

Part 2 – Article 7 (Other Committees of the Council)

By law, some important Council functions cannot be undertaken by the Cabinet, and some of these functions are exercised by the following Committees:

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**(Approved and last updated by Full Council, 23 February 2023
Owner - Democratic Services)**



Conduct Committee

Composition and role

The Committee shall consist of five County Councillors.

The Committee shall meet as and when required at the request of the Monitoring Officer to undertake its functions set out in these Terms of Reference.

Terms of Reference

1. To determine whether a councillor or co-opted member has failed to comply with the Council's Code of Conduct,
2. Where it finds that a failure to comply with the Code of Conduct has occurred to determine what action, if any, to take,

PROVIDED THAT before a decision under 1 or 2 is taken the Committee must have regard to the views of an Independent Person appointed by the Full Council who shall attend meetings of the Committee for that purpose as an observer.

3. To consider whether to grant a dispensation to a member or co-opted member under section 33 of the Localism Act 2011 relieving the member/co-opted member from either or both of the restrictions in Section 31(4) of the Act by allowing him/her to participate in any discussion at a meeting or vote in relation to any matter in which they have a disclosable pecuniary interest.
4. At the request of the Employment Committee to consider a recommendation to dismiss the Head of the Paid Service, the Monitoring Officer and Chief Finance Officer and to submit views on the proposed dismissal to the Employment Committee which will then reported to Full Council for determination.

Meetings are normally open to the public, but they may be excluded where information of an exempt or confidential nature is being discussed or from meetings dealing with those matters set out at Paragraph 12 below. – see Access to Information Procedure Rules set out at Appendix 'H' to this Constitution.



Independent Panel

Composition and role

The Panel shall comprise at least two Independent Persons.

Terms of Reference

At the request of the Employment Committee to consider a recommendation to dismiss the Head of the Paid Service, the Monitoring Officer or Chief Finance Officer and to submit views on the proposed dismissal to the Employment Committee which will then report to Full Council for determination.



Audit, Risk and Governance Committee

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.

Membership

The members of the Audit, Risk and Governance Committee shall comprise eight councillors.

Statement of purpose

1. The Audit, Risk and Governance Committee is a key element of Lancashire County Council's corporate governance. It provides an independent and high- level focus on the risk management, audit, assurance and reporting arrangements that underpin good governance and financial standards.
2. The primary purpose of the Committee is to provide independent assurance to the members (being those charged with governance) of the adequacy of the risk management framework and the internal control environment. It provides independent review of the Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.
3. The Committee's members should therefore behave objectively and independently in their deliberations and decisions.
4. The Committee is also required to fulfil other functions relevant to its overall responsibilities as required by the Council. In particular, the Committee oversees the Council's treasury management activity.

Governance

The Committee will:

5. Review the council's corporate governance arrangements against the good governance framework and consider annual governance reports and assurances.
6. Review and recommend the code of corporate governance for adoption by the Council.
7. Review the annual governance statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account the head of internal audit's opinion on the overall



adequacy and effectiveness of the Council's framework of governance, risk management and control.

8. Consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
9. Consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
10. Consider the Council's arrangements for discharging its duties in relation to promotion and maintenance of high standards of conduct by members and co-opted members, in accordance with the Localism Act 2011.

Risk management and control

The Committee will:

11. Monitor the effective development and operation of the risk management framework and processes across the Council.
12. Monitor progress in addressing risk-related issues reported to the Committee.
13. Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
14. Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
15. Monitor the counter-fraud strategy, actions and resources.

Internal audit

The Committee will:

16. Approve the internal audit charter.
17. Approve the risk-based internal audit plan, including the Internal Audit Service's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
18. Approve significant interim changes to the risk-based internal audit plan and resource requirements.
19. Make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations.

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20. Consider reports from the head of internal audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
 - a. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
 - b. Regular reports on the results of the quality assurance and improvement programme.
 - c. Reports on instances where the Internal Audit Service does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the annual governance statement.
21. Consider the head of internal audit's annual report:
 - a. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the quality assurance and improvement programme that supports the statement.
 - b. The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion, which will assist the Committee in reviewing the annual governance statement.
22. Consider summaries of specific internal audit reports as requested.
23. Receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
24. Contribute to the quality assurance and improvement programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
25. Support the development of effective communication with the head of internal audit.
26. Advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.



External audit

The Committee will:

27. Consider appointment of the Council's external auditor proposed by the appointing person under the Local Audit (Appointing Person) Regulations 2015 and assess whether there are any valid reasons for the Council to object.
28. Approve the letters of representation required by the external auditor and consider the external auditor's annual letter, audit opinion, relevant reports, and the report to those charged with governance.
29. Consider specific reports as agreed with the external auditor.
30. Comment on the scope and depth of external audit work and to ensure it gives value for money.
31. Commission additional work from the external auditor as necessary.

Financial reporting

The Committee will:

32. Review and approve the annual statement of accounts of the Council and the Lancashire Pension Fund. Specifically, it will consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit work that need to be brought to the attention of the Council.
33. Consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

Accountability arrangements

The Committee will:

34. Report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks; financial reporting arrangements; and internal and external audit functions.
35. Prepare a report annually on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.



Treasury management

The Committee will:

36. Oversee and scrutinise the Council's treasury management function, receiving regular advice and reports on treasury management activity.
37. Consider and recommend the treasury management strategy for Council's approval.
38. Consider and recommend changes to the borrowing and investment strategy for Council's approval.
39. Consider and recommend the prudential indicators for Council's approval.
40. Consider and recommend the treasury management indicators for Council's approval.



Development Control Committee

Composition and role

The Committee comprises twelve County Councillors who are not in the Cabinet and deals with applications for planning permission for waste disposal and mineral extraction developments, and for development proposed by the Council.

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.

Terms of Reference

The Committee shall carry out the following functions:

1. To determine applications for planning permission, under Part III Section 62 and Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 where one or more of the following apply:
 - (i) An objection to the application has been received;
 - (ii) The application is supported by an Environmental Statement;
 - (iii) A refusal is recommended by officers;
 - (iv) There is a conflict of interest with the functions of the Head of Service;
 - (v) The application has been submitted by, or benefits, a councillor or officer of the County Council.
2. To exercise the functions in the Town and Country Planning Act 1990 under Sections 70A (to decline to determine planning permission) 73 (to vary conditions of Planning Permissions), 94 (Completion Notices), 97 (Revocation and Modification Orders), 102 (Discontinuance Orders) 106 (Agreements Regulating Development).
3. To exercise the functions relating to the making of determinations of planning applications under Section 92 (outline planning permission) of the Town and Country Planning Act 1990.
4. To determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active phase I or II sites, or mineral permissions relating to mining sites, are to be subject, under the Planning and Compensation Act 1991 and the Environment Act 1995.
5. To exercise powers to enter into agreements for the execution of highway works under Section 278 of the Highways Act 1980 in relation to development the subject of an application before the Committee for determination.



