CONSTITUTION

Approved by the Council on 21 May 2026

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1. INTRODUCTION

1.1 This Constitution sets out how Lancashire County Council operates, how decisions are made and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.

1.2 The Constitution sets out the basic rules governing the way the Council transacts its business. It explains how key parts of the Council operate and explains the rights of the public in their dealings with the Council.

1.3 The Constitution aims to enhance accountability, by making it clear who takes decisions, and how they are held to account.

What's in the Constitution

1.4 The Constitution is divided into 10 parts:

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

Part 2 – **Public Engagement**: 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) meets 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 Leader and Cabinet. The members of Cabinet have portfolios, which means they have special areas of responsibility, but meet to make decisions collectively.

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 other councils and bodies where decision making is shared.

Part 8 – **Councillors**: Provides details about how councillors work 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: Set out the rules which apply to the proceedings of Council, Cabinet, committees and other decision making at the Council including the Access to Information Rules, the Financial Rules and the Procurement Rules.

Changing the Constitution

1.5 Changes to the Constitution can only be approved at a meeting of Full Council after consideration of the proposal by the Monitoring Officer, unless in the reasonable opinion of the Monitoring Officer a change is:

a) A minor variation; or

b) To remove any inconsistency or ambiguity; or

c) To put into effect any decision of the Council or its committees or the Executive; or

d) To comply with legislative provision;

in which case the Monitoring Officer may make such a change. Any change made by the Monitoring Officer shall come into force with immediate effect but shall be referred to the next available Council meeting and shall continue to have effect only if Full Council agrees. Other changes to the Constitution shall come into effect at such a date as the Council may stipulate.

How the Council Operates

1.6 The Council is made up of 84 councillors who are elected every four years and are democratically accountable to the public for the running of the Council and the delivery of its services. Their overriding duty is to the whole community, but they have a special duty to the people in their own electoral division, including those who did not vote for them.

1.7 The Council may co-opt a number of non-county councillors who have expertise in particular areas to serve on certain committees.

1.8 Councillors and co-opted members have to agree to follow a Code of Member Conduct (lancashire.gov.uk) to ensure high standards in the way they undertake their duties. The Audit, Risk and Governance Committee is responsible for training and advising them on the Code of Conduct.

1.9 A full list of councillors' and co-opted members' names and contact details, together with details of the Committees on which they serve, their membership of political parties and, in the case of Cabinet Members, their area of responsibility, can be found on the Council's website: Council - Your Councillors (lancashire.gov.uk).

Full Council

1.10 All councillors meet together as the Full Council at least six times each year. Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see the Access to Information Rules (lancashire.gov.uk).

1.11 The main role of the Full Council is to approve the Constitution and any amendments to it, to determine the policies which will set the framework for how the Council's functions are carried out, and to set the Council's Budget and Council Tax levels (referred to as the Council's Budget and Policy Framework).

1.12 On an annual basis, the Full Council appoints the Chair and Vice Chair of the Council and the Chairs and Deputy Chairs of its committees and sub-committees. Full Council also decides on the delegation of certain functions to the Cabinet and some committees and joint committees.

The Cabinet

1.13 The Cabinet is the part of the Council responsible for its important decisions. Full Council is responsible for electing (and can remove) the Executive Leader who, in turn, appoints a Deputy Leader and a Cabinet. The Council (mainly through the Overview and Scrutiny process and call-in of decisions) is responsible for holding the Cabinet to account.

1.14 Within the Budget and Policy Framework set by Full Council, the Cabinet is responsible for carrying out most of the Council's functions in delivering services to the community.

1.15 All Executive decisions are considered and approved by the Cabinet collectively. Where a decision is urgent and cannot await the next Cabinet meeting, the decision is taken by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Member and reported to the next meeting of the Cabinet.

1.16 The Cabinet comprises up to ten councillors, including the Leader and Deputy Leader. Cabinet Members are allocated specific portfolios (areas of responsibility) by the Leader.

1.17 The Cabinet generally meets once a month and can hold such other meetings as the Leader considers necessary.

1.18 The Cabinet can form committees, working groups or panels to advise the Cabinet and undertake specific Executive functions.

Overview and Scrutiny

1.19 The Overview and Scrutiny Committees do not take service decisions. They scrutinise the work of the Cabinet, undertake policy and service reviews and make recommendations on improvements.

Other Council Committees

1.20 By law, some Council functions cannot be undertaken by the Cabinet and are instead the responsibility of non-Executive committees.

The Council's Staff

1.21 In performing their various roles, councillors are supported by administrative, professional, technical and operational officers who give advice, implement decisions and provide to the public the services for which the Council is responsible.

1.22 Officers follow a Code of Conduct (lancashire.gov.uk) to ensure high standards in the way they undertake their duties. A protocol governs the relationship between officers and councillors and voting co-opted members (lancashire.gov.uk).

1.23 Some decisions are delegated to officers to ensure that the Council can act quickly and efficiently.

1.24 Some officers have a specific duty to ensure that the Council acts within the law and uses its resources appropriately.

How Decisions are Made

1.25 Decisions taken by the Council are divided into two types: Executive and non-Executive.

1.26 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and subsequent regulations give effect to section 13 of the Local Government Act 2000 by specifying which functions are not to be the responsibility of the Executive; which may (but need not) be the responsibility of the Executive (Local Choice functions); and which are to some extent the responsibility of the Executive. All other functions not so specified are the responsibility of the Executive.

1.27 Executive decisions relate to all of the Council's functions that are not Full Council (or non-Executive) functions. They include those Local Choice functions (identified in Part 3) that the Council has decided should be the responsibility of the Executive. Executive decisions are taken by the Leader, Cabinet, Cabinet committees, Cabinet Members or officers under delegated authority in accordance with, and in order to implement, the Budget and Policy Framework.

1.28 Non-Executive functions are powers and duties that under statute are not the responsibility of the Leader, Cabinet or Cabinet Members. The power to exercise non-Executive functions is either reserved to the Council or delegated by the Council to committees or officers, as set out in Parts 3, 4 and 9.

1.29 The Cabinet is the part of the Council responsible for its most important decisions. When Key Decisions (these are specific significant decisions defined in Part 5) are to be discussed or made, these are published in the Council's Forward Plan and a public notice is placed on the Council's website. If Key Decisions are to be discussed at a Cabinet meeting, it will generally be open for the public to attend except where confidential or exempt information (defined in Part 5) is being discussed.

1.30 The Cabinet generally has to make decisions that are in line with the Council's Budget and Policy Framework. If it wishes to make a decision that is not consistent with the existing framework, this must usually be referred to Full Council to decide.

1.31 Officers tend to take most operational day-to-day decisions because they operate at the point closest to service delivery. For this reason, the Council has decided that unless a power or function is specifically reserved by law or in this Constitution to the Council, the Cabinet or a committee, it stands delegated to officers to the fullest extent necessary to enable them to do everything that their role requires of them from time to time.

1.32 The core objective is to ensure that decisions are made at the most appropriate level closest to the local or immediate point of service delivery, or at the level that is closest to those who will be affected by the decision in question.

1.33 Any ambiguity that may arise as to whether a decision-maker is authorised to take a decision is resolved by reference back up through the hierarchy of delegation. Individual decision-makers may consider it appropriate for a decision that would otherwise fall to be taken by them to instead be taken (or ratified) by:

a) In the case of an officer, by their manager or another senior officer; or

b) In the case of a decision-maker under a bespoke delegation, by the person or body who made that delegation.

1.34 Individual decision-makers should have regard as to whether a decision should be made in conjunction with any officer or member and the need to consult and take advice as appropriate.

Decision Making Principles

1.35 All Council decisions will be made in the best interests of the communities of Lancashire and in accordance with the following principles: That they will:

a) Take into account all relevant considerations and ignore those which are irrelevant;

b) Have clarity of aims and desired outcomes, with clear reasons provided;

c) Be proportionate in all ways, including financially, to the issues under consideration and to the desired outcome;

d) Comply with finance, procurement and all other procedure rules, statutory requirements, guidance and codes of practice;

e) Follow best practice, securing best value and making the most efficient and effective use of resources;

f) Comply with the Budget and Policy Framework, including directorate and service budgets, business plans and any other policies, arrangements, procedures, rules, practices or protocols in force from time to time;

g) Be made after due consultation is undertaken, with proper advice and having considered alternative options;

h) Demonstrate impartiality and an absence of bias, pre-determination or conflicts of interest, and that any interests have been properly declared;

i) Assess the impact on human rights, equality, diversity and sustainability;

j) Make a presumption in favour of transparency and openness;

k) Be properly recorded and published; and

l) Have due regard to the desirability of exercising functions in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.

Armed Forces Covenant Duty

1.36 The Council is under a legal obligation to have regard to the following when exercising relevant functions:

a) The unique obligations of, and sacrifices made by, the Armed Forces;

b) The principle that it is desirable to remove disadvantages arising for Service people from membership, or former membership, of the Armed Forces; and

c) The principle that special provision for Service people may be justified by the effects on such people of membership, or former membership, of the Armed Forces.

1.37 Relevant functions in scope of the Covenant Duty are summarised below:

a) Local authority-delivered healthcare services: the provision of services; planning and funding; and co-operation between bodies and professionals;

b) Compulsory education functions: admissions; educational attainment and curriculum; child wellbeing; transport; attendance; additional needs support; and use of Service Pupil Premium funding; and

c) Housing functions: allocations policy for social housing; tenancy strategies; homelessness; and disabled facilities grants.

1.38 The duty to give ‘due regard’ means that decision makers should think about and place appropriate weight on the principles of the Armed Forces Covenant when carrying out relevant functions. It is not prescriptive about the actions that should be taken, nor does it mandate specific public service delivery outcomes.

2. PUBLIC ENGAGEMENT

2.1 In Lancashire, residents, community organisations, businesses and visitors are encouraged to get involved in the business of the Council. The Council's governance is designed to make it easy for people to share their views to help influence decision making and the actions the Council takes. To encourage involvement, this section has gathered together the key ways in which the public and others outside the Council can get involved.

Councillors

2.2 The county of Lancashire is divided into 82 administrative areas, called divisions. Most divisions have one councillor, but some have two. Councillors are elected every four years. There is more information about elections and how to register to vote on the Council's website: Elections (lancashire.gov.uk). Although they have responsibility for the whole of the Council area, councillors also have a particular responsibility to the residents of their division. Details of who each local councillor is, and how to get in touch with them, are available on the Council's website: Council – Your Councillors (lancashire.gov.uk). A councillor may also hold scheduled sessions where residents can meet them face to face to talk about issues, get advice and ask their councillor to raise matters with the Council on their behalf.

Cabinet

2.3 The Cabinet consists of the Leader and Cabinet Members who are responsible for particular services and activities. Each Cabinet Member's responsibilities are listed on the Council's website: Committee details – Cabinet (lancashire.gov.uk). The Cabinet has developed a Forward Plan which is also published on the Council's website: Forthcoming Decisions (lancashire.gov.uk). It indicates the most important decisions (known as Key Decisions) that the Cabinet will be taking in the future and when this is likely to be done, so that anyone can attend the public meetings considering those decisions.

Overview and Scrutiny Committees

2.4 The Council has five Overview and Scrutiny Committees, which deal with separate parts of the Council's work. These committees help the Council to develop new policy and act as a 'critical friend' to hold decision makers to account. Overview and Scrutiny Committees also carry out investigations and reviews, and welcome suggestions from residents and businesses as to areas they could investigate.

Can I Attend Meetings?

2.5 Meetings of the Council, the Cabinet and the committees are open to the public to attend and observe. They can also usually be watched live or recorded via the Council's website: Watch Council Meetings (lancashire.gov.uk).

2.6 The Council has a policy on the webcasting of meetings, including the public's rights to film and record meetings. This is available on the Council's website: Protocol on Webcasting, Recording and Reporting on Council Meetings (lancashire.gov.uk).

2.7 There are some occasions when councillors need to discuss confidential details. Councillors can only do this when there are legal reasons, such as personal information being discussed, which means meetings have to go into private session. When this happens, a formal decision is made to exclude the press and public from

the meeting while these issues are discussed. As soon as the item has been dealt with, the public can return to the meeting unless there are other confidential items. If an agenda item is to be considered in private, this will be clearly marked on the agenda for the meeting.

2.8 The dates and times of Council meetings are published on the Council's website: Calendar of meetings (lancashire.gov.uk). Agendas are made available at least five working days ahead of the meeting, so the public can see what items will be discussed.

Can I Speak at Meetings?

2.9 Members of the public are primarily there to observe but can submit questions to Cabinet and Full Council and speak at the Development Control Committee (the rules about submitting questions and speaking at Council meetings are defined in Part 10).

Petitions

2.10 The Council operates a Petitions Scheme, which is published on the Council's website: Petitions Scheme (lancashire.gov.uk).

The Local Authorities (Referendums) (Petitions) (England) Regulations 2011

2.11 These Regulations cover the holding of a referendum on whether the local authority should change to a different form of governance where at least 5% of the local government electors in the authority's area petition the authority. This figure is included in the Council's Petitions Scheme.

Public Consultation

2.12 The Council tries to consult as widely and as fairly as possible. Sometimes, with matters such as planning and licensing applications, there are specific statutory consultation processes that the Council must follow. Other than this, the Council will try to consult on important decisions as widely as possible and give feedback about the outcome of the consultations.

2.13 The Council follows principles of good consultation (called The Gunning Principles) when it consults. This means that the Council makes sure:

a) Consultation is carried out at a stage when the Council has not made up its mind on any proposals;

b) The Council gives enough information and reasons for any proposals to enable the public to understand their impact and respond;

c) The Council gives the public enough time to consider its proposals and respond to them; and

d) The Council will consider all responses to the consultation when finalising the decision.

2.14 The Council is particularly keen to encourage public participation in the preparation of the Council's Budget and in the development of policies so that Lancashire's residents are able to directly influence the framework of decisions. When setting the Budget or agreeing policy, the Council will consider options to ensure the maximum opportunity

for contribution before a decision is finally made by all the councillors at a meeting of the Full Council.

Social Media

2.15 Updates from Lancashire County Council are available by following the Council on social media: Keep updated (lancashire.gov.uk). Many local councillors have their own social media accounts too.

Community Rights

2.16 The Localism Act 2011 introduced rights and powers for individuals and communities to take over public services, community assets and influence planning and development.

2.17 The community rights are a set of powers that give local people a greater say over what is built and how their community develops. Groups of people have the chance to deliver local services and develop them into community enterprises. More details can be found on the Council's website: Community Right to Challenge (lancashire.gov.uk).

2.18 There are five Community Rights:

a) **Community Right to Bid** – allows communities and parish councils to nominate buildings or land for listing by the local authority as an 'asset of community value'. If the asset comes up for sale, the community can 'pause' the sale and take up to six months to find the funding required to buy the asset.

b) **Community Right to Build** – gives communities the power to build new shops, housing or community facilities without going through the normal planning process. It gives local organisations the right to bring forward small-scale community-led developments.

c) **Community Right to Challenge** – gives local groups the opportunity to express their interest in taking over a local service where they think they can do it differently and better.

d) **Community Right to Reclaim Land** – allows communities to challenge councils and some other public bodies to release their unused and underused land so that it can brought back into use.

e) **Community Asset Transfer** – the transfer of management and/or ownership of appropriate land or buildings from a public body to a community-based organisation, at less than market value, in order to promote social, economic or environmental well-being.

Additional Rights

2.19 Lancashire's citizens have a number of other rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. Citizens have the right to:

a) Vote at local elections if they are registered as an elector in the county.

b) Sign petitions requesting:

(i) The establishment of a parish council or similar Community Governance Review; and

(ii) A referendum to replace the Council's political management model;

c) Make complaints about services to:

(i) The Council, using the Council's Complaints Procedure (lancashire.gov.uk);

(ii) The Ombudsman, if they think the Council has not followed its complaints procedures properly;

(iii) The Monitoring Officer, about alleged breaches of the Code of Member Conduct (lancashire.gov.uk); and

(iv) The Information Commissioner in relation to the Council's actions under the Data Protection Act 1998 and the Freedom of Information Act 2000;

d) Inspect the following documents:

(i) The Constitution;

(ii) The Forward Plan (lancashire.gov.uk), to find out what major decisions are to be discussed by the Cabinet or decided by the Leader or officers, and when;

(iii) The Register of Members' Interests: Your Councillors (lancashire.gov.uk);

(iv) The pay and remuneration policies for chief and senior officers: Annual Pay Policy Statement (lancashire.gov.uk);

(v) Agendas, public reports, background papers and any minutes and public records of decisions made by the Council, Leader, Cabinet, committees and officers, except those relating to exempt or confidential items: Meetings, Agendas and Minutes (lancashire.gov.uk); and

(vi) The Council's Statement of Accounts (lancashire.gov.uk) as part of the annual audit and make their views known to the External Auditor;

e) Access other information as set out in the Access to Information Rules (lancashire.gov.uk); and

f) Participate in Neighbourhood Planning, as identified by the Localism Act 2011.

2.20 Where members of the public use specific Council services, for example as a parent of a school pupil or as a council tenant, citizens have additional rights, which are not covered in this Constitution.

3. FULL COUNCIL

Meetings of the Full Council

3.1 All county councillors meet together as the Full Council. Full Council meets at least six times each year in accordance with the calendar of meetings agreed annually.

3.2 There are five types of Council meeting:

a) Annual meetings are called in a year where there is an ordinary election of members to the Council, the Annual Council meeting takes place within 21 days of the retirement of the existing members. In any other year, the Annual Council meeting will take place in March, April or May.

b) Budget meetings occur before 11 March each year to determine the Council's financial commitments and set the Council Tax.

c) Ordinary meetings usually occur in March, July, October and December each year to receive reports on key priorities, debate issues and take decisions that can only be made by Full Council.

d) Extraordinary meetings are called when urgent business arises that must be dealt with by Council before the next scheduled Ordinary meeting.

e) Special meetings are called for the appointment of Honorary Aldermen and Alderwomen.

3.3 Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see the Access to Information Rules (lancashire.gov.uk).

3.4 Public Questions, Councillor Questions and Notices of Motion may only be submitted for Ordinary meetings.

Executive and Non-Executive Functions

3.5 Decisions taken by the Council are divided by law into two types: Executive and non-Executive. The law specifies which functions are the responsibility of the Full Council, which are the responsibility of the Executive (Cabinet), and which may (but need not) be the responsibility of the Executive (Local Choice functions). All other functions not specified are the responsibility of the Executive.

3.6 Only Full Council will exercise the following functions (insofar as they are not delegated to officers by Full Council under the Scheme of Delegation to Officers).

a) Approving the Constitution and any subsequent amendments, including all Standing Orders and Financial Rules applying to the Full Council, the Cabinet and all committees of the Council.

b) Electing the Chair and appointing the Vice Chair of the Council at its Annual Meeting.

c) Appointing and removing the Executive Leader. The Leader shall be appointed at the first Annual Meeting after an ordinary Council election and also as a vacancy arises.

d) Determining the Council's Budget and Policy Framework, which includes the Revenue Budget, Capital Programme, Treasury Management Policy and Council Tax levels.

e) Specifying, before the beginning of each financial year, the amounts of expenditure and savings that shall be regarded as significant for the purposes of Key Decisions.

f) Considering reports which the Cabinet, a Cabinet Member, a Cabinet committee or any other committee may submit to it.

g) Determining all matters that are normally reserved for the Cabinet to decide which are not in accordance with the Budget and Policy Framework, and making appropriate arrangements in the Standing Orders for such matters to be dealt with where those matters cannot await the next meeting of the Full Council.

h) Reviewing and determining whether any decision by or on behalf of the Cabinet, not yet implemented and referred to it by an Overview and Scrutiny Committee, should be re-considered by the appropriate decision taker.

i) Approving a programme of Ordinary Council meetings and committee meetings for the year.

j) Establishing non-Executive committees to carry out any of its functions and also working groups and panels to provide advice and make recommendations.

k) Determining the constitution and membership, including any co-opted members, of the non-Executive committees, including the appointment of Chairs and Deputy Chairs.

l) Determining whether Local Choice functions should be reserved to the Council or exercised by the Cabinet or officers acting under delegated powers.

m) Appointing representatives to outside bodies, unless the appointment is an Executive function or has been delegated by the Council.

n) Before the beginning of each financial year, to approve a Members' Allowance Scheme, and to determine the allowances payable to the Chair and Vice Chair of the Council.

o) Changing the name of the area.

p) Conferring the title of Honorary Alderman or Honorary Alderwoman.

q) Determining the terms and conditions on which staff hold office (including procedures for their dismissal), unless otherwise delegated to a committee or officer.

r) Confirming the appointment of and designating the positions of the Head of Paid Service, Monitoring Officer and Chief Financial Officer.

s) Establishing a committee of the Full Council comprising eight county councillors (at least one of whom shall be a Member of the Cabinet) to deal with the appointment and dismissal of the Chief Executive, Corporate Directors, the Monitoring Officer and Chief Financial Officer (subject to paragraph (s) above),

and to deal with the appointment of the Director of Children's Services, the Director of Adult Services and the Director of Public Health.

t) Approving the Pay Policy Statement.

u) Approving any discretionary sums of £100,000 or more paid to employees on termination of employment in addition to statutory and contractual redundancy or severance terms.

v) Making, amending, revoking, re-enacting, adopting or enforcing bylaws and promoting or opposing the making of local legislation or personal bills.

w) Determining any matter relating to the revision of county electoral divisions and matters relating to elections.

x) Determining any matter relating to changes in the areas, status or functions of local authorities, the revision of county electoral divisions and matters relating to elections.

y) Receiving an annual report from the Pension Fund Committee on the state of the Pension Fund and on investment activities during the preceding year.

z) Receiving an annual report from the Overview and Scrutiny Committees on the work and recommendations of Overview and Scrutiny during the preceding year.

aa) Receiving reports from the Combined Fire Authority.

ab) Considering and responding to petitions in accordance with the Council's Petitions Scheme.

ac) Approving variations and virements in relation to the approved revenue and capital budgets in accordance with the Financial Rules.

ad) Matters reserved to Full Council relating to the strategic operations of Local Pensions Partnership Ltd (and LPPI Holdings Ltd) and any other pensions company created in which the county council has ownership.

(i) Decisions relating to the dilution or issue of shares and share options.
(ii) The sale of any subsidiary, or the sale of any number of shares in any group to any person.
(iii) The creation of any holding company.
(iv) Entering into or participating in a wider pooling arrangement including with another Local Government Pension Scheme Fund.
(v) Incorporation or winding up of any pensions related company.
(vi) Amalgamation or merger of any pensions related company.
(vii) Approve any Strategic Plan that falls outside tolerances approved by shareholders in approving the Strategic Plan and Annual Budget in accordance with the Shareholder Agreement.
(viii) Extend the activities of any pensions related joint venture company.
(ix) Establish, provide or amend any pension scheme.
(x) Admit any person or entity by subscription or transfer as a member of any pensions related company.
(xi) Repurchase, repay, redeem, or cancel any Shareholder Loan other than in accordance with the terms of any such loan.

(xii) Enter into or vary any agreement for the provision of consultancy, management or other services in relation to any pensions related company being managed otherwise than by its directors or controlled otherwise than by its shareholders.
(xiii) Move the central management and control of any pensions related company, or subsidiary, or the tax residence of any pensions related company or subsidiary outside of the UK.
(xiv) Enter into any partnership, joint venture or profit-sharing arrangement with any person or create any share option scheme.
(xv) Enter into or make any material variation to any agreement not in the ordinary course of business.
(xvi) Sell lease, licence, transfer or otherwise dispose of any of its material assets.
(xvii) Enter into or vary any agreement to do any of the things referred to in the above paragraphs

3.7 All Council meetings will follow the Council's Procedural Standing Orders (lancashire.gov.uk) and any other procedural rules that apply to them when considering any matter.

Local Choice Functions

3.8 The law describes the decisions that are a matter of local choice. It is up to the Council to decide whether or not these functions should be the responsibility of the Executive. The Council has decided that Local Choice functions will be Executive or non-Executive as set out in the table below:

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
1. Any function under a local Act other than a function specified or referred to in Regulation 2 or Schedule 1.	Executive	Delegated to Directors within their areas of responsibility	-
2. Other than those reserved to a non-Executive committee, the determination of appeals against any decision made by or on behalf of the authority.	Executive	Delegated to Directors within their areas of responsibility, other than those reserved to non-Executive committees	School Appeals Panels, Employment Committee
3. The appointment of review boards under regulations under s.34(4) (determination of claims and reviews) of the Social Security Act 1998.	Executive	Director of Finance	-
4. The making of arrangements pursuant to s.67(1) of, and Schedule 18 to, the 1998 Act (reviews of exclusion of pupils). This is now s.51A of the Education Act 2002.	Executive	Director of Education, Culture and Skills	-
5. The making of arrangements pursuant to s.94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).	Executive	Director of Education, Culture and Skills	-

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
6. The making of arrangements pursuant to s.95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom s.87 applies: appeals by governing bodies).	Executive	Director of Education, Culture and Skills	-
7. Any function relating to contaminated land.	Executive	Director of Environment and Planning	-
8. The discharge of any function relating to the control of pollution or the management of air quality.	Executive	Director of Environment and Planning	-
9. The service of an abatement notice in respect of a statutory nuisance.	Executive	Director of Environment and Planning	-
10. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority's area.	Executive	Director of Environment and Planning	-
11. The inspection of the authority's area to detect any statutory nuisance.	Executive	Director of Environment and Planning	-
12. The investigation of any complaint as to the existence of a statutory nuisance.	Executive	Director of Environment and Planning	-
13. The obtaining of information under s.330 of the Town and Country Planning Act 1990 as to interests in land.	Executive	Directors within their areas of responsibility	-
14. The making of agreements for the execution of highways works.	Executive	Director of Highways and Transport	-
15. The obtaining of particulars of persons interested in land under s.16 of the Local Government (Miscellaneous Provisions Act 1976).	Executive	Directors within their areas of responsibility	-
16. The appointment of any individual: (a) to any office other than an office in which they are employed by the authority; (b) to any body other than: (i) the authority;	Executive / non-Executive	Directors within their areas of responsibility	-

LOCAL CHOICE FUNCTION	STATUS OF FUNCTION	DELEGATION TO OFFICERS	DELEGATION TO NON-EXECUTIVE COMMITTEES
(ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body.			

Budget and Policy Framework

3.9 Full Council is responsible for considering proposals put to it by Cabinet on the policies and budgets that capture the authority's priorities and how it allocates its resources. Once a Budget or a policy within the Policy Framework is adopted by the Council, it is the responsibility of the Cabinet to implement it.

3.10 In determining the Policy Framework and the Revenue Budget, Capital Programme, the Treasury Management Policy and Council Tax levels, the Full Council must consider the detailed proposals of the Cabinet including the views of the relevant Overview and Scrutiny Committees.

3.11 In respect of each of these plans, policies and strategies, the Full Council may set limits within which the Cabinet may make variations (including Budget virement) without reference back to the Full Council.

Budget

3.12 The Budget is the identification and allocation of financial resources by the Council to different services and functions, including:

a) Revenue expenditure;

b) Contingency and reserve funds;

c) Council Tax;

d) Borrowing requirements and limits;

e) Capital expenditure;

f) Medium Term Financial Strategy; and

g) Any limitations to, conditions on or rules governing, the management of budgets, virement between budgets, treatment of underspends, windfall income or reserves contained within the Finance and Procurement Rules.

Policy Framework

3.13 The Council has agreed that the following list of plans and strategies will sit within the Policy Framework, some of which are required by law to be decided by Full Council, usually on the recommendation of Cabinet:

a) Corporate Strategy (lancashire.gov.uk);

b) Children and Young People's Plan (lancashire.gov.uk);

c) Crime and Disorder Reduction Strategy (lancashire.gov.uk);

d) Development plans, documents and alterations contained in the Minerals and Waste Development Framework (lancashire.gov.uk), including the following functions under the Planning and Compulsory Purchase Act 2004:

(i) Approving or modifying a Development Plan document for the purposes of submission to the Secretary of State for independent examination;

(ii) Approving the making of an agreement to prepare one or more joint Development Plan documents;

(iii) Approving the making of an agreement to establish a joint committee to be the local planning authority; and

(iv) Approving adding to the functions of a joint committee previously established and approve the making of a request to the Secretary of State for the revocation of an order constituting a joint committee;

e) Youth Justice Plan (PDF - lancashire.gov.uk); and

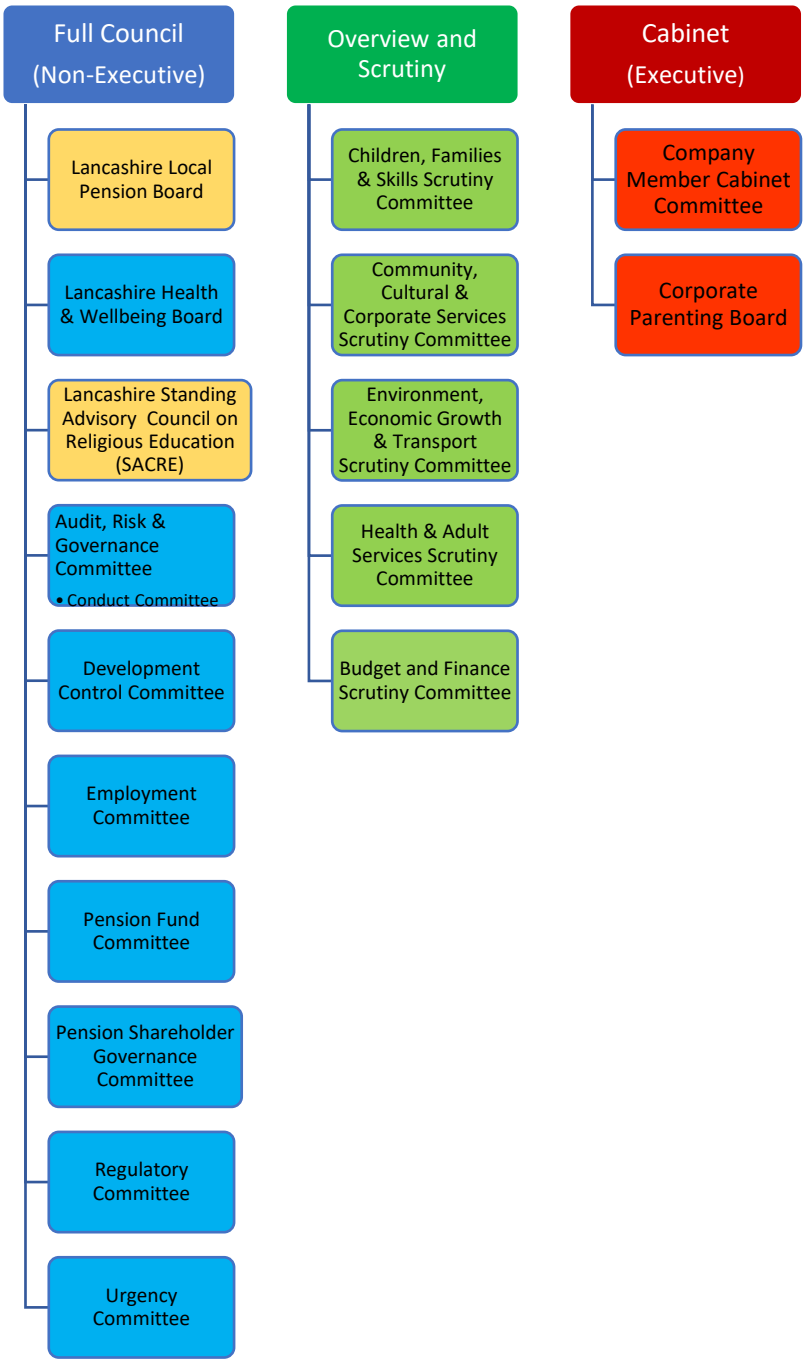
f) Pay Policy Statement (lancashire.gov.uk).

3.14 In considering for adoption plans and strategies for which the Council does not have the sole responsibility (such as the Minerals and Waste Development Framework), the Full Council shall bear in mind the responsibility and involvement of those other bodies.

4. COMMITTEES

Committee Structure

4.1 The Council appoints various committees, sub-committees and boards to undertake a range of non-Executive functions. This diagram shows the overall committee structure of the Council:



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

Audit, Risk and Governance Committee

Purpose

a) The Audit, Risk and Governance Committee is a key element of the Council's governance framework. The primary purpose of the Committee is to provide an independent and high-level focus on the adequacy of governance, risk and control arrangements.

b) The Committee's role in ensuring that there is sufficient assurance over governance, risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

c) The Committee's members should therefore behave objectively and independently in their deliberations and decisions.

d) 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.

Composition

a) The Committee shall comprise eight county councillors and at least one independent, non-voting co-opted member.

b) The quorum of the Committee shall be three.

c) 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 Rules (lancashire.gov.uk).

Terms of Reference

Governance

a) Review the Council's corporate governance arrangements against the good governance framework, ensuring they adequately address the risks and priorities of the Council.

b) Consider governance reports and assurances, including relating to major developments, and monitor the implementation of recommendations to improve the Council's governance arrangements.

c) Review and recommend the Code of Corporate Governance for adoption by the Full Council.

d) Review and recommend the Annual Governance Statement for approval by the Full Council, considering 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 governance framework, risk management and control.

Risk Management

e) Review and approve the corporate risk and opportunity register, considering its adequacy in capturing and assessing risks in a timely manner.

f) Monitor the effective development and operation of the risk management framework and processes across the Council.

g) Monitor the progress and effectiveness of mitigations to risk-related issues.

Internal Control

h) Consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

i) Consider the Council's arrangements to secure value of money and review assurances and assessment on the effectiveness of these arrangements.

j) Consider the Council's arrangements for discharging its duties in relation to promoting and maintaining high standards of conduct by members and co-opted members in accordance with the Localism Act 2011.

k) Review the assessment of fraud risks and potential harm to the Council from fraud and corruption.

l) Monitor and approve the counter fraud strategy and associated policies, actions and resources.

m) Monitor and approve the Regulation of Investigatory Powers Act 2000 (RIPA) policies and review the Council's use of RIPA on an annual basis.

Financial Reporting

n) Review and approve the Annual Statement of Accounts of the Council and the Lancashire County Pension Fund. Specifically, 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.

o) Consider the External Auditor’s report to those charged with governance on issues arising from the audit of the accounts.

Internal Audit

p) Review and approve the Internal Audit Charter and the risk-based Internal Audit Plan, including the Internal Audit Service's resource requirements and approach to using other sources of assurance.

q) Make appropriate enquiries of both management and the Head of Internal Audit to confirm the independence of the Internal Audit Service and determine if there are any inappropriate scope or resource limitations.

r) Consider reports from the Head of Internal Audit on the Internal Audit Service’s performance during the year and the performance of external providers of internal audit services. These will include:

   (i) Updates on the work of the Internal Audit Service, including key findings, issues of concern and action in hand as a result of internal audit work.

   (ii) Regular reports on the results of the quality assurance and improvement programme.

(iii) 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.

s) Consider the Head of Internal Audit's annual report including:

(i) 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.

(ii) The opinion on the overall adequacy and effectiveness of the Council's governance framework, 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.

(iii) Consider summaries of the specific internal audit work on which the overall opinion is based.

(iv) 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.

t) Contribute to the Internal Audit Service's quality assurance and improvement programme.

u) Consider the report of the external quality assessment of the Internal Audit Services that takes place at least once every five years.

v) Advise and recommend on effective communication with the Head of Internal Audit, and the effectiveness of the Internal Audit Service's relationships with external audit and other inspection agencies or relevant bodies.

External Audit

w) Consider the 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.

x) Approve the letters of representation required by the External Auditor and consider the External Auditor's annual plan, annual letter, annual audit opinion, relevant reports, and the report to those charged with governance in accordance with the Code of Audit Practice.

y) Comment on the scope, quality, and depth of external audit work, ensuring it gives value for money and that the independence of the External Auditor is maintained.

z) Consider specific reports and commission additional work from the External Auditor as necessary.

Accountability Arrangements

aa) Report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of the Council's governance, risk management and control arrangements, financial reporting arrangements, and internal and external audit functions.

ab) 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

ac) Oversee and scrutinise the Council's treasury management function, receiving regular advice and reports on treasury management activity.

ad) Consider and recommend the Treasury Management Strategy, changes to the Borrowing and Investment Strategy, the prudential indicators, and the treasury management indictors for approval by the Full Council.

