

Meeting of the Full Council
Meeting to be held on Thursday, 14 March 2024

Report submitted by: Director of Law and Governance

Part A

Electoral Division affected:
None;

Corporate Priorities:
Delivering better services;

Review of the County Council's Constitution
(Appendices A and B refer)

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Brief Summary

The County Council is required by the Local Government Act 2000 to prepare and regularly update its Constitution. The Political Governance Working Group has undertaken a review of the Constitution and presents a revised and updated Constitution for consideration by Full Council.

Recommendation

That Full Council:

- i. Approves the revised Constitution as set out at Appendix 'A'.
- ii. Agrees that a further report is brought to the meeting of Full Council on 23 May to approve revised Finance rules.

Detail

The Constitution sets out how the Council operates, how decisions are made and the procedures that are followed to ensure it is efficient, transparent and accountable to local people. Under section 9P of the Local Government Act 2000, the Council has a legal duty to prepare and keep up to date its Constitution.



The Constitution must contain:

- a. The Council's standing orders (procedure rules)
- b. The Code of Conduct for Members
- c. Such information as the Secretary of State may direct
- d. Such other information as the Council considers appropriate

The Constitution has been regularly reviewed and updated, and it is not considered that there are any major issues with the Constitution that would put the current operation of the council or its decision making at risk. However, changes have tended to be piecemeal, and there has not been a full review of the Constitution for over a decade. This has meant that there is, in places, a lack of consistency of style or issues with cross referencing. The Constitution still reflects the way it was set up following the major changes brought in by the 2000 Act, meaning that it may not always appear to reflect modern language or practices, including how technology is used.

The Political Governance Working Group therefore agreed, in May 2023, to undertake a full review of the Constitution to ensure it is accurate, up to date and properly reflects the Council's operational arrangements.

Review Principles and Scope

The following key principles were agreed to shape the review of the Constitution:

- Accessibility
- Accountability
- Accuracy
- Clarity
- Efficiency
- Transparency.

The objectives of the constitutional review are to achieve the principles and ensure the Constitution continues to:

- Ensure effective and efficient decision making at the right level
- Provide for transparent and open decision making and clarity about which decisions are delegated and in what way
- Enable the public to engage with the Council's democratic processes and understand how and why decisions are made
- Meet accessibility guidelines
- Meet all legal requirements
- Reflect the Council's values – that the Council is supportive, innovative, respectful and collaborative.



Review process

As part of the review, all county councillors were invited to attend a briefing and take part in a survey. The main areas of feedback from councillors were:

- The document was too long, and it included material that didn't need to be there
- It was hard to find what you were looking for and was not easy to search online
- The language was "legalistic" in places rather than plain English
- It was not easy for the public in particular to understand
- There were a range of views about meeting procedure rules, especially in relation to Overview and Scrutiny, Cabinet and Full Council, and whether the current rules facilitated effective debate and decision making.

In addition, an Officer Working Group was consulted for the views of officers generally and to ensure the input of specialist officers, for example in Procurement and Finance. Officers particularly commented on the Scheme of Delegation to Officers, which sets out the rules for officer decision making. The services of an independent consultant were used to review the feedback and provide best practice and technical advice and guidance, alongside external benchmarking of other local authorities' arrangements.

The Political Governance Working Group met on 10 July 2023, 21 September 2023, 19 October 2023, 23 November 2023, 17 January 2024 and 13 February 2024 to make recommendations and oversee the development of the new constitution.

At the meeting on 13 February 2024, an alternative proposal was presented in relation to the rules on councillors speaking at Cabinet. It was agreed that this proposal should be presented as an amendment at Full Council.

Key Changes

The Constitution has undergone a major change to the way it is organised, now being in 10 sections rather than many Articles and Appendices. This ensures that information is in a logical order and kept in one place, to avoid the need for cross referencing, The 10 sections are:

Part 1 - Introduction: Provides an explanation of what the Council is and how it works

Part 2 – Public Participation: Explains how the public can get involved in Council decision making

Part 3 – Full Council: Explains what the Council is and how the full body of all elected councillors (Members) meet to make decisions

Part 4 – Committees: Sets out the role of each of the different committees of the Council and how they make decisions



Part 5 – Executive: Explains the role of the Executive, which in Lancashire is called the Executive Leader and Cabinet. The members of Cabinet have portfolios, which means they have special areas of responsibility, but meet collectively to make decisions

Part 6 – Overview and Scrutiny: Explains the arrangements the Council has put in place to ensure that decisions are scrutinised by other members of the Council not directly involved in the decision making

Part 7 – Joint Arrangements: Sets out the joint arrangements that the Council has made to work in partnership with councils and other bodies where decision making is shared

Part 8 – Councillors: Provides details about how councillors operate as individuals and the measures in place to ensure that councillors maintain high standards of conduct. It also shows what payments are made to councillors

Part 9 – Officers: Explains the role of the Council's staff, describes the management structure of the Council, and which officers take decisions. It also explains the measures in place to ensure that officers maintain high standards of conduct and take decisions in line with expectations set by councillors

Part 10 – Standing Orders: The rules which apply to the proceedings of Council, Cabinet, committees, and other decision making at the Council.

In addition, the Constitution has been shortened, and now stands at around 200 pages. The language has, where possible, been simplified and made easier to read. The way that the Constitution is presented on the Council's web pages has also been reviewed to make it an easier to use document, including for people using mobile devices. The Constitution will be available as a single searchable document and in accessible sections.

A full list of the principal changes to the content is attached at Appendix B.

The proposed Constitution includes the recommended financial threshold for Key Decisions of £2.2m, which is subject to the approval of Full Council elsewhere on the Full Council agenda.

Next Steps

1. Implementation

The proposal is that the new Constitution, if approved, will come into effect on 1 April 2024, except for the proposal to amend the membership of the scrutiny committees, which would take effect from the date of the Full Council's Annual General Meeting in May.

2. Training and Awareness

To make sure that councillors and officers understand the new Constitution, there will be information and training sessions set up before the Constitution comes into effect on 1 April.



3. Finance and Procurement Rules

Section 10 of the Constitution includes the Finance and Procurement Rules of the Council. These sections currently remain largely unchanged, as the review of these elements are ongoing to take account of changes to legislation on Procurement and other issues. It is proposed that there will be a report to the meeting of Full Council in May to approve updated versions of the Finance and Procurement Rules.

Appendices

Appendices A and B are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix A	New Constitution
Appendix B	Key changes

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Legal

The Council has a legal duty under the Local Government Act 2000 to prepare and update its Constitution. The proposed updated Constitution will ensure that the Council will continue to operate fully in accordance with those requirements.

Financial

Whilst there are no direct cost implications arising from the approval of the new Constitution, the Constitution sets out the rules around decision making, including financial limits and authorisations. As the report sets out, the main Finance and Procurement Procedure rules have not been comprehensively updated and will be subject to a further report in May.



**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper Date Contact/Tel

None

Reason for inclusion in Part II, if appropriate

N/A