6. To exercise the function under Section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).
7. To exercise powers under Sections 198 and 199 of the Town and Country Planning Act 1990 (Tree Preservation Orders).
8. To exercise powers in relation to replacement trees under Sections 206 and 207 and 213 of the Town and Country Planning Act 1990, and powers to grant consents under Tree Preservation Orders and to give directions as to the replanting of land under paragraphs 7 and 8 of the Schedule to the Trees Regulations 1999.
9. To exercise powers to determine applications for Hazardous Substances Consent and related powers under Sections 9 and 10 of the Planning (Hazardous Substances) Act 1990.
10. To make any appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
11. To authorise by Order the stopping up or diversion of footpaths or bridleways under section 257 and 261 of the Town and Country Planning Act 1990.
12. To extinguish by Order public rights of way over land held for planning purposes under Section 258 of the Town and Country Planning Act 1990.
13. To establish a Sub-Committee(s) to undertake any part of the Committee's functions.
14. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.



The Regulatory Committee

The Committee comprises twelve County Councillors and deals principally with claims relating to public rights of way and various licensing and registration functions (except registration functions relating to Social Services).

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.

Terms of Reference

The Committee shall carry out the following functions:

Public Rights of Way

1. To determine applications under S53 of the Wildlife and Countryside Act 1981 and to decide whether to make and promote to confirmation Orders thereunder.
2. To exercise the following functions, duties and powers of the Council under the Highways Act 1980:
 - (a) to authorise creation of footpaths, bridleways or restricted byways by agreement under Section 25;
 - (b) to decide whether to make and promote to confirmation Orders for the creation of footpaths, bridleways and restricted byways under Section 26;
 - (c) to decide whether to make and promote to confirmation Orders for the extinguishment of footpaths, bridleways and restricted byways in accordance with Section 118; with the exception of those which are delegated to the Head of Service for Planning and Environment;
 - (d) to decide whether to make and promote to confirmation rail crossing extinguishment orders under Section 118A;
 - (e) to decide whether to make and promote to confirmation special extinguishment orders for the purpose of preventing or reducing crime or of protecting school pupils or staff under Section 118B;
 - (f) to decide whether to make and promote to confirmation public path extinguishment orders (Section 118ZA) and special extinguishment orders (Section 118C);
 - (g) to decide whether to make and promote to confirmation Orders for the diversion of footpaths, bridleways and restricted byways in accordance with Section 119; with the exception of those which are delegated to the Head of Service for Planning and Environment;
 - (h) to decide whether to make and promote to confirmation rail crossing diversion orders under Section 119A;



- (i) to decide whether to make and promote to confirmation special diversion orders for the purpose of preventing or reducing crime or of protecting school pupils or staff under Section 119B;
 - (j) to decide whether to make and promote to confirmation SSSI diversion orders under Section 119D;
 - (k) to decide whether to make and promote to confirmation public path diversion orders (Section 119ZA) and a special diversion order (Section 119C(4)).
3. To decide whether to make orders and promote to confirmation to extinguish certain public rights of way under Section 32 of the Acquisition of Land Act 1981.
4. To decide whether to make orders and promote to confirmation orders to designate a footpath as a cycle track under Section 3 of the Cycle Tracks Act 1984.

Other Licensing Registration and Regulatory Functions

1. To make appointments to outside bodies to which the Council is entitled to have representation in connection with the discharge of any of the Committee's functions.
2. To establish Sub-Committees to undertake any part of the Committee's functions.

Common Land and Town and Village Greens

1. To decide whether to exercise the Council's powers under the Commons Registration Act 1965 to alter the Register in respect of applications.
2. To make recommendations to the Cabinet on matters under the Commons Registration Act 1965 as amended and Regulations thereunder where responsibility lies with the Cabinet.
3. To make decisions on applications and proposals as determining authority under Part 1 Commons Act 2006 save for those under Regulation 43 of the Regulations thereunder.
4. To decide whether to apply to the Secretary of State as owner for de-registration of Common Land or Town or Village Green under S 16 Commons act 2006.
5. To decide whether to take steps and what steps to take to protect unclaimed common land or town or village greens against unlawful interference and whether to institute proceedings under Section 45 of the Commons Act 2006.



6. To decide whether to apply to the Court for orders against unlawful works on common land under Section 41 of the Commons Act 2006.

Mandatory Training

1. All members of the Committee must:
 - (i) Have undertaken mandatory training on the relevant law and procedures which relate to the Committee's work.
 - (ii) Undertake further mandatory training on an ongoing basis whilst they continue to be members of the Committee.

The decision on whether training is mandatory will lie with the Monitoring Officer. All Members will be informed in advance if training is mandatory.



Pension Fund Committee

Terms of Reference

Composition and role:

1. The Pension Fund Committee ("the Committee") comprises twelve County Councillors and seven voting co-optees representing the following organisations.
 - a. One co-optee representing the Further and Higher Education sector in Lancashire.
 - b. One co-optee from Blackburn with Darwen Council.
 - c. One co-optee from Blackpool Council.
 - d. Two co-optees representing Trade Unions; and
 - e. Two co-optees representing the Lancashire Borough and City Councils.
2. The role of the Committee is to:
 - a. Fulfil the role of Scheme Manager, as set out in regulations, of the Lancashire County Pension Fund ("the Fund" or "LCPF").
 - b. Establish policies in relation to investment management, which shall include meeting with the Investment Panel to consider future Investment policy for the Fund.
 - c. Monitor and review investment activity and the performance of the Fund. and
 - d. present an annual report to the Full Council on the state of the Fund and on the investment activities during the preceding year.
3. The Committee shall meet at least quarterly, or otherwise as necessary, with members of the Investment Panel in attendance.
4. Meetings of the Committee shall be open to the public, but the public 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 the County Council's Constitution.

General:

5. To exercise Lancashire County Council's responsibility for the management of the Fund, including the administration of benefits and strategic management of Fund assets and liabilities.
6. To determine which pension related functions and responsibilities should be exercised under a Scheme of Delegation to the Head of the LCPF, the Council's s.151 Officer and the Monitoring Officer.



7. To review governance arrangements and the efficient and effective use of external advisors to ensure good decision-making.
8. To appoint a minimum of two suitable persons to an Investment Panel through a sub committee convened for that purpose.
9. To establish sub-committees and panels as necessary to undertake any part of the Committee's functions.
10. To receive an annual report from the Lancashire Local Pension Board on the nature and effect of its activities.