Conduct Committee

Purpose

a) The purpose of the Conduct Committee is to determine whether a councillor or co-opted member has failed to comply with the Council's Code of Conduct and if so, to determine what action, if any, to take.

b) The Committee also considers the granting of dispensations to members or co-opted members allowing them to participate in discussions at a meeting or vote in relation to any matter in which they have a disclosable pecuniary interest.

Composition

a) The Committee shall consist of five county councillors.

b) The quorum of the Committee shall be three.

c) The Committee shall meet as and when required by the Monitoring Officer to undertake its functions set out in these terms of reference.

d) 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 below – see Access to Information Rules (lancashire.gov.uk).

Terms of Reference

a) To determine whether a councillor or co-opted member has failed to comply with the Council's Code of Member Conduct.

b) Where it finds that a failure to comply with the Code of Member Conduct has occurred, to determine what action if any to take.

c) Before a decision under (a) or (b) is taken, to have regard to the views of an Independent Person appointed by Full Council in accordance with the Localism Act 2011, who shall attend meetings of the Committee for that purpose as an observer.

d) To consider whether to grant a dispensation to a member or co-opted member relieving the member or co-opted member from either or both of the restrictions in section 31(4) of the Localism Act 2011 by allowing them to participate in any discussion at a meeting or vote in relation to any matter in which they have a disclosable pecuniary interest.

Development Control Committee

Purpose

a) The Development Control Committee deals with applications for planning permission for mineral extraction and waste management developments and for development proposed by the County Council.

Composition

a) The Committee shall comprise twelve county councillors who are not in the Cabinet.

b) The quorum of the Committee shall be three.

c) 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 Rules.

d) All committee members must:

(i) Have undertaken mandatory training on the relevant law and procedures which relate to the Committee's work; and

(ii) Undertake further mandatory training on an ongoing basis whilst they continue to be committee members.

e) Councillors, officers and members of the public must abide by the Protocol of Good Practice on Development Control Matters (lancashire.gov.uk).

Terms of Reference

a) To determine applications for planning permission that fall within Schedule 2 of the National Scheme of Delegation of Planning Functions under sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 and the Town and Country Planning (Discharge of Local Planning Authority Functions) (England) Regulations 2026 (the Regulations).

b) The functions which fall within Schedule 2 of the Regulations are:

(i) applications for planning permission not listed in Schedule 1 of the Regulations.

(ii) applications for planning permission which would otherwise fall into Schedule 1 but are connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent.

(iii) applications to develop land without compliance with conditions previously attached in respect of which the previous planning permission was a Schedule 2 planning permission (under section 73(1) of the Town and Country Planning Act 1990).

(iv) applications for development which has already been carried out (under section 73A(1) of the Town and Country Planning Act 1990).

(v) where it is related to a phase of development in a large (*) outline planning permissions, applications for reserves matters approvals (under Article 6 of the Town and County Planning (Development Management Procedure) (England) Order 2015).

(vi) where a local planning authority considers a planning obligation is connected to a Schedule 2 application, requests to agree to modify or discharge a planning obligation (under section 106A(1)(a) of the Town and County Planning Act 1990).

(vii) where a local planning authority considers a planning obligation is connected to a Schedule 2 application, application for modification or discharge of a planning obligation (under section 106A(3) of the Town and County Planning Act 1990.

(viii) applications for listed building consent (under section 10 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

(ix) applications for the variation or discharge of conditions of listed building consent (under section 19 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

(x) applications for advertisement consent (under regulation 9 of the Town and County Planning (Control of Advertisements) (England) Regulations 2007).

(xi) applications for consent under tree preservation orders (under regulation 16 of the Town and County Planning (Tree Preservation) (England) Regulations 2012.

(xii) where a local authority considers that the application for planning permission is connected to a Schedule 2 application for listed building consent or for the variation or discharge of a condition on a listed building consent.

(xiii) the application for planning permission is connected to a Schedule 2 application is made under section 73A of the Town and County Planning Act 1990.

In addition to the above the Development Control Committee also has the following powers:

(xiv) 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.

(xv) To exercise the function under section 34 of the Wildlife and Countryside Act 1981 (Limestone Pavement Orders).

(xvi) 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. 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.

(xvii) To authorise by Order the stopping up or diversion of footpaths or bridleways under sections 257 and 261 of the Town and Country Planning Act 1990.

(xviii) 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.

(xiv) To establish sub-committees to undertake any part of the Committee's functions.

(xv) To receive a regular overview of the council's enforcement activity undertaken by officers relating to the committee's function.

c) An application can be referred to a committee or sub-committee only where:

(i) at least one of the criteria in regulation 5(3) of the Regulations is met or it is an own-interest application (regulation 6) of the Regulations; and

(ii) the nominated officer (Director of Environment and Planning, (or any successor post replacement role, or officer carrying out substantially the same functions and responsibilities or the nominee) and nominated member of the planning committee (Chair of the Development Control Committee) or nominee agree to the referral, or;

(iii) in the case of an Own-interest applications where the nominated officer and nominated member agree, they can be referred to the committee without the need for consideration of the criteria set out in regulation 5(3) of the Regulations.

d) A large outline planning permission for the purpose of the Regulations is an outline planning permission which grants permission for development involving the provision of at least 500 dwellings or a building or buildings where the floorspace to be created by the development is 50,000 square metres or more. A reserved matters application for such development must meet the criteria set out under regulation 5(3) of the Regulations for a committee to consider it.

Employment Committee

Purpose

a) The Employment Committee oversees arrangements for the appointment and dismissal of the Chief Executive, Senior Officers and other Statutory Officers, and certain specific functions in relation to staffing..

Composition

a) The Committee shall comprise eight county councillors, chaired by the Leader and including an appropriate Cabinet Member or Lead Member depending upon the specific issue being dealt with.

b) The quorum of the Committee shall be three, including at least one Cabinet Member.

c) 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 Rules.

Terms of Reference

Section A – Senior and Statutory Officers

Appointment

a) Subject to paragraphs (e) and (f) below, the Committee shall be responsible for the appointment of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (Section 151 Officer), collectively referred to as “Senior Officers”.

b) The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory roles:

   (i) Director of Children's Services;

   (ii) Director of Adult Services; and

   (iii) Director of Public Health.

c) In the case of appointments, subject to paragraphs (e) and (f) below, the Committee may, where appropriate, approve to permanently redeploy an existing employee or agree to a temporary appointment of an existing employee for a fixed term of not normally more than 12 months. Such appointments may be extended with the agreement of the Employment Committee

d) Where an appointment is not made in accordance with paragraph (c), the Committee shall:

   (i) Approve a job description and person specification;

   (ii) Determine the arrangements for recruitment to the role including, where the Committee considers it appropriate, the engagement of recruitment consultants to support the recruitment and assessment process; and

   (iii) Interview candidates for the role as the Committee may determine.

e) Where the Committee is appointing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment before an offer of appointment is made, subject to paragraph (f) below.

f) In the case of paragraphs (a) and (b) above, no offer of appointment (including by way of an appointment pursuant to paragraph (c)) shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every Cabinet Member and that either:

   (i) 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

   (ii) The Committee making the decision is satisfied that any objection made is not material or is not well founded; or

   (iii) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any Cabinet Member has any objections.

Conditions of Service

g) The Committee shall exercise all necessary functions required by the NJC Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.

h) The Committee shall be responsible for approving any significant changes to the employment arrangements and conditions of Senior Officers and other statutory officers listed at paragraph (b). "Significant changes" refers to any contractual changes that require formal consultation with the employee.

i) The appraisal of Senior Officers and other statutory officers listed at paragraph (b) shall be undertaken by the Chief Executive.

Disciplinary Action

j) The Committee shall fulfil the role of the Investigating and Disciplinary Committee and may determine any disciplinary action (including suspension) relating to the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.

k) Disciplinary action is defined as "any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the officer's personal file, and includes any proposal for dismissal for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract."

l) Prior to being reported the Committee, any complaints against the Chief Executive, the Monitoring Officer or the Chief Financial Officer must first be considered ("filtered") by the Chief Executive for the Monitoring Officer and Chief Financial Officer, or by the Monitoring Officer for the Chief Executive, who may determine to informally resolve a complaint which is clearly unfounded, trivial, or can be best dealt with under a different procedure. Only complaints which are not informally resolved and may lead to disciplinary action shall be considered by the Committee.

m) Following the receipt of independent professional legal advice, 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, and determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension only following consultation with an Independent Investigator and consideration of any objections/representations from the subject officer. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.

n) If an exceptional situation arises whereby allegations of misconduct relating to the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that their remaining presence in the workplace poses a risk to the health and safety of others or the resources, information or reputation of the Council, then the decision to suspend may be approved by a statutory officer of the council (other than the officer who is subject to the suspension) after receipt of independent professional legal advice and in consultation with the Chair and Deputy Chair of the Committee, and subject to a decision to suspend being ratified by the Employment Committee within 5 clear working days, for which purpose an extraordinary meeting will be called as required.

o) In considering a complaint against or alleged misconduct by the Chief Executive, the Monitoring Officer or the Chief Financial Officer, the Committee shall:

(i) Write to the subject officer to set out the allegations, issues and to provide the evidence to be considered;

(ii) Provide the subject officer with the opportunity to respond to the allegations in writing and to provide personal evidence or witness statements; and

(iii) Provide the opportunity for the subject officer, who may be accompanied by a representative, to appear before the Committee.

p) The Committee may appoint an Independent Investigator to consider a complaint against or alleged misconduct by the Chief Executive, the Monitoring Officer or the Chief Financial Officer if its agrees that, if proved through an independent investigation, the outcome would be recorded on the officer's personal file and/or it agrees there is sufficient evidence to require further investigation. In appointing an Independent Investigator, the Committee shall set clear terms of reference and timescales for the investigation. The outcome of the investigation and the Independent Investigator's recommendation as to any disciplinary action shall be reported to the Committee.

q) The Committee shall consider the Independent Investigator's report on the outcome of the investigation and their recommendation, including rationale for, as to any disciplinary action. The Committee may then conclude:

(i) That there is no case to answer;

(ii) To take disciplinary action short of dismissal; or

(iii) To recommend dismissal to Full Council.

The subject officer will be informed in writing of the Committee's decision and the rationale for the decision.

r) Any appeal against disciplinary action short of dismissal shall 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 Cabinet Member. The role of the Appeals Committee shall 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 shall be final.

Dismissal

s) The Committee shall be responsible for the dismissal (including dismissal by reason of redundancy) of the Chief Executive, the Monitoring Officer and the Chief Financial Officer.

t) Where the Committee is dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the dismissal before notice of dismissal is given, subject to paragraph (t) below.

u) In the case of paragraph (s) above, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee considers relevant) has been notified to every Cabinet Member and that either:

(i) 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

(ii) The Committee making the decision is satisfied that any objection made is not material or is not well founded; or

(iii) The Leader has, within the period specified in the notification, notified the Committee that neither they nor any Cabinet Member has any objections.

v) A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be approved by the Full Council having taken into account:

(i) Any views submitted under paragraph (t) above;

(ii) Any comments or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 for the purposes of advising the Council on matters relating to the dismissal of the named officers;

(iii) The conclusions of any investigation into the potential dismissal; and

(iv) Any representations from the subject officer.

w) Any appeal against the Committee's recommendation to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer shall be undertaken by Full Council when it considers the matter in accordance with paragraph (u).

Section B – All Other Employees

Terms and Conditions of Employment

a) The Committee shall be responsible for determining the policy in relation to the release of pension benefits (Local Government Pension Scheme and Teachers' Pension Scheme) where employer discretion/consent is required.

b) The Committee shall monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

Independent Panel

Composition

a) The Panel shall comprise at least two Independent Persons.

Terms of Reference

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

Pension Fund Committee

Purpose

a) To assist the Council as Administering Authority to fulfil the role of Scheme Manager, as set out in the Local Government Pension Scheme regulations, of the Lancashire County Pension Fund ("the Fund" or "LCPF").

Composition

a) The Committee shall comprise twelve county councillors and seven voting co-opted members representing the following organisations:

   (i) One from Blackburn with Darwen Borough Council;

   (ii) One from Blackpool Council;

   (iii) Two representing the City and Borough Councils in Lancashire;

   (iv) Two representing Trade Unions; and

   (v) One representing the Further and Higher Education sector in Lancashire.

b) The quorum of the Committee shall be five.

c) The Independent Investment Advisor and the Independent Person shall be invited to attend all meetings.

d) All members of the Committee are encouraged to participate in training on pension related matters in accordance with the Training Policy and associated Training Plan approved by the Committee.

e) All members of the Committee shall comply with the Fund's cyber hygiene guidelines as set out in the LCPF's Cyber Security Strategy.

f) Meetings are 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 Rules (lancashire.gov.uk).

Terms of Reference

a) Exercise Lancashire County Council's responsibility (as Administering Authority) for the management of the Fund including the administration of benefits and strategic management of Fund assets and liabilities.

b) Determine any pensions related functions and responsibilities that should be delegated to officers and other committees.

c) Regularly review governance arrangements and the efficient and effective use of external advisors to ensure good decision-making.

d) Appoint a minimum of one suitable person to act as an Independent Investment Adviser and a minimum of one suitable person to act as an Independent Person (with the remit to provide advice on investments, pensions governance and pensions administration) and sit on the Investment Panel, through a sub-committee convened for that purpose.

e) Establish sub-committees, panels, and other sub-groups as necessary to undertake any part of the Committee's functions.

f) Receive and approve an Annual Report from the Lancashire Local Pension Board on the nature and effect of its activities for inclusion in the Lancashire County Pension Fund Annual Report.

g) Approve the Lancashire County Pension Fund Annual Report and present an update report annually to Full Council on the state of the Fund.

h) Approve all policies and procedures relating to the governance, strategic management, investments, and the administration of benefits of the Fund as required under the Local Pension Scheme Regulations.

i) Exercise the responsibilities reserved to the Pension Fund Committee relating to the strategic operation of Local Pensions Partnership Ltd as set out in the Shareholder Agreement.

Investment

j) Have overall responsibility for investment strategy which includes monitoring the performance of the Fund's investments and ensure that best practice is being adopted and value for money is being delivered.

k) Approve and review on a regular basis an Investment Strategy Statement.

l) Determine the Strategic Asset Allocation, giving due recognition to the options made available by Local Pensions Partnership Investments Ltd (LPPI) and advice from the Investment Panel.

Administration

m) Approve the Annual Administration Report.

n) Approve the Pensions Administration Strategy Statement.

o) Monitor the performance of the pensions administration function.

p) 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.

q) Approve payments under the County of Lancashire Act 1984.

r) 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

s) Approve the Funding Strategy Statement and the Admission and Termination Policy.

t) Approve Scheme Funding Advice.

u) Review ongoing funding updates for potential cash contribution implications.

Procurement

v) Approve the procurement process, tender award criteria and evaluation methodology in advance of any tender being invited for the appointment of the Custodian, Actuary and Fund's Additional Voluntary Contribution (AVC) Provider.

Pensions Shareholder Governance Committee

Purpose

a) The Pensions Shareholder Governance Committee undertakes functions in relation to the County Council's shareholding in any pensions related company or subsidiaries that are not reserved elsewhere in the Constitution

Composition

a) The Committee shall comprise four county councillors.

b) The quorum of the Committee shall be three.

c) No members of the Committee can serve as directors on any pension related company in which the County Council has any interest but should have appropriate skills and knowledge relevant to companies and pensions and undertake any mandatory training as required.

d) The following individuals or other relevant representatives may be invited to attend a meeting of the Committee where the affairs of any pensions related Company either LPPL, LPPI Holdings Limited or any subsidiaries are to be considered:

- LCC Chief Financial Officer (Section 151 Officer)
- LCC Monitoring Officer
- LCC Head of Pension Fund
- LCC Director of People
- Any Chief Executive or appropriate representative of any pensions related company in which the county council has an interest.

Terms of Reference

a) To take Pensions company shareholder / member decisions that are not specifically reserved to Full Council, elsewhere in the Constitution or reserved to those companies through Shareholder Agreements, including:

b) To pay or declare any dividend or distribution to Shareholders under clauses contained in any Shareholder Agreement.

c) To receive an annual report on remuneration (including salary, benefits and bonuses) of all officers and employees of pension related companies or subsidiaries.

d) To approve the Remuneration Policy, any changes to the policy, and any exceptions to the policy and pay grade structure in respect of any director or employee of any pension related companies or subsidiaries.

e) To approve the payment of any remuneration, fees or other sums (including bonuses) of the Chair or Chief Executive Managing Director of any pension related companies or subsidiaries

f) To approve the appointment or removal of the Chief Executive of the pension related companies or subsidiaries.

g) **Dividend Policy** – The Committee, acting as pension related company shareholders, may agree in writing for any Financial Year not to make any distribution or to make a distribution of a proportion only of available profits.

h) **Strategic Plan** – to approve each pension related company's strategic plan.

i) **Governance Framework** – acting as pension related company shareholders, to determine and agree the Governance Framework of any pensions related company from time to time.

j) **Review Pensions related Company Effectiveness** – acting as pension related company shareholder, to periodically review any pensions related company corporate structures including Board structures and effectiveness.

k) To consider and receive annual reports against the Governance Framework for any pension related companies and adopt, amend or approve any changes to the Governance Framework.

l) **Novel and contentious clause** – To consider any other matter, which in the opinion of a pension related company board or one of the shareholders, is or could become of sufficient importance to significantly change or adversely affect the operation or reputation of the organisation.

m) **Proposed redundancies of any Group employees** – To approve any proposed programme of 25 redundancies or more or rationalisation of a group of at least 25 employees for any pension related company or subsidiary.

n) **Proposed re-location of any Group employees** – To approve any proposed programme of relocation of a group of at least 25 employees outside Lancashire in the case of employees who are or were employees of LCC or outside Greater London in the case of employees who are or were employees of the London Pension Fund Administration (LPFA

o) To receive the annual accounts of any pension related company or any subsidiary.

p) To change the name of any pension related company or subsidiary.

q) To enter into or terminate in any Financial Year any contract of employment with or contract for the provision of services by any person or persons whose aggregate remuneration of fees exceeds £500,000 per annum (ignoring any contract terminated for gross misconduct) or change the terms of any such contracts, unless provided for in the agreed form remuneration policy. Provided that this provision shall apply in the context of arrangements with individuals where such arrangement is in the nature of remuneration for a service provided by identified individuals (notwithstanding any right of substitution) and shall not apply to contracts for the supply of services not having such nature in relation to any pension related company or any subsidiary..

r) To commence or take steps to commence any insolvency proceedings under any law relating to insolvency anywhere in the world unless the pension related company or the relevant Subsidiary 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.

Pension Fund Investment Panel

Purpose

a) The Pension Fund Investment Panel ("the Panel") provides expert professional advice to the Pension Fund Committee in relation to investment strategy. The Panel also supports the Head of Fund with the specialist advice required by the Lancashire County Council acting as Administering Authority ("the Administering Authority").

b) The Panel does not exercise any delegated powers but instead will provide advice to the Head of Fund who will either exercise their delegated powers or make recommendations to the Pension Fund Committee taking account of advice and views from the Panel.

Composition

a) The Panel shall comprise the Head of Fund (who will act as Chair of the Panel) and a minimum of one suitable person to act as the Independent Investment Adviser and a minimum of one suitable person to act as an Independent Person (with the remit to provide advice on investments, pensions governance and pensions administration) appointed in accordance with arrangements determined by the Pension Fund Committee.

b) The Independent Investment Adviser and Independent Person will comply with the strategic objectives agreed by the Pension Fund Committee.

c) The Panel shall meet in accordance with an agreed programme of meetings or as required.

d) The Chair and either the Independent Investment Advisor or Independent Person must be present for the Panel to be quorate.

e) The Panel may establish 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.

f) The Panel may request the Head of Fund to secure specialist advice from within the allocated Pension Fund budget.

g) At least one member of the Panel will attend the LPP Conferences.

Terms of Reference

a) Review, advise and make recommendations to the Head of Fund/Pension Fund Committee on the following:

(i) The Fund's long term investment strategy.

(ii) Strategic asset allocations proposed by Local Pensions Partnership Investments Ltd (LPPI).

(iii) The range of asset allocations used by LPPI as set out in the Investment Strategy Statement.

(iv) Appropriate risk management strategies to include the matching of pension liabilities with suitable investments, possibly involving derivatives.

(v) Foreign exchange hedging strategies relating to the equity and/or other asset allocations.

(vi) Investment activity and the performance of the Fund.

Regulatory Committee

Purpose

a) The Regulatory Committee deals with claims relating to public rights of way and various licensing and registration functions (except registration functions relating to Social Services).

Composition

a) The Committee shall comprise twelve county councillors.

b) The quorum of the Committee shall be three.

c) 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 Rules (lancashire.gov.uk).

d) All committee members must:

(i) Have undertaken mandatory training on the relevant law and procedures which relate to the Committee's work; and

(ii) Undertake further mandatory training on an ongoing basis whilst they continue to be committee members.

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

Terms of Reference

Public Rights of Way

a) To determine applications under section 53 of the Wildlife and Countryside Act 1981 and to decide whether to make and promote to confirmation Orders thereunder.

b) To exercise the following functions, duties and powers of the Council under the Highways Act 1980:

(i) To authorise creation of footpaths, bridleways or restricted byways by agreement under section 25;

(ii) To decide whether to make and promote to confirmation Orders for the creation of footpaths, bridleways and restricted byways under section 26;

(iii) 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;

(iv) To decide whether to make and promote to confirmation rail crossing extinguishment orders under section 118A;

(v) 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;

(vi) To decide whether to make and promote to confirmation public path extinguishment orders (section 118ZA) and special extinguishment orders (section 118C);

(vii) 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;

(viii) To decide whether to make and promote to confirmation rail crossing diversion orders under section 119A;

(ix) 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;

(x) To decide whether to make and promote to confirmation Sites of Special Scientific Interest (SSSI) diversion orders under section 119D;

(xi) To decide whether to make and promote to confirmation public path diversion orders (section 119ZA) and a special diversion order (section 119C(4)).

c) 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.

d) 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

e) 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.

f) To establish sub-committees to undertake any part of the Committee's functions.

Common Land and Town and Village Greens

g) To decide whether to exercise the Council's powers under the Commons Registration Act 1965 to alter the Register in respect of applications.

h) 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.

i) To make decisions on applications and proposals as determining authority under Part 1 of the Commons Act 2006 save for those under regulation 43 of the Regulations thereunder.

j) To decide whether to apply to the Secretary of State as owner for de-registration of Common Land or Town or Village Green under section 16 of the Commons Act 2006.

k) 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.

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

Urgency Committee

Purpose

a) The Urgency Committee deals with any matter requiring a decision of the Full Council, which cannot await its next meeting.

Composition

a) The Committee shall comprise twelve county councillors of whom no more than two shall be Cabinet Members.

b) 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 Rules (lancashire.gov.uk).

c) The quorum of the Committee shall be three.

Terms of Reference

a) 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.

Standing Advisory Council for Religious Education (SACRE)

Purpose

a) The law states that religious education (RE) must be taught in all schools. However, RE is not part of the National Curriculum, it is a local responsibility.

b) Every Local Education Authority (LEA) is required by section 390 of the Education Act 1996 to have a SACRE.

Composition

a) It is desirable that all members have an interest in education in general and in religious education in particular. The SACRE shall include representatives of the following groups:

i) Christian and other religious denominations which appropriately reflect the principal religious traditions in the area. In Lancashire these are determined on the basis of numbers indicated by the most recent census:

The Roman Catholic Church	3 Representatives
The Free Church Federal Council	4 Representatives
Islam	5 Representatives
Hinduism	2 Representatives
Judaism	1 Representative
Sikhs	1 Representative
Buddhism	1 Representative

ii) The Church of England — 5 representatives

iii) Recognised Trade Unions representing teachers — 4 representatives

iv) The Authority — 5 representatives

b) The representative groups on the SACRE may appoint a further five coopted members.

The SACRE may make recommendations to the Authority in respect of its composition.

Terms of Reference

a) To advise the Authority upon such matters connected with the religious worship in community schools or in foundation schools which (within the meaning of Part II of the School Standards and Framework Act 1998) do not have a religious character and the religious education to be given in accordance with an agreed (or other syllabus in accordance with Schedule 19 to that Act) as the Authority may refer to the SACRE or as the SACRE may see fit.

b) The matters referred to in (a) above include in particular methods of teaching, the choice of materials and the provision of training for teachers.

c) The SACRE shall each year publish a report with respect to the exercise of their functions. A copy of the report will be uploaded to the RE website and sent to the

Department for Education, NASACRE, nominated bodies and all Lancashire Schools. The report shall, in particular:-

i) Specify any matters of which the SACRE have given advice to the Authority;

ii) Broadly describe the nature of the advice given;

iii) Where any such matter was not referred to the SACRE by the Authority, give the SACRE's reasons for offering advice on that matter

d) To require the Authority (on a vote of the representative groups representing the Church of England, other denominations and teachers' associations) to review the agreed syllabus by convening a statutory conference every five years in accordance with the provisions of Para 3, Schedule 31 to the Education Act 1996.

e) In accordance with Section 394 of the Act to consider applications made by the headteacher of any community school maintained by the organisation or any foundation school which has not been designated under Section 69(3) of Schedule 20 to the School Standards and Framework Act 1998, as having a religious character, whether it is appropriate for the requirement for Christian collective worship to apply in the case of the school or in the case of any class or description of pupils at the school. Such applications to be made by the headteacher after consultation with the governing body.

f) The SACRE also has within its powers to discuss any matter related to its functions as it sees fit and may therefore include the provisions of RE & Collective Worship in Academies and Free Schools in its discussions or address such matters as may be referred to it.

Lancashire Health and Wellbeing Board

Purpose

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

b) 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:

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

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

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

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

Composition

a) The Lancashire Health and Wellbeing Board shall comprise the following:

(i) NHS one member* each (up to 7 members) nominated by:

- Lancashire and South Cumbria NHS ICB (Co-Chair)
- University Hospitals of Morecambe Bay
- Lancashire Teaching Hospitals
- East Lancashire Hospitals
- Blackpool Fylde and Wyre Hospital
- Mersey and West Lancashire Teaching Hospitals
- Lancashire and South Cumbria Care NHS Foundation Trust

(ii) Primary Care (up to 8 members)

- GP x5
- Pharmacy
- Dental
- Eye Care

(iii) Lancashire Fire and Rescue (1 member)

- Chief Fire Officer

(iv) Lancashire Constabulary (1 member)

- Chief Constable

(v) Healthwatch (1 member)*

- Chief Executive

(vi) Voluntary Community Faith Social Enterprises Sector (up to 2 members)

- 2 members nominated by VCFSE Alliance

(vii) District Councils (4 members)

- 3 elected members nominated by Lancashire Leaders
- 1 Chief Executive nominated by District Chief Executives

(viii) Lancashire County Council (9 members)

- Cabinet Member for Health and Wellbeing (Chair)

- Cabinet Member for Adult Social Care
- Cabinet Member for Children and Families*
- Cabinet Member for Economic Development and Growth
- Lead Member for Health
- Executive Director of Adult Health and Wellbeing Services*
- Executive Director of Education and Children Services*
- Director of Public Health*
- Opposition Leader

*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.

b) 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.

c) All Board members to have one vote each.

d) 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.

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

f) The Board will appoint the Vice Chair annually from amongst the voting membership.

g) 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.

h) 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.

i) In the event of a tied vote, the Chair has a second or casting vote.

j) Substitutes for Board members are permitted with written notification being given to the Clerk by the relevant nominating body in advance of the meeting.

k) 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 (lancashire.gov.uk).

l) The Board cannot discharge the functions of any of the Partners.

Terms of Reference

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

(i) 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.

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

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

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

(v) 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.

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

(vii) Engagement – to 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, district councils, local NHS and with other key strategic partnerships via Safeguarding Boards, Children and Young People Partnerships, Community Safety Partnerships etc.

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

Lancashire Local Pension Board

Purpose

a) To assist the County Council as Administering Authority in its role as Scheme Manager (as delegated to the Pension Fund Committee) of the Lancashire County Pension Fund ("the Fund"):

(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; and

(ii) To secure compliance with requirements imposed in relation to the LGPS by the Pensions Regulator.

b) Matters relating to the following issues are contained in the Lancashire Local Pension Board Guidance (lancashire.gov.uk):

(i) Recruitment and appointment of Board members;

(ii) Terms of office and removal of Board members;

(iii) Code of Conduct and Conflict of Interests Policy for Board members;

(iv) Knowledge and understanding of Board members;

(v) Reimbursement of expenses and remuneration;

(vi) Role of the Chair;

(vii) Decision making;

(viii) Board meetings – notice, minutes and reporting;

(ix) Publication of Pension Board information;

(x) Budget;

(xi) Advisers to the Board; and

(xii) Reporting breaches.

Composition

a) The Board shall comprise nine members and be constituted as follows:

(i) 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.

(ii) Two employer representatives (councillors or officers) nominated by Lancashire County Council who meet the requirements of the relevant regulations in relation to avoidance of conflict with the County Council's role as Administering Authority.

(iii) One employer representative nominated by the Unitary, City, and Borough Councils and Police and Fire bodies that are employers within the Fund.

(iv) One employer representative nominated following consultation with the other employers within the Fund.

(v) Four scheme member representatives drawn from the membership of the Fund.

b) The quorum of the Board shall be the Chair and at least two employer representatives and two scheme member representatives. 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.

c) All Board members are required to participate in training on pension related matters in accordance with the Training Policy and associated Training Plan approved by the Committee.

d) The Board shall agree a quarterly programme of meetings that shall be open to the public, though the public may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Rules (lancashire.gov.uk).

Terms of Reference

a) Ensure the effective and efficient governance and administration of the Local Government Pension Scheme for the Lancashire County Pension Fund (the Fund).

b) 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.

c) Review and scrutinise governance processes and procedures to ensure that the Fund is managed and administered effectively and efficiently and complies with the Pension Regulator's Code of Practice.

d) Review the key governance and administration related policy documents for the Fund to ensure they are fit for purpose.

e) Assist the Pension Fund Committee with such other matters as the LGPS regulations may specify. This includes 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) A review of the Lancashire County Pension Fund Risk Register as it relates to the Scheme Manager function of the Authority.

(iv) The development of improved management, administration and governance structures and policies.

(v) A review of the outcome of actuarial reporting and valuations; and

(vi) Any other area within the core function (i.e., ensuring effective and efficient governance of the Scheme) that the Board deems appropriate.

f) 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.

g) Submit to the Pension Fund Committee in March each year a proposed annual work plan for the forthcoming financial year.

5. EXECUTIVE

5.1 The functions of a local authority are divided into two broad categories: Executive and non-Executive. The Council and its committees decide non-Executive matters as described in Parts 3 and 4 of the Constitution. All other decisions are made by the Executive.

Executive Leader

5.2 Lancashire County Council operates a Leader and Cabinet model of Executive arrangements. This means that the Full Council will elect an Executive Leader from among the members of the Council. The Executive will consist of the Leader and at least two but not more than nine other members appointed by the Leader, one of whom must be appointed Deputy Leader. The Chair and Vice Chair of the Council may not be members of the Executive.

5.3 The Leader will hold office until the day of the Annual Meeting following the next election after their appointment and remains a member of the Council until that date unless:

a) They resign from the office; or

b) They are disqualified from being a county councillor; or

c) They are removed as Executive Leader by resolution of the Full Council.

5.4 In the event of the Leader being unable to discharge their duties due to absence, the Deputy Leader shall act in their place until the Leader is able to resume their duties, or the Full Council appoints a new Leader.

5.5 References to 'the Executive' means the Leader and Cabinet. Executive functions are exercised by the Leader, or they may delegate the authority to exercise those functions or part of those functions to:

a) The Cabinet as a whole;

b) A Cabinet committee;

c) An individual Cabinet Member;

d) An officer;

e) A Division Member to the extent that the function is exercisable in relation to their division;

f) An area committee;

g) Joint arrangements; or

h) Another local authority.

5.6 The extent of any delegation by the Leader must be recorded in the Scheme of Delegation to Cabinet and Cabinet Members or the Scheme of Delegation to Officers, as appropriate, and any amendments to the Schemes must be reported to the Full Council at its next Ordinary Meeting.

Cabinet

Role

5.7 The Cabinet is responsible for ensuring the carrying out, within the Budget and Policy Framework set by the Full Council, of the functions of the Council in delivering services to the community. Some functions however are required by law to be carried out by the Full Council, a Council committee or a specific officer and cannot be carried out by the Cabinet.

5.8 When Key Decisions are to be made by the Cabinet, notice will be published at least 28 clear days before the date of the decision. However, it is not always possible to anticipate all Key Decisions in advance, and special arrangements apply in the Procedural Standing Orders where a matter is urgent and the decision needs to be taken without the 28 days' notice being given.

Key Decisions

5.9 A Key Decision means an Executive decision which is likely:

a) To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function which the decision relates; or

b) To be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the Council.

The threshold for "significant" in (a) above is £1.9 million.

Meetings

5.10 The Cabinet generally meets at least once a month and shall hold such other meetings as the Leader may consider necessary. Its proceedings are governed by Section C of the Procedural Standing Orders (Cabinet and Cabinet Committees) (lancashire.gov.uk).

5.11 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 Rules (lancashire.gov.uk).

Scheme of Delegation to Cabinet

5.12 The following functions and decisions are reserved to Cabinet:

a) Collectively approve Executive (Key and non-Key) decisions.

b) Make financial commitments within the Budgetary and Policy Framework set by the Full Council and discharge the functions of the Council in delivering services to the community, including the provision of the necessary resource and support services.

c) Prepare draft proposals for the Policy Framework documents as set out in the functions of the Full Council, and in so doing consult with interested parties and the appropriate Overview and Scrutiny Committees.

d) On an annual basis, draw up of proposals for the Council's Revenue Budget, Capital Programme and Council Tax levels, and in so doing shall consult with interested parties and the appropriate Overview and Scrutiny Committees, for consideration and determination by the Full Council.

e) Make additions and amendments to the approved Revenue Budget and Capital Programme at any time provided that a source of finance has been identified and that the revenue consequences can be contained within existing budgetary provision, in line with the provisions set out in the Financial Rules.

f) Refer to the Full Council for determination all matters which, although normally reserved for the Cabinet to decide, are not in accordance with the Budget and Policy Framework adopted by the Full Council, except matters of urgency which shall be dealt with in accordance with Procedural Standing Order C22 (lancashire.gov.uk).

g) Undertake a continuing review of the Council's broad policy objectives and priorities over the whole range of its functions and to secure a continuous review and evaluation of the effectiveness of services in accordance with value for money principles, calling upon any Overview and Scrutiny Committee to assist in that process as it considers appropriate.

h) Approve and amend policies, where there is a significant impact on communities or the resources of the council, in accordance with the definition of a Key Decision as set out in paragraph 5.9. Policies relating to operational matters can be approved by officers in accordance with the Scheme of Delegation to Officers.

i) Take decisions on the withdrawal or modification of public services, where these have a significant impact on communities or the resources of the Council.

j) Approve and revise major strategies, schemes, plans, projects, placements and other new initiatives where these have a significant impact on communities or the resources of the Council.

k) Approve schemes and the making of orders which have resulted in the receipt of significant objections or adverse comments arising from local consultation procedures or the giving of Public Notices of the proposals.

l) Report to the Full Council at each scheduled meeting on the proceedings of the Cabinet. The report shall include a summary of all Key Decisions taken by the Cabinet collectively, individual Cabinet Members, Cabinet committees and officers.

m) Report to the Full Council on any matters which the Full Council or an Overview and Scrutiny Committee requests.

n) Deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.

o) Provide formal responses to any White Paper, Green Paper or other consultations for example nationally significant infrastructure planning likely to lead to significant policy changes or impacts upon services or the interests of the County Council.

p) Consider Bills introduced into Parliament and Acts passed that significantly affect the interests of the Council and pursue any changes in the law which it feels are appropriate.

q) Make decisions in relation to significant new powers or duties arising from new legislation.

r) Make appointments to the outside organisations, committees, companies and panels whose functions relate to those exercised by the Cabinet.

s) Discharge any function under a Local Act other than a function specified or referred to in Regulation 2 or Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and other than any other function where the power relates to the granting of a consent, licence, permission, registration or similar function.

t) Make arrangements for the determination of any appeal arising from any decision other than of the Cabinet or Cabinet Member where a right of appeal arises by virtue of any policy or statutory provision.

u) Approve the creation of new schemes for the discretionary funding of groups that further social, environmental or cultural objectives, such as voluntary and community organisations, faith groups and social enterprises.

v) Consider and respond to petitions in accordance with the Council's Petitions Scheme.

w) Make decisions to alter fees, charges, and allowances above the rate of inflation;

x) Approve the discharge of functions by an officer or by another local authority;

y) Liaise with the appropriate Executive Director or Director on a regular basis to ensure that there is no conflict over the exercise of delegated powers.

z) Determine all matters relating to local government boundaries, including any future proposals for local government reorganisation, and determine any matter relating to changes in the areas, status or functions of local authorities.

