the service area committees. This new position will not receive a Special Responsibility Allowance.

These proposals are intended to deliver a number of improvements, including:

1. To ensure scrutiny work planning is better structured and reflects the council's corporate priorities.
2. To make it clearer which committee is responsible for which service, function or issue.
3. To enhance engagement between Cabinet and Scrutiny.
4. To streamline the "Call In" process by giving responsibility for handling all Call Ins to the Management Board.
5. To raise the profile of scrutiny and ensure it is influencing decisions about services to the people of Lancashire.

Attached at Appendix 'B' is the proposed structure for scrutiny, showing the suggested membership and areas of responsibility for each committee.

As part of these proposals, it is proposed to disestablish two current working groups of scrutiny – the Budget Scrutiny Review Panel and the Member Development Working Group, with these functions being given instead to the Management Board.

Appendix 'C' is the proposed new Terms of Reference for the 5 committees.

Appendix 'D' is a Cabinet/Scrutiny protocol, setting out how the Cabinet and Scrutiny committees should engage with each other, and the responsibilities on either side. This is intended to add clarity to the arrangements as well as emphasising the intention to ensure that there is a positive and productive working relationship.

Discussions have been held with the Local Government Association about a bespoke training programme for county councillors and officers that could support this new approach, to be delivered over the summer.

Cabinet is asked to consider these proposals and recommend them to Full Council.

Political Governance Working Group

The Political Governance Working Group is a cross party working group established by Full Council. At present, it meets on an ad hoc basis. As part of these wider reforms, it is proposed that arrangements are made for this group to meet quarterly to be a forum for matters relating to the political management of the authority and for regular engagement between political groups and key officers.

Some of the feedback from the recent Councillor Survey indicates that there were areas for improvement in how the organisation can ensure that information and support provided for councillors is being well communicated and well used. Regular meetings of this forum will help to address this issue.

Cabinet is therefore asked to recommend this proposal to Full Council.

Local Member Grants

Local Member Grants were relaunched in January 2022, and have proved to be an effective and successful programme to help councillors support their local communities.

Two minor changes are proposed to the scheme for future years

1. Currently, where a Councillor has a pecuniary interest in a grant funding decision, the decision is made on their behalf by the Cabinet Member for Community and Cultural Services and the Leader of the Council. As the grants are generally relatively low value and non-controversial, it is proposed that authority to make these decisions instead be given to the Director of Corporate Services, as Monitoring Officer.

2. Councillors are currently able to "carry over" up to £200 at the end of the year if they have not been able to allocate their full grant. In some cases, and for a variety of reasons, Councillors will sometimes have more than that left in their budget, and

any left over above the £200 simply goes unallocated and is an underspend on the budget. In order to ensure that the full amount of money agreed by Full Council for the scheme is spent in line with the general objectives and in support of the corporate priorities, it is proposed that for this year and future years, any money held by councillors above the £200 they may carry over is allocated to schemes or projects to benefit Looked After Children and Care Leavers. Officers supporting these groups will be asked to identify appropriate uses for the funding, and this will be reported to the Corporate Parenting Board. The unspent amount this year is £6,375.

Cabinet is therefore asked to approve these two amendments to the scheme.

Lead Members

In 2021, the Independent Remuneration Panel recommended that, to increase transparency, consideration should be given to how the work of Lead Members could be better communicated and understood. To address this issue, it is proposed that Lead Members be asked to provide an Annual Report on their activities to Cabinet, and then to Full Council.

It is also proposed that, to better reflect the areas of responsibility, the role of Lead Member for Highways is re-titled "Lead Member for Highways and Active Travel".

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

The changes are intended to ensure that the council's governance arrangements remain robust. These arrangements ensure that the council continues to meet its statutory responsibilities in relation to scrutiny.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A