Policies (other than Investment, Administration and Funding – see below):

11. To approve the following key policy documents:
 - a) A 3 Year Strategic Plan for the Fund.
 - b) An Investment Strategy Statement
 - c) Governance Compliance Statement.
 - d) Pension Fund Annual Report.
 - e) Communication Policy
 - f) Internal Dispute Resolution Procedure.
 - g) Death Grant Policy
 - h) Bulk Transfer Payment Policy.
 - i) Commutation policy (small pensions).
 - j) Transfer policy.
 - k) Abatement policy and
 - l) Any other discretionary policies as required under LGPS regulations

Investment:

12. To determine the strategic asset allocation policy, giving due recognition to the options made available by Local Pensions Partnership Investments Ltd (LPPI).
13. To monitor the performance of the Fund's investments and ensure that best practice is being adopted and value for money is being delivered
14. To submit an annual report to the Full Council on the performance and state of the Fund and on the investment activities during the year.
15. To approve and review on a regular basis an overall Investment Strategy and subsidiary Strategies for such asset classes as the Investment Panel consider appropriate.
16. To have overall responsibility for investment policy.



Administration:

17. To approve the Annual Administration Report.
18. To approve the Pensions Administration Strategy Statement.
19. To monitor the performance of the pensions administration function.
20. To authorise the payment of any statutory pensions, gratuities, grants, etc. under the provisions of the Superannuation and Pensions Acts and Regulations and any Local Acts.
21. To approve applications for early payment of preserved pension benefits on compassionate grounds.
22. To approve payments under the County of Lancashire Act 1984.
23. To determine the actual injury allowance payable on each individual qualifying case of injury or disease, both retrospective and for the future.
24. To review annually the actual amounts of injury allowances payable under the Local Government Superannuation Regulations, as amended, to employees who have sustained injuries or contracted diseases, resulting from anything they were required to do in carrying out their work. and to make any changes appropriate to reflect changes in the relevant financial circumstances of the payee.

Funding:

25. To approve the Funding Strategy Statement which shall include the Fund's policy in respect of:
 - a. the Funding Target.
 - b. the collection of employee contributions.
 - c. the collection of employer contributions.
 - d. the collection of additional employer contributions
 - e. Admissions and Terminations; and
 - f. Employer risk.
26. To approve Scheme Funding Advice
27. To review ongoing funding updates for potential cash contribution implications



Procurement:

28. To approve the procurement process, tender award criteria and evaluation methodology in advance of any tender being invited for the appointment of external support, including:
 - a. an external corporate governance adviser.
 - b. an external Fund custodian.
 - c. external performance measurement advisers.
 - d. the Fund Actuary and
 - e. the Fund's AVC Provider.

Training:

29. To approve the annual Training Plan for members of the Pension Fund Committee and actively participate in training opportunities.

Local Pensions Partnership Ltd (LPPL):

LPPL was formed in partnership between the County Council and the London Pension Funds Authority (LPFA) to carry out certain pension functions such as investment activity and administration on behalf of the two partner authorities. The relationship between the County Council and LPFA is governed by various agreements, one of which (the Shareholders Agreement dated 8th April 2016) reserves certain key matters for the determination of the County Council and LPFA rather than LPPL (the "Reserved Matters"). References to delegated powers relating to LPPL address the Reserved Matters. Unless stipulated, any reference to the "Agreement" is a reference to the Shareholders Agreement dated 8th April 2016.

Pension administration services are provided by the administration arm of LPP, which is called Local Pensions Partnership Administration Limited, with investment services being undertaken by the investment arm, Local Pensions Partnership Investments Limited.

Incorporation or winding up of subsidiaries:

30. To approve, with the exception to the formation of vehicles which are necessary for any transactional, operational or tax efficiency reasons in the sole opinion of the Board, any incorporation of any new subsidiary of LPPL or any of its Group Companies or any liquidation or winding up of LPPL or any of its Group Companies. Any acquisition of any shares in any company, whether through subscription or transfer, such that the company concerned becomes a Subsidiary of LPPL or any Group Company.



Merger/acquisition of any business undertaking:

31. To approve the amalgamation or merger with any company, association, partnership or legal entity or the acquisition of any business undertaking of any other person.

Financial and Business:

32. To approve any Strategic Plan for LPPL or make any material changes to any Strategic Plan after its approval.
33. To approve any extension of the activities of LPPL outside the scope of the Business or to close any business operation.
34. To receive the annual accounts of LPPL.
35. To approve the establishment, provision, or amendment of any pension scheme for LPPL.
36. To give or take any loans, borrowing or credit (other than normal trade credit in the ordinary course of business) exceeding £1,000,000 or cause the aggregate indebtedness of LPPL to exceed £[5m].

Shares, shareholder loans and constitutional:

37. To pay or declare any dividend (other than as expressly provided for in the Shareholder agreement) or other distribution to the Shareholders or redeem or buy any Shares or otherwise reorganise the share capital of LPPL.
38. To admit any person whether by subscription or transfer as a member of LPPL save as provided for in the Shareholder Agreement.
39. To approve any change to the name of LPPL.

Control, management, Directors, and employees:

40. To approve the remuneration policy of LPPL Non-Executive Directors.
41. To approve the appointment or removal of any statutory director of LPPL otherwise than in accordance with the Shareholder Agreement and the Articles of LPPL.
42. To enter or vary any agreement for the provision of consultancy, management or other services by any person which will, or is likely to result in, LPPL being managed otherwise than by its directors or controlled otherwise than by its shareholders.



43. To approve the move of the central management and control of LPPL or LPPL's tax residence outside of the UK.

Contract with related parties

44. To enter into or vary, any contracts or arrangements with any of the Shareholders or Directors or any person with whom any Shareholder or Director is connected (whether as director, consultant, shareholder or otherwise) save as anticipated in the various agreements between the County Council, LPFA and LPPL entered into on 8th April 2016.
45. To approve the commencement or the taking of steps to commence any insolvency proceedings under any law relating to insolvency anywhere in the world unless LPPL is at the relevant time unable to pay its debts as they fall due or the value of its assets is less than its liabilities, including its contingent and prospective liabilities and the directors reasonably consider (taking into account their fiduciary duties) that it ought to be wound up or it ought to enter into administration.
46. To enter into any partnership, joint venture or profit-sharing arrangement with any person or create any share option scheme.
47. To enter into or make any material variation to any agreement not in the ordinary course of the Business and/or which is not on an arm's length basis.
48. To approve the sale, lease (as lessor), licence (as licensor), transfer or otherwise dispose of any of its material assets.
49. To enter into any contract which cannot be terminated within 48 months and under which the liability for such termination could exceed £1 million.



Pension Fund Committee – Scheme of Delegation Arrangements.

1. Matters reserved to Full Council

Local Pensions Partnership Ltd (LPPL):

Changes to the Articles or any Share rights impacting on any pre-approval matter(s)

Approval to alter any of the provisions of the LPPL Articles (including the articles of the LPPL subsidiary companies) or alter any of the rights attaching to the Shares (including where any such alterations directly or indirectly impact on a Reserved Matter) unless such amendment is of a purely administrative nature.