5.13 Officers shall take all decisions within their remit that have not been reserved, as set out above, to the Cabinet. Such decisions shall be taken in accordance with the Scheme of Delegation to Officers (lancashire.gov.uk).

Cabinet Members

5.14 Only county councillors may be appointed to the Cabinet. There may be no co-opted members and no deputies or substitutes for Cabinet Members. Neither the Chair nor Vice Chair of the Council may be appointed to the Cabinet. Cabinet Members (including the Leader) may not be members of an Overview and Scrutiny Committee or of its task groups or working groups.

5.15 Cabinet Members shall hold office until:

a) They resign from office; or

b) They are suspended from being county councillor under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

c) They are no longer county councillors; or

d) They are removed from office by the Leader who must give written notice of any removal to the Proper Officer.

5.16 All Cabinet Members have specific areas of responsibility delegated to them by the Leader, as set out in the Scheme of Delegation to Cabinet Members.

5.17 The Leader has determined that all Executive (Key and non-Key) decisions, as set out in the Scheme of Delegation to Cabinet Members below, will be considered and approved by Cabinet collectively. Where a decision is urgent and cannot await the next Cabinet meeting, the decision shall be taken by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Member, and shall be reported to the next available Cabinet meeting. All urgent decisions shall be taken in accordance with Procedural Standing Orders, Financial Rules and Procurement Rules.

Champions

5.18 The Cabinet has appointed county councillors who are not Cabinet Members to serve as champions for the following matters:

a) **Champion for Older People:** To assist the Leader and appropriate Cabinet Members by advising on service issues across service areas which support and encourage active, independent and healthy lives for older people.

b) **Champion for Young People:** To assist the Leader and appropriate Cabinet Members on efforts across service areas to provide high quality employment opportunities and apprenticeships for young people, and to encourage external organisations to do likewise.

c) **Champion for Rural Affairs, the Agricultural Community and Parishes:** To assist the Leader and appropriate Cabinet Members by advising on rural affairs and ways to sustain and improve effective working relationships between the Council and organisations that support agricultural communities and parishes.

d) **Champion for Disabled People:** To assist the Leader and appropriate Cabinet Members by advising on service issues which support and encourage active, independent and healthy lives for disabled people and to raise the profile of disabled people and their needs in the development of policy across the Council.

e) **Champion for Armed Forces and Veterans:** To assist the Leader and appropriate Cabinet Members to work with the armed forces, and organisations that support ex-servicemen and women to work even more closely together and to ensure that veterans and their families get the support they deserve.

f) **Champion for Mental Health:** To assist the Leader and appropriate Cabinet Members to raise awareness, to reduce the associated stigma and to support officers and partners across the county to improve prevention, engagement and treatment for mental health.

g) **Champion for Combatting Sexual Exploitation and Violence Against Women and Girls:** To assist the Leader and appropriate Cabinet Members to tackle sexual exploitation and violence against women and girls in all its forms, including coercive control, psychological, mental, emotional, financial, physical, sexual, cultural and post-separation abuse.

Lead Members

5.19 The Leader has appointed the following Lead Members to support the work of individual Cabinet Members:

a) Lead Member for Resources, Property and Efficiency;

b) Lead Member for Growth, Technology and Efficiency;

c) Lead Member for Health;

d) Lead Member for Highways and Transport; and

e) Lead Member for Education and Social Care.

5.20 Whilst Lead Members will not be able to take any decisions they will:

a) Lead on specific areas to be determined by the Cabinet Member;

b) Focus on information gathering and understanding key policy/service delivery areas;

c) Assist with the development of options and policies for consideration by the Cabinet Member;

d) Brief and make recommendations to Cabinet Members and others on the relevant issues that affect the decision making; and

e) Represent or deputise for the Cabinet Member as necessary.

5.21 Lead Members may not be members of an Overview and Scrutiny Committee or of its task groups or working groups.

Scheme of Delegation to Cabinet Members

5.22 The function of determining Executive portfolios sits with the Leader and can be varied from time to time at the discretion of the Leader. Cabinet Members have been allocated the following areas of responsibility by the Leader. Ordinarily decisions in these areas of responsibility will be taken by the Cabinet collectively or by officers under the Scheme of Delegation to Officers, with the following exceptions:

(i) Any urgent decisions which cannot await the next Cabinet meeting shall be approved by the Leader (or in their absence, the Deputy Leader) and the relevant Cabinet Member.

(ii) Decisions to appoint, dismiss, or change the responsibilities of Cabinet members, Lead Members and Champions, which shall be approved by the Leader

5.23 No decision relating to services for Children and Young People as set out at section 18 of the Children Act 2004 may be taken without consultation of the Cabinet Member designated as the statutory Lead Member for Children's Services.

5.24

Councillor Name	Portfolio	Responsibilities
S Atkinson	Leader	• Corporate Strategy, Performance and Risk Management • External Relations • County Combined Authority • Local Government Reorganisation
S Evans	Deputy Leader and Cabinet Member for Children and Families	• Statutory Lead Member for Children's Services across children's social care and education services • Children's Social Care

		• Safeguarding Children and Young People • Fostering and Adoption Services • Residential Children's Homes • Children's Commissioning • Corporate Parenting • Young People's Services and Engagement • Youth Justice Services • Prevention and Early Intervention (Children and Young People)
H Whalley	Cabinet Member for Resources, Property and Efficiency	• Finance • Procurement and Contract Management • Human Resources • Property, Land and Buildings • Member Support • Companies and Strategic Partnerships • Digital Services, Data Strategy and AI • Efficiency and Transformation
T Pickup	Cabinet Member for Adult Social Care	• Adult Social Care Operations • Safeguarding Adults and Quality • Adult Social Care Commissioning, Quality and Assurance • Care Market Sustainability, Supply and Market Quality • Care Services Delivery including in-house and Independent Provision • Neighbourhood Health and Social Care Integration and Partnerships • Welfare Rights • Prevention and Early Intervention (Adults)
E Worthington	Cabinet Member for Civic Pride	• Place based Working • Cohesive Communities, Community Safety and Prevention • Voluntary, Community, Faith and Social Enterprise Sector • Parish and Town Councils • Business Continuity, Emergency Preparedness, Health and Safety and Resilience • Cultural Services (including Libraries, Museums and Archives) • Appointments to outside Bodies • Registration and Coroners Services • Customer Access, including complaints and compliments • Corporate Communications
B Moore	Cabinet Member for Economic Development and Growth	• Economic Development and Growth • Strategic Investment, Major Projects and Infrastructure • Economic Partnerships • Place-Making and Regeneration • Business Support and Collaboration • Tourism and the Visitor Economy
M Salter	Cabinet Member for Education and Skills	• Pupil Place Planning and Virtual Schools • Special Educational Needs and Disability • Early Years Education Policy and Provision • School Performance • School Governor Support

		• Schools Condition and Capital programme • Further, Higher, Technical and Adult Education (including Lifetime Skills and Apprenticeships and Outdoor Education) • Education Funding (Policy)
D Matchett	Cabinet Member for Health and Wellbeing	• Statutory Public Health responsibilities • Lancashire Health and Wellbeing Strategy • Health and Wellbeing Board and Partnerships • Health and Social Care Partnerships
W Goldsworthy	Cabinet Member for Highways and Transport	• Highways Asset Management • Roads, Bridges/Structures, Street Lighting and Highway Drainage • Network management, Traffic Control Systems and Parking • School Transport • Road and Traffic Safety • Public Transport Policy • Active Travel • Design and Delivery of Major Transport Projects (incl. Levelling Up Fund) • Public Rights of Way
J Roberts	Cabinet Member for Rural Affairs, Environment and Communities	• Waste Management and Recycling • Energy Efficiency • Nature Recovery, Biodiversity and Environment Strategies • Local Air Quality Management • Flood Risk Management • Rural Affairs, Countryside Sites and Natural Landscapes • Trading Standards • Resettlement Scheme

5.25 The Cabinet has established the following committees:

Company Member Cabinet Committee

Purpose

a) To undertake the functions of the Cabinet in relation to the Council's role as member or shareholder in Lancashire County Council's wholly or partly owned companies, including:

(i) To ensure that the duties of the responsibilities of the County Council are appropriately discharged; and

(ii) To manage the overall relationship with those companies.

Composition

b) The Committee shall comprise five county councillors – two Cabinet Members, two co-opted members determined by the Council's administration and one co-opted member determined by the largest opposition group. No members of the Committee can serve as directors on any partly owned or wholly owned company of which the Council is a member or shareholder.

c) The quorum shall be two voting county councillors at the time of the meeting. For the avoidance of doubt, only the two Cabinet Members appointed have the right to vote.

Terms of Reference

d) Exercise Executive decision making functions in relation to all member or shareholder matters relating to companies in which the County Council has an interest.

e) Receive Annual Reports and Annual Accounts from such companies.

f) Provide an articulation of what success looks like in terms of achieving social outcomes and/or a return on investment in each of the companies.

g) Engage as appropriate with the strategic business planning process of the companies.

h) Evaluate the effectiveness of the company boards and the delivery of the company performance against strategic objectives and the business plan.

i) Provide financial oversight of the companies.

j) Approve any borrowing or loans undertaken by the companies in line with the Council's decision-making criteria.

k) Provide the necessary oversight from a company member/shareholder's perspective that the governance arrangements, policies and boundaries that the Council has established are being adhered to.

l) Provide a holistic review of risk to the Council offered by the companies.

m) Approve the establishment or disestablishment of any companies or their subsidiaries.

n) Periodically review whether each entity provides the most effective vehicle to deliver the outcomes required and whether there are viable alternative models which might offer a more effective means of delivering priorities.

o) Review and monitor (as appropriate) company member/shareholder/management agreements.

p) Require as appropriate the attendance of the Chair, Chief Executive, Managing Director or other relevant representative of any of the companies at any meeting where the affairs of that company are considered.

Lancashire Renewables Limited – Specific Functions

Terms and Conditions of Employment

a) 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:

    i) Approving the Company's pay and grading structure.

    ii) Approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based

iii) Ensuring that all employees of the Company are paid a minimum of the living wage

iv) Approving the Company's employment policies, procedures and practices

v) Determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme

b) 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 Council in comparable positions.

Corporate Parenting Board

Purpose

a) The Corporate Parenting Board is an advisory body. It has two main functions:

(i) To support and make recommendations to the Cabinet Member for Children and Families and Cabinet Member for Education and Skills on matters related to corporate parenting.

(ii) To advise, guide and provide leadership to the County Council on issues relating to looked after children, care leavers and its corporate parenting responsibility.

b) To meet this purpose, the Corporate Parenting Board has the following aims and objectives:

(i) To make sure that the whole Council and relevant partner agencies commit to excellent standards of corporate parenting.

(ii) To set high expectations and stable relationships for all children in care and care leavers.

(iii) To seek improved long-term outcomes for children in care, care leavers and their families – for their happiness, well-being, educational success, pathway into adulthood and future prospects.

(iv) To make sure that the voice of the child and young person in care and leaving care influences both policy and the services that they receive, and that young people are engaged with any action intended to develop and improve services or to recruit key staff members.

(v) To oversee and monitor the key performance indicators for the placement and housing provisions, health, well-being and education of looked after children and care leavers.

(vi) To consider the outcomes of regulatory visits and inspection reports on provision for children in care and care leavers and to receive regular reports on the work of the adoption and fostering services; the education of children in care; the provision for children and young people leaving care, housing and education, employment and training for care leavers; and work with those in the Secure Estate.

(vii) To ensure that relevant key plans, strategies and associated resources identify and make explicit the contribution that they make to targets agreed for improvement.

(viii) To celebrate the achievements of looked after children, their carers and care leavers.

(ix) To develop an informed view of Council provision and services through a programme of well-planned visits and feedback from Board members.

(x) To ensure that children looked after by the local authority are offered the protection of the UN Convention on the Rights of the Child, 2 September 1990.

(xi) To establish and maintain specific task groups as necessary to make recommendations to it.

(xii) To oversee the Council's adoption and implementation of the Care Leavers Covenant 'whole Council approach'.

Composition

c) All members of the Board and the Chair of the Board shall be appointed by the Leader who shall determine their period of office.

d) The Board shall comprise at least the following members, but the Leader may appoint additional members at their discretion:

(i) One or more members of the largest political group;

(ii) Opposition groups member nominee(s);

(iii) Family/carer representatives; and

(iv) Children and young people in care and care leavers representing young people from across the county.

e) All Board members will be entitled to vote and the Chair will have a second or casting vote.

f) The Leader can make changes to the above appointments at any time. No Cabinet Members will serve on the Board.

g) The Board may co-opt representatives, without voting rights, from significant services involved in corporate parenting, including:

(i) Health provision – including CAMHS;

(ii) Children and Family Wellbeing Service;

(iii) Schools;

(iv) Colleges;

(v) Police;

(vi) Youth Justice;

(vii) Private sector provision;

(viii) Voluntary sector provision;

(ix) Safeguarding Board;

(x) Department for Work and Pensions;

(xi) Housing Authorities; and

(xii) The Council's Executive Management Team.

h) The Board can make changes to the co-opted representation at any time.

i) The Lead Officer and/or Director of Children's Social Care will also attend all meetings to advise and support the Board.

Terms of Reference

j) The Board does not have decision-making powers and is not a formal committee of the County Council.

k) The Board will meet every two months or as otherwise agreed. The frequency of meetings can be changed by resolution of the Board or by the Chair in consultation with the Lead Officer.

l) The Board's Terms of Reference will be reviewed annually at the first Board meeting following the Annual Meeting of Full Council.

m) The Board will receive advice and reports from the following:

(i) The Headteacher for Children Looked After, School Improvement;

(ii) Lancashire's Children in Care Council (CiCC);

(iii) Children and Young People's Champions representing the elected members of Lancashire County Council and representing the Children and Young People's Strategic Partnership; and

(iv) Children's Rights Service.

6. OVERVIEW AND SCRUTINY

6.1 The Council has established the following Overview and Scrutiny Committees to:

a) Discharge the functions conferred by section 21 of the Local Government Act 2000;

b) Discharge the scrutiny functions under the Health and Social Care Acts 2001 and 2012, the National Health Service Act 2006, and any relevant Regulations made thereunder and any subsequent legislation;

c) Discharge the relevant functions under the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006;

d) Review and scrutinise the exercise of flood risk management functions which may affect the local authority's area under section 9FH of the Local Government Act 2000;

e) Perform the role of Crime and Disorder Committee under section 19 of the Police and Justice Act 2006, to review and scrutinise decisions made or other action taken in connection with the discharge by the authority of its crime and disorder functions, including the work of the Community Safety Partnership Board; and

f) Review and scrutinise education functions under the Education Act 1996, as amended or replaced from time to time.

6.2 All councillors except Cabinet Members may be members of an Overview and Scrutiny Committee, task group, working group or panel. However, no member may be involved in scrutinising a decision in which they have been directly involved.

Committee	Responsibility	Membership	Meeting Frequency
Budget and Finance Scrutiny Committee	Scrutiny of the council's budget proposals and financial management.	Ten county councillors	Quarterly
Health and Adult Services Scrutiny Committee	To review and scrutinise any matter relating to the planning, provision and operation of the health service in the area, and to review and scrutinise county council Adult Services and Public Health. Statutory responsibility for scrutiny of NHS proposals for a substantial development or variation relating to both adults and children's health in Lancashire.	Ten county councillors, plus 12 non-voting co-opted members nominated by the 12 district councils	Every six weeks

Committee	Responsibility	Membership	Meeting Frequency
Children, Families and Skills Scrutiny Committee	To review and scrutinise the County Council's children's services functions and other matters affecting children, young people and families. To satisfy the statutory responsibilities related to education functions of a Children's Services Authority.	Fourteen county councillors, five voting co-opted members (comprising three church representatives and two parent governor representatives) who shall have voting rights in relation to any education functions which are the responsibility of the Cabinet, and two non-voting co-opted members representing the Youth Council as well as two observers nominated by the Lancashire Parent Carer Forum.	Every six weeks
Environment, Economic Growth, and Transport Scrutiny Committee	To review and scrutinise the work of the County Council and external organisations on matters relating to the environment and climate change, economic development and growth, and highways and transport.	Ten county councillors	Every six weeks
Community, Cultural, and Corporate Services Scrutiny Committee	To review and scrutinise the work of the County Council and external organisations on matters relating to community safety and cohesion, and county council support services.	Ten county councillors	Every six weeks

Budget and Finance Scrutiny Committee

Terms of Reference:

Membership and Composition

10 county councillors, excluding Cabinet members. In addition, no member may be involved in scrutinising a proposal or decision in which they have been directly involved.

The quorum of the Committee shall be three.

Role of the Committee*

Provide further support to the overall budget monitoring process.

Consider and formulate recommendations on Cabinet budget revenue, capital and policy framework proposals.

Monitor progress of agreed budget savings and associated resource requirements.

Frequency of Meetings

Meetings to be held quarterly or in accordance with business needs, including the ability to hold extraordinary meetings from time to time.

Functions

Budget Proposals

a. To review and scrutinise Cabinet's budget and policy framework proposals and decisions.

b. To require any Cabinet Member, an Executive Director or a senior officer nominated by them to attend any meeting of the Committee to answer questions and discuss issues, where possible, a minimum of 5 clear working days notice shall be given for attendance requests.

c. To make recommendations in respect of those budget and policy framework proposals or recommend that proposals or decisions are reconsidered, with those recommendations being reported to the next meeting of Cabinet.

d. To arrange for Cabinet proposals or decisions to be considered by a meeting of full Council where the Committee concludes that a proposal or decision has been made outside the budget or policy framework.

e. To receive regular budget and policy framework updates/monitoring reports as appropriate.

Budget Monitoring

f. To engage with the relevant Portfolio Holder and officers on any financial issues arising from updates / monitoring reports.

g. To make any recommendations arising from discussions with the relevant Portfolio Holder and officers in respect of any financial issues.

h. To refer to the relevant scrutiny committee any issues arising for further consideration.

i. To receive and consider responses from Cabinet in relation to recommendations.

Budget Savings

j. To receive updates on the progress of agreed budget savings.

k. To engage with the relevant Portfolio Holder and officers on issues arising from reviews of agreed budget savings.

*In exercising this function, the committee contributes to a robust finance scrutiny process and supports effective monitoring of the county council's budget. It is not to lead on the management of the budget or to set a budget, but to provide support as a 'critical friend'.

Health and Adult Services Scrutiny Committee

Areas of responsibility:

a) Adult Services

b) Public Health

c) Functions in relation to the Scrutiny of NHS services as set out in the National Health Service Act 2012

In relation to the above areas of work, the committee's functions are as follows:

a) To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.

b) To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.

c) To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.

d) To establish task groups, working groups and panels, as necessary.

e) To establish, as necessary, joint working arrangements with district councils and other neighbouring authorities, including discretionary and mandatory joint committees to exercise the statutory function of joint health scrutiny committees under the National Health Service Act 2006.

f) To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.

g) To require any councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.

h) To recommend the Full Council to co-opt persons with appropriate expertise to the Committee, without voting rights.

i) To consider requests for the call-in of Executive decisions for review in accordance with the Procedural Standing Orders (Overview and Scrutiny).

j) To request a report by the Cabinet to Full Council where a decision which was not treated as being a Key Decision has been made, and where the Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision.

k) To draw up a forward programme of health scrutiny in consultation with other local authorities, NHS partners, the Local Healthwatch and other key stakeholders

l) To scrutinise matters relating to Public Health and Adult Services delivered by the County Council, the National Health Service (NHS), and other relevant partners (as set out in the portfolios for Health and Wellbeing, and Adult Social Care).

m) To act as consultee as required by the relevant regulations with regards to matters on which local NHS bodies must consult the Authority, such as a substantial development of local health services or substantial variation in the provision of those services

n) To review and scrutinise general matters relating to the planning, provision and operation of the health service in the area.

o) In reviewing any matter relating to the planning, provision, and operation of the health service in the area, to invite interested parties to comment on the matter and take account of relevant information available, particularly that provided by the Local Healthwatch.

p) To acknowledge within 20 working days referrals on relevant matters from the Local Healthwatch or Local Healthwatch contractor, and to keep the referrer informed of any action taken in relation to the matter.

q) To require responsible persons as defined in The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to provide information and to attend before the committee to answer questions.

r) To require NHS bodies to respond in writing to any reports or recommendations made by the committee within 28 days of the request.

s) To establish and make arrangements for a Health Steering Group, the main purpose of which to be to manage the workload of the full committee more effectively in the light of the increasing number of changes to health services.

Children, Families and Skills Scrutiny Committee

Areas of responsibility:

a) Children's Social Care

b) Children's Services

c) Education and skills

In relation to the above areas of work, the committee's functions are as follows:

a) To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.

b) To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.

c) To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.

d) To establish task groups, working groups and panels, as necessary.

e) To establish joint working arrangements with district councils and other neighbouring authorities, as necessary.

f) To require any councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.

g) To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.

h) To recommend the Full Council to co-opt persons with appropriate expertise to the Committee, without voting rights.

i) To consider requests for the call-in of Executive decisions for review in accordance with the Procedural Standing Orders (Overview and Scrutiny).

j) To request a report by the Cabinet to Full Council where a decision which was not treated as being a Key Decision has been made, and where the Scrutiny Committee is of the opinion that the decision should have been treated as a key Decision.

k) To draw up a forward programme of work in consultation with key stakeholders.

l) To fulfil all the statutory functions of an Overview and Scrutiny Committee as they relate to education functions of a Children's Services Authority.

Environment, Economic Growth, and Transport Scrutiny Committee

Areas of responsibility:

a) Climate change

b) Environment

c) Highways and transport

d) Economic development and growth

In relation to the above areas of work, the committee's functions are as follows:

a) To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent decisions which cannot await a Cabinet meeting, by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.

b) To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with

respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.

c) To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.

d) To establish task groups, working groups and panels, as necessary.

e) To establish joint working arrangements with district councils and other neighbouring authorities, as necessary.

f) To require any councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.

g) To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.

h) To recommend the Full Council to co-opt persons with appropriate expertise to the Committee, without voting rights.

i) To consider requests for the call-in of Executive decisions for review in accordance with the Procedural Standing Orders (Overview and Scrutiny).

j) To request a report by the Cabinet to Full Council where a decision which was not treated as being a Key Decision has been made, and where the Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision.

k) To draw up a forward programme of work in consultation with key stakeholders.

l) To review and scrutinise activities undertaken by authorities of flood risk management functions or coastal erosion risk management functions which may affect Lancashire.

Community, Cultural, and Corporate Services Scrutiny Committee

Areas of responsibility

a) Cultural Services

b) Community Services

c) Crime and Disorder (Community Safety Partnership – statutory function)

d) Corporate Services, including Communications, Digital Services, Customer Access Services, Facilities Management, Asset Management, Procurement and Democratic Services.

In relation to the above areas of work, the committee's functions are as follows:

a) To review decisions made, or other action taken, in connection with the discharge of any functions which are undertaken by the Cabinet collectively or, in the case of urgent

decisions which cannot await a Cabinet meeting, by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Members, or Cabinet committees.

b) To make reports or recommendations to the Full Council, the Cabinet, the Leader, Deputy Leader, or other Cabinet Members as necessary, or Cabinet committees with respect to the discharge of any functions which are undertaken by them or in respect of any functions which are not the responsibility of the Cabinet.

c) To hold general policy reviews and to assist in the development of future policies and strategies (whether requested by the Full Council or the Cabinet, individual Cabinet Members, Cabinet committees, or decided by the Overview and Scrutiny Committee itself) and, after consulting with any appropriate interested parties, to make recommendations to the Cabinet, individual Cabinet Members, Cabinet committees, Full Council, or external organisations as appropriate.

d) To establish task groups, working groups and panels, as necessary.

e) To establish joint working arrangements with district councils and other neighbouring authorities, as necessary.

f) To require any councillor, an Executive Director, or a senior officer nominated by them to attend any meeting of the committee to answer questions and discuss issues.

g) To invite to any meeting of the committee and permit to participate in discussion and debate, but not to vote, any person not a County Councillor or any external body whom the committee considers would assist it in carrying out its functions.

h) To recommend the Full Council to co-opt persons with appropriate expertise to the Committee, without voting rights.

i) To consider requests for the call-in of Executive decisions for review in accordance with the Procedural Standing Orders (Overview and Scrutiny).

j) To request a report by the Cabinet to Full Council where a decision which was not treated as being a Key Decision has been made, and where the Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision.

k) To draw up a forward programme of work in consultation with key stakeholders.

l) To review and scrutinise issues, services or activities carried out by external organisations including public bodies, Parish and Town Councils, the voluntary and private sectors, partnerships, and traded services which affect Lancashire or its residents.

m) To review and scrutinise the operation of the Crime and Disorder Reduction Partnership in Lancashire in accordance with the Police and Justice Act 2006 and make reports and recommendations to the responsible bodies, as appropriate.

n) To co-opt additional members in accordance with the Police and Justice Act 2006 if required, and to determine whether those co-opted members should be voting or non-voting.

Cabinet Scrutiny Protocol

Effective scrutiny relies not just on the work of Overview and Scrutiny Committee members, but also on positive and constructive engagement with the Cabinet.

The objectives of this protocol are:

a) To promote a strong organisational culture of mutual respect, trust, and openness between the Cabinet and Scrutiny members with a view to ensuring service improvements.

b) To enable Cabinet Members and Overview and Scrutiny Committee members to fully understand their roles and responsibilities in relation to the Overview and Scrutiny function and its powers.

c) To set out principles of engagement between Cabinet Members and Overview and Scrutiny Committee members including procedures to mitigate any differences of opinion and manage disagreement and debate.

The following principles of engagement highlight Overview and Scrutiny's powers and sets out the expectations required of all parties in delivering an effective Overview and Scrutiny function.

Cabinet Members should:

a) Attend Scrutiny meetings when required, including special meetings (call-in) and work programming sessions, to answer questions and discuss issues where required to do so (or, in their absence, the relevant Lead Member should attend).

b) Provide information including performance, financial and risk information where required to do so.

c) Recognise Scrutiny's independent and non-partisan role.

d) Ensure the Cabinet's priorities are communicated to Scrutiny to inform work planning to ensure that it is adding value.

e) Keep Scrutiny Chairs, Deputy Chairs and support officers informed of the outlines of major decisions as they are being developed, to allow for discussion of Scrutiny’s potential involvement in policy and strategy development.

f) Provide a clear written response to Scrutiny recommendations within two months of receipt.

Overview and Scrutiny Committee members, including co-opted members, should:

a) Engage with and support the Scrutiny function and its priorities.

b) Take responsibility for their role by acting independently and in a non-partisan capacity.

c) Provide an environment conducive to effective scrutiny by setting and maintaining a strong culture of mutual respect.

d) Hold the Cabinet to account on decisions or other action taken.

e) Not view the call-in process as a party-political tool or as a substitute for early involvement in the decision-making process.

f) Work proactively to identify any potential contentious issues and plan how to manage them.

g) Amplify the voices and concerns of the people of Lancashire.

h) Assist in the development of work programmes in consultation with Cabinet Members and officers.

i) Provide constructive challenge and not a de facto opposition to the Cabinet.

j) Share key findings, drafts of Scrutiny reports and recommendations with Cabinet Members and officers to ensure no surprises.

To support the wider aim of promoting a strong organisational culture with scrutiny and good governance, the oversight of compliance will be managed in the following ways:

a) Any councillor becoming aware of non-compliance with protocol and Scrutiny's powers should bring the matter to the attention of the Council's Statutory Scrutiny Officer and Monitoring Officer for consideration and action.

b) Where disagreement or breakdown in relations occurs between Scrutiny and the Cabinet, the Overview and Scrutiny Committee should refer the matter to the Chief Executive, Monitoring Officer and the Statutory Scrutiny Officer, together with the relevant Scrutiny Chair, Cabinet Member and the Leader to reach an agreement.

7. JOINT ARRANGEMENTS

Central Lancashire Strategic Planning Joint Advisory Committee

7.1 The Central Lancashire Strategic Planning Joint Advisory Committee (JAC) is made up of members from Chorley, Preston and South Ribble Councils. They are responsible for scrutinising and deciding on the Local Plan, considering proposals, debating key issues, and endorsing or challenging elements of the plan at their discretion.

Forest of Bowland National Landscape Joint Advisory Committee

7.2 The Forest of Bowland National Landscape Joint Advisory Committee is a meeting of all interested partners and stakeholders who hold an interest in the Forest of Bowland AONB and the development of the area and management of the natural habit. The Committee meeting is open to public attendance and generally meets twice a year.

Joint Advisory Committee for Strategic Planning

7.3 The Joint Advisory Committee (JAC) makes recommendations to the constituent authorities regarding matters concerning the Minerals and Waste Local Plan.

Police and Crime Panel for Lancashire

7.4 The Police and Crime Panel (PCP) will have the power to scrutinise Police and Crime Commissioner (PCC) activities, including the ability to review the Police and Crime Plan and annual report, request PCC papers and call PCCs and Chief Constable to public hearings. The PCP can also veto decisions on the local precept and the appointment of a new Chief Constable.

Local Pensions Partnership Ltd (LPPL) and any other pension related company

7.5 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.

7.6 The relationship between the County Council and LPFA is governed by various agreements, one of which (the Shareholders' Agreement dated 8 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 8 April 2016.

7.7 Pension administration services are provided by the administration arm of LPPL, which is called Local Pensions Partnership Administration Limited.

7.8 LPPL's responsibilities include:

Incorporation or Winding Up of Subsidiaries

iii) 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:

(i) Any incorporation of any new subsidiary of LPPL or any of its Group Companies;

(ii) Any liquidation or winding up of LLP or any of its Group Companies;

(iii) 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

jjj) 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

kkk) To approve any Strategic Plan for LPPL or make any material changes to any strategic plan after its approval.

lll) To approve any extension of the activities of LPPL outside the scope of the business or to close any business operation.

mmm) To receive the annual accounts of LPPL.

nnn) To approve the establishment, provision, or amendment of any pension scheme for LPPL.

ooo) To give or take any loans, borrowing or credit (other than normal trade credit in the ordinary course of business) exceeding £1m or cause the aggregate indebtedness of LPPL to exceed £5m.

Shares, Shareholder Loans and Constitutional

ppp) 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.

qqq) To admit any person whether by subscription or transfer as a member of LPPL save as provided for in the Shareholder Agreement.

rrr) To approve any change to the name of LPPL.

Control, Management, Directors, and Employees

sss) To approve the remuneration policy of LPPL non-executive directors.

ttt) 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.

uuu) 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.

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

Contract with Related Parties

www) 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 8 April 2016.

xxx) 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.

yyy) To enter into any partnership, joint venture or profit-sharing arrangement with any person or create any share option scheme.

zzz) 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.

aaaa) To approve the sale, lease (as lessor), licence (as licensor), transfer or otherwise dispose of any of its material assets.

bbbb) To enter into any contract which cannot be terminated within 48 months and under which the liability for such termination could exceed £1 million.

Pan-Lancashire Channel Panel

7.9 Channel provides a mechanism for ensuring that individuals identified as vulnerable to being drawn into any form of terrorism are referred to and assessed by a multi-agency panel which decides on the most appropriate support. It complements other existing multi-agency risk management processes such as the Early Help Assessment, Multi Agency Public Protection Arrangements (MAPPA), Safeguarding Adults procedures and Children in Need.

7.10 Section 36 of the Counter Terrorism and Security Act 2015 places a duty on local authorities to ensure that Channel Panels are in place for their areas. The Panel's terms of reference reflect the statutory Channel Duty Guidance "Protecting vulnerable people from being drawn into terrorism".

7.11 The Channel Duty Guidance identifies a multi-agency approach to protect vulnerable people by:

a) Identifying individuals at risk;

b) Assessing the nature and extent of that risk; and

c) Developing the most appropriate support plan for the individuals concerned.

7.12 Full details of the Channel and Prevent duty arrangements can be found on the website: 5.33 Radicalisation (proceduresonline.com).

Children's Safeguarding Assurance Partnership

7.13 The Children's Safeguarding Assurance Partnership (CSAP) is a statutory multi-agency partnership established in accordance with the Children and Social Work Act 2017 and Working Together to Safeguard Children statutory guidance. It provides arrangements under

which the safeguarding partners and relevant agencies across the Blackburn with Darwen, Blackpool and Lancashire region work together to coordinate their services, identify and respond to the needs of children, commission and publish local safeguarding practice reviews and provide scrutiny to ensure the effectiveness of the arrangements.

7.14 The three safeguarding partners in relation to the pan-Lancashire region are defined under the Children Act 2004 (as amended by the Children and Social Work Act 2017) as:

a) The local authorities (Blackburn with Darwen Borough, Blackpool and Lancashire County Councils);

b) The Integrated Care Board for an area any part of which falls within the local authority area;

c) The Chief Officer of Police for an area any part of which falls within the local authority area (Lancashire Constabulary).

7.15 The purpose of the CSAP is to safeguard and promote the welfare of children in Lancashire. This is done by coordinating the work of those people and all organisations working in the county ensuring that what they do is effective. The CSAP is not an operational body. Its role is to ensure the coordination and effectiveness of the services provided to children, young people and their families by member organisations.

7.16 Full details of the CSAP can be found on its website: Children's Safeguarding Assurance Partnership (safeguardingpartnership.org.uk).

Lancashire Safeguarding Adults Board

7.17 The Lancashire Safeguarding Adults Board (LSAB) is a multi-agency partnership, which provides strategic leadership for adult safeguarding across Lancashire. It has an independent Chair and its remit is to agree objectives, set priorities and co-ordinate the strategic development of adult safeguarding.

7.18 The overarching purpose of LSAB is to help and safeguard adults with care and support needs. It does this by:

a) Assuring itself that local safeguarding arrangements are in place as defined by the Care Act 2014 and supporting statutory guidance;

b) Providing strategic leadership and secure assurance of safeguarding quality and performance activity across the county, that enquiries are appropriate and person centred;

c) Working closely with multi-agency partners and parallel strategic boards to provide strategic vision across the county and set clear and achievable aims and priorities;

d) Ensuring that partners and agencies share a common understanding of what constitutes abuse and are able to recognise risk factors and what situations should be alerted and reported; and

e) Ensuring that the LSAB has strategic links to promote early intervention to prevent harm and supports the creation of vigilant services and communities.

7.19 Safeguarding leads from agencies across the health economy, local authorities, police, fire & rescue, community safety partnerships, probation, faith, voluntary and community sectors all support the activities of the LSAB.

7.20 The LSAB has three core duties:

a) To develop and publish a strategic plan setting out how it will meet its objectives, what each member will do to implement the strategy and, in developing the plan, consult the local Healthwatch organisation and the community;

b) To commission safeguarding adults reviews (SARs) for any cases that meet the criteria for these and implement the findings; and

c) To publish an annual report detailing how effective its work has been, as well as report the findings of any SARs and reference any ongoing reviews.

7.21 Full details of the LSAB can be found on its website: Lancashire Safeguarding Adults Board (lancashiresafeguarding.org.uk).

8. COUNCILLORS

8.1 Composition and eligibility:

a) The Council comprises 84 Members who are elected as county councillors by the voters of each of the 82 electoral divisions in Lancashire.

b) There are rules about eligibility which must be met before a person can stand for election. Information can be found on the Local Government Association website: Be a Councillor – Lancashire County Council (local.gov.uk) or by writing to the Monitoring Officer at County Hall, Preston, PR1 0LD

8.2 Elections and Term of Office:

a) Elections to the Council are normally held on the first Thursday in May every four years.

b) County councillors' terms of office will start on the fourth day after being elected and will finish on the fourth day after the date of the next election.

c) A by-election will be held to fill a vacancy which occurs between elections, unless the vacancy occurs within the six months before the day of the next election.