Dilution on Shareholding/Issue of Shares and Share Options

Approval to reduce or cancel any share capital of LPPL, purchase its own shares, hold any shares in treasury, allot or agree to allot, whether actually or contingently, any of the share capital of LPPL or any security of LPPL convertible into share capital, grant any options or other rights to subscribe for or to convert any security into shares of LPPL or alter the classification of any part of the share capital of LPPL save as the power to do so without prior Shareholder approval is specifically provided for in the Agreement .

Creation of any Holdco of LPPL

To approve the formation of any holding company of LPPL.

Change of Company status

To approve a change of status of LPPL from a limited company to a public limited company or from a company limited by shares to any other form of legal entity.

2. Matters reserved to the Employment Committee

Local Pensions Partnership Ltd (LPPL):

Approval of LPPL's Remuneration Policy

To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors

Changes to Directors' Remuneration Policy

To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both LCC and LPFA. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of

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carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

Proposed redundancies of any Group employees

To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

Proposed re-location of any LPPL employees

To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of LCC.

Chief Executive

To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.

3. Matters reserved to Officers

The following functions have been delegated to the Head of the Lancashire County Pension Fund (LCPF), the Monitoring Officer, and the Council's s.151 Officer as indicated below:

The Head of the LCPF, the Monitoring Officer, and Council's s.151 Officer may allocate or re-allocate responsibility for exercising powers (delegated to them by Full Council or the Pension Fund Committee) to other officers on their behalf in the interests of effective corporate management as he/she thinks fit.

Records of all such authorisations must be retained and a copy sent to Democratic Services for retention. The 'other' officer(s) to whom a power has been re-allocated cannot further delegate that power to another officer.

Any decisions taken under the Scheme of Delegation must be recorded in the electronic decision recording system.

Matters reserved to the Monitoring Officer

Agreements

To enter or vary any agreement to do any of the things reserved to the Pension Fund Committee and to officers under the Scheme of Delegation arrangements.



Local Pensions Partnership Ltd (LPPL):

Guarantees and Indemnities

To give any guarantee, suretyship, or indemnity outside the ordinary course of business to secure the liabilities of any person or assume the obligations of any person.

Disputes and proceedings

To commence, settle or defend any claim, proceedings or other litigation brought by or against LPPL, except in relation to debt collection (not exceeding £2m) in the ordinary course of the Business.

Matters reserved to the Council's S.151 Officer

As the officer designated under s.151 of the Local Government Act 1972 to be responsible for the proper administration of the financial affairs of the County Council, for this purpose including the Lancashire County Pension Fund.

Accounts and Records

To maintain all necessary accounts and records in relation to the Pension Fund save as otherwise discharged in accordance with arrangements determined by the Pension Fund Committee.

Local Pensions Partnership Ltd (LPPL):

Shares, Shareholder loans and constitutional:

1. Save as provided for in the Shareholders Agreement, to approve an increase in the amount of any Shareholder Loans or the variation of the terms of any Shareholder Loans.
2. To approve the repurchase, repayment, redemption or cancellation of any Shareholder Loan other than in accordance with the terms of any Loan Agreement, Loan Notes or the terms of the Shareholders Agreement.
3. To enter into any agreement with a Shareholder for the provision of additional funds or financial support from that Shareholder which differ from the terms on which the other Shareholder is providing equivalent finance or support.

Matters reserved to the Head of the Lancashire County Pension Fund

As the officer responsible for the management of the Lancashire County Pension Fund:

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1. To set the appropriate funding target for the Fund.
2. To place any monies not allocated to investments on short term deposit in accordance with arrangements approved by the Pension Fund Committee.
3. In consultation with the Investment Panel, to monitor and review the performance of investments made by LPPL and to report to each meeting of the Pension Fund Committee on the exercise of this delegation.
4. To arrange and authorise the provision of appropriate and necessary training for members of the Pension Fund Committee including the attendance at conferences and other similar pension fund related events by members of the Pension Fund Committee.
5. To accept for admission into the Lancashire County Pension Fund employees of authorities and bodies as prescribed in Regulations including transferee and community admissions which are considered as 'exceptional circumstances', subject to an approved Admission Agreement, and subject to any necessary indemnities as appropriate.
6. To prepare and submit the following to Pension Fund Committee:
 - a) A 3 Year Strategic Plan for the Fund.
 - b) An Investment Strategy Statement (to include policy on the management of cash balances).
 - c) A Governance Compliance Statement.
 - d) The Pension Fund Annual Report.
 - e) A Funding Strategy Statement to include the Fund's policy in respect of:
 - the Funding Target.
 - the collection of employee contributions.
 - the collection of employer contributions.
 - the collection of additional employer contributions;
 - Admissions and Terminations; and
 - Employer risk.
 - f) The Pensions Administration Strategy Statement.
 - g) The Communication Policy.
 - h) An Internal Dispute Resolution Procedure.
 - i) The Death Grant Policy.
 - j) The Bulk Transfer Payment Policy.
 - k) A Commutation Policy (small pensions).
 - l) The Transfer Policy,
 - m) The Abatement Policy, and
 - n) Any other discretionary policies as required under LGPS regulations.



7. To carry out the administrative functions of the administering authority relating to the Local Government Pension Scheme.
8. To approve the payment of death grants in accordance with the agreed Death Grant Policy.
9. To appoint any required external support (subject to the role of the Pension Fund Committee and the Investment Panel), their terms of office and remit.
10. To deal with stage 2 appeals under the Internal Dispute Resolution Procedure.
11. To authorise the payment of any statutory pensions, gratuities, grants, etc. under the provisions of the Superannuation and Pensions Acts and Regulations and any Local Acts.
12. To approve applications for early payment of preserved pension benefits on compassionate grounds.
13. To approve payments under the County of Lancashire Act 1984
14. To determine the actual injury allowance payable on each individual qualifying case of injury or disease, both retrospective and for the future.
15. To review annually the actual amounts of injury allowances payable under the Local Government Superannuation Regulations, as amended, to employees who have sustained injuries or contracted diseases, as a result of anything they were required to do in carrying out their work and to make any changes appropriate to reflect changes in the relevant financial circumstances of the payee.
16. To provide support to the Local Pension Board to enable it to fulfil its role and responsibilities as defined by sections 5 (1) and (2) of the Public Service Pensions Act 2013.

Local Pensions Partnership Ltd (LPPL):

To approve the following:

17. The appointment or removal of the auditors of LPPL.
18. The alteration of LPPL's accounting reference date.
19. Any significant change to any of LPPL's accounting or reporting practices.

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20. The creation of any Encumbrance over the whole or part of the undertaking or assets of LPPL.
21. Any item or series of items of capital expenditure including finance leases but excluding operating leases of more than £5,000,000.
22. The entering into or variation of any operating lease either as lessor or lessee, of any plant, property or equipment of a duration exceeding 10 years or involving aggregate premium and annual rental payments in excess of £5m.
23. The factor or discount any book debts of LPPL.
24. The making of any agreement or reach any settlement with any revenue authorities or any other taxing authority, or make any claim, disclaimer, election or consent of a material nature for tax purposes in relation to LPPL, its business, assets or undertaking.
25. Any change to the bankers of LPPL.
26. Any change to the registered office of LPPL.



Pension Fund Investment Panel

Terms of Reference (as approved by Full Council on 13th July 2023)

1. The Investment Panel ("the Panel") provides expert professional strategic advice to the Pension Fund Committee in relation to investment strategy and on occasion to the full Council.
2. Remit of the Panel
 - To review the Fund's long term investment strategy and where necessary make recommendations to the Pension Fund Committee.
 - To advise on strategic and/or tactical asset allocations proposed by the Local Pensions Partnership Investments Ltd (LPPI).
 - To restrict and control the range of asset allocations used by LPPI, as set out in the Statement of Investment Principles.
 - To consider appropriate risk management strategies to include the matching of pension liabilities with suitable investments, possibly involving derivatives, and where necessary make recommendations to the Pension Fund Committee.
 - To consider foreign exchange hedging strategies relating to the equity and/or other asset allocations and where necessary make recommendations to the Pension Fund Committee.
 - To monitor and review the investment activity; and
 - To review and report on the performance of the Fund and where necessary make recommendations to the Pension Fund Committee.
3. The Panel does not exercise any delegated powers but instead will provide support to the Head of Fund in the exercise of their delegated powers and in making recommendations to the Pension Fund Committee taking account of advice and views from the Panel.
4. The membership of the Panel comprises:
 1. The Head of Fund (as Chair); and
 2. Not less than two Independent Investment Advisers appointed in accordance with arrangements determined by the Pension Fund Committee.
5. The Panel will meet quarterly, or otherwise as necessary



- 6 For a meeting to be quorate the Chair and at least one Investment Adviser must be present.
7. The Panel may operate through sub-groups to undertake specific tasks but will formulate recommendations to the Head of Fund and/or the Pension Fund Committee through meetings of the full Panel.
8. The Panel may secure specialist advice within allocated budgets.
9. One member of the Panel will attend at least the Local Pension Partnership Ltd Conference or any equivalent event on an annual basis.



Lancashire Local Pension Board

Terms of Reference

1. Role and remit of the Board

- a) To assist Lancashire County Council as the Administering Authority in its role as Scheme Manager (as delegated to the Pension Fund Committee):
 - i. to secure compliance with the Local Government Pension Scheme (LGPS) regulations and any other legislation relating to the governance and administration of the LGPS.
 - ii. to secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator; and
 - iii. in such other matters as the LGPS regulations may specify.
- b) To ensure the effective and efficient governance and administration of the LGPS for the Lancashire County Pension Fund (the Fund).
- c) To provide the Pension Fund Committee with such information as it requires to ensure that any member of the Board or person to be appointed to the Board does not have a conflict of interest.
- d) To review and scrutinise governance processes and procedures to ensure that the Fund is managed and administered effectively and efficiently and complies with the code of practice on the governance and administration of public service pension schemes issued by the Pension Regulator.
- e) To meet sufficiently regularly to discharge its duties and responsibilities effectively, but not less than four times in any year.
- f) To review the key policy documents for the Fund to ensure they are fit for purpose.
- g) The Board must assist the Pension Fund Committee with such other matters as the scheme regulations may specify. This role involves but is not limited to assisting with the oversight of and commenting on:
 - i. the development of improved customer services.
 - ii. the monitoring of administration and governance against key performance targets and indicators.
 - iii. the effectiveness of processes for the appointment of advisors and suppliers to the County Council.
 - iv. a review of the Lancashire County Pension Fund Risk Register as it relates to the Scheme Manager function of the Authority.
 - v. the development of improved management, administration and governance structures and policies.
 - vi. a review of the outcome of actuarial reporting and valuations.

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- vii any other area within the core function (i.e. ensuring effective and efficient governance of the Scheme) that the Board deems appropriate.
- h) To review the outcome of internal and external audit reports in relation to the Fund.
- i) To make such recommendations to the Pension Fund Committee and/or Full Council as it considers appropriate in relation to any matter that the Board considers may improve the performance of the Fund.
- j) To submit to the Pension Fund Committee in March each year a proposed annual work plan for the forthcoming financial year.
- k) To carry out any activities relating to the efficient governance and administration of the Fund which the Pension Fund Committee or full Council may request the Board to undertake.

2. Membership and Appointment Process

The Board shall consist of nine members and be constituted as follows:

One independent member selected by the Pension Fund Committee who shall not be a member of the Lancashire County Pension Fund and who shall be appointed as Chair of the Board.

Four employer representatives, of whom:

- Two shall be nominated by Lancashire County Council. Where these are councillors or officers, they shall meet the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority.
- One shall be nominated by the Unitary, City, and Borough Councils and the Police and Fire bodies which are employers within the Lancashire County Pension Fund; and
- One shall be nominated following consultation with the other employers within the Fund.

Four scheme member representatives drawn from the membership of the Fund.

Members in the above categories will only be appointed to the Board by the full Council if they meet the knowledge and understanding requirements set out in the relevant regulations and guidance, and as set out in Section 5 below.

Process

- a) Two employer representatives shall be nominated by Lancashire County Council. The nomination of a county councillor or an officer shall comply with

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the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority.

- b) One employer representative to be drawn from the Unitary, City, and Borough Councils and the Police and Fire bodies which are employers within the Fund.
- c) One employer representative to be drawn from all other employers within the Fund.
- d) Four scheme member representatives to be drawn from the membership of the Fund.

Employers within the Fund shall be notified of any vacancies arising under categories b) and c) above. Any nominations shall be submitted to the Head of the Pension Fund.

A vacancy arising under category d) shall be brought to the attention of employer and member representative bodies to enable the vacancy to be advertised as widely as possible. This will include details of the vacancy being published on websites as appropriate. Scheme members shall submit expressions of interest to the Head of the Pension Fund.

All nominations and expressions of interest submitted under categories b), c) and d) would go through an initial sifting process by the Head of the Pension Fund in consultation with the Chair of the Lancashire Local Pension Board. Nominations and expressions of interest would be considered against the role profile and having regard to equal opportunities legislation. In the event that more than one suitable candidate is identified, there will be a formal interview process involving the Chair and two other members of the Board. The interview process would test the ability of the individual to meet the requirements of the role and any recommended appointment would be made on merit.

Once a suitable representative has been identified they would need to be formally appointed to the Board by the full Council.

- e) One independent member selected and appointed by the county council as the Administering Authority.

This person shall not be a member of the Fund. Such appointment will only be made following an openly advertised competition for the role. Interviews will be arranged and conducted as necessary by the Head of the Pension Fund who shall make a recommendation to the Pension Fund Committee for consideration who will then refer the matter to the Full Council for a decision as appropriate.