Role

8.3 All county councillors will:

a) Collectively through the Full Council approve the Constitution, the Budget, Council Tax levels, Policy Framework, elect the Executive Leader, appoint statutory officers, and carry out a number of strategic and corporate management functions;

b) Be involved in decision-making by participating in Council committees;

c) Represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

d) Deal with local issues and act as an advocate for constituents in resolving particular concerns or grievances;

e) Balance different interests identified within the electoral division and represent the electoral division as a whole; and

f) Be available to represent the Council on other bodies;

g) Maintain the highest standards of conduct and ethics and observe the Code of Member Conduct and the other codes and protocols adopted by the Council;

h) Share responsibility with officers of the Council to act as effective and caring corporate parents for looked after children; and

i) Undergo an Enhanced Disclosure and Barring (DBS) Check if required in accordance with agreed arrangements.

Chair of the Council

8.4 The Chair and Vice Chair will be elected by the Full Council annually. The duties and responsibilities of the Chair are in addition to their role as a county councillor.

8.5 When acting in the role of Chair, to have the following duties and responsibilities:

a) To preside impartially over meetings of the Full Council so that its business can be carried out efficiently and with regard to the rights of county councillors and the interests of the community;

b) To promote and support the good governance of the Council and its activities to the public;

c) To attend such civic and ceremonial functions as the Council and they determine appropriate;

d) To be politically impartial and uphold the democratic values of the Council;

e) To undertake the duties and functions set out in the Standing Orders in relation to meetings and decisions; and

f) To offer support and advice to members of the Council.

Rights and Duties

8.6 County councillors have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.

8.7 County councillors must not make public any information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it.

8.8 For these purposes, “confidential” and “exempt” information are defined in the Access to Information Rules (lancashire.gov.uk).

Conduct

8.9 County councillors and voting co-opted members must at all times maintain the highest standards of conduct and ethics and observe:

a) The Code of Member Conduct (lancashire.gov.uk);

b) The Protocol of Good Practice on Development Control Matters (lancashire.gov.uk);

c) Protocol on the Disclosure of Confidential Information (lancashire.gov.uk); and

d) The Protocol on County Councillor/Officer Relations (lancashire,gov.uk).

8.10 County councillors and voting co-opted members must have regard to the Seven Principles of Public Life (the Nolan Principles) (gov.uk).

Allowances

8.11 County councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme.

Register of Interests

8.12 The Council maintains a register of financial and other interests of county councillors in accordance with section 81 of the Local Government Act 2000.

8.13 The register is open to inspection at the offices of the Chief Executive, (Democratic Services), County Hall, Preston, PR1 0LD. Details of individual councillor declarations are available on each councillor's webpage: Council - Your Councillors (lancashire.gov.uk).

Code of Member Conduct

8.14 The Code of Member Conduct is intended to promote high standards of behaviour amongst elected and co-opted members of Lancashire County Council.

8.15 The Code is underpinned by the Seven Principles of Public Life (the Nolan Principles), which should be adhered to when interpreting the meaning of the Code. Accordingly, when acting in your capacity as a member or co-opted member you should behave with:

a) **Selflessness** – You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

b) **Integrity** – You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

c) **Objectivity** – When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

d) **Accountability** –You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

e) **Openness** – You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

f) **Honesty** – You must declare any private interests that relate to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.

g) **Leadership** – You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

8.16 In addition:

a) You must always treat people with respect, including the organisations and public you engage with and those you work alongside.

b) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly (including for political purposes) and you must have regard to the Recommended Code of Practice for Local Authority Publicity made under the Local Government Act 1986.

c) You must behave in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the authority's resources and the protocol on the use of social media.

d) You must take account of relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.

e) The right to freedom of expression under the law is the basis of democracy and will be upheld at all times. You have the right to express lawful views and opinions, regardless of whether others agree. You should exercise this right in accordance with the law and with due consideration for its importance in upholding democratic institutions, debate and engagement.

Bullying, Harassment and Discrimination

8.17 As a councillor, you should not bully or harass any person; you should promote equalities and not discriminate unlawfully against any person.

8.18 The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

8.19 In discrimination law there are three types of harassment:

a) Harassment related to 'protected characteristics', i.e. Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation;

b) Sexual harassment; and

c) Less favourable treatment as a result of harassment.

8.20 To be harassment, the unwanted behaviour must have either:

a) Violated the person's dignity; or

b) Created an intimidating, hostile, degrading, humiliating or offensive environment for the person.

8.21 It can be harassment if the behaviour:

a) Has one of these effects even it was not intended; or

b) Intended to have one of these effects even if it did not have that effect.

8.22 By law, whether someone's behaviour counts as harassment depends on:

a) The circumstances of the situation;

b) How the person receiving the unwanted behaviour views it; and

c) If the person receiving the behaviour is 'reasonable' to view it as they do.

8.23 For more information, see the ACAS website: Harassment (acas.org.uk).

Registering and Declaring Disclosable Interests

8.24 You must, within 28 days of your election or appointment to office as a member or co-opted member, notify the Council's Monitoring Officer in writing of any disclosable interests you have. Disclosable interests may be pecuniary or non-pecuniary.

8.25 You must notify the Council's Monitoring Officer in writing within 28 days of becoming aware of any changes to a disclosable interest previously notified or of any new disclosable interest not previously notified.

8.26 If a disclosable interest, has not been entered onto the Council's register, then you must disclose the interest to any meeting of the Council at which you are present, where you have a disclosable interest and where the matter is not a 'sensitive interest' (see paragraph 24 below).

8.27 Following disclosure of a disclosable interest not on the Council's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

8.28 You must disclose any disclosable interest at the beginning of any meeting or decision-making session at which a matter relevant to your interest is considered.

8.29 Unless dispensation has been granted by the Conduct Committee, you may not participate in any discussion of, vote on, remain in the room for, or discharge any Executive or non-Executive function related to any matter in which you have a disclosable pecuniary interest.

8.30 Section 34 of the Localism Act 2011 creates a number of criminal offences relating to the disclosure of pecuniary interests. It is a criminal offence if, without reasonable excuse, you:

a) Fail to notify the Monitoring Officer of any disclosable pecuniary interest within 28 days of your election or appointment as a member or co-opted member of the Council; or

b) Fail to disclose the interest at a meeting which you attend, where the interest relates to a matter to be considered, and where the interest has not been entered in the Register of Interests; or

c) In the case of an interest falling under (b), do not notify the Monitoring Officer within 28 days of the disclosure; or

d) Participate in any discussion or vote at a meeting where you have disclosed, or ought to have disclosed, a pecuniary interest[1]; or

e) As an Executive member, have a disclosable pecuniary interest in a decision which you would otherwise take and have taken any steps in relation to the matter to which the

[1] Note – dispensations apply to certain pecuniary interests which allow a member or co-opted member to participate in a discussion and vote (see paragraph 16). The Council's Monitoring Officer will advise where any such dispensation applies.

interest relates other than to enable the decision to be taken by another Executive member; or

f) Knowingly or recklessly provide information that is false or misleading in relation to any of the above matters.

8.31 A person who is guilty of such an offence is liable upon conviction to a fine (up to Level 5 – unlimited) and the person may also be disqualified from being or becoming a Member or Co-opted Member of the Council for up to five years.

Pecuniary Interests

8.32 Disclosable pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: a) Under which goods or services are to be provided or works are to be executed; and b) Which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge): a) The landlord is the relevant authority; and b) The tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where: a) That body (to M's knowledge) has a place of business or land in the area of the relevant authority; and b) Either: (i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) If the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Non-Pecuniary Interests

8.33 Disclosable non-pecuniary interest means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

Interest	Description
Outside Bodies	Any position of general control or management, or membership of any body, except where you have been nominated to that body by the County Council.
Gifts and Hospitality	Any person or body from whom you have received a gift or hospitality with an estimated value above £50 (see paragraphs 8.42 to 8.49)

Declaring Non-Pecuniary and Other Interests

8.34 Where a matter (other than a disclosable pecuniary interest) arises at a meeting which affects:

a) Your own financial interest or wellbeing;
b) A financial interest or wellbeing of a relative or close associate; or
c) A financial interest or wellbeing of a body included under non-pecuniary interests,

you must disclose the interest.

8.35 You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8.36 You must also have due regard to the council's protocols and policies. In cases of uncertainty, you should seek advice from the Monitoring Officer.

Register of Interests

8.37 Any interests notified to the Monitoring Officer will be included in the register of interests. A copy of the register will be available for public inspection and will be published on the Council's website.

Sensitive Interests

8.38 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the interest, but may state that you have an interest, the details of which are withheld.

Non-Participation in Case of Pecuniary Interest

8.39 Where you have a disclosable pecuniary interest in any business of your authority:

a) You may not participate in any discussion or any vote on the matter and you must leave the room where the meeting is held while any discussion or voting takes place.

b) If the interest is not registered, you must disclose the interest to the meeting.

c) If the interest is not registered and is not the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days, for inclusion in the register of interests.

8.40 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have a pecuniary interest that relates to the functions of your authority in respect of:

a) Housing, where you are a tenant of a local authority provided that those functions do not relate particularly to your tenancy or lease;

b) School meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

c) Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

d) An allowance, payment or indemnity given to members;

e) Any ceremonial honour given to members; and

f) Setting Council Tax or a precept under the Local Government Finance Act 1992.

8.41 Where, as an Executive member, you may discharge a function alone, and you become aware of a pecuniary interest in a matter being dealt with, or to be dealt with by you, you must notify the Monitoring Officer in writing of the interest and must not take any steps or further steps in the matter or seek improperly to influence a decision about the matter.

8.42 Dispensations may additionally be granted by the Conduct Committee. A member seeking a dispensation should apply, in the first instance, to the Monitoring Officer.

Gifts and Hospitality

8.43 Members and co-opted members must (within 28 days of receiving it) notify the Council's Monitoring Officer in writing of any gifts or hospitality received under paragraph 8.33 above, the value of which is estimated at being over £50.

8.44 "Hospitality" is defined as accommodation, food or drink, or entertainment which is provided free of charge or at a discounted rate. The requirement applies where the gifts or hospitality is received in your capacity as a member, rather than from friends or family, and is received from any person or body other than the authority.

8.45 Your notification must also give the identity of the donor of the gift or hospitality.

8.46 You should also make a notification of an accumulation of smaller gifts or hospitality valued at £50 or less received over a period of 12 months which, when added together, are valued above £50.

8.47 If you are uncertain of the value of a gift or hospitality you should declare it. You must also notify the Monitoring Officer of offers of gifts or hospitality which have been offered but refused.

8.48 A failure to notify the Monitoring Officer of any gifts and/or hospitality over the value of £50 is a breach of the Council's Code of Member Conduct.

8.49 Any gifts or hospitality notified to the Monitoring Officer will be included on the Council's register of gifts and hospitalities, a copy of which is available for public inspection and published on the Council's website: Council – Gifts and hospitalities (lancashire.gov.uk).

8.50 However, where you consider that disclosure of the details of any gift or hospitality could lead to you, or a person connected with you, being subject to violence or intimidation the Monitoring Officer may agree to exclude from the Council's register such details as they consider appropriate and that information will not be included on the Council's register.

Complying with the Code of Conduct

8.51 You must undertake Code of Conduct training provided by the County Council.

8.52 You must cooperate with any Code of Conduct investigation and/or determination.

8.53 You must not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.54 You must comply with any formal standards investigation and any sanction(s) imposed following a finding that you have breached the Code of Conduct.

Review

8.55 The Council reviews this Code of Conduct each year and regularly seeks, where possible, the views of the public, community organisations and neighbouring authorities.

Explanation of the Terms used in this Section

8.56 The Act means the Localism Act 2011.

Body in which the relevant person has a beneficial interest means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest.

Director includes a member of the committee of management of an industrial and provident society.

Land excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income.

M means a member of a relevant authority.

Meeting means any meeting of the Council, the Cabinet, any of the Council's or Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees.

Member includes a co-opted member.

Relevant authority means the authority of which M is a member.

Relevant period means the period of 12 months ending with the day on which M gives notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act.

Relevant person means M or any other person referred to in section 30(3)(b) of the Act.

Securities means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Code of Member Conduct Complaints Procedure

8.57 This protocol sets out the arrangements for dealing with complaints received under the Localism Act 2011 in relation to the Code of Member Conduct.

Making a complaint

a) If someone wishes to complain about the behaviour of a member of Lancashire County Council, they must make their complaint by e-mailing or writing to the Monitoring Officer. A form is available on the Council's website: Complaints about a county councillor (lancashire.gov.uk).

b) A complaint must give sufficient information about why the complainant considers there has been a failure to comply with the Code.

c) A complaint will be acknowledged within 5 working days. The acknowledgement will tell the complainant what happens next, and may, where required, ask for more information.

Anonymous complaints

a) Complaints that contain a request for the complainant's identity to be withheld may be accepted, although the complainant's identity will only be withheld from the subject member in exceptional circumstances. If the Monitoring Officer does not consider it appropriate to withhold the complainant's identity, the complainant will be given the opportunity to withdraw their complaint before it proceeds to the next stage. Anonymous or any other complaints that reveal potential fraud or corruption will be referred to Internal Audit for consideration under the council's Whistleblowing Policy.

Public interest test

a) Code of Conduct complaints are subject to the public interest test. The Monitoring Officer shall consider each of the public interest factors below in reviewing a complaint.

b) The following public interest factors are not exhaustive and not all may be relevant in every case. The weight attached to each of these factors may also vary in each case.

c) The public interest factors are:

(i) The seriousness of the alleged breach;

(ii) Whether the subject member is alleged to have deliberately sought personal gain for themselves or another person at the public expense;

(iii) Whether the allegation is that the subject members has misused a position of trust or authority and caused harm to a person;

(iv) Whether the alleged breach appears to have been motivated by any form of discrimination against a protected characteristic (see the Protocol on Language and Behaviour);

(v) Whether there is evidence of previous, similar behaviour on the part of the subject member;

(vi) Whether the alleged breach is such that it may damage public confidence in elected members;

(vii) The resources that would be required to undertake an investigation, compared to the seriousness of the alleged breach and the likely sanction if the subject member was found to have breached the Code;

(viii) Any admission of guilt, apology or other action already taken by the subject members to resolve or mitigate the complaint; and

(ix) Whether the complaint appears to be malicious, vexatious, political motivated or trivial retaliation.

Initial assessment

a) The Monitoring Officer will consider the complaint, taking into account the Public Interest Test, and may decide to:

(i) Take no action;

(ii) Resolve the matter informally without investigation. Where possible, this will be done with the agreement of the complainant and the subject member, and may involve:

- An apology being made;
- Remedial action being taken;
- A recommendation for training to be undertaken; or
- Mediation.

(iii) Refer the matter to the relevant group leader as appropriate for informal action;

(iv) Arrange a formal investigation of the complaint; or

(v) Refer the matter to the police or other relevant regulatory agency.

b) Where possible, the Monitoring Officer will seek to resolve complaints informally.

c) The Monitoring Officer may consult with an Independent Person in reaching this decision, and may speak to the complainant, subject member and any other individual to help reach their decision.

d) Once the Monitoring Officer has made a decision, they will inform the complainant and the subject member of that decision and the reasons for it. Where the subject member is a member of a political group on the Council, the decision will also be shared with the Group Leader and Group Whip.

e) The Monitoring Officer's decision on a complaint is final. There is no right to have the decision reviewed.

f) The Monitoring Officer will normally make their decision within 15 working days of receipt of the complaint.

Investigating a complaint

a) If the Monitoring Officer decides that a complaint should be formally investigated, they will undertake the investigation themselves, or nominate another person to act as the investigator. This may be another officer of the council or an external person, as the Monitoring Officer considers appropriate.

Independent Persons

a) The subject member will be provided with the contact details of one of the Council's Independent Persons at the start of an investigation. The Independent Person will act as a point of contact and liaison for the subject member through the process. The Independent Person will not act as the subject member's advocate or supporter.

Investigation process

a) In investigating the complaint, the Monitoring Officer or their representative may take whatever steps they consider necessary to establish the details of the alleged incident and event, including, but not limited to:

   (i) Interviews;
   (ii) Requests for statements;
   (iii) Requests for supporting evidence;
   (iv) Reviewing electronic communications, including web pages and social media; and
   (v) Seeking witnesses.

b) The complainant and subject member, as well as any other members or officers, are expected to fully participate in the investigation, including responding to requests for information, taking part in an interview if required, and supplying such supporting information and evidence as if required.

c) The Monitoring Officer or their representative will conduct the investigation in a timely fashion. Although the length of an investigation will depend on the complexity of the matter being investigated, it is expected this would normally be completed within three months. The complainant and subject member will be regularly kept informed of progress.

Investigation report

a) The Monitoring Officer or their representative will prepare a written report at the end of their investigation to include the following:

   (i) An outline of the allegation, including details of the relevant Code of Conduct provisions;
   (ii) Summary of facts and evidence gathered; and
   (iii) The Monitoring Officer's finding(s) as to whether there has been a failure to comply with the Code.

b) A copy of the draft report will be shared with an Independent Person (who is not the same Independent Person who has acted as advisor to the subject member) for review and to

provide an opportunity for comment. The Independent Person's comments will be recorded in writing.

Findings

a) The Monitoring Officer, after investigation, may find that there has been a breach of the Code or that there has been no breach of the Code.

b) No breach of the Code:

(i) Where the Monitoring Officer finds that there is no breach of the Code, they will consider whether any other actions are required, for example to provide advice or guidance or to review council policies. If other actions are required, instruction will be sent to the relevant officer or member for them to undertake.
(ii) The Monitoring Officer will provide a copy of the report to the complainant, the subject member and, where the subject member is a member of a political group on the council, the decision will also be shared with the group Leader and group Whip.
(iii) There is no appeal against the decision of the Monitoring Officer.

c) Breach of the Code:

(i) Where the Monitoring Officer concludes that there has been a breach of the Code, a meeting of the Conduct Committee will be called to consider the report.

Conduct Committee

a) Meetings of the Conduct Committee when conducting hearings will be subject to the normal rules for publication of agendas and access to information.

b) The subject member will be invited to attend the meeting. They may be accompanied at the meeting by a colleague or representative.

c) At the meeting, the Monitoring Officer will be invited to present their report, setting out their findings and reasons for them. The subject member (or their representative on their behalf) will be invited to address the committee. It is not the role of an Independent Person to accompany the subject member in this capacity.

d) The committee may ask questions of the Monitoring Officer or subject member (or their representative).

e) The Independent Person must be consulted and their views taken into account before any decision is made on an allegation which has been investigated. The Independent Person should be present at the hearing to present their views in person.

f) The Conduct Committee will announce its decision at the end of the hearing. Within five working days, the Monitoring Officer will prepare a formal Decision Notice in consultation with the Chair of the committee and send a copy to the complainant, the subject member and, where the subject member is a member of a political group on the council, the decision will also be shared with the group Leader and group Whip.

g) The Conduct Committee may find that there has been a breach of the Code or that there has been no breach of the Code. Where the committee decides that there has been a breach of the Code, the sanctions available to the committee are:

(i) To require a written apology by the subject member to any person to whom the committee considers an apology should be given.

(ii) To require an apology by the subject member to be made at Full Council, or at another committee as may be appropriate. Such an apology will be delivered at the beginning of the meeting and with no debate.

(iii) To require the subject member to undertake training, as appropriate.

h) The Decision Notice will be available for public inspection and posted on the county council's website.

i) A summary of the Conduct Committee's decision will be reported at the next Ordinary meeting of the Full Council.

j) The Conduct Committee's decision is final and there is no right of appeal against the committee's decision.

Annual report

a) A report will be presented to the Audit, Risk and Governance Committee annually to provide a summary of Code of Conduct complaints received in the last year. The annual summary of complaints will not contain any confidential information about the complainant(s) or subject member(s).

Definitions

a) The Code: Lancashire County Council's Code of Member Conduct.

b) Complainant: the person making the complaint.

c) Subject member: the council member whose behaviour the complaint is about

d) Independent Person: a person who is not a member or officer of Lancashire County Council and who has been appointed in accordance with section 28 of the Localism Act 2011.

e) Monitoring Officer: Lancashire County Council's Monitoring Officer as defined in the Constitution.

f) Relevant group leader: where the group leader is not available or where it is not appropriate for them to deal with a matter under these arrangements (e.g. if they have a conflict of interest), the matter will be referred to the relevant deputy group leader instead.

Protocol on the Disclosure of Confidential Information

8.58 Lancashire County Council seeks to make information it holds freely available to the public in fulfilling its responsibility for openness and accountability. In doing so, it must respect the rights of individuals. It is also in the public interest that its commercial interests are protected to the extent recognised by the Freedom of Information Act 2000.

8.59 This protocol sets out the arrangements agreed by the County Council for the treatment by councillors of confidential information.

8.60 Confidential information will be identified in one of the following ways:

a) Marked "not for publication" and include a statement that the report contains confidential or exempt information;

b) Included in Part II of an agenda for a formal meeting of the County Council; or

c) Received with a covering email, letter or other communication which indicates the document is confidential.

8.61 If you receive confidential information, you should assume that it is provided to you for your personal information and you should not disclose it to anyone unless one of the following applies:

a) Information at 8.60(b) will be supplied to all other members attending the meeting in question and will be shared and discussed with them. It should not however, be shared with officers and councillors who are not involved in the meeting;

b) You have the written consent of the person who provided you with the information or of the Chief Executive to the specific disclosure made;

c) You have received legal advice that you are under a legal obligation to disclose that information to a person who has requested it. The Monitoring Officer will provide advice on this point if requested; or

d) You may disclose the information if it is necessary for you to do so in order to obtain advice from a professional adviser, provided that adviser gives a binding obligation not to disclose the information themselves.

8.62 If none of the circumstances outlined in paragraph 5 apply, but you still wish to make a disclosure of confidential information, there are certain circumstances where it is lawful for you to do so. However, it is a requirement of this authority that before doing so, you seek advice from the Monitoring Officer.

Protocol on County Councillor/Officer Relations

8.63 The purpose of this protocol is to provide guidance to members and officers about how they should interact with each other. This protocol cannot cover every eventuality and is not intended to be prescriptive. Its intention is to offer guidance on some of the issues which may commonly arise.

8.64 This protocol should be read in conjunction with the Code of Member Conduct and the Code of Conduct for Employees.

The Roles of Members and Officers

8.65 County councillors who are elected as members of the Council, and professional officers who are its employees, have complementary roles in providing local governance, which is transparent and accountable. Effective partnership requires mutual respect and a proper understanding of the status and obligations of the individuals concerned.

8.66 County councillors are collectively accountable to the electorate for the conduct of the Council in performing its statutory duties and other local government functions. In some cases, they are responsible for discharging those functions through their membership of committees. Executive members who are appointed to the Cabinet are responsible for discharging defined Executive functions and for determining policy and providing political direction to the Council.

8.67 Officers are charged with the implementation of decisions taken by the Full Council, Cabinet and committees. Individual decision-making responsibilities of Cabinet Members are set out in the Scheme of Delegation to Cabinet Members. The Council exercises a monitoring role through meetings of the Full Council and a monitoring role is undertaken by Overview and Scrutiny Committees.

8.68 Officers serve the Council as a whole. They are required to carry out their duties objectively, free of any political bias. Relationships between all county councillors and officers should not be allowed to become so close, or appear to be so close, as to bring into question an officer's ability to deal impartially with all councillors as individuals and with all political groups. Councillors must accept that senior officers act independently in performing their functions and in no way seek to compromise their political neutrality. Officers must not assist county councillors in any research or support that is linked to their party-political activity.

8.69 The protocol applies, where appropriate, to voting co-opted members of the Council.

Key Principles

8.70 The following key principles underpin the working relationship between county councillors and officers:

a) Working relations between Members and officers must be based on mutual trust and respect;

b) Officers must remain politically neutral at all times and must not offer advice of a political nature;

c) Officers have a duty to support all member and provide them with the level of information they need to carry out their roles;

d) Officers will keep discussions with political groups and individual Members confidential unless the group or Members gives permission to discuss the matter with others;

e) Members should be kept informed of relevant matters within their electoral division and should normally be invited to attend public meetings and events organised by the Council in their division;

f) Members have a right to access the information which they need to know in order to carry out their duties and responsibilities as a Member – see Access to Information Rules;

g) Members must understand and respect the competing pressures and workloads on officers' times;

h) Any request from officers to advise political group meetings must be made to the Chief Executive, or in their absence the appropriate Executive Director in conjunction with the Monitoring Officer; and

i) Members and officers will respect and adhere to their respective Codes of Conduct.

Officers

8.71 Officers are accountable to their Director and Head of Service. Whilst officers should always seek to assist any county councillor, in doing so they must not exceed the powers which they have been authorised to exercise.

8.72 Officers should also refer to the Council's Scheme of Delegation to Officers, Code of Conduct for Employees and to the Constitution as a whole for clarification about the boundaries of their responsibility. Officers should support and offer advice to both the Executive and Overview and Scrutiny functions of the Council.

Relationships between Officers and County Councillors Performing Particular Roles

8.73 Some county councillors have been appointed to responsibilities and duties which require a particular working relationship with certain officers. Specific guidance on these particular relationships is offered below.

a) Leader and Deputy Leader

The role of the Executive Leader is set out in the Constitution. The Leader and Deputy require regular briefings from the Chief Executive and other senior officers on Council business and policy.

b) Cabinet Members

Cabinet Members and the Cabinet collectively will be routinely consulted and briefed as part of the process of preparing reports for decision by individual Cabinet Members or Cabinet. Any advice given by officers must be considered by Cabinet Members and taken account of in reaching a decision in accordance with Standing Orders. The Code of Member Conduct also provides that any county councillor must have regard to any formal statutory reports from the Council's Chief Financial Officer and the Monitoring Officer when reaching decisions.

Cabinet Members, individually or collectively, will bear the responsibility for decisions taken following the advice given and duly recorded.

c) Chairs and Members of Committees

Chairs and Deputy Chairs of committees will be consulted and briefed routinely as part of the process of preparing agenda reports for committees. Any advice given by officers must be considered and taken account of by Chairs and members of committees in reaching a decision. Where officers are required to attend an Overview and Scrutiny Committee the approach should be through the appropriate Director in accordance with the terms of reference of the Overview and Scrutiny Committees.

d) Opposition Group Briefings

Nominated opposition group spokespersons are entitled to request and receive regular briefings on issues of Council business to be considered by the Full Council, Cabinet, Cabinet Members, or committees. The briefing should be provided by the appropriate Director or their nominated representative.

e) Independent (Non-Group) Councillors

County councillors who do not belong to a political group are entitled to seek and receive information on Council business on a similar basis.

Officer Relationships with Political Groups

8.74 Officers will not normally provide advice or information to a political group. Similarly, officers should not normally be asked to brief political group meetings or discussions which involve non-Council representatives. Exceptions to this principle should be cleared by the Chief Executive, or in their absence the appropriate Executive Director in conjunction with the Monitoring Officer.

County Councillors as Division Members

8.75 Whenever a public meeting or event is organised by the Council to consider a local issue, all the county councillors representing the electoral divisions affected will be invited to attend the meeting. Similarly, whenever the Council carries out any form of consultative exercise on a local issue, the county councillors for those electoral divisions are to be notified.

8.76 All county councillors have access to all public Cabinet, Full Council and committee agendas. The Council's intranet site provides facilities to identify the specific electoral divisions for items under consideration.

County Councillors' Access to Documents and Information

8.77 County councillors can approach the appropriate Director, Head of Service or Democratic Services to provide them with such information, explanation and advice as they may reasonably need in order to assist them in discharging their role as a county councillor. A request might be for general information about a particular aspect of a service's activities or a request for specific information on behalf of a constituent. If county councillors wish to visit officers they should, whenever possible, contact the appropriate Director or Head of Service to make the necessary arrangements.

8.78 County councillors have legal rights of access to documents and information held by the Council – see Access to Information Rules (lancashire.gov.uk). However, these rights are not absolute and in some circumstances a county councillor may have to establish a 'need to know' to justify access. Data Protection and Human Rights considerations may also apply in particular circumstances. Part II reports are provided to county councillors on the basis that they are private and confidential and disclosure may be unlawful – see Protocol on the Disclosure of Confidential Information (lancashire.gov.uk).

8.79 A county councillor of one political group does not have the right to inspect a document that forms part of the internal workings of another political group or any document or part of a document containing advice provided by a political adviser or assistant.

Confidential Information

8.80 The requirements of confidentiality referred to in the Protocol on the Disclosure of Confidential Information must be strictly observed. Any material provided on a confidential basis must remain so unless permission to share that information is given by the appropriate person. Officers must also at all times consider data protection and any other statutory provision relating to confidentiality and confidential material.

Prohibition of Political Publicity

8.81 In accordance with the Local Government Act 1986, material must not be published which in whole or in part appears to affect public support for a political party. Any information published is restricted to the provision of information relating to the functions of the Council only.

8.82 The Code of Recommended Practice on Local Authority Publicity (2011) also requires the Council to take extra care during periods of heightened sensitivity, such as in the pre-election period.

Correspondence

8.83 Correspondence between an individual county councillor and an officer should not normally be copied by the officer to any other county councillor. Where it is felt necessary to copy the correspondence to another county councillor, this should be made clear to the county councillor who originated the enquiry. If the correspondence includes information relating to another county councillor then it will automatically be copied to the other county councillor concerned, without reference to the county councillor originating the enquiry.

Support to County Councillors and Political Groups

8.84 The only basis on which the Council can lawfully provide support services such as stationery, typing, printing, photocopying, and transport to county councillors, is to assist them in discharging their role as county councillors. Such support services must therefore only be used for county council business. The services should not be used in connection with party political or campaigning activity.

"Think Councillor"

8.85 "Think Councillor" is an initiative that encourages officers to think about county councillors in all areas of their work. It helps officers to be more aware of what county councillors do and how they can work with them.

8.86 There are six key principles of "Think Councillor" which officers must observe:

a) Put the needs and expectations of county councillors at the heart of everything they do;

b) Keep councillors informed, particularly when a matter affects a specific electoral division;

c) Provide a high standard of service and show respect to county councillors at all times, and remain political neutral;

d) Support county councillors to carry out their roles;

e) Find out what county councillors need and respond to it; and

f) Work positively with county councillors to continually improve services for the people of Lancashire.

8.87 Executive Directors, Directors and Heads of Service are responsible for ensuring that the principles of "Think Councillor" are embedded within their service areas.

Media Relations

8.88 The Communications Team is the main contact point for media enquiries and responses and offers advice to county councillors and officers on all media-related matters.

8.89 Press releases and other communications with the media must be politically balanced and not favour the views of any political group over another.

8.90 Where a press release refers to a particular electoral division and involves an issue of particular local interest, the local county councillor should whenever possible be invited to comment and be involved in any photo opportunity or other media event that is organised.

Guidance for Site Visits and Official Openings

8.91 Democratic Services and the Communications Team can offer guidance to assist county councillors when attending site visits and official openings on behalf of the Council. Particular protocols may exist for certain operational establishments.

Monitoring and Evaluation of the Protocol

8.92 Government guidance recommends that where a protocol of this nature exists, it should be included within a Council's Constitution. The Full Council has adopted and will keep under review the Protocol within the Constitution.

Advice on the Operation of the Protocol

8.93 The protocol is intended to act as a guide for both county councillors and officers. Democratic Services will offer advice on the implementation and operation of the protocol. This does not replace existing statutory or Council procedures relating to complaints being made against officers or county councillors.

Members' Allowance Scheme

8.94 Lancashire County Council's Members' Allowance Scheme is as follows.

Background

1. Lancashire County Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, hereby makes the following Scheme.

2. This Scheme shall have effect for the period 1 April 2026 to 31 March 2027 and subsequent years.

3. The Council is required to convene a panel of independent persons, the Independent Remuneration Panel, and have regard to its recommendations on the allowances that are paid.

4. Each year the Council has to publish details of its Scheme, and the amounts paid to each councillor under the Scheme. The record is open to inspection by any local government elector for the Council's area during normal working hours, and electors are entitled to make a copy of any part of the record.

Scheme Definitions

5. In this Scheme:

   a) "Councillor" means an elected member of Lancashire County Council.

b) “Co-opted member” means a person other than a councillor who is appointed to serve on a Council committee, sub-committee or board.

c) "Year" means the twelve months commencing 1st April.

d) “Meetings” means a meeting of the Full Council or a body of members formally established by the Full Council, the Leader of the County Council, the Cabinet or a Council committee.

e) "Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003.

Allowances General

6. The main allowances which are provided for in this Scheme are as follows:

   a) Basic Allowance

   b) Special Responsibility Allowance

   c) Dependents' Carers' Allowance

   d) Travelling Allowances

7. The Allowances shall be increased annually in accordance with paragraphs 40 to 42 of this Scheme.

8. For the avoidance of doubt, attendance and subsistence allowances are not payable under this Scheme.

Basic Allowance

9. Subject to paragraphs 27 to 32, a Basic Annual Allowance shall be paid to every councillor.

10. The amount of the Basic Allowance is set out in Schedule 'A' of this Scheme.

11. This allowance is paid monthly and is intended to recognise the time commitment of all councillors including such inevitable calls on their time as meetings with Council officers and constituents, and attendance at political group meetings. It is also intended to cover incidental costs such as the use of councillors’ homes.

Special Responsibility Allowance

12. Subject to paragraphs 27 to 32, each councillor or co-opted member who holds a special responsibility as defined within the Regulations and specified within this Scheme, will receive a Special Responsibility Allowance.

13. The amount of the Special Responsibility Allowance is set out in Schedule 'B' of this Scheme.

14. Special Responsibility Allowances are paid monthly.

15. There is no statutory limit on the number of Special Responsibility Allowances which may be paid to a councillor. However, the Council on the recommendation of its Independent

Remuneration Panel has agreed that a councillor may not receive more than one Special Responsibility Allowance.

16. Where members of authority are divided into at least two political groups and a majority of members belong to the same political group (the controlling group), a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group and who has special responsibilities.

Dependents' Carers' Allowance

17. Subject to paragraphs 18, 19 and 20, a Dependents' Carers' Allowance may be claimed at a rate equivalent to the current value of the Living Wage Foundation "Real Living Wage" paid by the Council OR the actual cost of providing care, whichever is the lesser amount for the care of each dependent who is a child aged **14** or under.

    For the care of named dependants where there is medical or social evidence that care is required either a rate equivalent to the current value of the Living Wage Foundation “Real Living Wage” paid by the Council OR the actual cost of providing the care, whichever is the lesser amount OR an allowance equivalent to the 'Home Care Rate' for adult social care payable at the time by the Council's Adult Services.

    In the case of an older child with special educational needs, members may claim up to the Home Care Rate with agreement in advance from the Monitoring Officer.

18. Payment of Dependents' Carers' Allowance shall:

    a) Be based on actual additional receipted expenditure subject to a maximum hourly rate as specified in Schedule ‘A’ of this Scheme (an hourly rate equivalent to the current value of the Living Wage paid by the Council);

    b) Not be made where a councillor already receives a carer’s allowance from the Department for Works and Pensions;

    c) The assessment of the evidence that medical or social care is required will be based on the existing assessment used to determine Home Care by the Council;

    d) Not be payable where the care is provided by a member of the claimant's immediate family comprising members of the same household, grandparents, uncles and aunts.

19. The Dependents' Carers' Allowance may be claimed where the actual expenditure has been incurred in connection with the Approved Duties as detailed in Schedule ‘D’ of this Scheme.

20. Appropriate receipts must be obtained in respect of any claims made by a councillor for Dependents' Carers' Allowance. These will be required at the point when an allowance is claimed and made available if requested.

Co-opted Members' Allowance

21. Co-opted members who carry out a specific role will receive an allowance as set out in Schedule 'A' of the Scheme and co-opted members may claim travel expenses they have actually and necessarily incurred in the performance of an Approved Duty as defined in Schedule ‘D’ of the Scheme.

22. For the avoidance of doubt, the provisions of paragraphs 27 to 32 shall apply to co-opted members' allowances.

Travelling Allowances

23. A councillor, including the Chair and Vice-Chair of the Council and co-opted members, shall be entitled to receive Travelling Allowances for journeys made within the county of Lancashire only. Travelling Allowances will only be paid for journeys made beyond Lancashire in exceptional circumstances, which shall be approved by the Monitoring Officer (see Schedule 'E' of this Scheme).