3. Term of office and removal of members of the Board.

- a) The independent Chair of the Pension Board shall be appointed by the full Council for an initial 2 years with an option for the appointment to be extended

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for an additional 2 years.

- b) Other members of the Board will serve for a maximum period of up to 8 years subject to the approval of the Full Council. Other than as a result of retirement at the expiry of this period the term of office of a member of the Board will come to an end:
- i) For an employer representative who is a councillor if they
 - cease to hold office as a councillor.
 - are appointed to serve on the Pension Fund Committee,
 - are replaced in accordance with the change of membership procedure adopted by the County Council, or
 - are removed by a resolution of the Full Council.
 - ii) For employer representatives who are not councillors when they cease to be employed by the employing body where they were employed on appointment;
 - iii) For a scheme member or employer representative if they are appointed to a role with responsibility for the management or administration of the Fund.
 - iv) For scheme member representatives if they cease to be a member of the Fund.
 - v) Where there is a conflict of interest which cannot be managed in accordance with the Conflict of Interests Policy.
 - vi) Where an individual fails to attend meetings, undertake training or otherwise comply with the requirements of being a member of the Pension Board.
- c) Each Board member should endeavor to and is expected to attend all Board meetings during the year. Given the nature of the Board as a supervisory body and the need for appropriate knowledge and skills and the clear avoidance of conflicts of interest substitute members are not permitted.
- d) Other than by ceasing to be eligible as set out above, a Board member (including the independent member) may only be removed from office during a term of appointment by the consent of the Full Council.

4. Code of Conduct and Conflict of Interests Policy for Board Members, Officers and Advisors

The role of the Pension Board requires the highest standards of conduct and therefore the “seven principles of public life” will be applied to all Board members and embodied in their Code of Conduct as approved by the Board and published on the Local Pension Fund Website.

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5. Knowledge and Understanding

- a) Board members must be conversant with:
 - i) The legislation and associated guidance of the LGPS.
 - ii) Any document recording policy about the administration of the LGPS which is for the time being adopted by the Fund.
- b) Board members must have knowledge and understanding of:
 - i) The law relating to pensions, and
 - ii) Any other matters which are prescribed in regulations.
- c) It is for individual Board members to be satisfied that they have the appropriate degree of knowledge and understanding to enable them to properly exercise their functions as a member of the Pension Board. In line with this requirement Board members are required to be able to demonstrate their knowledge and understanding and to refresh and keep their knowledge up to date. A record of the training which Board members have undertaken will be presented to the Board on an annual basis.
- d) Board members will undertake a personal training needs analysis and regularly review their skills, competencies and knowledge to identify gaps or weaknesses.
- e) Board members will comply with the Training Policy approved by the Pension Fund Committee.

6. Role of the Chair

- a) To ensure that the Board delivers its purpose as set out in these Terms of Reference.
- b) To ensure that Board meetings are productive and effective and that all members of the Board have an opportunity to contribute to discussions.
- c) To seek to ensure that the Board reach consensus when making decisions and to put decisions to a vote when it cannot be reached (see section 8).
- d) To facilitate the Annual Review of the effectiveness of the operation of the Board over the previous year and draft a report on the findings for inclusion in the Annual Report of the Fund.

7. Quorum

- a) For the Board to be quorate the Chair and at least two employer representatives and two scheme member representatives must be present.



- b) In the event that the Board is inquorate the meeting may continue but any decisions will be non-binding until they can be ratified by the Board.

8. Decision making

- a) Employer/scheme member representatives on the Board will have an individual voting right but it is expected the Board will, as far as possible, reach a consensus.
- b) Under Regulation 106(7) of the LGPS Regulations 2013 the Chair is explicitly excluded from having the right to vote.
- c) Written resolution procedure - Should the Board need to take a decision between scheduled meetings then all Employer/Scheme Member representatives on the Board shall be consulted by email on the proposal and asked to indicate whether they support the recommendation or not. The Chair will receive a copy of the written resolution for their information. The decision of the Board will then be based on a simple majority of the responses received and will be reported to the subsequent Board meeting.

9. Board Meetings – Notice, Minutes and Reporting

- a) The Monitoring Officer shall give notice to all Board members of every meeting of the Board and shall ensure that papers are published on the Lancashire County Pension Fund Website at least 5 working days prior to each meeting.
- b) The Monitoring Officer shall ensure that a formal record of Board proceedings is maintained. Subsequent to each meeting the Chair will be asked to approve the minutes for publication and circulation to all members of the Board.
- c) The Board in considering items of business at its ordinary meetings shall in relation to each item consider whether it wishes to make a recommendation to the Pension Fund Committee with the response of the Committee being reported to the subsequent Board meeting.
- d) The Pension Board shall produce an **Annual Report** on the nature and effect of its activities for consideration by the Pension Fund Committee. The contents of this Annual Report will be subject to consideration and agreement at a meeting of the Board, but should include, inter alia:
 - i) Details of the attendance of members at Board meetings;
 - ii) Details of the training and development activities provided for members of the Board and attendance at such activities;
 - iii) Details of any specific recommendations made by the Board to the Pension Fund Committee and the response of the Committee to those recommendations.
 - iv) Details of the costs incurred in the operation of the Board.
 - v) A statement by the Chair on the findings of the Annual Review of the



effectiveness of the Board.

If approved by the Committee the Annual Report of the Board will be incorporated into the Annual Report of the Fund and submitted to the full Council for approval.

- e) If considered appropriate the Board may establish Sub-Groups to look in detail at specific issues and report back to the Board.

10. Publication of Pension Board information.

- a) Scheme members and other interested parties will want to know that the Fund is being efficiently and effectively managed. They will also want to be confident that the Board is properly constituted, trained and competent in order to comply with scheme regulations, the governance and administration of the scheme and requirements of the Pension Regulator.
- b) The Board will ensure that up to date information is posted on the Lancashire County Pension Fund website showing
- The names, contact details and other relevant information about Board members.
 - The responsibilities of the Pension Board as a whole.
 - The full Terms of Reference of the Pension Board.
 - Any specific roles and responsibilities of individual Board members.
- c) The Pension Fund Committee will also consider requests for additional information to be published or made available to individual scheme members to encourage scheme member engagement and promote a culture of openness and transparency.

11. Budget.

- a) The Board is to be provided with adequate resources to fulfil its role. In doing so the budget for the Board shall be met from the Lancashire County Pension Fund.
- b) The Pension Fund Committee shall approve an annual budget for the Board which will be managed by and at the discretion of the Head of Fund.

12. Reimbursement of Travel and Subsistence Expenses and Remuneration.

- a) All Board members shall, on the production of relevant receipts be reimbursed for travel and subsistence expenses they have actually and necessarily incurred in the conduct of their duties as a member of the Board, including attendance at relevant training and development activities.
- b) Board members shall be reimbursed a mileage allowance for use of their own

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car at the rate proscribed by HM Revenues and Customs from time to time as adopted by Lancashire County Council.

- c) Where members of the Board are in employment their employer will be able to reclaim from the Lancashire County Pension Fund a sum equivalent to salary, employers' national insurance contributions and employers' pension contributions, in respect of time spent by the individual in fulfilling their duties as a member of the Board, including attendance at relevant training and development activities. Where any applicable sums and contributions are claimed by an employer, costs must have been incurred by the employer and evidence must be provided with any claim.
- d) Board Members may be able to reclaim from the Lancashire County Pension Fund a sum in financial loss commensurate to time spent by the individual in fulfilling their duties as a member of the Board, including attendance at relevant training and development activities, except where such sums are recoverable under any other paragraph of these terms of reference. Where any applicable sums are claimed by an individual evidence must be provided with the claim. The Head of Fund will have absolute discretion to determine the final sum reimbursed based on what is deemed sufficiently evidenced, reasonable and proportionate, to be assessed on a case by case basis.
- e) In accordance with the decision taken by the Executive Director of Resources on behalf of the Urgency Committee of Full Council on 26 June 2023, the Chair of the Board shall receive a fixed annual allowance of £10,000 (in addition to travel and subsistence expenses) to be inflated in April each year by the Consumer Price Index for the previous September.

13. Advisers to the Board

- a) The Board may be supported in its role and responsibilities through the appointment of advisers, in addition to the County Council's officers and the Fund's various advisers and shall, subject to any applicable regulation and legislation from time to time in force, consult with such advisers to the Board and on such terms as it shall see fit to help better perform its duties.
- b) The Board shall ensure that the performance of any advisers so appointed is reviewed on a regular basis.

14. Reporting Breaches

Any breach brought to the attention of the Board, whether potential or actual, shall be dealt with in accordance with the procedure set out in a separate [policy](#).



Note

| | |
|-------------------------|---|
| Administering Authority | Is the Full Council of Lancashire County Council as set out in Part I of Schedule 3 of the Local Government Scheme Regulations 2013 |
| Scheme Manager | Is the Pension Fund Committee (Full Council having delegated powers to the Committee as set out in the County Councils Constitution). |
| Pension Board or Board | Is the local Pension Board for the Lancashire County Council as Administering Authority for the Lancashire County Pension Fund as required under the Public Service Pensions Act 2013 |
| Chair | The individual responsible for chairing meetings of the Lancashire Local Pension Board and guiding its debates. |
| LGPS or Scheme | Means the Local Government Pension Scheme as constituted by the Local Government Pension Scheme Regulations 2013, the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 and The Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 |
| Fund | Means the Lancashire County Pension Fund |



Urgency Committee

Composition and role

The Committee comprises twelve County Councillors of whom no more than two shall be members of the Cabinet.

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.

Terms of Reference

The Committee shall carry out the following functions:

Except those matters which cannot be delegated under Section 101 of the Local Government Act 1972, to deal with any matter requiring a decision by the Full Council which cannot await its next meeting, including any matters which have been delegated to the Committee by the Full Council.

The following matter has been specifically delegated to the Committee by the Full Council: -

To approve any minor amendments to the Constitution for the purpose of improving its operational efficiency or for giving greater clarity to the existing processes.



Employment Committee

The Committee comprises 8 County Councillors, chaired by the Leader of the Council and including an appropriate cabinet member or lead member depending upon the specific issue being dealt with.

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 Committee shall discharge the following functions.

A. Appointment and Dismissal of "Senior Officers" and Other Statutory Officers

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (s.151 Officer), collectively referred to as “Senior Officers”.
 - 1.1 The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory responsibilities:
 - Children's Services.
 - Adult Services; and
 - Public Health.
 2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, where appropriate, agree to make a permanent appointment of an existing member of staff by way of redeployment or agree to a temporary appointment for a fixed term of not normally more than 12 months.
 3. Where an appointment is not made in accordance with paragraph 2 the Committee shall:
 - (a) Draw up a job description and person specification.
 - (b) Determine the arrangements for recruitment to the post including, where they consider it appropriate, the appointment of recruitment consultants and advertising.
 - (c) Make arrangements to interview such applicants for the post as they may determine.



4. Where the Committee is appointing or dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given, subject to paragraph 5 below.
5. In the case of paragraphs 1 and 1.1 above no offer of appointment (including by way of an appointment pursuant to paragraph 2) and, in the case of paragraph 1, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:
 - (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
 - (b) the Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (c) the Leader has, within the period specified in the notification, notified the Committee that neither he/she nor any member of the Cabinet has any objections.

Conditions of Service

6. The Committee shall exercise all necessary functions required by the JNC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
7. The appraisal of Senior Officers and other statutory officers listed at paragraph 1.1 shall be carried out by the Chief Executive.

Disciplinary Action

8. The Committee may take any disciplinary action (including suspension) against the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
9. The Committee may approve the suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer for an initial period of up to two months to enable an investigation to be undertaken to help determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension if it considers that to be necessary. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.
10. If an exceptional situation arises whereby allegations of misconduct by the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that his/her remaining presence at work poses a serious risk to the



health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee (subject to a decision to suspend being ratified by the Employment Committee within 7 days of the decision).

11. A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be taken by the Full Council having taken into account:
 - Any views submitted under paragraph 5.
 - Any advice, views or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 (d) for the purposes of advising the Council on matters relating to the dismissal of the named officers.
 - The conclusions of any investigation into the proposed dismissal; and
 - Any representations from the relevant officer.
12. A decision to suspend an Executive Director shall be taken by the Chief Executive.
13. Subject to paragraphs 8, 9 and 10 any disciplinary action in relation to a Senior Officer will be dealt with by the Committee in accordance with the appropriate Council's Disciplinary Procedure.
14. Subject to paragraphs 8, 9 and 10 the Committee is authorised to take any disciplinary action in respect of a Senior Officer short of dismissal with no requirement to consult cabinet members in accordance with paragraph 5 above or to seek approval from the Full Council.
15. Any appeal against action short of dismissal will be considered by an Appeals Committee established by the Full Council comprising five members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet. The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.
16. In the event that the Committee's decision is to propose to dismiss the Chief Executive, Monitoring Officer or Chief Financial Officer the appeal stage will be fulfilled by the Full Council when they consider that proposal in accordance with paragraph 4.

Capability and Dismissal Procedures

17. Any issue regarding the capability of a Senior Officer shall be dealt with by the Committee in accordance with the Council's Disciplinary and Capability Procedures.

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18. Any issue which is not appropriately dealt with under the Disciplinary or Capability Procedures, but which may result in the dismissal of the Senior Officer will be dealt with by the Committee.