24. Subject to paragraph 23, a councillor, including the Chair and Vice-Chair of the Council and co-opted members, shall be entitled to receive Travelling Allowances at the rates specified in Schedule 'C' of this Scheme.

25. Appropriate receipts must be obtained in respect of any claims made by a councillor or co-opted member for the reimbursement of public transport and taxi fares (see Schedule 'E' of this Scheme), car parking fees and other incidental expenses. These will be required at the point when an allowance is claimed and made available if requested.

26. Each councillor or co-opted member shall agree with the Monitoring Officer a fixed mileage for journeys between their home address and County Hall, Preston for the purpose of verifying travel expense claims. The schedule of agreed and approved mileages will be updated following the Monitoring Officer being notified of a change of address.

Renunciation

27. A councillor may, by notice in writing to the Chief Executive, elect to forego all or part of any allowance they may be entitled to under this Scheme. Such a notice can subsequently be withdrawn or amended non-retrospectively.

Adjustments to Entitlements in Year

28. The provisions of this paragraph apply in relation to the entitlement of a councillor to allowances where, in the course of a year:

    a) The Scheme is amended;

    b) A person becomes, or ceases to be, a councillor;

    c) A councillor accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable; or

    d) A councillor is suspended or partially suspended from their responsibilities or duties as a member of the County Council.

29. If, during the year, the Scheme is amended and this results in a change to a councillor’s entitlement to their Special Responsibility Allowance and/or Basic Allowance, the actual annual entitlement shall be based on:

    a) A proportion of the original annual allowance based on the number of days up to the date of amendment; plus

b) A proportion of the revised annual allowance based on the number of days from the date of amendment.

30. When the term of office of a councillor either begins and/or ends during the course of a year, their entitlement to the Basic Allowance shall be based on the number of days in office during that year. Similar pro rata entitlements will apply in situations where the Basic Allowance is amended under paragraph 29.

31. Where, for a part of the year, a councillor has such special responsibilities as specified in this Scheme, their entitlement to a Special Responsibility Allowance shall be based on the number of days during that year that the councillor has held such special responsibilities, such entitlement being pro rata to a full year. Similar pro rata entitlement will apply in situations where Special Responsibility Allowances have been amended under paragraph 29.

32. Where a councillor is suspended or partially suspended from their responsibilities or duties as a member of the County Council in accordance with Part III of the Local Government Act 2000 (or Regulations made under that Part), the part of the Basic, Special Responsibility, and Travel Allowances payable in respect of the period of suspension may be withheld by the Council.

Submission of Claims

33. Separately, individual claims for Dependents' Carers' Allowances and Travel Allowances shall be made on a monthly basis and shall be submitted to Democratic Services on or before the fourth day of each month. This applies especially to year end claims (i.e. claims for allowances for duties performed up to and including 31 March each year). Claims submitted after 31 May for the preceding financial year will not be accepted.

34. Claims must be submitted via the electronic Members' Allowances System as soon as possible at the end of each month. Claims may be submitted by non-electronic means (by an agreed paper-based method) only in exceptional circumstances approved by the Monitoring Officer.

35. Claims must be submitted within two months of the period to which they relate or a payment will not be made unless it is approved by the Chief Executive and good cause having been shown by the member submitting the late claim.

36. Each claim shall provide details of the duties undertaken together with adequate supporting information in relation to claims for travel. Such information must include the place and time for both the start and finish of each claim.

37. Each claim shall be certified by the councillor or co-opted member that they have actually and necessarily incurred the expenditure claimed in the performance of Approved Duties (as defined in Schedule 'D' of this Scheme) and that they will not make any other claim in respect of that expenditure other than under this Scheme.

Payment of Allowances

38. Payments of the Basic Allowance, Special Responsibility Allowance, and any specific Co-opted Members' Allowance shall be made monthly on the last working day of each month.

39. Claims for Dependents' Carers' and Travel Allowances which are received by Democratic Services on or before the fourth day of each month shall be paid on the last working day of that month.

40. The monthly amount payable in respect of the Basic Allowance, Special Responsibility Allowance, and any specific Co-opted Members' Allowance shall be one-twelfth of the annual allowance(s) specified in this Scheme and subject to paragraphs 27 to 32.

Scheme Amendments

41. The amounts of the Basic Allowance, Special Responsibility Allowance, Co-opted Members' Allowance, Dependents' Carers' Allowance and Council's Chair/Vice-Chair Allowance, as specified in Schedule 'A' of this Scheme, are subject to an annual increase on 1 April. This increase shall equate to the annual percentage increase in employees' pay under the National Joint Council for Local Government Services pay structure. Where an annual percentage increase is not agreed, the matter of an annual increase shall be referred to the Independent Remuneration Panel for consideration.

42. Overnight Accommodation and Travel Abroad Allowances shall be increased annually with effect from 1 April in every year in line with the Consumer Price Index published in September of the preceding year.

43. Motor car, motorcycle, and bicycle Travelling Allowances shall be revised annually with effect from 1 April in every year in accordance with the maximum allowance for Income Tax purposes as determined by HM Revenue and Customs.

General Information

44. Schedule 'E' of this Scheme contains additional background information and supporting guidance to the Scheme, including:

    a) Contacts, Enquiries and Other General Matters
    b) Travel Allowances
    c) Taxation
    d) National Insurance
    e) Insurance Arrangements

Schedule A - Allowances

Basic Allowance

An annual Basic Allowance of £14,301 is payable to each councillor.

Special Responsibility Allowance

Based on an annual Special Responsibility Allowance total of £563,092, the actual individual allowances are detailed in Schedule 'B' of this Scheme. The amounts quoted in Schedule 'B' are in respect of a full year term of office.

Dependents' Carers' Allowance

Payment of a Dependents' Carers' Allowance, as provided for in Paragraphs 17 to 20 of this Scheme, shall be based on actual receipted expenditure subject to a maximum hourly rate equivalent to the current value of the Living Wage Foundation "Real Living Wage" paid by

the Council OR an allowance equivalent to the 'Home Care' Rate for adult social care payable at the time by the Council's Adult Services.

In the case of an older child with special educational needs, members may claim up to the Home Care Rate with agreement in advance from the Monitoring Officer.

Travelling Allowances

The amounts payable by way of Travelling Allowances including Overnight Accommodation and Travel Abroad shall be subject to the rates specified in Schedule 'C' of this Scheme.

Chair and Vice-Chair of the Council Allowances

An annual Allowance of £21,442 is payable to the Chair of the County Council and the Vice-Chair shall receive an annual allowance of £10,722.

Co-opted Members' Allowances

Two Independent Co-opted Members on the Audit, Risk and Governance Committee shall receive an annual allowance of £1,500 each.

Schedule B - Special Responsibility Allowances

Position			**Amount (£)**	**% of Leader**
Leader			42,903	100.00
Deputy Leader			30,032	70.00
Cabinet Members		8@	23,597	55.00
Lead Members		5@	11,798	27.50
Champions		7@	7,508	17.50
Chairs	Overview and Scrutiny	5@	10,726	25.00
	Corporate Parenting Board		10,726	25.00
	Development Control		10,726	25.00
	Pension Fund		10,726	25.00
	Regulatory		10,726	25.00
	Audit, Risk and Governance		10,726	25.00
Vice Chairs	Development Control		5,363	50.00 **
	Overview and Scrutiny	4@	5,041	47.00 **
	***(This is the % of the amount paid to the Chairs of the relevant Committees)*			
Majority Group	Secretary		6,435	15.00
	Whip		6,435	15.00
Largest Opposition Group	Leader		23,597	55.00
	Deputy Leader		8,581	20.00

Other group Leaders representing five or more members receive a payment equivalent to £1,000, plus £300 per member as follows:

Post	Calculation basis	£
Conservative Leader	9 members	3,700
Liberal Democrat Leader	5 members	2,500
Labour Leader	6 members	2,800

Schedule C – Travelling Allowances

Travelling by Private Vehicle

The rate for travel by a councillor or co-opted member in their own private vehicle, or one belonging to a member of the family or otherwise provided for the councillor or co-opted member's use, for journeys made in accordance with paragraph 22 of this Scheme shall not exceed:

Type of vehicle	First 10,000 miles	Above 10,000 miles
Cars and vans	55p	25p
Motorcycles	24p	24p
Cycles	20p	20p

In addition to the rates detailed above, the actual and receipted expenditure incurred on public transport, taxis (see Schedule 'E' of this Scheme), tolls, ferries or parking fees, including overnight garaging may be claimed.

Overnight Accommodation

Where the nature of the duties being undertaken result in a councillor or co-opted member being absent from their usual place of residence, overnight accommodation will be booked and paid directly by the Council.

In exceptional circumstances where it is not possible for the Council to make a direct booking on behalf of a councillor or co-opted member, the actual receipted cost of accommodation will be reimbursed to the councillor or co-opted member. Such reimbursement will be subject to a maximum allowance per night of £189.69 for London and £165.18 elsewhere in the UK.

Schedule D – Approved Duties

Appropriate allowances (Travel or Dependents' Carers') may be claimed in accordance with the above details where such work has been undertaken in connection with one or more of the following 'Approved Duties':

1. The attendance in connection with the efficient conduct or discharge of duties for which a Special Responsibility Allowance is paid in accordance with this Scheme.

2. The attendance at a meeting of the Full Council or of any Council committee, sub-committee**,** task group, working group, steering group or board.

3. The attendance as the Council's appointed representative at meetings of outside bodies or joint working arrangements, including any committees or sub-committees of such a body where allowances cannot be claimed directly from the body concerned.

4. The attendance at any other meeting, the holding of which is authorised by the Council, or a committee or sub-committee of the Council, or a joint committee, or the Council and one or more local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee provided that:

    a) Where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or

    b) If the authority is not so divided, it is a meeting to which at least two members of the authority have been invited.

5. For the purposes of paragraphs 2 to 4, claims for travel can only be made in respect of attendance at meetings of a committee, sub-committee or other body of which the councillor claiming is a member or where the councillor is invited to attend by that body.

6. The attendance at a Cabinet meeting.

7. Meetings, official inspections and visits authorised by the Cabinet, a Cabinet Member (where a decision cannot await the next Cabinet meeting), a Council committee, sub-committee**,** task group, working group, steering group or board.

8. Conferences and seminars authorised by the Cabinet or, where a decision cannot await the next Cabinet meeting, by the Monitoring Officer.

9. Authorised training events.

10. Attendance by councillors appointed by the Council and who are not principal office holders on the Local Government Association (LGA) at LGA meetings.

11. Public meetings concerning a Council service.

12. Any authorised official or courtesy visit on behalf the Council.

13. Any of the following authorised Council events in Lancashire:

    a) Opening ceremonies

    b) Open days

    c) Receptions

    d) Displays

    e) Concerts

    f) Demonstrations and presentations

    g) Competitions

14. Meetings with other representatives of local authorities, government departments and Members of Parliament.

15. Joint Negotiating Councils.

16. Political group meetings that are held immediately prior to a Full Council meeting for the purpose of discussing council business.

17. Attendance at the Royal Garden Party.

18. The performance of any duty in pursuance of any Procurement Rule under section 135 of the Local Government Act 1972 requiring a Member or Members to be present while tender documents are opened.

19. The performance of any duty in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Authority to inspect or authorise the inspection of premises.

20. The performance of any duty in connection with arrangements made by the Council for the attendance of pupils at any school approved for the purposes of section 342 (approval of non-maintained special schools) of the Education Act 1996.

21. The carrying out of any duties as Chair and Vice-Chair of the County Council.

Attendance at any of the following are not authorised as an 'Approved Duty':

1. All other political group meetings other than those specified in paragraph 16 of the 'Approved Duties' section shown above.

2. Meetings with officers and constituents.

3. Member surgeries.

4. Attendance by members of the Council at meetings of committees or sub-committees of which they are not members, in accordance with Standing Order D13 (lancashire.gov.uk).

5. Meetings of any outside body where allowances are paid by the body concerned. This shall include meetings of the Local Government Association where a councillor is a principal office holder or has been appointed by the Association or Assembly to attend in a representative role. Such councillors should claim directly from the Local Government Association.

6. Lancashire Combined Fire Authority and associated meetings. Members of this authority should claim directly from the Fire Authority.

7. Meetings of any outside body where a councillor has been appointed by a political party.

Schedule E – Supporting Guidance

Contacts, Enquiries and Other General Matters

1. If councillors or co-opted members:

a) Require help with the submission of claims for allowances or wish to question any payment made to them, please contact membersallowances@lancashire.gov.uk; or

b) Wish to raise a point of principle or require clarification of the Members' Allowance Scheme, please contact the Head of Governance and Democratic Services on 01772 530655

2. Cases of Uncertainty

Where questions arise in connection with Members' Allowances and are not specifically covered in the Scheme (for example whether a function is sufficiently closely connected with the functions of the Council to warrant 'approved duty' status and thus attract the payment of allowances) the matter falls for consideration by the Chief Executive in consultation with the Monitoring Officer.

Any such matters should be raised with the Chief Executive by contacting the Head of Governance and Democratic Services on 01772 530655.

3. Attendance Record

Councillors should ensure that they sign an official attendance record circulated at each meeting, where one is available, as this will support a claim for allowances and form part of the permanent record.

4. Record of Payments

The Council is required to keep a record of all payments to councillors, indicating the amount paid to each councillor in respect of each type of allowance. That record is open to inspection at all reasonable hours by any local government elector resident in the area of the Council. Each year the payments made in the preceding year are published on the Council's website.

Travelling Allowances - Additional Guidance and Provision

5. General

Allowances should be claimed according to the actual method of travel used. When councillors or co-opted members travel in the performance of approved duties, in the car of an officer or another councillor or co-opted member who is claiming reimbursement, or when transport is provided, they are not entitled to any allowance for that journey.

6. Travel by public transport

First Class travel is permitted and must be authorised by the Cabinet Member with responsibility for Members' Allowances.

Councillors and co-opted members are asked to notify the Purchase to Pay Officer on 01772 533406 of their travel requirements as early as possible so that the Council can benefit from discounts for advance booking where available. Exceptionally, councillors and co-opted members may purchase their own tickets at short notice, but reimbursement will only be made on production of the rail tickets used or a receipt for payment.

Unused portions of rail tickets should be returned to the Purchase to Pay Officer.

7. Travel by Private Vehicle

   Councillors and co-opted members are prohibited from using personal vehicles to travel outside Lancashire unless prior approval is given in exceptional circumstances by the Monitoring Officer.

   Exceptional circumstances would be where an event is held at a remote location with no public transport connections or where the event start/finish time means that the use of public transport is impractical. Councillors and co-opted members can elect to use their own vehicle for journeys beyond Lancashire, but they can only claim the equivalent public transport cost unless the journey has been previously approved by the Monitoring Officer, via Democratic Services.

   Councillors and co-opted members are encouraged to car share wherever possible and journeys should be made via the shortest practicable route.

   Councillors and co-opted members are responsible for ensuring that their motor insurance covers use of the vehicle on Council business.

8. Travel by Taxi

   Councillors and co-opted members are permitted to reclaim the cost of a taxi journey in the following circumstances only:

   a) Where a taxi needs to be used prior to or following a train journey in connection with attendance at a conference or other similar event away from County Hall; or

   b) An emergency situation where no other form of transport is available; or

   c) Where a journey by taxi has been given prior approval by the Monitoring Officer.

9. Overnight Accommodation

   The Purchase to Pay Officer (01772 533406) will make the necessary arrangements, including payment, in respect of any overnight accommodation. In exceptional circumstances, where it is not possible for a direct booking to be made, the actual receipted cost of accommodation will be reimbursed in accordance with Schedule ‘C’ of this Scheme.

Taxation

10. PAYE

    Basic Allowances and Special Responsibility Allowances are taxable emoluments. As such, the allowances will be taxed, less any tax-free pay notified to the Council's Payroll Service in the form of a tax code notification from HM Revenue and Customs (HMRC). It should be noted that it is up to each councillor to contact HMRC directly in order to obtain or query such notifications. This can be done online, by phone or by in writing:

    https://www.gov.uk/personal-tax-account

    Tel: 0300 200 3300

    Pay As You Earn and Self-Assessment
    HM Revenue and Customs
    BX9 1AS

United Kingdom

Allowances paid and tax deducted are notified to HMRC monthly and a certificate (P60) will be issued to each councillor showing the total amount of taxable allowances paid and the total tax deducted in the year by 31 May of the following year. The certificate should be retained to check any notice of assessment, which the Tax office may issue.

The Dependents' Carers' allowance is also subject to tax.

National Insurance

11. General Liability for National Insurance Contributions

The Social Security Contributions and Benefits Act 1992 and subsequent amendments provide for National Insurance contributions to be collected along with Income Tax under the PAYE procedure.

As Basic Allowances and Special Responsibility Allowances are taxable, they are also liable for National Insurance contributions.

The Dependents' Carers' Allowance is also subject to National Insurance contributions.

National Insurance contributions are payable on the total of all monies earned by an individual that are subject to National Insurance (including allowances) in excess of the Earnings Threshold. Contributions are payable at the standard rate up to an Upper Earnings Limit after which a reduced rate applies. These limits are subject to annual adjustment and are available on request.

Councillors should notify the local office of the Department for Work and Pensions of any taxable allowances received if they are claiming or receiving benefits from the Department for Work and Pensions.

12. Persons of Pensionable Age

No Class 1 National Insurance contribution will be payable by a person over pensionable age who is a retirement pensioner or who does not satisfy the contribution conditions for a retirement pension. In such circumstances, the councillor should apply to HMRC for a Certificate of Age Exemption (CF384). This certificate should then be forwarded to the County Council’s Payroll Service.

Tel: 0300 200 3500

HM Revenue and Customs
National Insurance Contributions Office
Longbenton
Newcastle Upon Tyne
NE98 1ZZ

13. Married Women and Widows

There is now no right to "opt out" of paying full rate National Insurance contributions; however, those councillors who currently hold a reduced rate certificate and have paid contributions during the last two consecutive tax years can retain the right to pay reduced rate. Any valid certificate should be forwarded to the Council’s Payroll Service.

14. Dual Employment etc.

Each employment or office is considered separately for contribution purposes and no account is taken for the fact that a councillor may be employed or the holder of another office under another "employer" or self-employed.

However, in situations where the taxable emoluments received, either in total or in one particular employment, exceed the Upper Earnings Limit, councillors should contact HMRC in order to limit contributions payable (by use of Form CA2700) or obtain an appropriate refund of contributions paid.

Tel: 0300 200 3500

HM Revenue and Customs
National Insurance Contributions Office
Longbenton
Newcastle Upon Tyne
NE98 1ZZ

Insurance Arrangements

15. Liability Insurance

The Council's liability insurance arrangements provide appropriate cover in respect of the actions of councillors whilst acting on Council business.

16. Personal Accident Insurance

The Council has a Personal Accident Insurance Policy which provides financial benefits regardless of legal liability for councillors who are accidentally killed or injured while attending a Council or committee meeting or any other function or engagement which forms part of their duties as members of the Council, or whilst traveling to and from such meetings, or functions, including travel abroad on Council business.

The benefits provided by this policy are as follows:

a) For death or permanent total disablement, a lump sum of £200,000 (this could be reduced if no dependants).

b) For other permanent partial disablement(s) a lump sum percentage of £200,000 on a scale determined according to the severity of the injury.

c) For temporary total or partial disablement, actual loss of net earnings up to a maximum of £200 per week for a maximum period of 104 weeks.

d) In addition to the benefits outlined in paragraphs a), b) and c), the following benefits are provided whilst traveling abroad on County Council business:

		Maximum per person
i)	Medical and emergency travel expenses	Unlimited
ii)	Personal baggage (subject to a single article limit of £2,000)	£10,000
iii)	Personal money (subject to the cover for cash being limited to £2,000)	£10,000

There is no upper age limit on the policy.

At the age of 75, the lump sum benefits for death and permanent total disablement are reduced. Benefits for permanent partial disablement and all temporary disablement cease to be payable at the age of 75.

Medical expenses cover for travel abroad is subject to the proviso that such journeys are not made against medical advice.

17. Motor Vehicle Insurance

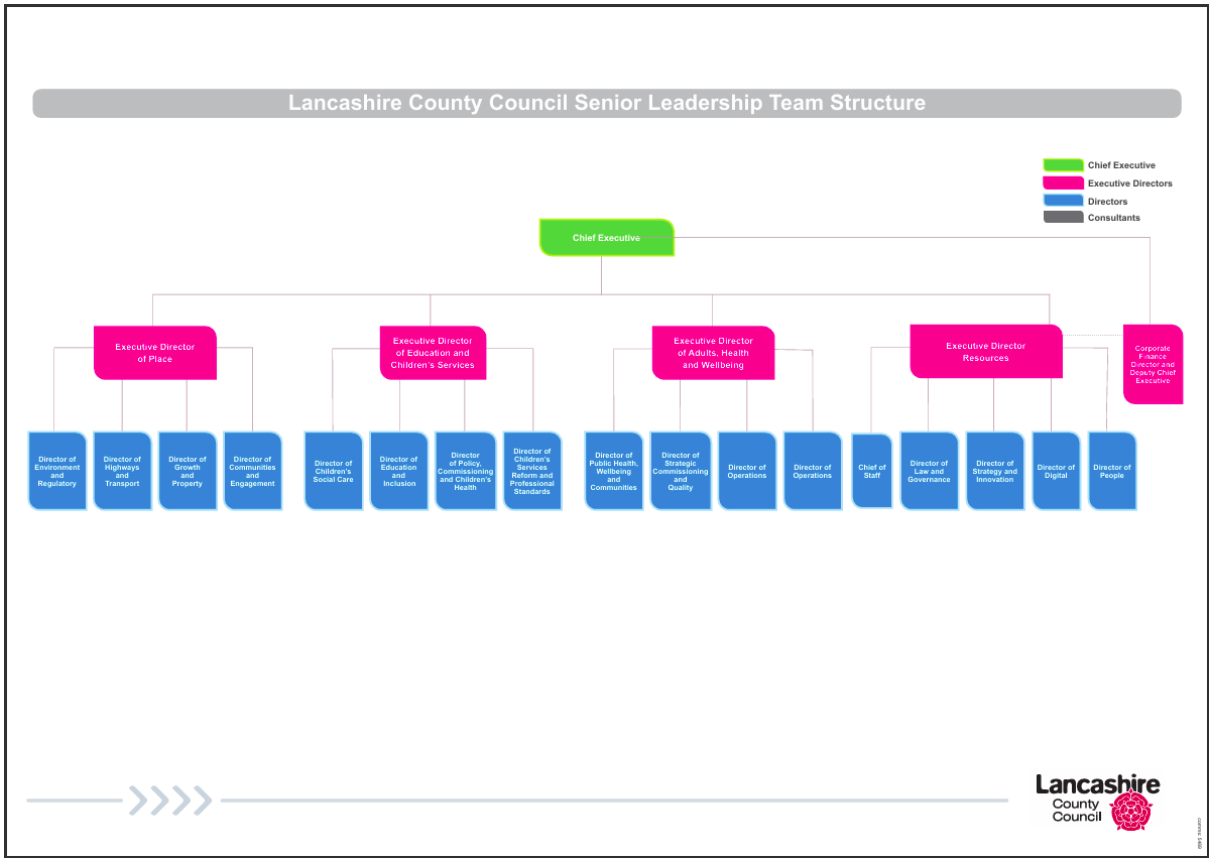
The use of motor vehicles is subject to compulsory insurance cover and where councillors and co-opted members use private motor vehicles on Council business, it is the responsibility of individual councillors and co-opted members to ensure that their own motor vehicle insurance policies provide appropriate cover for such use.

9. OFFICERS

9.1 Council officers comprise administrative, professional, technical and operational employees whose role is to advise the whole of the Council on all aspects of its functions, to put into effect decisions which are taken, and to provide to the public the services for which the Council is responsible.

Management Structure

9.2 Officers are grouped as set out below.



9.3 Certain officers are statutory appointees, in particular:

Head of Paid Service

9.4 The Chief Executive is the Council's Head of Paid Service. The Head of the Paid Service reports to Full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions, and the organisation of officers.

9.5 The Head of the Paid Service cannot be the Chief Financial Officer or the Monitoring Officer.

Monitoring Officer

9.6 The Director of Law and Governance is the Council's Monitoring Officer. The Monitoring Officer is responsible for ensuring that the decisions and actions of the Council are lawful and in accordance with the adopted policy frameworks.

9.7 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, officers and the public.

9.8 After consulting with the Head of the Paid Service and the Chief Financial Officer, the Monitoring Officer will report to Full Council, or to the Executive in relation to an Executive function, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

9.9 The Monitoring Officer will not have a duty to prepare a report with regard to maladministration and injustice unless a Local Government and Social Care Ombudsman has conducted an investigation (as provided for in Part III of the Local Government Act 1974) in relation to that proposal, decision or omission.

9.10 When the report is completed, the Monitoring Officer will ensure that a copy is sent to each Council Member.

9.11 Within 21 days of receiving the report, it must be considered at a meeting of the Full Council or the Executive, as appropriate. The Council or the Executive must also ensure that no further action is taken in respect of the proposal or decision until the report has been considered.

9.12 As soon as practicable after Full Council or the Executive have considered the Monitoring Officer's report, it shall prepare a report (and arrange for a copy of that report to be circulated to all Council Members and the Monitoring Officer) that will include:

9.13 What action the Council or the Executive has taken, or proposes to take, in response to the report and when it proposes to take that action; and

9.14 The reasons for taking that action or the reasons for not taking any action.

9.15 The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Conduct Committee.

9.16 The Monitoring Officer will arrange for the conduct of investigations into Member Code of Conduct complaints and make reports or recommendations in respect of them to the Conduct Committee.

9.17 The Monitoring Officer will ensure that decisions of the Executive, together with the reasons for those decisions and relevant officer reports and background papers, are made publicly available as soon as possible.

9.18 The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.

9.19 The Monitoring Officer will ensure appropriate governance is in place for Council-owned companies and joint ventures.

9.20 The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, and Budget and Policy Framework issues to all councillors.

9.21 The Monitoring Officer will perform these duties personally. If the Monitoring Officer cannot carry out these duties owing to illness or absence, a member of staff who has been nominated as the Deputy Monitoring Officer will perform the required duties.

9.22 The Monitoring Officer cannot be the Chief Financial Officer or the Head of the Paid Service.

Chief Financial Officer

9.23 The Director of Finance is the Council's Chief Financial Officer (Section 151 Officer). The Chief Financial Officer is responsible for ensuring the proper administration of the Council's financial affairs and that actions and decisions are in accordance with the Council's budget.

9.24 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Financial Officer will report to Full Council, or to the Executive in relation to an Executive function, and the Council's external auditor if they consider that any proposal, decision or course of action:

a) Will involve incurring unlawful expenditure;

b) Is unlawful and is likely to cause a loss or deficiency; or

c) If the Council is about to enter an item of account unlawfully.

d) The Chief Financial Officer shall send a copy of their report to:

e) The current auditor of the Council's accounts; and

f) Each Member of the Council.

9.25 Unlawful expenditure by Cabinet

a) The Cabinet must consider the report of the Chief Financial Officer at a meeting, held on or within 21 days from the day that the copies of the report are sent, where it will decide whether it agrees or disagrees with the views contained in the report. The Cabinet must also decide what action will be taken.

b) The course of conduct that is the subject of the report shall not be pursued during the "prohibition period". The "prohibition period" begins on the day that copies of the report are sent and ends on the first working day after the Cabinet has concluded its consideration of the report.

c) If the Cabinet does pursue the course of conduct (i.e. makes a payment) that is the subject of the report during the "prohibition period", it shall be considered that the Cabinet did not have the power to make this payment.

d) As soon as practicable after the Cabinet has considered the content of the Chief Financial Officer's report, it shall prepare a report which specifies:

(i) What action, if any the Cabinet has taken in response to the report;

(ii) What action, if any, the Cabinet proposes to take in response to the report and when they propose to take that action; and

(iii) The reasons for taking or not taking the action specified in the report.

e) The Cabinet must, as soon as practicable, arrange for a copy of the report to be sent to:

(i) The person who has the duty to audit the council's accounts;

(ii) Each Member of the Council; and

(iii) The Council's Chief Financial Officer.

9.26 Unlawful expenditure by the Council, its committees, sub-committees, officers of the Council, or joint committees

a) The Council must consider the report of the Chief Financial Officer at a meeting, held on or within 21 days from the day that the copies of the report are sent, where it will decide whether it agrees or disagrees with the views contained in the report. The Council must also decide what action will be taken.

b) The course of conduct that is the subject of the report shall not be pursued during the "prohibition period". The "prohibition period" begins on the day that copies of the report are sent and ends on the first working day after the Council has concluded its consideration of the report.

c) If the Council does pursue the course of conduct (i.e. makes a payment) that is the subject of the report during the "prohibition period", it shall be considered that the Council did not have the power to make this payment.

d) The Chief Financial Officer will, as soon as reasonably practicable, notify its auditor of the date, time and place of the proposed meeting. As soon as is reasonably practicable after the meeting, the Chief Financial Officer will notify its auditor of any decision made at the meeting.

9.27 The Chief Financial Officer will have responsibility for the administration of the financial affairs of the Council.

9.28 The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and Policy Framework issues to all councillors and will support and advise councillors and officers in their respective roles.

9.29 The Chief Financial Officer will provide financial information to the media, members of the public and the community.

9.30 The Chief Financial Officer cannot be the Monitoring Officer or the Head of the Paid Service.

Resources

9.31 The Council has a duty to provide the Monitoring Officer and Chief Financial Officer with such officers, accommodation and other resources as are, in their opinion, sufficient to allow their duties to be performed.

Proper Officers

9.32 Proper Officers are appointed to carry out certain functions required by law. These are set out below.

9.33 SCHEDULE OF APPOINTMENTS

PURPOSE OF APPOINTMENT	
Any reference to the Clerk of a council which, by virtue of the Local Government Act 1972, is to be construed as a reference to the Proper Officer of the Council	Chief Executive
Any reference to the Treasurer of a council which, by virtue of the Local Government Act 1972, is to be construed as reference to the Proper Officer of the Council	Director of Finance

LANDLORD AND TENANT ACT 1927

Section	Brief Details of Responsibility	Proper Officer
23	The Proper Officer to serve and receive notices on behalf of the Council	Director of Law and Governance

LANDLORD AND TENANT ACT 1954

Section	Brief Details of Responsibility	Proper Officer
66	The Proper Officer to serve and receive notices on behalf of the Council	Director of Law and Governance

PUBLIC HEALTH ACT 1936

Section	Brief Details of Responsibility	Proper Officer
84	Removal of filthy or verminous articles	Director of Public Health, Wellbeing and Communities
85(2)	Serving a notice requiring action to deal with verminous people and things	Director of Public Health, Wellbeing and Communities

PREVENTION OF DAMAGE BY PESTS ACT 1949

Section	Brief Details of Responsibility	Proper Officer
22	Authorised person to enter land in relation to the performance of functions under the Act	Director of Environment & Regulatory

REGISTRATION SERVICE ACT 1953 AND REGULATIONS 1968-1994

Section	Brief Details of Responsibility	Proper Officer
9(1) and (2)	Appointment of interim superintendent registrars and registrars	Cultural Services and Registration Manager
13(2)(h) and 3(b)	Powers under the local scheme of organisation	Cultural Services and Registration Manager
20	Proper officer for births, deaths and marriages	Cultural Services and Registration Manager

AGRICULTURE ACT 1970

Section	Brief Details of Responsibility	Proper Officer
67(3)	Appointment as Agricultural Analyst	Director of Public Health, Wellbeing and Communities

LOCAL AUTHORITY SOCIAL SERVICES ACT 1970

Section	Brief Details of Responsibility	Proper Officer

6(A1)	Director of Adult Social Services	Executive Director of Adult Services

LOCAL GOVERNMENT ACT 1972

Section	Brief Details of Responsibility	Proper Officer
83(1)	The officer to whom a person elected to the office of councillor shall deliver a declaration of acceptance of office on a form prescribed by rules made under s.42 of the Act	Chief Executive
83(3)(b)	The officer before whom a declaration of acceptance of office of Chair of Council or Vice Chair of Council may be made	Chief Executive
84	The officer to whom written notice of resignation of elected office shall be delivered	Chief Executive
86	To declare any vacancy in any office under the Section	Chief Executive
88(2)	The officer by whom a meeting of the Council for the election of the vacant office of Chair of the Council may be convened	Chief Executive
89(1)(b)	The officer to whom notice in writing of a casual vacancy occurring in the office of councillor may be given by two local government electors for the Borough	Chief Executive
96	The officer to whom general notices and recording of disclosures of interests under s.94 should be given	Director of Law and Governance
99 & Sch.12	To give notice and send summonses in respect of any Council meeting	Director of Law and Governance
100	To give public notice of any meeting to which the public are entitled to attend, provide copies of agenda and facilities for the press	Director of Law and Governance
100B(2)	The officer to exclude from committees, sub committees, Council or Executive meeting agendas any information to be dealt with in a meeting from which the public are likely to be excluded	Director of Law and Governance
100B(7)(c)	The officer to supply to any newspaper copies of documents supplied to Members of committees, sub-committees, Council or Executive meetings in connection with an item for consideration	Director of Law and Governance
100C(2)	The officer to prepare a written summary of proceedings of committees, subcommittees, Council or the Executive from which the public were excluded	Director of Law and Governance
100D(1)(a)	The officer to prepare a list of background papers for reports considered by committees, sub-committees, Council or the Executive	Director of Law and Governance
100D(5)	The Officer to determine which documents constitute background papers and s.100H - ability to charge for the provision of such documents	Director of Law and Governance

100F(2)	The officer to decide which documents are not, by virtue of containing exempt information, required to be open to inspection	Director of Law and Governance
100G	To maintain a register of the names and addresses of Members and membership of committees, lists of delegations and the like	Director of Law and Governance
115(2)	Person to whom all officers shall pay monies received by them and due to Council	Director of Finance
137(a)	Gives the Proper Officer power to require a voluntary organisation or similar body to supply information to them, where a local authority uses its powers under Section 137 to give financial assistance to that voluntary organisation or similar body above a relevant minimum	Director of Finance
146(1)(a)	Statutory declarations and issue any certificate in relation to securities on change of name of authority or change or area	Director of Finance
151	To be responsible for the administration of the financial affairs of the Council	Director of Finance
All appointments 191, 204(3), 210(6) and (7), 223, 225(1), 228(3), 229(5), 233, 234, 236(9)-(10), 238, 248(2), Sch.12 para 4(2)(b) and 4(3) and Sch.14 Para 25(7)	Receipt of notices from Ordnance Survey in relation to boundaries, powers in respect of charities, authorising officers to attend court, receipt of documents to be deposited, certification of photographic copies, receipt of service, signing of notice order or other document required by law, certifying copies of byelaws and keeping the roll of freemen. Provisions in relation to summons for meetings and copy resolutions	Director of Law and Governance
Sch.29 Pt.I Para.4(1)(b)	Adaptation, modification and amendment of enactments	Director of Law and Governance
Sch.29 Para 41	Proper Officer for Births, Marriages and Deaths	Director of Law and Governance

LOCAL GOVERNMENT ACT 1974

Section	Brief Details of Responsibility	Proper Officer
30(5)	Provides that the Proper Officer must give public notice of the ombudsman's reports	Director of Law and Governance

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section	Brief Details of Responsibility	Proper Officer
16	Notices requiring details of interest in land	Directors
41(1)	The officer to certify copies of any resolution, order, report or minutes of proceedings of the	Director of Law and Governance

	Authority as evidence in any legal proceedings	

RENT ACT 1977

Section	Brief Details of Responsibility	Proper Officer
63	Appointment of rent officers under a scheme	Director of Law and Governance
Schedule 15, Part IV, para 7	Certification of provision of suitable alternative accommodation	Director of Law and Governance

HIGHWAYS ACT 1980

Section	Brief Details of Responsibility	Proper Officer
37(5)	Receipt of certificates approving dedication of highways to be maintainable at public expense and making certificates available for inspection	Director of Highways and Transport
59(1)	Certify that extraordinary expenses have been incurred in maintaining the highway by reason of damage caused by excessive weight	Director of Highways and Transport
205(3)-(5)	Undertake duties as specified in the schedules in relation to private street works	Director of Highways and Transport
210(2)	Certify amendments to estimated costs and provisional apportionment of costs under the private street works code	Director of Highways and Transport
211(1), 212(4), 216(2)-(3)	Make final apportionment of costs as detailed in the schedules under the private street works code	Director of Highways and Transport
295(1)	Issue notice requiring removal of materials from non - maintainable streets in which works are due to take place	Director of Highways and Transport
321	Authenticate notices and other documents	Director of Highways and Transport
Sch.9 Para 4	Sign plans showing proposed prescribed improvement or building lines	Director of Highways and Transport

PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984 (AS AMENDED BY THE HEALTH AND SOCIAL CARE ACT 2008 AND THE MILK AND DAIRIES (GENERAL) REGULATIONS 1959)

Section	Brief Details of Responsibility	Proper Officer
59	Authentication of documents	Director of Public Health, Wellbeing and Communities
61-62	Right to enter premises to ascertain whether there has been a contravention of a provision of the 1984 Act or a Part 2A order made pursuant to the 1984 Act	Director of Public Health, Wellbeing and Communities
	Requirement to appoint a suitably qualified person as the Council's Medical Advisor on Environmental Health and Proper Officer for notifiable diseases	Director of Public Health, Wellbeing and Communities

74	To act for such of the functions relating to notification, investigations, prevention and control of notifiable diseases and food poisoning.	Director of Public Health, Wellbeing and Communities

WEIGHTS AND MEASURES ACT 1985

Section	Brief Details of Responsibility	Proper Officer
72(1)(a)	Chief Inspector of Weights and Measures	Trading Standards Manager

LOCAL GOVERNMENT FINANCE ACT 1988

Section	Brief Details of Responsibility	Proper Officer
114, 115, and 115A and 115B	Responsibility for Chief Financial Officer Reports	Director of Finance
116	Notification to auditor of date, time and place of meeting to consider Section 114 report and of decision of such meeting	Director of Finance
139A	Provision of information to the Secretary of State in relation to the exercise of their powers under this Act as and when required	Director of Finance
Sch.4 (10)(1) Paragraphs 6 – 8 (10)(1) Paragraph 9	Where notice has to be served on the Council concerning: The acquisition of way leaves over Council-owned land The felling and lopping of trees, etc	Director of Law and Governance
Sch. 8, 36(8) Para 1, 36(8) Para 2	Where applications have to be made for consent to construct generating stations on Council-owned land; and where applications for consent have to be served on the local planning authority	Director of Law and Governance

LOCAL GOVERNMENT AND HOUSING ACT 1989

Section	Brief Details of Responsibility	Proper Officer
2(4), 3A, 15-17	Officer with whom the list of politically restricted posts shall be deposited; to grant exemptions from political restriction and matters relating to the establishment of political groups. Any responsibilities under the Local Government (committees and Political Groups) Regulations 1990	Director of Law and Governance
4	Designation as Head of Paid Service	Chief Executive
5(1)	Designation as Monitoring Officer	Director of Law and Governance
18	Receipt of notice in writing that a councillor wishes to forego any part of entitlement to an allowance	Director of Law and Governance

FOOD SAFETY ACT 1990

Section	Brief Details of Responsibility	Proper Officer

5	Authorised officer to act in matters arising under the Act	Director of Public Health, Wellbeing and Communities
27(1)	Appointment of Public Analyst	Director of Public Health, Wellbeing and Communities
49(3)	Any document which a food authority are authorised or required by or under this Act to give, make or issue may be signed on behalf of the authority (a) by the proper officer of the authority as respects documents relating to matters within their province; or (b) by any officer of the authority authorised by them in wiring to sign documents of the particular kind, or, as the case may be, the particular document	Director of Public Health, Wellbeing and Communities

THE LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Regulation	Brief Details of Responsibility	Proper Officer
8(1), 8(5), 9(b), 10, 13(1), 14, 15 and 17	Notifications to and by the Proper Officer Give effect to the wishes of political groups in making appointments of members to committees	Director of Law and Governance

PLANNING (HAZARDOUS SUBSTANCES) ACT 1990

Section	Brief Details of Responsibility	Proper Officer
36A	Authorised person to enter land in connection with hazardous substances	Director of Environment and Regulatory

TOWN AND COUNTRY PLANNING ACT 1990

Section	Brief Details of Responsibility	Proper Officer
196A-E	Authorised person to enter and survey land in relation to development planning	Director of Environment and Regulatory
324	Authorised person to enter land in relation to the exercise of planning powers	Director of Environment and Regulatory

CIVIL EVIDENCE ACT 1995

Section	Brief Details of Responsibility	Proper Officer
9	To certify Council records for the purposes of admitting the document in evidence in civil proceedings	Director of Law and Governance

LOCAL GOVERNMENT (CONTRACTS) ACT 1997

Section	Brief Details of Responsibility	Proper Officer
	Certification of relevant powers to enter into contracts	Director of Law and Governance

CRIME AND DISORDER ACT 1998

Section	Brief Details of Responsibility	Proper Officer

12	To apply for the discharge or variation of a Child Safety Order	Executive Director of Education and Children's Services
17 and 37	To have regard to effect of the exercise of any function on the need to prevent crime and disorder and offending by children and young persons	Executive Director of Education and Children's Services

CRIME AND DISORDER ACT 1998, SECTION 115
CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007

Regulation	Brief Details of Responsibility	Proper Officer
4(3)	Primary Designated Officer for information sharing	Director of Law and Governance

DATA PROTECTION ACT 1998

Section	Brief Details of Responsibility	Proper Officer
20	Duty to notify the Information Commission of any changes	Director of Law and Governance

POLLUTION PREVENTION AND CONTROL ACT 1999

Section	Brief Details of Responsibility	Proper Officer
Sch.1 Para 14(2)	Appointed person to exercise regulatory functions and powers under the Act	Director of Environment and Regulatory

LOCAL GOVERNMENT ACT 2000

Section	Brief Details of Responsibility	Proper Officer
3	Producing a written statement of Executive decisions made at meetings	Director of Law and Governance
5	Making a copy of written statements of Executive decisions and associated reports available for inspection by the public	Director of Law and Governance
6	Making available for inspection a list of background papers	Director of Law and Governance
11(2)	Exclusion of whole or part of any report to the Cabinet where meeting is likely not to be open to the public	Director of Law and Governance
11(7)(c)	Provision to the press of other documents supplied to members of the Cabinet in connection with the item discussed	Director of Law and Governance
81	Establish and maintain a Register of Interests	Director of Law and Governance

LOCAL GOVERNMENT ACT 2000 SECTIONS 9G, 9GA AND 22
LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer

7	Exclusion of whole or part of any reports to the Cabinet or Cabinet Member where they relate only to items during which the meeting is likely not to be open to the public	Director of Law and Governance
10	Inform the relevant Scrutiny Committee Chair or the committee members by notice in writing of decisions to be made, where it has been impracticable to comply with the publicity requirements (in the “Key Decisions Plan”) and make available for public inspection notices relating to this	Director of Law and Governance
12	Produce a written statement of Cabinet decisions made at meetings	Director of Law and Governance
13	Produce a written statement of decisions made by individual Cabinet Members	Director of Law and Governance
14	Make a copy of written statements of Cabinet and Cabinet Member and officer Executive decisions and associated reports available for inspection by the public	Director of Law and Governance
15 and 2	Make available for inspection a list of background papers	Director of Law and Governance
16(5)	Determine whether certain documents contain exempt information	Director of Law and Governance
16(7)	Determine whether certain documents contain advice provided by a political adviser or assistant	Director of Law and Governance
20	Determine whether documents contain confidential information, exempt information or the advice of a political adviser or assistant	Director of Law and Governance

LOCAL GOVERNMENT ACT 2000, SECTION 34
LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS AND DIRECTIONS) REGULATIONS 2011

Regulation	Brief Details of Responsibility	Proper Officer
4-5	Publishing the verification number of local government electors for the purpose of petitions under the Local Government Act 2000	Director of Law and Governance

REGULATION OF INVESTIGATORY POWERS ACT 2000 SECTION 30
REGULATION OF INVESTIGATORY POWERS (DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCES) ORDER 2010
INVESTIGATORY POWERS ACT 2016

Section	Brief Details of Responsibility	Proper Officer
	Authorise the carrying out of directed surveillance and authorise the use and conduct of a covert human intelligence source	Director of Law and Governance in accordance with Council’s RIPA policy
	The Senior Responsible Officer for RIPA	Director of Law and Governance
	Designated Senior Responsible Officer for the acquisition, use and disclosure of communications data	Director of Law and Governance

	Grant authorisation or give notice to obtain or disclose communications data for the purpose of preventing or detecting crime or of preventing disorder	Director of Law and Governance

FREEDOM OF INFORMATION ACT 2000

Section	Brief Details of Responsibility	Proper Officer
36	Person to confirm or deny whether the disclosure of information is likely to prejudice the effective conduct of public affairs	Director of Law and Governance

CRIMINAL JUSTICE AND POLICE ACT 2001

Section	Brief Details of Responsibility	Proper Officer
	Delegated power to authorise officers to enter premises and seize items where the Council has a power of seizure under this Act and to perform other related duties (return and security of seized items)	Director of Law and Governance

LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) REGULATIONS 2001

Regulation	Brief Details of Responsibility	Proper Officer
Sch.1 Part II paras 5 and 6	Functions in relation to notifying Executive appointments, dismissals, etc	Director of Law and Governance

LOCAL GOVERNMENT ACT 2003

Section	Brief Details of Responsibility	Proper Officer
25	When the annual budget report is considered by Cabinet or by the Council, the Chief Financial Officer must make a report on the robustness of the estimates made in determining the budget requirement and on the adequacy of the proposed level of financial reserves	Director of Finance

CHILDREN ACT 2004

Section	Brief Details of Responsibility	Proper Officer
18	To carry out the role of the proper officer function of Director of Children's Services	Executive Director of Education and Children's Services

TRAFFIC MANAGEMENT ACT 2004

Section	Brief Details of Responsibility	Proper Officer
17	Appointment as Traffic Manager to perform such tasks as the authority considers will	Director of Highways and Transport

	assist it to perform its network management duty	

MARRIAGES AND CIVIL PARTNERSHIPS (APPROVED PREMISES) REGULATIONS 2005 (AS AMENDED)

Section	Brief Details of Responsibility	Proper Officer
	Proper Officer for the purposes of the Registration Act 1953, the Marriage Act 1949 (as amended by the Marriage Act 1994), the Civil Partnership Act 2004, the Marriages and Civil Partnerships (Approved Premises) Regulations 2005 as amended and receive applications, set fees and offer discounts, where applicable	Director of Law and Governance

NATIONAL HEALTH SERVICE ACT 2006

Section	Brief Details of Responsibility	Proper Officer
73A	Appointment as Director of Public Health	Director of Public Health, Wellbeing and Communities

HEALTH ACT 2006

Section	Brief Details of Responsibility	Proper Officer
10(3)	Duty of an enforcement authority to enforce, as respects the premises, places and vehicles in relation to which it has enforcement functions, the provisions of this Chapter (smoke free premises) and regulations made under it	Director of Public Health, Wellbeing and Communities
10(5)	In this Chapter, “authorised officer”, in relation to an enforcement authority, means any person (whether or not an officer of the authority) who is authorised by it in writing, either generally or specially, to act in maters arising under this Chapter	Authorised Officers
10(7)	Refers to Schedule 2 which lists the powers of entry, etc.	Director of Public Health, Wellbeing and Communities
10(9)(1)	An authorised officer of an enforcement authority (see section 10) who has reason to believe that a person has committed an offence under section 6(5) or 7(2) on premises, or in a place or vehicle, in relation to which the authorised officer has functions may give them a penalty notice in respect of the offence	Authorised Officers

THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) RULES 2006

Rule	Brief Details of Responsibility	Proper Officer
Sch.2 Rule 50	Receipt from Returning Officer of the names and persons elected to the Council	Director of Law and Governance

Sch.2 Rule 54	Registration officer for the retention and destruction of documents following an election	Director of Law and Governance

CRIME AND DISORDER (FORMULATION AND IMPLEMENTATION OF STRATEGY) REGULATIONS 2007

Regulation	Brief Details of Responsibility	Proper Officer
4(3)	Nominated officer to facilitate the sharing of information under an information sharing protocol	Director of Law and Governance

WORKING TOGETHER TO SAFEGUARD CHILDREN: A GUIDE TO INTER-AGENCY WORKING TO SAFEGUARD AND PROMOTE THE WELFARE OF CHILDREN (DFE GUIDANCE, MARCH 2010)

	Brief Details of Responsibility	Proper Officer
	Local Authority Designated Officer (LADO)	Local Authority Designated Officer
	Caldicott Guardian	Executive Director of Adult Services

THE HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010

Regulation	Brief Details of Responsibility	Proper Officer
2, 3 and 6	Receipt and disclosure of notification of suspected notifiable disease, infection or contamination in patients and dead persons	Director of Public Health, Wellbeing and Communities

LOCALISM ACT 2011

Section	Brief Details of Responsibility	Proper Officer
29	Establish, maintain and publish a Register of Interests	Director of Law and Governance
31	Receipt of notice of members' disclosable pecuniary interests and entering such interests in the authority's register	Director of Law and Governance
32	Consideration of whether a member's interest is a sensitive interest	Director of Law and Governance
33(1)	Receiving applications for dispensations	Director of Law and Governance
33(2)	Grant dispensations to members to speak only or to speak and vote on matters where they have a Disclosable Pecuniary Interest	Director of Law and Governance
Sch.2, Pt1, Para.9FB	Designation as Scrutiny Officer	Head of Governance and Democratic Services

THE LOCAL AUTHORITIES (REFERENDUMS) (PETITIONS) REGULATIONS 2011

Regulation	Brief Details of Responsibility	Proper Officer
7, 8, 11 and 13	Various steps relating to petitions	Director of Law and Governance

THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
2, 7, 10, 12, 13-16, 20	Functions relating to the recording and publication of information relating to Executive decisions, including exclusion of information from agenda and reports relating to private meeting matters	Director of Law and Governance
12-13	Grant dispensations in respect of conflicts of interest declared by an Executive member making a decision, or declared by an Executive member consulted by a member or officer taking such a decision	Director of Law and Governance
12-14	Recording of Executive decisions and by individual members and making documents available for inspection by members of the public	Director of Law and Governance

NHS BODIES AND LOCAL AUTHORITIES (PARTNERSHIP ARRANGEMENTS, CARE TRUSTS, PUBLIC HEALTH AND LOCAL HEALTHWATCH) REGULATIONS 2012

Regulation	Brief Details of Responsibility	Proper Officer
22(4)	Designated as Responsible Person for ensuring compliance with the regulations	Director of Law and Governance
22(5)	Designated as Complaints Manager for managing the procedures for handling complaints	Director of Law and Governance

HEALTH AND SOCIAL CARE ACT 2012

Section	Brief Details of Responsibility	Proper Officer
32	Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints	Director of Law and Governance
73A(1)(a)	The exercise by the authority of its functions under ss.2B, 111 or 249 or Sch.1 – health improvement duties to take steps to improve the health of the people in the area	Director of Public Health, Wellbeing and Communities
73A(1)(b)	The exercise by the authority of its functions by virtue of section 6C(1) or (3) – The exercise of the Secretary of State's public health protection or health improvement functions that they delegate to local authorities, either by arrangement or under regulations – these include services mandated by regulations	Director of Public Health, Wellbeing and Communities
73A(1)(c)	Anything done by the authority in pursuance or arrangements under section 7A – Any public health activity undertaken by the local	Director of Public Health, Wellbeing and Communities

	authority under arrangements with the Secretary of State	
73A(1)(d)	The exercise by the authority of any of its functions that relate to planning for, or responding to, emergencies involving a risk to public health	Director of Public Health, Wellbeing and Communities
73A(1)(e)	The functions of the authority under section 325 of the Criminal Justice Act 2003 - the local authority's role in co-ordinating with the police, the probation service and the prison service to assess the risks posed by violent and sex offenders	Director of Public Health, Wellbeing and Communities
73A(1)(f)	Other public health functions that the Secretary of State may specify in regulations	Director of Public Health, Wellbeing and Communities

COUNTER-TERRORISM AND SECURITY ACT 2015

Section	Brief Details of Responsibility	Proper Officer
26	The officer responsible for ensuring that the Council, in the exercise of its functions, has due regard to the need to prevent people vulnerable from being drawn into terrorism	Director of Public Health, Wellbeing and Communities

DATA PROTECTION ACT 2018

Section	Brief Details of Responsibility	Proper Officer
69, 70 and 71	The designated Data Protection Officer to discharge functions associated with the Data Protection Act 2018	Information Governance Manager

LANDLORD AND TENANTS ACTS

	Brief Details of Responsibility	Proper Officer
	To be the Proper Officer to serve and receive notices on behalf of the Council for the purposes of s.23 of the Landlord and Tenant Act 1927 and s.66 of the Landlord and Tenant Act 1954	Director of Law and Governance

OTHER MISCELLANEOUS PROPER OFFICER FUNCTIONS

Section	Brief Details of Responsibility	Proper Officer
	Any other miscellaneous proper or statutory officer functions not otherwise delegated by the Authority	Chief Executive or their nominee

IN THE ABSENCE OF THE DESIGNATED PROPER OFFICER:

9.34 In the event of the Chief Executive not being available to deal with matters for which they have been designated the Proper Officer, an Executive Director may be authorised by them to act as Proper Officer in their absence.

9.35 In the event of any other designated officer being unable to fulfil their duties as Proper Officer, their deputy may be authorised to undertake such duties.

9.36 Notwithstanding the above, a Proper Officer may at any time delegate or authorise other officers to perform the designated duties on their behalf.

Scheme of Delegation to Officers

Introduction

9.37 Lancashire County Council operates an Executive form of governance, under which most decisions are taken by a Leader and Cabinet. These members take decisions on Executive functions. Other decisions (non-Executive decisions) are taken by Full Council, committees and sub-committees. In both cases, decisions can be delegated to officers. The non-Executive functions are listed in legislation, principally The Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) and includes decisions by Full Council and committees on planning, licensing, staffing, audit, member conduct and other miscellaneous matters. Anything not in the list is an Executive function.

9.38 To support the delivery of the Corporate Strategy, managerial and operational decisions are taken, within a framework of democratic accountability, by officers at the most appropriate level.

9.39 This scheme is to be interpreted widely to give effect to this overall purpose by empowering staff to carry out their functions and deliver the Council's services within the Budget and Policy Framework set by the Council, and subject to the guidelines set by the Council, the Cabinet and the Council's management team.

Limitation and Restrictions

9.40 Any exercise of delegated powers is subject to the following:

9.41 Member Consultation

a) Officers set out in the scheme are expected to ensure that the relevant councillors, including portfolio holders, committee Chairs and local councillors are informed and consulted when exercising any delegations, whether general delegations set out in this scheme or project specific or temporary delegations given by the Cabinet, Council or committee, as appropriate.

b) Before exercising any delegated power, officers must consider whether to consult with the relevant portfolio holder on the exercise of delegated powers or not to exercise delegated powers but to refer the matter to the relevant member or member body to decide.

c) Officers should not generally take decisions in areas where there are likely to be political sensitivities, significant opposition from the public, or media (including social media) interest. In any such cases where an officer does take such a decision, the relevant Cabinet Member or committee Chair must be consulted.

d) The Leader or any Cabinet Member may at any time, following consultation with the Chief Executive and relevant officer, require a particular issue or any aspect of delegated powers to be referred to the appropriate member body for a decision.

9.42 Officer Consultation

a) Officers are required to ensure that they seek and consider advice of relevant officers, including (but not limited to) Legal, Finance and Commerce, People, Digital, and Estates, in advance of any decision under this scheme being taken.

b) Officers are required to ensure that the instruction of the Chief Executive (Head of Paid Service), Director of Finance (Chief Financial Officer) and the Director of the Law and Governance (Monitoring Officer), or their representatives, is sought and followed in advance of any decision under this scheme being taken.

9.43 Reservations

a) The scheme does not delegate to officers:

(i) Any matter reserved to Full Council;
(ii) Any matter specifically reserved to Full Council, the Cabinet or a committee elsewhere in this Constitution;
(iii) Any matter which by law may not be delegated to an officer;
(iv) Any Key Decision;
(v) Matters which are set aside for a specific officer in law or the Constitution; or
(vi) Any matter expressly withdrawn from delegation by the Council, committees, the Leader or Cabinet.

b) Any exercise of delegated powers is subject to

(i) Any statutory restrictions;
(ii) The Budget and Policy Framework;
(iii) Any provision contained in this Constitution including the Procedure Rules;
(iv) Any financial limits set out in the revenue or capital budgets except as set out in the Financial Procedure Rules;
(v) Any policy set by the Council or its committees, the Cabinet or the Chief Executive; or
(vi) The Code of Conduct for Employees.

9.44 Permissions

a) This scheme delegates to the Executive Directors and Directors all the powers and duties relevant to those areas of responsibility detailed below that rest with the Council or which have been delegated or granted to the Council, subject to the limitations, restrictions, reservations and requirements for consultation set out above. This includes all powers and duties under all legislation present and future within those descriptions and all powers and duties incidental to that legislation.

b) The Chief Executive, Executive Directors and Directors may allocate or reallocate responsibility for exercising powers delegated to them in this Scheme to other officers of the Council. Records of all such authorisations must be retained in the online Scheme of Delegation database. An officer who has received such a delegation cannot further delegate that power to another officer.

Recording and Publishing Officer Decisions

9.45 Certain decisions taken by officers must be recorded and published on the council's central decision recording system. This includes both Executive and non-Executive decisions.

9.46 An Executive decision is one made in connection with the discharge of a function which is the responsibility of the Leader and Cabinet and which has been delegated to officers.

9.47 A non-Executive decision is one made in connection with the discharge of a function that is the responsibility of Full Council and its committees and which has been delegated to officers.

9.48 The significance of decisions taken under delegated powers will vary, and officers authorised to make delegated decisions need to exercise judgment in determining whether decisions are significant enough to require formal recording and publishing.

9.49 However, the following officer decisions must be recorded on the central decision recording system:

a) A specific decision delegated to an officer by Full Council, Cabinet or a committee;

b) A procurement decision that requires the involvement of the Procurement Service, in accordance with the Procurement Rules;

c) A decision, except those relating to individual care packages, to incur expenditure above the threshold of £100,000;

d) A decision to grant a permission or licence where it also meets the criteria set out at (c), (g) or (h);

e) A decision involving a minor change to a policy to reflect legislative changes and improve working practices which may impact on the public;

f) Where Legal Services require evidence of a decision to enable or commence any form of legal action including the signing or sealing of an agreement or any other document;

g) A decision which impacts significantly in the public realm, such as a property disposal, a Traffic Regulation Order within officer authority, or other significant works to the highway;

h) A decision which affects the rights of an individual, including actions taken in relation to nuisance or vexatious members of the public to, for example ban them from Council premises or require them to use a single point of contact, or otherwise restrict access to services; or

i) Any other decision where the Executive Director, Monitoring Officer or Director identifies that a record should be kept.

9.50 All other administrative and operational decisions must be recorded within the service area so as to provide an audit trail.

Areas of Responsibility and Named Officers

9.51 The Management Structure above provides a detailed list of functions. Further details of the contents of each heading are in the list held by the Chief Executive, which they have authority to change and responsibility for keeping up to date.

a) Executive Director of Resources

(i) Finance (Chief Financial Officer)
(ii) People

(iii) Law and Governance
(iv) Transformation, Strategy and Policy
(v) Digital
(vi) Corporate support

b) Executive Director of Adult Services (DAS)

(i) Adult Social Care
(ii) Adult Safeguarding and Wellbeing
(iii) Services for Older People
(iv) Services for Adults with Disabilities
(v) In-house Care Provision
(vi) Public Health and Wellbeing
(vii) Statutory powers and functions as the designated Director of Adult Services

c) Executive Director of Children's Services (DCS)

(i) Children's Social Care
(ii) Education
(iii) Children's Safeguarding and Wellbeing
(iv) Statutory powers and functions as the designated Director of Children's Services

d) Executive Director of Growth, Environment, Transport and Health

(i) Environment and Regulatory
(ii) Highways and Transport
(iii) Growth and Property
(iv) Communities and Engagement

e) Director of Public Health, Wellbeing and Communities (DPH)

(i) To act as the Statutory Director of Public Health and undertake the relevant duties set out in legislation.
(ii) Public Health, health equity, welfare, partnerships, health and safety, resilience and emergency planning.

f) Director of Environment and Regulatory

(i) Planning and transport, environment, waste management. Trading standards and scientific services, procurement and contract management, commercial services.

g) Director of Highways and Transport

(i) Highways network management and operations and design, public and integrated transport, accessible transport

h) Director of Growth and Property

(i) Business growth, estates, skills and employment, and strategic development, property and facilities management.

i) Director of Communities and Engagement

(i) Cultural services, communications and public affairs, population health and strategic operations.

j) Director of Children's Social Care

(i) Quality assurance, inspection and safeguarding, children in our care and care leavers, children in need, child protection and children with disabilities, assessment services, residential services, adolescent services, fostering and adoption.

k) Director of Education, Culture and Skills

(i) Early help, inclusion and education improvement.

l) Director of Policy, Commissioning and Children's Health

(i) Commissioning and children's health services

m) Director of Children's Services Reform and Professional Standards

(i) Children's Services reform, professional standards and quality assurance

n) Director of Strategic Commissioning and Quality

(i) Adult social care commissioning and quality

o) Director of Operations (Adult Social Care)

(i) Neighbourhoods and specialist services and prevention

p) Director of Operations (Adults Social Care)

(i) Mental health safeguarding and prisons, learning disability and autism services.

q) Director of Finance

(i) Corporate finance and exchequer services, financial management (including development and schools), payroll, and Pension Fund
(ii) Statutory powers and functions as the designated Chief Financial Officer

r) Director of Law and Governance

(i) Legal services, democratic services, internal audit and investigations, and governance including information governance, complaints, registration and coroners.
(ii) Statutory powers and functions as the designated Monitoring Officer

s) Director of Strategy and Innovation

(i) Business intelligence, strategy and policy, and transformation and improvement.

t) Director of Digital

(i) Digital commissioning, strategy and engagement, user experience, operations and education, and customer access

u) Director of People

(i) People strategy, talent and performance, strategic resourcing and workforce planning.

v) Chief of Staff

(i) Corporate support including complaints and feedback.

9.52 All officers at the level of Director or above have the following powers and financial limits as set out in the following table and subject to the restrictions set out at paragraphs 9.40 to 9.44, including the Key Decision threshold.

POWER OR FUNCTION		Chief Executive	Executive Director	Director
RESERVED TO THE CHIEF EXECUTIVE				
1	To carry out the powers and duties of the Executive Directors and Directors in their absence or in consultation with them.	**X**		
2	To incur expenditure in the event of a civil emergency.	**X**		
3	In cases of emergency, to take any decision which could be taken by the Council, the Cabinet or a committee, in consultation with the Leader (emergency to include cases which fall short of a declared emergency but are nevertheless situations in which there will be a risk of significant detriment to the wellbeing of residents if action is not taken).	**X**		
4	In the period beginning with the fourth day after the County Council Elections and ending on the date of the first Annual Meeting of the new Council, to deal with matters of urgency which cannot await a meeting of Full Council where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County, in consultation with the Leaders of any group with a majority of councillors on the council, or in the absence of such a group, with the leaders of all political groups on the council or other councillors as the Chief Executive deems appropriate.	**X**		
5	To alter the areas of responsibility of the Executive Directors and Directors set out in this Scheme.	**X**		

6	To approve any discretionary sums above £20,000 and less than £100,000 to employees on termination of employment in addition to statutory and contractual redundancy or severance terms, following consultation with the Leader of the Council.	**X**		
7	To appoint Proper Officers, as set out in section 9.33 of the Constitution, except where legislation or guidance requires the appointment to be made by Full Council, Cabinet, or a committee of the Council. (Officers may not appoint themselves.)	**X**		
8	To consider complaints against or allegations of misconduct by the Chief Financial Officer or the Monitoring Officer and agree to resolve informally any which are clearly unfounded, trivial, or best dealt with under the appropriate Council policy rather than under the Employment Committee's disciplinary procedures.	**X**		
9	To determine the pay and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.	**X**		
RESERVED TO THE DIRECTOR OF FINANCE				
10	To carry out those responsibilities set out as delegated to the Chief Financial Officer in the Financial Rules.			**X** (DoF only)
11	To provide any indemnity on behalf of the Council (in consultation with the Director of Law and Governance). (For the avoidance of doubt, indemnities which are incorporated into any of the Council's standard terms and conditions, or equivalent indemnities incorporated into a third party agreement which have been subject to Legal review, do not require authorisation from the EDoR.)			**X** (DoF only)
12	To approve loans to any recipient, in compliance with Subsidy Control rules.			**X** (DoF only)
13	To agree to write off a debt owed to the Council, other than in accordance with the council's Debt Management Policy.			**X** (DoF only)

14	To exercise the responsibilities reserved to the Chief Financial Officer relating to the strategic operation of Local Pensions Partnership Ltd or any other pensions related company including: • Appointing and removing auditors; • Altering the accounting reference date; • Increasing the amount or varying the terms of any shareholder loans; • Entering into any agreement with a shareholder for the provision of additional funds or financial support which differs from the terms on which other shareholders provide equivalent finance or support; and • Changing the status of the company or any of its subsidiary.			**X** (DoF only)
RESERVED TO THE DIRECTOR OF LAW AND GOVERNANCE				
15	To grant dispensations to councillors in accordance with the Localism Act 2011 with the power to refer any request for a dispensation back to the Conduct Committee.			**X** (DoLG only)
16	To make consequential amendments to the Constitution to give effect to a lawful decision, as a direct consequence of a change made outside the council (for example a change in legislation), to implement a decision of the Full Council, Cabinet or a committee, and to correct an error or resolve an inconsistency. All such changes to be reported to Council.			**X** (DoLG only)
17	To interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.			**X** (DoLG only)
18	To prepare and/or serve and/or respond to any statutory demand, notice, consent, order or other legal document under any enactment.			**X** (DoLG only)
19	To prepare any agreement, contract, bond, certificate, deed, guarantee, licence, notice, order and/or other legal document to protect or advance the Council's interests.			**X** (DoLG only)
20	To give approval to issue, prosecute, defend, settle, enforce or otherwise participate in any legal proceedings in any court or tribunal, under any enactment, in all cases brought by			**X**

	or against the Council. (For the avoidance of doubt, this includes the power to sign settlement agreements on the Council's behalf and the power to settle claims before any formal proceedings have commenced.)			(DoLG only)
21	To provide legal advice and representation on any matter in any way affecting the Council's interests.			**X** (DoLG only)
22	To sign contractual documents executed under seal **unless** the requirement is waived (as agreed by Legal Services and recorded in the Scheme of Delegation database)			**X** (DoLG only)
23	To give approval to consult with and instruct counsel, and the procurement of any other external legal advice or representation.			**X** (DoLG only)
24	To authorise officers to appear on behalf of the Council in the Magistrate's Court (under section 223 of the Local Government Act 1972) and/or the County Court (under section 60 of the County Courts Act 1984).			**X** (DoLG only)
25	To authorise surveillance activities and accessing communications data in accordance with the Regulation of Investigatory Powers Act 2000.			**X** (DoLG only)
26	To amend and approve any changes to council owned companies Articles of Association or other governance documents			**X** (DoLG only)
27	To appoint and remove company directors.			**X** (DoLG only)
28	To appoint Proper Officers, as set out in section 9.33 of the Constitution, except where legislation or guidance requires the appointment to be made by Full Council, Cabinet, or a committee of the Council. (Officers may not appoint themselves.)			**X** (DoLG only)
29	To consider complaints against or allegations of misconduct by the Chief Executive and agree to resolve informally any which are clearly unfounded, trivial, or best dealt with under the appropriate Council policy rather than under the Employment Committee's disciplinary procedures.			**X** (DoLG only)

RESERVED TO THE DIRECTOR OF ENVIRONMENT AND REGULATORY				
30	To apply the Gateway Test in respect of the National Scheme of Delegation of Planning Functions under sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 and the Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026.			(DoER only)
31	To determine Planning Applications that fall within Schedule 1 of the National Scheme of Delegation of Planning Functions under sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 and the Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026.			(DoER only)
32	In agreement with the Chair of the Planning Committee to refer the County Council's own-interest planning applications whether they fall under Schedule 1 or Schedule 2 of the National Scheme of Delegation of Planning Functions under sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 and the Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026 to the Development Control Committee without the need for consideration of the criteria set out in regulation 5(3) i.e. the Gateway Test. To determine the County Council's own-interest planning applications where no referral has been made to the Development Control Committee.			(DoER only)
33	To determine Planning Applications that fall within Schedule 2 of the National Scheme of Delegation of Planning Functions under sections 319ZZC to 319ZZF of the Town and Country Planning Act 1990 and the Town and Country Planning (Discharge of Local Authority Functions) (England) Regulations 2026, where no referral has been made to the Development Control Committee.			(DoER only)
RESERVED TO THE HEAD OF PENSION FUND (matters relating to the Pension Fund)				
34	To set the appropriate funding target for the Fund.			HoPF only
35	To place any monies not allocated to investments on short term deposit in			HoPF only

	accordance with arrangements approved by the Pension Fund Committee.			
36	To accept for admission in 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 Agreements and subject to any necessary indemnities as appropriate.			HoPF only
37	To approve the payment of death grants in accordance with the Death Grant Policy.			HoPF only
38	To deal with stage 2 appeals under the Internal Dispute Resolution Procedure.			HoPF only
39	To approve applications for early payment of preserved pension benefits on compassionate grounds.			HoPF only
40	To determine the actual injury allowance payable on each individual qualifying case of injury or disease, both retrospective and for the future.			HoPF only
41	To act as proxy voter on behalf of the Council for the ratification of the Independent Director at the Annual General Meeting of Local Pensions Partnership Ltd, on the continuing appointment of the 'A' Directors of Local Pensions Partnership Ltd, and on the appointment of the directors of the subsidiaries of Local Pensions Partnership Ltd.			HoPF only
42	To engage on behalf of the Council in the budget process of Local Pensions Partnership Ltd as set out in Schedule 6 of the Shareholder Agreement.			HoPF only
GENERAL MANAGEMENT POWERS				
43	To approve **expenditure** up to the key decision threshold relating to the delivery of the functions of the Directorate and / or services for which the officer is responsible.	£1.9m	£1.9m	£1.1m
44	To authorise payments where the Council is under a legal obligation to make the payment e.g. a contractual payment or damages award.	£1.9m	£1.9m	£1.1m

45	To make decisions to discharge the functions and powers of services under their management.	X	X	X
46	In addition to any of their general and/or specific delegated functions set out in this Scheme or in the Constitution, to make all decisions which are calculated to facilitate, or are conducive or incidental to the discharge of such delegated functions.	X	X	X
47	To authorise or delegate to officers to perform any or all of the functions and powers set out in this Scheme. *Delegations must be recorded in the online Scheme of Delegation database.*	X	X	X
FINANCE (All subject to compliance with the Council's Finance Rules and each directorate's Scheme of Financial Delegation)				
48	To carry out the virement of budgets within delegated budgets provided the amount of any individual transfer does not exceed 10% of the gross expenditure or £250,000, whichever is the lower, or in any other case with the consent of the relevant Cabinet Member(s).	£1.9m	£1.9m	£1.1m
49	To approve grants to any recipient, in compliance with Subsidy Control rules and the Procurement Rules.	£1.9m	£1.9m	£1.1m
50	To levy and collect all mandatory statutory fees and charges (including power to increase fees and charges where changed by legislation) in accordance with the Financial Rules.	£1.9m	£1.9m	£1.1m
51	To agree and submit a bid for or enter into contract for goods, services and / or works for third parties or for a council tendered service (i.e. an “in house bid”).	£1.9m	£1.9m	£1.1m
52	To agree and submit a bid for a grant or other funding from central or regional government or another third party for the provision of goods, services, works or any other council function.	£1.9m	£1.9m	£1.1m
53	To approve the acceptance of a grant or other funding from central or regional government or other third party for the provision of services, works or any other council function, where either:	£1.9m	£1.9m	£1.1m

	a) The total value is under the Key Decision threshold or; b) Where the Council has no discretion in how the grant is used or applied, including where a mandatory statutory formula applies to its distribution to third parties or its use; or c) Existing Executive decisions or approved policies have determined the application or use of the grant.			
PROCUREMENT AND CONTRACTS (All subject to compliance with the Council's Procurement Rules)				
54	Approval to commence a procurement process and the procurement process for the award of any contract.	£1.9m	£1.9m	£1.1m
55	The award of contracts (including the selection of a contractor from a framework). *The thresholds listed do not apply where Cabinet has already approved the contract value at the commencement of a procurement process.*	£1.9m	£1.9m	£1.1m
56	To exercise an option to extend a contract, where the amount or duration has not previously been approved by Cabinet.	£1.9m	£1.9m	£1.1m
57	To agree the variation of a contract.	£1.9m	£1.9m	£1.1m
58	To agree exemptions and waivers as allowed in the Council's Financial and Procurement Rules.	X	X	X
59	To make all other procurement decisions in accordance with the Procurement Rules, including but not limited to: a) To establish a framework; b) to agree to join any external framework contracts or similar agreements; c) To end a procurement process; d) All decisions that are ancillary to other delegated powers.	£1.9m	£1.9m	£1.1m
60	To sign contractual documents **not** executed under seal (by value of the contract) provided they are in the format provided by Legal Services. *In accordance with the Procurement Rules the thresholds listed do not apply when the*	£1.9m	£1.9m	£1.1m

	requirement to sign a contract under seal has been waived in agreement with Legal Services.			
61	To make all contract management decisions including but not limited to: a) Suspending payments; b) Exercising provisions relating to liquidated damages; c) To refer a matter to arbitration d) Terminating contracts for breach of contract or otherwise in accordance with the terms of the contract.	£1.9m	£1.9m	£1.1m
HUMAN RESOURCES AND EMPLOYMENT (All subject to compliance with the Council's policies and procedures)				
62	To make all decisions in respect of the employment and management of individual officers under the officer's management, where the power is not delegated elsewhere in this Scheme, in relevant policies or procedures, or reserved for Member decision in the Constitution, including but not limited to: a) Recruitment, including probation, acting up and promotion; b) Discipline and capability (including sickness); c) Termination of employment; d) Restructuring, redeployment and redundancy; e) Pay and remuneration; f) Grievances; g) Appeals under any procedure; h) Applications for any statutory or contractual right or benefit; i) Secondment (section 113 of the Local Government Act 1972); j) Health and safety; k) Payment of any discretionary sums less than £20,000 to employees on termination of employment in addition to statutory and contractual redundancy or severance terms; and l) All other powers of an employer to ensure the efficient discharge of functions and services, excluding the settlement of employment claims which is a matter reserved to the Director of Law and Governance.	X	X	X
63	To meet all duties relating to the operational health and safety of employees, workers,	X	X	X

	visitors and others as defined in the Council's Health and Safety Policy.			
POLICY, PERFORMANCE AND RISK				
64	To prepare, approve and amend policies relating to the operation of the services under the officer's management except where these are otherwise reserved to Council, Cabinet or a committee.	X	X	X
65	To make minor amendments to policies approved by Council, Cabinet or a committee, where these are purely technical or administrative in nature.	X	X	X
66	To oversee performance and risk in relation to the services under the officer's management, including the collection, analysis and communication of the information and escalation or de-escalation through the management structure as appropriate.	X	X	X

Code of Conduct for Employees

Introduction

9.53 The public is entitled to expect the highest standards of conduct from all Lancashire County Council employees, who must conduct themselves and Council business in compliance with the highest professional standards and in accordance with legislative requirements.