Appointment, Dismissal and Disciplinary Action

19. Subject to paragraphs 1-18 above, the functions of appointment, dismissal, and taking disciplinary action against any other employee must be discharged by the Chief Executive or by an officer(s) of the Council nominated by him and in accordance with such procedures as may be determined by the Committee as referred to at paragraph B1 below.
20. Subject to paragraphs 1-18 above, the Chief Executive and other Senior Officers may appoint, dismiss (including dismissal by reason of redundancy) and discipline all Directors in accordance with the Council's procedures. Appointments and dismissals can only proceed after all cabinet members have been notified by Democratic Services of the proposed appointment or dismissal. Agreed corporate processes must be followed in respect of all redundancy payments.

B. All Other Staff

Terms and Conditions of Employment

The Committee shall:

1. Determine the terms and conditions on which employees hold office including (but not limited to):
 - The Council's pay and grading structure.
 - Any fees, allowances or payments made to employees, including any relating to termination of employment.
 - Any policies, procedures and practices relating to employment including recruitment and selection.
 - (Any minor changes to these policies, procedures and practices to reflect legislative changes and improve working practices can be approved by the Head of Service for Human Resources under the Council's Scheme of Delegation arrangements).
 - Any collective agreements relating to the above.
 - To determine policy in relation to the release of pension benefits (LGPS and TPS) where employer discretion/consent is required.
2. Consider, at the request of a recognised trade union, any disagreement regarding the matters referred to at paragraph 1 above (excluding issues relating to individual employees). In referring any such matter the trade union(s) concerned shall be entitled to make oral representations to the Committee to such extent as the Committee consider appropriate.



3. Determine the facilities to be provided to trade union representatives.
4. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
5. Monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

C. Lancashire Renewables Limited

Terms and Conditions of Employment

The Committee shall be responsible for determining the terms and conditions of service on which all employees of Lancashire Renewables Limited ("the Company") are engaged and approving the Company's proposals in respect of the same.

This shall include, but not be limited to the following:

1. approving the Company's pay and grading structure.
2. approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based.
3. ensuring that all employees of the Company are paid a minimum of the living wage.
4. approving the Company's employment policies, procedures and practices.
5. determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.

In discharging its obligations, the Committee shall ensure that, so far as is possible, the principles of equality are maintained vis-à-vis the terms and conditions of employees of the County Council in comparable positions.

D. Lancashire Coroners

The Committee shall be responsible for determining the pay, and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.

E. Local Pensions Partnership Ltd (LPPL):

Approval of LPPL's Remuneration Policy

1. To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors.

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Changes to Directors' Remuneration Policy

1. To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both LCC and LPFA. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

Proposed redundancies of any Group employees

2. To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

Proposed re-location of any LPPL employees

3. To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of LCC.

Chief Executive

4. To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.



Lancashire Health and Wellbeing Board

Terms of Reference

1. Purpose

To achieve the best possible health and wellbeing outcomes and reduce health inequalities in Lancashire.

2. Functions

To achieve the purpose outlined above, the Health and Wellbeing Board will deliver the following key functions:

Enable shared understanding - to lead the development of a Joint Strategic Needs Assessment and ensure that it is informing the development of plans and priorities of the Board and its partners.

Develop a Health and Wellbeing Strategy – to agree a Health and Wellbeing Strategy and work in partnership with our system partners to support the delivery of this Strategy.

Provide System Leadership – to lead and direct the health and wellbeing system to ensure we continuously improve our services and make the best use of resources that deliver better outcomes for people.

Seek Assurance through monitoring and evaluation of the health and wellbeing strategy and where necessary provide appropriate and effective challenge.

Accountability – to be able to demonstrate and evidence that the decisions of the Board, and their subsequent outcomes, are clearly focused on improving the health and wellbeing and reducing health inequalities in Lancashire.

Commissioning - to enable collaboration between commissioners, joint commissioning and pooled budgets, where this provides better integrated service delivery and outcomes.

Engagement – listen to and understand the needs of local people; to ensure there is effective dialogue and engagement with our communities, and joint working between the county council, our district councils, local NHS and with other key strategic partnerships via. Safeguarding Boards, Local Economic Partnership, Children and Young People Partnership, Community Safety Partnership etc.

Integration – to promote integration and partnership working between the NHS, local government and wider public, private, voluntary, community and faith sector.



3. Principles

The Health and Wellbeing Board members recognise shared values as the foundation of a strong partnership and through trust, openness, equality and fairness will ensure a strong and sustainable partnership that delivers improved health and wellbeing outcomes and reduce health inequalities in Lancashire.

Trust – to have confidence in the integrity and ability of all partner organisations working collaboratively through the Health and Wellbeing Board.

Openness – demonstrating transparency and openness between partners in how decisions are made and in sharing activities, plans and ambitions.

Equality – each partner organisation/sector has an equal standing within the Health and Wellbeing Board.

Fairness – commitment throughout the Health and Wellbeing Board that the behaviour and actions of partners is equitable, impartial and objective.

4. Membership

The membership of the Lancashire Health and Wellbeing Board is comprised of the following:

- The Cabinet Member for Health & Wellbeing (Chair)
- The Leader of the Council*
- The Lead Member for Health
- Executive Director of Adult Services and Health & Wellbeing*
- Executive Director of Education and Children's Services*
- Director of Public Health*
- 1 member (Chair, CEO or Executive Director) to be nominated by NHS Lancashire and South Cumbria Integrated Care Board*
- Three District Councillors (one from each of the sub areas of Lancashire, to be nominated by the Lancashire Leaders Group)
- One District Council Chief Executive (to be nominated by the Lancashire Chief Executives Group)
- The Chair of Healthwatch*

*Members marked with an asterisk are statutory members who must be on the Board to meet the requirements of the Health and Social Care Act 2012.

All Board members to have one vote each.

The Board may invite any other representatives to meetings of the Board as it deems appropriate. Such representatives will not be formal members of the Board and they shall not have a vote but may participate in the debate with the consent of the Chair.

**(Approved and last updated by Full Council, 23 February 2023
Owner - Democratic Services)**



5. Meeting Arrangements

The Health and Wellbeing Board is a committee of the County Council and unless specified below, meeting arrangements are subject to the County Council's procedural Standing Orders:

- The Board will appoint the Deputy Chair annually from amongst the voting membership.
- The Board will meet at least four times a year. Additional meetings may be arranged by resolution of the Board or with the agreement of the Chair.
- Meetings will be at County Hall, Preston, unless otherwise agreed by the Board.
- Decisions will be made by consensus where possible, or when appropriate by a majority vote.
- In the event of a tied vote, the Chair has a second or casting vote.
- The quorum at a meeting of the Board shall be a quarter of the whole number of voting members of the Board with at least one Cabinet Member being present.
- Substitutes for Board members are permitted with written notification being given to the Clerk by the relevant nominating body in advance of the meeting.
- The Board may invite any other representatives to meetings of the Board as it deems appropriate. Such representatives will not be formal members of the Board and they shall not have a vote but may participate in the debate with the consent of the Chair.
- Meetings of the Board 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 Rules set out at Appendix 'H' in the County Council's Constitution.
- The Board cannot discharge the functions of any of the Partners.