9.54 This Code of Conduct sets out the behavioural standards that must be upheld by employees of the Council.

General Principles

9.55 The following general principles which apply to employees of the Council are embodied within the requirements of this Code - The Seven Principles of Public Life (the Nolan Principles).

9.56 Employees serving the public must at all times practice and exhibit the following behaviours through the course of their work:

a) Selflessness
b) Integrity
c) Objectivity
d) Accountability
e) Openness
f) Honesty
g) Leadership

Organisational Values and Behaviours

9.57 The Council has developed a set of values and behaviours that employees are expected to demonstrate through the course of their work. These define a Lancashire County Council employee and underpin the specific requirements that are set out within this Code.

9.58 Employees may also be subject to other service specific or organisational values.

Status of the Code

9.59 The Code sets out the minimum standards of conduct and forms part of the Council's terms and conditions of employment.

Application of the Code

9.60 This Code applies to all employees of the Council, except those employed in schools (although the Code is recommended for adoption by schools).

9.61 If you are in any doubt about any provision of this Code or what is expected or required of you, you must raise any issues you have with your line manager.

9.62 Inevitably, some of the issues covered in the Code may affect senior, managerial and professional employees more than others but the principles apply to all employees. Non-compliance with the Code may result in action being taken under the Council's Disciplinary Procedure (see paragraphs 9.78 and 9.79).

9.63 Any breach of professional Codes of Conduct, where these apply to employees as a result of their professional role, is unacceptable and may also result in action being taken under the Council's Disciplinary Procedure.

9.64 If you consider that other employees may be guilty of misconduct, you have a duty to report this to your line manager or raise it through one of the other available policies or procedures (e.g. the Council's Whistleblowing Policy).

9.65 You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

General Requirements as an Employee of Lancashire County Council

9.66 As an employee of Lancashire County Council you must and you are required to:

a) Fulfil the obligations placed upon you under the terms of your contract of employment, for example:

(i) Be ready and willing to work as specified in your role profile;

(ii) Undertake your duties and responsibilities effectively, efficiently and diligently;

(iii) Conduct your work in a co-operative manner;

(iv) Attend work;

(v) Be punctual in time keeping;

(vi) Be honest and trustworthy;

(vii) Obey reasonable management instructions;

(viii) Take care of yourself, your colleagues and others whilst at work; and

(ix) Take care of Council property.

b) Adhere to the Council's Statement of Ethical Standards.

c) Adhere to all corporate and service-specific policies and procedures.

d) Demonstrate the Council's (and other organisational or service-specific) values and behaviours through the course of your work.

e) Follow any local rules laid down for your work location.

f) Familiarise yourself with, and follow, the Health and Safety rules that apply to your particular area of work/location, including compliance with the Council's Smoke-free Policy.

g) Show respect for all people that you come into contact with in the course of your duties (e.g. the public, fellow employees, employees from other agencies, etc) and demonstrate continually whilst at work your commitment to ensuring equality and respect for all. Employees must not engage in any activity whilst in or outside of work that may be, or may be perceived to be, a hate incident or crime.

h) Demonstrate impartiality in respect of any decisions you take and advice you provide on behalf of the Council.

i) Maintain the confidentiality of any confidential information obtained in the course of your employment. You must not:

   (i) Disclose information given to you in confidence by anyone, or information acquired that you believe is of a confidential nature;

   (ii) Use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way; or

   (iii) Give information to the media unless you are authorised to do so (see paragraph (l) below regarding the arrangements in relation to contact with the media).

j) Follow the Council's policies/procedures governing:

   (i) Trade Union duties and activities (as appropriate for members of Trade Unions) and as set out in the Council's Facilities Agreement.

   (ii) Your personal responsibility as an employee for reporting absence/changed circumstances, claiming payments/expenses/allowances, etc.

   (iii) Use of facilities - at work, you may have access to facilities, such as office equipment, computers, telephones, transport, etc. These facilities are not intended for private use. Where some personal use is permitted, you must observe any corporate protocols, including the Internet, Email and Telephone System Acceptable Use Policy.

   (iv) Your professional responsibilities in respect of the service provided to users and/or other customers.

   (v) Intellectual property (e.g. designs, programmes, drawing and inventions) - the ownership and copyright of work you produce for the Council will normally belong to the Council. Further guidance on this issue can be obtained from the Director of Law and Governance.

   (vi) Outside employment - employees must not undertake any additional outside employment which is in conflict with the Council's interests/business. Employees paid above SCP 19 on the Lancashire pay spine, or equivalent, must seek permission prior to undertaking any additional outside employment.

   (vii) Any managerial responsibilities you may have, including those relating to operational, financial and HR matters, and statutory obligations.

   (viii) Membership of any organisation that is not open to the public without formal membership and which has a commitment of allegiance or secrecy about rules of membership or conduct.

k) Use the appropriate lines of communication to express views/issues relating to your employment or the Council's services (i.e. via your line manager).

l) Follow the Council's arrangements in relation to contact with the media. You must acknowledge and accept that as a Council employee all press enquiries concerning the

business of the Council should be channelled through the Communications Service, who offer support and advice on all matters relating to the media.

m) Notify your line manager of any known or suspected breaches of the law or Council's policies, procedures and regulations, and co-operate with any investigation of such breaches. If you feel unable to approach your immediate line manager on a specific matter, you should notify a more senior manager responsible for the area of the service in which you work or use the confidential whistleblowing line – 01772 532500.

n) Disclose to the Council as required on appointment, or at any time, any criminal charges/convictions and cautions in accordance with the provisions of the Rehabilitation of Offenders Act 1974. Being charged or in possession of a conviction or caution may not necessarily debar you from appointment or lead to disciplinary action. However, failure to disclose where required will be considered under the Council's Disciplinary Procedure and may result in dismissal.

o) If employed in a 'regulated activity' post, disclose to the Council on appointment, or at any time if you are subject to any ongoing investigation into any matter which may bring into question your suitability, if a referral has been made to the Independent Safeguarding Authority (ISA) and your application status is 'under consideration', 'minded to bar' or if you are 'barred' from working with children or vulnerable adults.

p) Serve all councillors equally (not just those of the controlling group), ensuring that the individual rights of all councillors are respected. You must not allow your own personal or political opinions to interfere with your work. Close personal familiarity between employees and individual councillors should be avoided. A protocol on councillor/officer relations is set out within the Council's Constitution.

q) Undertake training courses and learning/e-learning modules as required by your job role or employment with the Council.

r) Notify your line manager of any personal relationship in or outside of work which may result in your honesty/objectivity/integrity being challenged in your role with the Council.

s) Disclose any known relationship between yourself and a candidate who has applied for a Council post where you are involved in appointing to the post. All appointments must be made on the basis of merit in line with the Council's Recruitment and Selection Policy and associated processes.

t) Notify your line manager of any change in your personal circumstances which could affect your ability to fulfil the role in which you are employed.

u) If supplied with a uniform or clothes/overalls for your role with the Council, you must wear these whilst carrying out your duties. All other employees are required to dress in a way that is appropriate to the work they have to do, as determined by their line manager or recognised conventions (e.g. smart clothes for court appearances, public meetings, etc).

v) Take care to ensure that your personal hygiene and also your personal appearance is appropriate having regard to the conventions of your workplace and internal/external working environment.

9.67 In addition to complying with the above, you are also expected to conduct yourself, both on and off duty, in a manner appropriate to and compatible with your employment with the Council.

Political Restrictions

9.68 Certain employees hold politically restricted posts that are defined in the Local Government and Housing Act 1989 as:

a) Specified posts, such as the Head of the Paid Service and the Monitoring Officer. These post holders are restricted without exemption or appeal; or

b) Posts that meet the duties-related criteria for determining a 'sensitive' post, unless the post holder appeals successfully against such a determination. These posts are defined as those that (i) give advice on a regular basis to the employing authority, or (ii) speak on behalf of the authority on a regular basis to journalists and broadcasters.

9.69 If you hold a politically restricted post you are disqualified from membership of any authority, other than a parish or community council, from being a Member of Parliament (MP) or Member of the European Parliament (MEP) and are subject to prescribed restrictions on your political activity. Further information about political restrictions can be obtained from the Monitoring Officer.

9.70 If the post you hold is politically restricted, your line manager will notify you of this on appointment.

Employee Compliance

9.71 Failure to comply with the standards of conduct set out under this Code may result in action being taken under the Council's Disciplinary Procedure and could result in your dismissal from employment with the Council.

9.72 Further information about levels of misconduct can be found within the Council's Disciplinary Procedure.

Statement of Ethical Standards for Employees

Introduction

9.73 The County Council's reputation for acting with integrity is to a great extent measured by the way in which our employees conduct themselves with our customers, other organisations and each other. This statement sets outs the ethical standards which must be upheld by all Council employees. The standards are an important and integral part of the Council's Code of Conduct for Employees which sets all the standards of behaviour that the Council requires employees to comply with.

9.74 Our customers, the general public and external organisations are entitled to expect the highest standards of conduct from the Council and its employees. Public confidence in our integrity would be shaken were the least suspicion to arise that the Council or any employee could in any way be influenced by improper motives. Employees must therefore be aware that whilst social contact with persons who have business with the Council can be perfectly proper, care must be taken to ensure that contacts of this nature cannot be misconstrued.

9.75 Relationships such as kinship, friendship, membership of an association or club may give the impression to others that an employee might, when undertaking Council business, be acting from personal motives and have divided loyalties. The test is whether others would think the interest is of a kind to make this possible. Accordingly, where such relationships

exist employees must be aware of their responsibilities under this Statement and, if they consider that any relationship might give such an impression, or if they are in any doubt, they must inform their line manager at once and, if necessary, make a formal declaration as required.

Application of the Statement

9.76 This Statement reflects relevant legislation and sets out the Council's expectations of all persons working for the Council. Whilst some of the issues addressed by this Statement are likely to affect senior, managerial and professional employees more than others, all employees and workers are covered by this Statement including those working in schools, employees seconded to other organisations or those working in companies wholly owned by the Council. The Statement applies to permanent, temporary and fixed-term employees and casual workers.

9.77 The Statement sets out standards that all employees must comply with. Council employees must conduct themselves at all times when undertaking Council business in accordance with the highest professional and ethical standards and the laws of all countries in which the Council does business.

9.78 On appointment (and when otherwise required by the Council) employees shall be required to confirm their acceptance of the provisions of the Statement as a fundamental term of their contract of employment with the Council.

9.79 Non-compliance with any of the provisions of this Statement will be regarded as misconduct and may result in action being taken under the Council's Disciplinary Procedure. In some circumstances it may also result in criminal proceedings.

9.80 If you consider that other employees may be acting or have acted in breach of any of the provisions of the Statement then you must report this to your line manager or raise it through one of the other available procedures e.g. whistleblowing.

9.81 You must not treat employees who report (or who intend to report or are suspected of reporting) potential misconduct any less favourably than other employees.

9.82 You must pay particular attention to these provisions if your role with the Council involves dealing with the award of any contracts by the Council or if you deal with any financial transactions, particularly where they are high value. You must also carefully consider the implications of any external activity that you may undertake (where that is permitted see paragraph 9.90) in addition to your employment with the Council.

9.83 You must not undertake any additional outside employment which is in conflict with your role as an employee. If you are paid above SCP 19 on the Lancashire pay spine, or equivalent, you must seek permission prior to undertaking any additional outside employment – see the Code of Conduct.

Anti-Bribery and Corruption

9.84 A bribe is an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage. This conduct is never acceptable.

9.85 It is not acceptable for you (or someone on your behalf) to:

a) Give, promise to give, or offer, a payment, gift or hospitality with the expectation or hope that a business advantage will be received, or to reward a business advantage already given;

b) Give, promise to give, or offer, a payment, gift or hospitality to a government official, agent or representative to "facilitate" or expedite a routine procedure;

c) Accept payment from a third party that you know or suspect is offered with the expectation that it will obtain a business advantage for them;

d) Accept a gift or hospitality from a third party if you know or suspect that it is offered or provided with an expectation that a business advantage will be provided in return;

e) Threaten or retaliate against another employee who has refused to commit a bribery offence or who has raised concerns under these rules; and

f) Engage in any activity that might lead to a breach of paragraphs (a) to (e).

9.86 The penalties for committing an offence under the Bribery Act 2010 can be serious. Failing to prevent bribery can result in a fine. Offences of giving or receiving bribes can result in fines and/or up to ten years' imprisonment.

Gifts, Hospitality and Sponsorship

9.87 The acceptance/giving of any gift or hospitality by an employee from/to a person (customer, potential customer, supplier, family member of an employee or any other person), who has or may seem to have dealings with the Council can be viewed with suspicion.

9.88 Although such offers may be made in perfectly good faith, employees must not accept or make offers where any suggestion of improper influence might arise. A gift or hospitality must not be able to be construed as a bribe nor must it seek to influence any decision or be contrary to any laws or regulations.

9.89 Any gift or hospitality should only be accepted where you are satisfied that any purchasing, planning or other Council decisions are not compromised. You should not put yourself in a position where your own integrity and the integrity of the Council may be called into question.

9.90 Gifts and hospitality should not be offered to or accepted from any existing or potential supplier or customer during a procurement exercise.

9.91 You should only accept a gift or hospitality where it is reasonable and justifiable and is on a scale appropriate to the circumstances, for example:

a) A gift with a token face value of up to £50 given by way of trade advertising to a wide range of contacts (e.g. calendars, pens, diaries);

b) The gift is not in the form of cash or securities;

c) The gift or hospitality is a one-off and not repeated on a regular basis; and

d) The gift or hospitality is given openly, not secretly.

10 You must seek prior approval, where possible, from your line manager before accepting any gift or hospitality that is estimated to be beyond a face value of £50.

9.99 You must declare all gifts and hospitality received or rejected that is estimated to be beyond a face value of £50. Instructions on how to make a declaration are available on the 'Gifts and Hospitality' intranet site. The Monitoring Officer will maintain a register of all declarations of gifts and hospitality. The register will be open to inspection by Heads of Service and other managers as appropriate. If you are seconded to an organisation then it is appropriate to use that organisation's forms and procedures in order to make this declaration.

9.100 You should always consider the benefit to you and the Council of declining a gift or hospitality. When a gift or hospitality has to be declined you should courteously but firmly inform those making the offer of the procedures and standards operating within the Council.

Financial, Personal and Pecuniary Interests

9.101 You should disclose any financial or personal interests that you feel conflict or might be seen as conflicting with the Council's interests, for example:

a) Acting as a school governor within schools maintained by the Council; involvement with an organisation receiving grant aid from the Council; membership of another public sector organisation;

b) Membership of a body exercising functions of a public nature;

c) Involvement with an organisation or pressure group which may seek to influence the Council's policies;

d) Involvement with an organisation or company that is doing business with the Council e.g. as a director;

e) Membership of a charitable body that has a relationship with the County Council; and

f) Membership of the freemasons or any similar organisation.

9.102 Section 117 of the Local Government Act 1972 requires you to disclose any direct or indirect financial interest which you may have in any contract involving the Council. An interest is deemed to include a beneficial interest in a company, or partnership with, or employment by a person with such an interest. It extends to the interest of your spouse or partner. You must not accept any reward, fee, unauthorised commission, gift, present or payment for any work you perform for the Council other than your proper remuneration. Failure to declare such interests may be a criminal offence.

9.103 If you wish to declare any financial or personal interests, instructions on how to make a declaration are available on the 'Gifts and Hospitality' intranet site. You must also inform your line manager. The Monitoring Officer will maintain a register of all declarations of gifts and hospitality. The register will be open to inspection by Heads of Service and other managers as appropriate.

Compliance

9.104 Failure to comply with the principles and steps set out in this Statement may result in action being taken under the Council's Disciplinary Procedure and can lead to dismissal. Examples include:

a) Failure to comply with the principles and steps set out in this Statement;

b) Failure to report a suspected, or actual, instance of non-compliance with the principles and steps set out in this Statement;

c) Failure to make, or falsification of, any declaration to the Council that the Statement requires you to make;

d) Lack of attention or diligence on the part of managers that directly or indirectly leads to a breach of any provision of this Statement or a breach of the law; and

e) Direct or indirect retaliation against an employee who reports an actual, or suspected, breach of the principles and steps required by this Statement.

9.105 In addition to any disciplinary action that may be taken a breach of any of the provisions of this statement may also amount to a criminal offence. Offences under the Bribery Act 2010 may result in imprisonment. Breach of the provisions of this Statement may also amount to a criminal offence under the provisions of section 117 of the Local Government Act 1972.

Amendments to the Statement

9.106 The Council reserves the right to amend this Statement at any time as it thinks fit to ensure compliance with legislation or otherwise by giving employees not less than 28 days' notice of any change whereupon the provisions of the revised Statement will take effect as a fundamental term of the employee's contract of employment.

9.107 Should you require any clarification about the requirements of this Statement please contact your line manager. You can also obtain further advice from the Monitoring Officer at: democratic.services@lancashire.gov.uk.

10. STANDING ORDERS

Section A: General and Introduction

Interpretation and Definitions

1. These Standing Orders are the rules which apply to the proceedings of committees and decision making at the Council.

2. These Standing Orders have five Sections:

   a) General and Introduction;

   b) Full Council Procedural Standing Orders;

   c) Cabinet and Cabinet Committee Procedural Standing Orders;

   d) Committee Procedural Standing Orders; and

   e) Overview and Scrutiny Procedural Standing Orders.

3. References in these Standing Orders to the Chair of the Council, Leader or Chair of a committee, include the appointed Vice-Chair of the Council or Deputy Chair or any other member acting at a meeting in their absence.

4. These Standing Orders should be read in conjunction with the rest of the Council's Constitution, including:

   a) Terms of Reference;

   b) Schemes of Delegation;

   c) Procurement Rules (Contract Standing Orders) and Financial Rules;

   d) Ethical Framework i.e. Code of Conduct, Development Control Good Practice; and

   e) Members' Allowance Scheme.

5. References in these Standing Orders to motions include reference to amendments where appropriate.

6. Unless specified, reference in these Standing Orders to a "member" of a committee shall refer to any member of a committee, including non-voting and co-opted members.

7. At a meeting the interpretation and application of these Standing Orders lies with the Chair. The Monitoring Officer shall advise the Chair as necessary and shall be responsible for ruling on the interpretation and application of these Standing Orders in between meetings. The ruling of the Chair or Monitoring Officer is final.

8. References in these Standing Orders to requirements to make submissions or requests in writing shall include emails, as long as the email is from the councillors' own Lancashire County Council provided email account. When making submissions or requests using email, these should be sent to democratic.services@lancashire.gov.uk.

9. References in these Standing Orders to other relevant Standing Orders shall refer to the relevant paragraph in the same Section, unless otherwise stated.

Councillors' General Conduct at Meetings

10. All councillors shall:

    a) Respect the Chair at all times;

    b) Adhere to the Member's Code of Conduct when attending a meeting;

    c) Recognise and acknowledge that they are personally responsible for their own conduct and have a responsibility to secure and promote good conduct on the part of all councillors and of their political group; and

    d) Exercise a reasonable degree of self-control in their conduct and behaviour at meetings and shall not make a personal attack on any other councillor or Officer.

11. The Chair of a meeting shall:

    a) Act to maintain order, and may require a member acting in breach of the above to apologise;

    b) At all times act impartially, fairly and honestly in upholding these standing orders and ensuring the smooth running of Council meetings; and

    c) Explain rulings and decisions if invited to do so by a councillor in a meeting.

Section B - Full Council Procedural Standing Orders

1. **Annual Meeting**

In a year when there is an ordinary election of councillors, the Annual Meeting of the Council shall take place within 21 days from the retirement of the outgoing Members. In any other year, the Annual Meeting shall take place on such day in March, April or May as the Council may fix.

2. **Ordinary Meetings**

Subject to Standing Order 6, Ordinary Meetings will take place in accordance with a programme decided by the Full Council.

3. **Extraordinary Meetings**

3.1 Those listed below may require the Chief Executive to call an Extraordinary Council Meeting:

a) The Council by resolution;

b) The Chair of the Council; or

c) Any five councillors if they have signed a request to the Chair and the Chair has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the request.

3.2 Only business specified in the agenda may be transacted at an Extraordinary Council Meeting.

4. **Budget Meetings**

4.1 At the Council meeting where the Council's Budget and Council Tax is approved and set (which must be held before 11 March each year[2]), the agenda will be limited to consideration of the Leader of the Administration's recommendations for the Budget, Capital Programme, Borrowing Policy and Council Tax; and any other urgent business agreed by the Chair.

4.2 In order to be approved, all alternative Budget proposals that any political group or member who is not a member of a political group wishes to be considered must be provided in final form, following prior consultation and written approval of the Chief Financial Officer, at least five clear working days in advance of the Budget meeting. Any submissions not received within this time will not be allowed.

4.3 Any submissions not prepared in a form acceptable to the Chief Financial Officer as being capable of being adopted by the Council as a lawful Budget will not be allowed.

4.4 Alternative Budgets and amendments to the Budget which are to be debated at a Budget Meeting shall be submitted in the form of an alternative Budget or a list of proposed amendments to the Budget submitted by the Administration. Each alternative Budget or list of proposed amendments shall be proposed, seconded, debated and voted on as if they were a single amendment.

[2] Section 30(6) Local Government Finance Act 1992.

4.5 The text of all alternative Budgets or proposed amendments must be submitted to the Monitoring Officer at least five clear working days before the meeting. The Monitoring Officer shall comply with the wishes of the Leader of the relevant political group in determining when to make the documents available to other councillors, the press and public, subject to this being no later than the start of the meeting at which the Budget is to be discussed.

4.6 Alternative Budgets or proposed amendments to the Budget will be considered in the order set out below. Only one alternative Budget or list of proposed amendments may be moved and discussed at any one time, unless the Chair decides otherwise.

4.7 No further amendments may be moved until the alternative Budget or amendments to the Budget under discussion have been dealt with.

4.8 If an alternative Budget or list of proposed amendments are carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments which have already been notified are moved.

4.9 At a Budget Meeting, the following rules shall apply to debate on the annual Budget:

a) The exact length of speeches for each proposer and management of the debate is at the discretion of the Chair and will be announced before the start of the meeting.

b) The Chair will call the Leader, or their nominee, to propose and move the Budget. The seconder will have up to five minutes to second the Budget.

c) Once the Budget has been seconded, the Chair will call the other political group Leaders, or their nominees, to speak. Each will be called in order of precedence according to the number of councillors in each group. Where two groups have the same number of members, the Chair shall exercise their discretion.

d) The Leader of the largest political group not forming part of the Administration, or their nominee, may make a statement or propose an alternative Budget or amendments. If an alternative Budget or amendments have been proposed, the seconder will have up to five minutes to speak.

e) The Leaders of each of the other political groups not forming part of the Administration, or their nominees, or any member who is not a member of a political group, may make a statement or propose an alternative Budget or amendments. If an alternative Budget or amendments have been proposed, the seconder will have up to five minutes to speak.

f) If a political group not forming part of the Administration or any member who is not a part of a political group proposes an alternative Budget or amendments, then after each has been seconded they shall be debated. The normal rules of debate shall apply. The proposer of the alternative Budget or amendments has a right of reply. The proposer of the Administration’s Budget also has a right of reply prior to the vote. Each alternative Budget or list of amendments will be debated and voted on in the order they were proposed. Each vote must be a recorded vote.

g) After each alternative Budget or amendments have been voted on, the debate will return to the substantive motion - the Administration’s Budget - which may or may not have been amended. All members of the Council are allowed to

contribute to the debate, except the mover or seconder of original motion (unless the seconder has reserved their right to speak).

h) No further amendments are allowed at this stage by any of the members of the Council.

i) After the debate on the substantive motion, the mover of the Administration's Budget has a right of reply (for which they have up to five minutes to speak). A recorded vote must then be taken on the substantive Budget (which may have been amended) and the debate is concluded.

j) A member may not vote on the Council's Budget if they have an outstanding Council Tax debt of over two months. If a member with such a debt is present at any meeting at which relevant budgetary matters are discussed, they must disclose the fact and may not vote. Failure to comply is a criminal offence[3].

5. **Special Meetings**

A Special Meeting of the Council is one that is required by statute, for example for the appointment of Honorary Aldermen or Alderwomen, and shall only consider a single substantive item of business. The meeting shall be convened for the specific statutory purpose contained in the agenda. No other business may be transacted at that meeting.

6. **Place and Time of Meetings**

6.1 Meetings shall be held in County Hall, Preston, on a Thursday at 1.00 pm or at such other time as the Full Council may decide.

6.2 The Chair may, in consultation with the political groups represented on the Council, alter the time, date or place of a meeting.

7. **Changes to Calendar of Meetings**

A timetable of meetings will be approved annually by Full Council. Any alterations to the date, time and venue for a meeting and any additional meetings shall be approved by the Chair in accordance with Standing Order 6.2. There will be a presumption against alterations once the annual timetable has been approved.

8. **Allocation of Seats in the Council Chamber**

8.1 Each seat in the Council Chamber shall be numbered and allocated to councillors in accordance with:

a) An overall allocation to each political group represented on the Council (and to any individual councillors who are not members of a group) agreed by the Monitoring Officer; and

b) The wishes of the political groups within those allocations.

8.2 Political groups must inform the Chair of the allocation of seats, and any changes to those allocations, at least 48 hours before a meeting of the Full Council. Any changes made less than 48 hours before a meeting may only be requested in exceptional circumstances and must be agreed by the Chair.

[3] Section 106 of the Local Government Finance Act 1992

9. **Attendance at Meetings**

All members present during the whole or part of a meeting shall have their attendance recorded. Members attending remotely will have their virtual attendance recorded and, if requested by the Chair, be permitted to speak at the meeting but they will not be allowed to vote.

10. **Quorum**

The quorum of a meeting shall be a quarter (rounded up) of the Full Council's membership at the time of the meeting (21). If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting and any remaining business shall stand adjourned to a time fixed by the Chair or, if they do not fix a time, to the next Ordinary Meeting.

11. **Chair of Meeting**

11.1 At every meeting the Chair, if present, shall preside. If the Chair is absent, the Vice-Chair, if present, shall preside. If both the Chair and the Vice-Chair are absent, the meeting shall elect a Chair from one of its voting members for the duration of the meeting.

11.2 If it is necessary to choose a member to preside in the absence of the Chair and Vice Chair, the Monitoring Officer (or their nominee) shall preside and call for a motion that a member take the chair.

12. **Chair's Interpretation and Application of Standing Orders**

12.1 The ruling of the Chair at any meeting, as to the interpretation and application of any of these Standing Orders, or as to the proceedings of Full Council, shall be final.

12.2 The Chair may be invited to explain or reconsider a ruling in consultation with the Monitoring Officer by any voting member. Once this has been provided, the Chair's ruling cannot be challenged further, other than by an order of the court.

13. **Chair Standing - Call to Order**

If the Chair so directs or stands, a councillor speaking must immediately resume their seat and be silent.

14. **Interruption by a County Councillor**

14.1 If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

14.2 If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

15. **Interruption by a Member of the Public**

If a member of the public interrupts the meeting the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.

16. **General Disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

17. **Councillors Standing to Speak – Two Councillors Not to Remain Standing**

When speaking, a councillor must stand and address the meeting through the Chair. If more than one councillor stands, the Chair will ask one to speak and the others must sit. Other councillors must remain seated whilst a councillor is speaking unless they wish to make a point of order or a point of personal explanation. With the permission of the Chair, this Standing Order shall not apply to any councillor who is unable to stand or sit for whatever reason.

18. **Point of Personal Explanation**

A councillor may make a personal explanation at any time with the permission of the Chair. An explanation shall only relate to some material part of their earlier speech which may have been misunderstood. The ruling of the Chair on the admissibility of a personal explanation shall be final and not open to discussion.

19. **Point of Order**

A councillor may raise a point of order at any time in relation to an alleged breach of a Standing Order or law and shall be entitled to be heard immediately. The councillor must specify the Standing Order or law and the way in which they consider it has been broken. The ruling of the Chair on a point of order shall be final and not open to discussion.

20. **Agenda and Advice**

20.1 The Chief Executive shall issue an agenda not less than five clear working days before a meeting.

20.2 Decisions shall be taken only after Full Council has considered any advice given by the Chief Executive, the Chief Financial Officer, the Monitoring Officer and any other appropriate Executive Director or their nominees.

21. **Order of Business**

21.1 Subject to Standing Order 21.2, the agenda for Ordinary Meetings shall be divided into Part A (Matters for Decision), Part B (Matters for Information) and Part C (Notices of Motion) and the order of business shall be:

a) Appoint a person to preside if the Chair and Vice-Chair are absent;

b) Receive apologies for absence;

c) Receive any announcements from the Chair or the Chief Executive;

d) Receive any declarations of interest from members;

e) Public Question Time;

f) Councillor Question Time;

g) Confirm the minutes of the last meeting(s) of the Full Council;

h) Deal with reports of the Cabinet, committees and officers for decision;

i) Deal with reports of the Cabinet, committees and officers for information;

j) Consider Notices of Motion; and

k) Other business, if any, specified in the agenda.

21.2 The order of business may be varied by the Chair at their discretion or by resolution which shall be moved and voted upon without debate.

22. **Committee Reports to Full Council**

22.1 The following committees shall submit a report on decisions taken to the next Ordinary Meeting of Full Council. Each report shall be presented by the Chair of the relevant committee:

a) Audit, Risk and Governance Committee

b) Conduct Committee

c) Employment Committee

d) Lancashire Health and Wellbeing Board

e) Pension Fund Committee

f) Overview and Scrutiny Committees

g) Urgency Committee

23. **Minutes**

23.1 The minutes of each meeting shall be presented to the next Ordinary Meeting of the Full Council (for the purpose of this Standing Order, this includes the Annual Meeting). Where the next meeting is an Extraordinary Meeting, the minutes of the previous meeting shall not be presented but shall instead be presented to the next Ordinary Meeting.

23.2 The Chair shall put the question that the minutes of the previous meeting be approved as a correct record. Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded and voted upon. Where no issues are raised, or after the motion has been dealt with, the Chair shall initial each page and sign the minutes.[4]

23.3 A record of each decision taken by the Full Council shall be available for public inspection at County Hall and on the Council's website as soon as reasonably practicable.

[4] Sch.12 para.41(2) Local Government Act 1972.

24. **Declarations of Interest**

24.1 Any member with a disclosable pecuniary interest in a matter being discussed should declare the nature of the interest and withdraw from the meeting during the item.

24.2 Any member with a non-disclosable pecuniary interest or non-pecuniary interest in a matter being discussed should declare the nature of the interest and, if a member of a public acting reasonably would consider the interest such as to affect the member's ability to make the decision in the public interest, they should withdraw from the meeting during the item.

25. **Suspension of Standing Orders**

25.1 The Full Council's Procedural Standing Orders, except those listed at (a) to (d) below, may be suspended by motion with or without notice where its suspension is moved and seconded, if at least one half of the whole number of members of the Full Council are present and vote, except where this would be in contravention of statute. Suspension can only be for the duration of the meeting.

a) Standing Order 46.2 (matters decided by a simple majority of councillors voting and present);

b) Standing Order 46.5 (request by a councillor that their vote be recorded);

c) Standing Order 46.7 (Chair to have a casting vote);

d) Standing Order 23.1 (minutes to be signed at the next Ordinary Meeting if the next actual meeting is an Extraordinary Meeting);

26. **Exclusion of Press and Public**

26.1 The Full Council may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.

26.2 If any question arises at a meeting of the Full Council as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the Full Council has decided whether to exclude the press and public.

26.3 The business which is the subject of a resolution under Standing Orders 26.1 or 26.2 shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

27. **Procedure for Dealing with Matters of Urgent Business Which Cannot Await a Meeting of the Full Council**

27.1 The Chief Executive, the Monitoring Officer and each Executive Director may deal with matters of urgency which cannot await a meeting of the Full Council or the Urgency Committee of the Full Council, following consultation with the Chair and

Vice Chair of the Urgency Committee. The other political group spokespersons on the Urgency Committee should be informed of matters of urgency as soon as practicable after the decision has been made. In the event that a political group is not represented on the Urgency Committee, the Leader of that group shall, subject to the Council's Access to Information Rules, be informed of the decision taken.

27.2 The provisions at Standing Order 27.1 shall be suspended in the period beginning with the fourth day after the County Council elections and ending on the date of the first Annual Meeting of the new Council. During that period, the Chief Executive may deal with matters of urgency which cannot await a meeting of Full Council where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.

27.3 The Chief Executive shall only exercise the powers at Standing Order 27.2 following consultation with the Leader (or in their absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leader (or in their absence the Deputy Leader) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as they consider appropriate.

28. **Procedure for Dealing with Matters of Urgent Business at Meetings**

An item of business not included on an agenda shall only be considered where, by reason of special circumstances which shall be specified in the minutes, the Chair of the County Council is of the opinion that the item should be considered at the meeting as a matter of urgency.

29. **Public Question Time**

29.1 At Ordinary Meetings of the Council, questions may be asked by members of the public of the Leader and Cabinet Members. For the purposes of this rule, county councillors are not regarded as members of the public and questions may not be submitted by representatives of political parties represented on the council.

29.2 The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written responses.

29.3 A person may submit only one question at any meeting and no more than one question may be asked on behalf of any organisation.

29.4 Questions must be limited to 150 words, submitted in writing to Democratic Services by 12 noon at least ten clear working days before the meeting, and include the name and address of the questioner and the name of the Cabinet Member to whom the questioner would like the question put. Questions so received will be referred to the Chief Executive for approval.

29.5 The Chief Executive may reject a question if it:

a) Is not about a matter for which the Council has a responsibility or which specifically affects the County;

b) Is defamatory, frivolous, vexatious or offensive;

c) Is substantially the same as a question which has been put at Public Question Time or Councillor Question Time at a meeting of the Council in the past six months;

d) Relates to a matter that is substantially the same as one on which a question has been put at a Public Question Time within the previous six months;

e) Requires the disclosure of confidential or exempt information;

f) Refers to legal proceedings taken or anticipated by or against the Council;

g) Relates to a day-to-day Council function or the provision of a Council service and has not been asked first of the relevant service area;

h) Is a statement rather than a question;

i) Names or identifies individual service users, members of staff or members/staff of partner agencies;

j) Makes or relates to allegations against, or comprises comments about, the conduct of individual Members or officers;

k) Relates to an individual or the questioner's own particular circumstances;

l) Would more appropriately be responded to by the Council under the Freedom of Information Act 2000 or the Data Protection Act 1998; or

m) Is from, or on behalf of, a political party, or bears the name, insignia or other device of a political party.

29.6 All approved questions will be included on the agenda for the next Ordinary Meeting of the Council, in the order that they were received (except the Chair may decide to group similar questions together). Those persons who submitted questions and who are present at the meeting will have their question taken as tabled unless they have requested in advance of the meeting to read it aloud. No introductory or explanatory remarks or supplementary questions are allowed.

29.7 If a member of the public who has submitted notice of a question is unable to be present at the meeting, the question will not be answered during the meeting. However, the Council will provide a written response to all questions listed on the agenda.

29.8 All responses must be limited to 3 minutes.

30. **Councillor Question Time**

30.1 At Ordinary Meetings of the Council, a councillor may ask a question about any matter relating to the Council's powers and duties; or which affects the Council's administrative area or its residents; or which affects an organisation on which the Council is represented by a councillor appointed or nominated by it.

30.2 A councillor may ask only one question at a meeting, although they may also ask one related supplementary question, and only one question may be asked on behalf of each political group per meeting, other than questions added to the agenda in accordance with Standing Order 30.7. (For the purposes of this

standing order, any councillors not aligned to a political group will be considered as one group.)

30.3 Questions must be limited to 150 words and a maximum of six questions may be permitted per meeting. Additional questions submitted above this number will be held in reserve and may be added to the agenda in accordance with Standing Order 30.7. Questions that are not added to the agenda will not automatically be carried forward to the next meeting.

30.4 Subject to Standing Order 30.5 below, a question under this Standing Order must be submitted in writing to Democratic Services from 12 noon on the day six weeks before the meeting of Full Council and by 12 noon at least seven clear working days before the Council meeting. For example**,** if the meeting is on a Thursday, the question must be received in writing by 12 noon on the Monday of the preceding week.

30.5 Any question which is received outside the specified times in Standing Order 30.4 may only be asked the Chair and the Monitoring Officer are satisfied that the circumstances giving rise to the question have arisen after the date specified and that the matter is of genuine urgency, and provided that the question is received in writing by 12 noon on the day before the Council meeting.

30.6 Questions asked under Standing Order 30.5 above shall not be subject to the question limit at each Council meeting for questions from councillors, specified in Standing Orders 30.2 and 30.3 above.

30.7 In the event that a political group does not submit a question for a Full Council meeting, the question slot will be allocated to any additional question(s) submitted on a first come first served basis, provided the question has been received in accordance with Standing Order 30.4 above.

30.8 The Chief Executive may reject a question if it:

a) Is not about a matter for which the Council has a responsibility or which specifically affects the County;

b) Is defamatory, frivolous, vexatious or offensive;

c) Is substantially the same as a question which has been put at Public Question Time or Councillor Question Time at a meeting of the Council in the past six months;

d) Requires the disclosure of confidential or exempt information;

e) Refers to legal proceedings taken or anticipated by or against the Council;

f) Is a statement rather than a question, or includes factually incorrect information;

g) Names or identifies individual service users, members of staff or members/staff of partner agencies;

h) Makes or relates to allegations against, or comments about, the conduct of individual Members or officers;

30.9 Questions shall be included on the agenda with the consent of the relevant group leader and asked in the order received, subject to each political group with a submitted question asking one question before any second questions from a political group are asked. The order of questions can be varied in exceptional circumstances by the Chair with the consent of the Council.

30.10 The councillor shall ask the question themself. If the councillor is not present at the meeting when the Chair invites them to ask the question, the question may be asked by another councillor who is a member of the same political group.

30.11 The councillor shall ask the question, as set out in the agenda, without making an introductory or explanatory speech.

30.12 Any such question may, at the invitation of the Chair, be answered by the following as appropriate:

a) The Leader or a Cabinet/Lead Member;

b) Another councillor nominated by the Leader or Cabinet/Lead Member.

30.13 There shall be a time limit of 3 minutes for each answer given orally to a question from a councillor.

30.14 Once the question has been answered, the councillor asking the original question may ask a supplementary question on the same topic without making an introductory or explanatory speech.

31. **Councillor Questions on Cabinet and Committee Reports**

In relation to a report which appears on an agenda, any councillor may ask the relevant Cabinet Member or committee Chair questions on that report. Where practicable, the councillor should give notice to the Chief Executive of their intention to refer to that matter.

Motions and Amendments[5]

32. **Scope of Motions**

32.1 Motions must be:

a) About matters for which the Council has a responsibility or which directly affect the Council's area;

b) Concise, clear and to the point, and a maximum of 250 words; and

c) Positive, that is require the Council to adopt a course of action.

33. **Motions Which May be Moved Without Notice**

33.1 The following motions may be moved without notice:

a) Appointment of a Chair of the meeting at which the motion is made;

[5] In this section, all references to motions refer equally to amendments unless otherwise specified.

b) Relating to the accuracy of the minutes;

c) That an item of business specified in the agenda shall have precedence;

d) To adopt recommendations of the Cabinet, a committee or an Executive Director submitted to the Full Council for decision;

e) To refer back a recommendation of a committee, the Cabinet or an Executive Director;

f) That a motion be withdrawn or amended;

g) Any of the matters referred to in Standing Order 25 (suspension of Standing Orders), Standing Orders 46.5 and 46.6 (voting) or Standing Order 45.1 (closure of debate);

h) To exclude the public and press in accordance with the Access to Information Rules; and

i) That a councillor be suspended from the meeting Standing Order 14 (interruption by a county councillor).

33.2 If any councillor wishes to move a Motion under this paragraph they must first specify the Motion, and in the case of a Motion under Standing Order 33.1(f), shall immediately after speaking hand the Motion in writing to the Chief Executive.

34. **Motions Which Cannot be Moved**

34.1 A motion shall not be accepted by the Chief Executive if, in their opinion, it:

a) Seeks to rescind any resolution or decision which has been passed at a meeting of the Full Council held within the preceding 12 months.

b) Has been voted upon but not carried within six months of the date of the meeting of the Full Council at which it, or one to the same effect, was voted upon.

c) Requires the Council to act in breach of its own Constitution or legislation.

d) Requires the Council to act in a way that is beyond its powers and responsibilities.

e) Is vague, ambiguous, irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper; or which includes factually incorrect statements.

f) Merely expresses an opinion and does not require the Council to adopt a course of action.

g) Has been withdrawn at the request of the mover or has failed for not being moved within the last six months.

h) Refers to legal proceedings taken or anticipated by or against the Council.

i) Requires the disclosure of confidential or exempt information.

j) Names or identifies specific service users, members of staff or members of staff of partner organisations without the mover demonstrating they have provided consent.

k) Relates to the member's own personal circumstances.

l) Expresses support or objection to proposals where the Council is in the process of consulting with the public or responding to a formal consultation process.

35. **Withdrawal of a Motion Which is Before the Council**

35.1 A notice of motion will be regarded as withdrawn if:

a) Prior to the Council meeting, an indication to this effect is given in writing to the Chief Executive by the member who submitted the notice, or

b) At the Council meeting, oral notice to this effect is given by the member who submitted the notice immediately when called by the Chair to speak and before the motion is moved, or

c) The notice of motion is not moved and seconded at the meeting of Council.

35.2 Once moved, a motion may only be withdrawn with the consent of the meeting. If the mover requests their motion be withdrawn, the request shall be voted on immediately, with no debate.

36. **Motions Not Dealt With**

Any motion which has not been disposed of at any Full Council meeting shall fall.

37. **Submission of Notice of Motion in Writing and Ruling of the Chief Executive**

37.1 Notice of every motion, other than a motion referred in Standing Order 33, shall be given in writing, signed by the councillor giving the notice, and delivered to the Chief Executive from 12 noon on the day six weeks before the Ordinary meeting of Full Council and no later than 12 noon at least seven clear working days before the Ordinary meeting of the Full Council. For example, if the meeting is on a Thursday, the question must be received in writing by 12 noon on the Monday of the preceding week.

37.2 The Chief Executive will consider the notice of motion submitted in accordance with Standing Order 37.1 and, subject to Standing Order 37.3, include the motion in the agenda in the order in which they have been received, subject to the consent of the relevant group leader. The Chair may alter the order in which they are discussed at the meeting.

37.3 Any notice of motion which is received outside the specified times at Standing Order 37.1 may only be considered if the Chair agrees by reason of special circumstances which shall be specified in the minutes.

37.4 A councillor may only submit one notice of motion per meeting. Only two notices of motion may be submitted by members of the ruling group per meeting and only one notice of motion may be submitted by members of any of the opposition groups per meeting, other than notices of motion submitted in accordance with

Standing Order 37.6. (For the purpose of this standing order, any councillors not aligned to a political group will be considered as one group.)

37.5 A maximum of three notices of motion may be permitted per meeting. Additional motions submitted above this number will not be accepted and will not automatically be dealt with at the next meeting.

37.6 In the event that the ruling group does not submit two notices of motion for a Council meeting, any available slots will be allocated to a different political group's notice of motion on a first come first served basis, provided the notice of motion has been received in accordance with Standing Order 37.1 above.

38. **Speaking on Motions**

38.1 Councillors may only speak on a matter which appears in the agenda or in respect of a matter at meetings of the Full Council on which a notice of motion has been properly registered.

38.2 Every motion must be moved and seconded before any debate can take place.

38.3 No councillor may speak more than once on each motion, except:

a) To move an amendment;

b) To speak once on an amendment moved by another member;

c) If their first speech was on an amendment moved by another member, to speak on the main issue, whether or not the amendment on which they spoke was carried;

d) In exercise of a right of reply;

e) On a point of order referring to the specific Procedural Standing Order;

f) When invited by the Chair to do so, by way of personal explanation of any material statement made by them which they believe to have been misunderstood; or

g) To move one of the motions specified in Standing Orders 25 and 44 when the procedure in those paragraphs shall be followed.

38.4 When a councillor speaks, they must confine their remarks strictly to the motion then under discussion.

38.5 A councillor may, during their speech, move an amendment to a motion. Moving an amendment is not considered to constitute a speech on the original motion.

38.6 No councillor may speak on a motion after the mover has indicated that they wish to withdraw the motion in accordance with Standing Order 35.

39. **Length of Speeches and Debates**

39.1 There is no time limit on the speech of:

a) The mover of a report;

b) The budget speech of the Cabinet Member with responsibility for Finance; and

c) The Opposition Group spokespersons when presenting their budget proposals.

39.2 The following speeches are limited to a maximum of five minutes:

a) All other speeches on reports on the agenda; and

b) The speech of a mover of a notice of motion.

39.3 The following speeches are limited to a maximum of three minutes:

a) All other speeches on notices of motion, including the moving of amendments.

39.4 Where the length of a speech is subject to a time limit, the councillor speaking shall receive notification of one minute remaining before they have to finish speaking.

39.5 The following will apply to the debate on motions of which notice has been given under Standing Order 37.1 or notices of motion accepted by the Chair under Standing Order 37.3 as an urgent item of business:

a) There will be a maximum time limit of 35 minutes per motion and any amendments thereto;

b) The maximum length of time for the consideration of all such motions at a meeting will be 105 minutes;

c) The Chair may extend the limits at Standing Order 39.5 (a) and (b) in a particular case.

39.6 All timings of speeches are at the discretion of the Chair and their decision is final.

40. **Amendments**

40.1 A councillor may move one amendment per motion. For the avoidance of doubt, 'motion' includes the recommendations set out in a report once they have been moved and seconded.

40.2 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.

40.3 An amendment to a motion must:

a) Be relevant to the motion;

b) Add and/or delete a word or words;

c) Not introduce a new topic;

d) Not negate the motion;

e) Not be substantially the same as a motion or amendment which has already been submitted to the same meeting of the Council;

f) Be worded so that, if it is agreed by the Council, it can be passed as a valid resolution.

g) In the case of amendments to notices of motion submitted under Standing Order 37 above, be submitted in writing to the Chief Executive no later than 24 hours prior to the meeting start.

h) In the case of all other amendments, be submitted to the Chief Executive in writing no later than immediately following the end of the speech of the mover of the amendment.

40.4 The Chair, following consultation with the Chief Executive, may reject an amendment on any of the grounds set out in Standing Order 34.

40.5 Any councillor may second a motion, reserving their speech for a later period of the debate.

41. **Amendment Carried to Become Substantive Motion**

41.1 If an amendment is carried, the motion, as amended, takes the place of the original motion and becomes the substantive motion.

41.2 After an amendment has been carried, the Chief Executive will read out the amended motion before the Chair accepts any further amendments.

42. **Subsequent Amendments**

42.1 If the first amendment is lost, then subsequent amendments may be moved to the original motion.

42.2 After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise as the case may be, prior to the taking of a vote.

43. **Friendly Amendments**

The mover of a motion may amend or accept an amendment without debate or vote. The amended motion automatically becomes the substantive motion, and the mover of the original motion retains the right to reply in accordance with Standing Order 44.1 and 44.2.

44. **Right of Reply**

44.1 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.

44.2 If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.

44.3 The mover of the amendment has no right of reply to the debate on their amendment.

45. **Closure of Debate**

45.1 Motions designed to close a debate may be moved provided no-one else is speaking at the time. Closure motions cannot be moved by anyone who has moved, seconded or already spoken in the debate. No person may intervene in discussion on a motion by moving more than one closure motion.

45.2 Subject to Standing Order 45.1, a councillor may move without comment the following procedural motions at the end of a speech of another councillor:

a) "That the question be now put";

b) "That the Full Council proceed to the next business";

c) "That the debate be adjourned"; and

d) "That the Full Council adjourn";

45.3 If a motion that the question be now put is seconded and the Chair considers the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting the motion to the vote.

45.4 If a motion to proceed to the next business is seconded and the Chair considers the item has been sufficiently discussed, they will give the mover of the original motion a right of reply and then put the procedural motion to the vote.

45.5 If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

46. **Voting**

46.1 Each councillor has one vote.

46.2 Subject to Standing Order 45.4, any matter will be decided by a simple majority of councillors (and co-opted members) entitled to vote and present in the room at the time the question was put.

46.3 Unless a recorded vote is demanded, voting will be by a show of hands, by electronic means or, if there is no dissent, by the affirmation of the meeting.

46.4 At a Full Council meeting, councillors must be in their designated seats for their vote to be counted.

46.5 Immediately after a vote is taken any councillor may request that it is recorded in the minutes of that meeting how they voted or abstained from voting.

46.6 Any six councillors may request a named vote and shall signify their wish for a named vote by rising in their places. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.

46.7 In accordance with the Local Government (Standing Orders) (England) (Amendment) Regulations 2014 there must be a recorded vote on decisions taken at the Budget meeting of the Council, or at any meeting where making the calculation or issuing the precept is included as an item of business. The names

for and against and those abstaining shall then be taken down in writing and recorded in the minutes.

46.8 Where there are equal votes cast for a motion or amendment, the Chair may, provided they have already exercised their first vote, exercise a second or casting vote. There will be no restriction on whether or how the Chair chooses to exercise a casting vote. If there are equal numbers of votes for and against and the Chair chooses not to exercise their casting vote, then the matter to be determined shall fall.

46.9 Offices and appointments: If on a vote no person receives more than half of the votes cast, the name of the person with the fewest number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.

Section C – Cabinet and Cabinet Committees Procedural Standing Orders

1. **Calendar of meetings**

   Subject to Standing Order 2, Cabinet meetings will take place in accordance with a programme decided by the Leader.

2. **Place and Time of Meetings and Agenda**

   2.1 Meetings shall be held in County Hall, Preston, on a Thursday at 2 pm or at such other time as the Cabinet may decide.

   2.2 The Leader, at their discretion, may alter the time, date or place of meetings.

   2.3 The Chief Executive shall issue an agenda not less than five clear working days before a meeting.

3. **Record of Attendance at Meetings**

   All councillors present during the whole or part of a meeting of Cabinet shall have their attendance recorded.

4. **Chair of Meeting**

   At every meeting, the Leader (if present) shall act as Chair and shall preside. If the Leader is absent, the Deputy Leader (if present) shall preside. If both the Leader and the Deputy Leader are absent, the Cabinet shall elect a Chair from one of its members for the duration of the meeting.

5. **Chair's Interpretation and Application of Standing Orders**

   5.1 The ruling of the Chair at any meeting, as to the interpretation and application of any of these Standing Orders, or as to the proceedings of Cabinet, shall be final.

   5.2 The Chair may be invited to explain or reconsider a ruling by any voting member. Once this has been provided (following consultation with the Monitoring Officer), the Chair's ruling cannot be challenged further, other than by an order of the court.

6. **Chair Standing - Call to Order**

   If the Chair so directs or stands, a councillor speaking must immediately be silent.

7. **Interruption by a County Councillor**

   7.1 If a councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor be not heard further. If seconded, the motion will be voted on without discussion.

   7.2 If the councillor continues to behave improperly after such a motion is carried, the Chair may move that either the councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

8. **Interruption by a member of the public**

If a member of the public interrupts the meeting, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.

9. **General Disturbance**

If there is a general disturbance making orderly business impossible the Chair may adjourn the meeting for as long as they think necessary.

10. **Minutes**

10.1 The Chair will sign the minutes of the proceedings at the next meeting to confirm that they are a correct record. The minutes of a meeting shall not be discussed other than in relation to their accuracy.

10.2 A record of each decision taken by the Cabinet shall be published in accordance with Standing Order 29.

11. **Quorum**

The quorum at a Cabinet meeting or a Cabinet committee shall be two voting councillors at the time of the meeting. If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting and any remaining business shall stand adjourned to a time fixed by the Chair or, if they do not fix a time, to the next meeting.

12. **Cabinet Committee Membership and Voting Rights**

Cabinet committees shall comprise Cabinet Members and such other county councillors and co-opted members as the Leader shall decide. Only Cabinet Members may vote.

13. **Attendance at Meetings**

13.1 Any Lead Member may, in the absence of any Cabinet Member, attend Cabinet meetings with the agreement of the Leader of the Council, and participate fully in discussion on all agenda items, but cannot vote

13.2 The Leader and Deputy Leader of the Main Opposition Group may, as of right, attend Cabinet meetings and participate fully in discussion on all agenda items, but cannot vote.

13.3 Cabinet meetings and any Cabinet committees shall have in attendance the Chief Executive, the Chief Financial Officer, the Monitoring Officer and other relevant Executive Directors in the light of items to be discussed, or their nominated representatives.

13.4 Subject to Standing Order 13.1 and 13.2 and to the provisions of the Code of Member Conduct and the Access to Information Rules, any councillor may attend a Cabinet meeting to:

a) Ask a question of Cabinet in accordance with Standing Order 34; or

b) Observe the meeting. Observers shall not be entitled to speak.

13.5 Following the allocated time for Questions for Cabinet, any councillor attending a Cabinet meeting to ask a question shall become an observer and shall not be entitled to speak.

14. Exclusion of Press and Public

14.1 The Cabinet may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.

14.2 If any question arises at a meeting of the Cabinet or Cabinet Committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the Cabinet or Cabinet committee, as the case may be, has decided whether or not the power of exclusion of the public under the relevant statutory power shall be exercised.

14.3 The business which is the subject of a resolution under Standing Orders 14.1 or 14.2 shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

15. Procedure for Dealing with Matters of Urgent Business

15.1 The Leader (or in their absence the Deputy Leader) and the relevant Cabinet Member may deal with matters of urgency which cannot await a Cabinet meeting.

15.2 During the period beginning with the fourth day after the County Council Elections and ending on the date of the first Annual Meeting of the new Council, the Chief Executive may deal with matters of urgency which cannot await a Cabinet meeting where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.

15.3 The Chief Executive shall only exercise the powers at Standing Order 15.2 following consultation with the Leader (or in their absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leader (or in their absence the Deputy Leader) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as they consider appropriate.

16. Procedure for Dealing with Matters of Urgent Business at Meetings

An item of business not included on an agenda shall only be considered where, by reason of special circumstances which shall be specified in the minutes, the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency.

17. Executive Meetings Held in Public

17.1 All decision-making meetings of the Cabinet or of any Cabinet committee shall be held in public.

17.2 Standing Order 17.1 does not apply if there would be a disclosure of exempt or confidential information.

17.3 If the Cabinet or any Cabinet committee wishes to hold a meeting or part of a meeting in private, it must, at least 28 clear days before a private meeting, make available at County Hall, Preston, a notice of its intention to hold the meeting in private, and publish that notice on the Council's website.

17.4 A notice under Standing Order 17.3 must include a statement of the reasons for the meeting to be held in private.

17.5 At least five clear working days before a private meeting, the Cabinet or Cabinet committee must make available at County Hall, Preston, a further notice of its intention to hold the meeting in private and publish that notice on the Council's website.

17.6 A notice under Standing Order 17.5 must include:

a) A statement of the reasons for the meeting to be held in private;

b) Details of any representations received by the Cabinet or Cabinet committee about why the meeting should be open to the public; and

c) A statement of its response to any such representations.

17.7 Where the date by which a meeting must be held makes compliance with Standing Order 17.3 impracticable, the meeting may only be held in private where the Cabinet or Cabinet committee has obtained agreement from:

a) The Chair of the relevant Overview and Scrutiny Committee; or

b) If there is no such person or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the County Council; or

c) Where there is no Chair of either the relevant Overview and Scrutiny Committee or of the County Council, the Vice Chair of the County Council,

that the meeting is urgent and cannot reasonably be deferred.

17.8 As soon as reasonably practicable after the Cabinet or Cabinet committee has obtained agreement under Standing Order 17.7 to hold a private meeting, it must make available at County Hall, Preston a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and publish that notice on the Council's website.

18. **Consideration of Key Decisions**

18.1 Where a decision maker intends to make a Key Decision, that decision must not be made until a document has been published in accordance with Standing Order 18.2, which states:

a) That a Key Decision is to be made;

b) The matter in respect of which the decision is to be made;

c) Where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;

d) The date on which, or the period within which, the decision is to be made;

e) A list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the Key Decision is to be made;

f) The address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;

g) That other documents relevant to those matters may be submitted to the decision maker; and

h) The procedure for requesting details of those documents (if any) as they become available.

18.2 At least 28 clear days before a Key Decision is made, the document referred to in Standing Order 18.1 must be made available for inspection by the public at County Hall and on the Council's website and intranet.

18.3 Where, in relation to any matter including exempt or confidential information the document referred to in Standing Order 18.1 must contain particulars of the matter but may not contain any confidential or exempt information.

18.4 At least five clear working days before a Key Decision is made, the relevant report in respect of the decision to be made must be made publicly available.

19. **General Exception to the Publication of the Intention to make a Key Decision**

19.1 Where the publication of the intention to make a Key Decision in accordance with Standing Order 18.1 is impracticable and the matter would be a Key Decision, that decision shall only be made:

a) Where the Chief Executive has informed the Chair of the relevant Overview and Scrutiny Committee or, if there is no such person, each member of the relevant Overview and Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;

b) Where the Chief Executive has made available at County Hall, Preston for inspection by the public and published on the Council's website a copy of the notice given under Standing Order 19.1 (a); and

c) After five clear working days have elapsed following the day on which the Chief Executive made available the notice referred to in Standing Order 19.1 (b).

19.2 As soon as reasonably practicable after the Chief Executive has complied with Standing Order 19.1, they must make available at County Hall, Preston a notice setting out the reasons why compliance with Standing Order 18.1 is impracticable; and publish that notice on the Council's website.

20. **Urgent Key Decisions**

20.1 Where the date by which a Key Decision must be made makes compliance with Standing Order 18.4 impracticable, the decision shall only be made where the decision maker has via the Chief Executive obtained agreement that the making of the decision is urgent and cannot reasonably be deferred from:

a) The Chair of the relevant Overview and Scrutiny Committee; or

b) If there is no such person, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, the Chair of the County Council; or

c) Where there is no Chair of either the relevant Overview and Scrutiny Committee or of the County Council, the Vice Chair of the County Council.

20.2 As soon as reasonably practicable after the Chief Executive has complied with Standing Order 20.1, they must make available at County Hall, Preston a notice setting out the reasons why compliance with Standing Order 18.1 is impracticable; and publish that notice on the Council's website.

21. **Report of Urgent Key Decisions to Full Council**

The Leader shall submit, or ensure the submission of, a report to each Full Council containing details of each Key Decision taken in the period since the last Full Council and agreed as urgent. The report shall include particulars of each such Key Decision and a summary of the matters in respect of which each decision was made.

22. **Urgent Determinations Outside Budget or Policy Framework**

22.1 Any proposed determination of a matter in the discharge of a function of the Cabinet collectively, a Cabinet Member or a Cabinet committee, which is contrary to the Budget or Policy Framework set by the Full Council may only be taken in exceptional circumstances where:

a) The decision may reasonably be regarded as urgent (as defined in Standing Order 28) And is designated as urgent by the relevant decision taker and

b) The relevant decision taker has obtained a statement in writing that the determination needs to be made as a matter of urgency from the Chair of the relevant Overview and Scrutiny Committee or, in their absence, the Chair of the County Council, or in their absence, the Vice-Chair and, in the case of a proposed decision outside the Budget set by the Full Council, also from the Cabinet Member for with responsibility for Resources, or in their absence, the Leader.

22.2 Urgent determinations taken under Standing Order 22.1 must be reported to the next available meeting of the Full Council giving details of the emergency or other circumstances in which it was made and the reasons for the determination.

22.3 Notwithstanding Standing Orders 22.1 and 22.2, the Cabinet may make additions and amendments to the approved Capital Programme provided that a source of finance, other than borrowing, has been identified and the revenue consequences can be contained within existing budgetary provision.

23. **Disputes as to Decisions outside Budget or Policy Framework**

23.1 In the event of disagreement or doubt as to whether a proposed decision is outside the Budget, this will be determined by the Chief Financial Officer who shall consult as necessary with the Monitoring Officer and all relevant Executive Directors.

23.2 In the event of disagreement or doubt as to whether a proposed decision is outside the Policy Framework, this will be determined by the Monitoring Officer who shall consult with all relevant Executive Directors.

24. **Report to Full Council where Key Decision Procedure is not Followed**

Where a decision which was not treated as being a Key Decision has been made and the Relevant Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision, the relevant Overview and Scrutiny Committee may require the Cabinet to submit a report to the Full Council, within such reasonable period as the Committee may specify. The report shall include the following details:

a) The decision and the reasons for the decision;

b) The decision making body by which, or the individual by whom, the decision was made; and

c) If the Cabinet is of the opinion that the decision was not a Key Decision, the reasons for that opinion.

25. **Notification of Cabinet Functions Allocated by the Leader and Cabinet**

The allocation of Cabinet functions shall be included in the Scheme of Delegation to Cabinet Members and the Scheme of Delegation to Officers. Amendments to these schemes and the delegation of functions to Cabinet Committees shall be reported to the Full Council at its next meeting and will be included in the Constitution.

26. **Advice When Taking Decisions**

Decisions (including decisions taken under Standing Orders 19, 20 and 22) shall be taken only after the decision taker has considered any advice given by the Chief Executive, the Chief Financial Officer, the Monitoring Officer and any other appropriate Executive Director or their nominated representatives.

27. **Taking Effect of Executive Decisions**

27.1 Subject to Standing Order 27.3 and 28, any urgent decisions taken by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Member (including decisions taken under Standing Orders 19, 20 and 22) shall not take effect unless and until formally recorded in a form approved by the Chief Executive, and signed by the relevant decision takers and the Chief Executive or the appropriate Executive Director or their nominated representative as to the appropriateness of the record.

27.2 Subject to Standing Orders 27.3 and 28, decisions taken by Cabinet collectively (including decisions taken under Standing Orders 19, 20 and 22) shall be recorded in the minutes of the meeting and shall take immediate effect and a record of the decision taken published in accordance with Standing Order 29.

27.3 Decisions may be implemented on the expiry of three working days after the publication of a decision taken by Cabinet collectively or following the publication of an urgent decision taken by the Leader (or in their absence the Deputy Leader) and

the relevant Cabinet Member, unless a meeting of the relevant Overview and Scrutiny Committee is called in accordance with and for the purpose of Standing Order E1. In such cases, no action can be taken to implement the decision until the Committee has met and, if necessary, the decision taker has responded in accordance with the process set out in Standing Order E2 to any request for the decision to be reconsidered.

28. **Decisions Requiring Urgent Implementation**

The Cabinet, a Cabinet Member, a Cabinet Committee or an officer may designate a decision as urgent if it is required to be acted upon urgently because any delay in its implementation could adversely affect the efficient execution of the County Council's responsibilities. In such cases a decision can be implemented immediately without waiting for three working days under Standing Order 27.3. The designation and the reasons for it shall be recorded as part of the decision. Where a decision is designated as urgent under this Standing Order, th Overview and Scrutiny Committees shall not be entitled to exercise its functions under section 21(3)(a) or (b) of the Local Government Act, 2000 (call-in) in relation to that decision.

29. **Recording and Publication of Executive Decisions**

29.1 As soon as is reasonably practicable after an Executive decision has been made, the Proper Officer or a nominated representative shall produce a written record in respect of that decision and which shall include the information specified in Standing Order 29.2. As soon as the record has been produced it shall be made available for inspection at County Hall and on the Council's website and Intranet.

29.2 The information to be contained in the written records referred to in Standing Order 29.1 shall include:

a) Details of the decision and the reasons for the decision;

b) Details of any alternative options considered and rejected;

c) Details of any conflict of interest declared by:

(i) Any member of the meeting taking the decision; or

(ii) Any Cabinet Member who is consulted by the Leader (or in their absence the Deputy Leader) and the relevant Cabinet Member taking an urgent decision, or

(iii) An officer taking the decision under delegated authority together with details of any dispensation granted.

30. **Overview and Scrutiny**

The above Standing Orders (18 to 29) should be read in conjunction with those relating to Overview and Scrutiny in Section E.

31. **Length of Speech**

Cabinet Members, the Deputy Leader and the Opposition Leader may, at the discretion of the Chair, speak as often and for as long as the Chair allows.

32. **Moving of Reports at Cabinet meetings**

32.1 Only a Cabinet Member may move the recommendations contained in a report at a Cabinet meeting. In doing so, Cabinet may make amendments to the published recommendations.

32.2 Amendments to published recommendations must be relevant to the subject of the report.

32.3 Recommendations moved at Cabinet do not need to be seconded.

33. **Voting**

33.1 Only Cabinet Members may vote at Cabinet meetings.

33.2 Votes shall be by show of hands or by affirmation of the meeting.

33.3 Subject to Standing Order 33.4, any matter will be decided by a simple majority of Cabinet Members present in the room at the time the question was put.

33.4 Any six Cabinet Members may request a named vote and shall signify their wish for a named vote by a show of hands. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.

33.5 Immediately after a vote is taken any Cabinet Member may request that it is recorded in the minutes of that meeting how they voted or abstained from voting.

33.6 Where there are equal votes cast for a motion or amendment, the Chair may, provided they have already exercised their first vote, exercise a second or casting vote. There will be no restriction on whether or how the Chair chooses to exercise a casting vote. If there are equal numbers of votes for and against and the Chair chooses not to exercise their casting vote, then the matter to be determined shall fall.

34. **Questions for Cabinet**

34.1 At each Cabinet meeting there shall be up to 30 minutes set aside for questions for Cabinet Members.

34.2 A county councillor or any person who lives or works in the county, or is affected by the work of the County Council, may ask the Leader or a Cabinet Member a written question on any matter which relates to any item on the Cabinet agenda for that meeting.

34.3 Each county councillor or member of the public may only submit one question per meeting.

34.4 A written copy of the question must have been delivered to Democratic Services by 12 noon two clear working days before the date of the meeting, specifying the full question and the agenda item to which it relates.

34.5 Questions may be ruled out of order by the Monitoring Officer if they are considered to be:

a) Not related to an item on the agenda;

b) Defamatory, frivolous, vexatious or offensive;

c) Substantially the same as a question that has been asked and answered by the Cabinet or Council in the past six months;

d) Related to a matter due to be determined by the Development Control or Regulatory Committees; or

e) Requiring the disclosure of confidential or exempt information.

34.6 A question from a member of the public will receive a written reply. The question and answer will be published within 5 clear working days following the date of the Cabinet meeting.

34.7 County councillors may attend the meeting of Cabinet in person and ask the question they have submitted. Questions will be taken in the order in which they were submitted.

34.8 Once a question has been asked, the Cabinet Member will provide an oral response. The original questioner may ask a supplementary question on the same topic. The Cabinet Member will provide an oral response.

34.9 At the end of the 30 minutes, any questions which have not been asked orally will be treated as written questions and receive a written answer.

34.10 Any question submitted by a county councillor where the county councillor has not attended Cabinet in person shall be treated as a written question and receive a written answer.

34.11 Any question about a Part II item on the agenda will be treated as a written question and receive a written answer. It cannot be asked in person at the meeting.

34.12 All written questions and answers shall be published within five clear working days following the date of the Cabinet meeting.

34.13 In the meeting, the Chair's ruling on questions and answers shall be final.

34.14 An urgent written question may be asked by a county councillor about any item on the Cabinet agenda for that meeting, which the Chair considers could not have been reasonably submitted by the deadline for the receipt of written questions, provided that they give notice of the question to Democratic Services by 12 noon the day before the meeting.

Section D - Committees of the Full Council – Procedural Standing Orders

1. **Ordinary Meetings**

   1.1 Ordinary Meetings of all committees will take place in County Hall, Preston, in accordance with a programme decided annually by the Full Council.

   1.2 The Chair of a committee, or the committee by resolution, may alter the time, date or place of a meeting.

2. **Extraordinary Meetings**

   The Chair of a committee, or the committee by resolution, may request the Chief Executive to call an Extraordinary Meeting of the committee.

3. **Agenda**

   The Chief Executive shall issue an agenda not less than five clear working days before a meeting.

4. **Minutes**

   4.1 The Chair will sign the minutes of the proceedings at the next suitable meeting to confirm that they are a correct record. The minutes of a meeting shall not be discussed other than in relation to their accuracy.

   4.2 Where the next committee meeting is an Extraordinary Meeting, the minutes shall be signed at the next Ordinary Meeting.

   4.3 A record of each decision taken by committees shall be available for public inspection at County Hall and on the Council's website as soon as reasonably practicable.

5. **Chair of Meeting**

   Ordinarily the Chair and Deputy Chair shall be appointed by the Full Council annually. At every meeting the Chair, if present, shall preside. If the Chair is absent, the Deputy Chair, if present, shall preside. If both the Chair and the Deputy Chair are absent, the committee shall elect a Chair from one of its members for the duration of the meeting.

6. **Chair's Interpretation and Application of Standing Orders**

   6.1 The ruling of the Chair at any meeting, as to the interpretation and application of any of these Standing Orders or as to the proceedings of the committee shall be final.

   6.2 The Chair may be invited to explain or reconsider a ruling by any voting member. Once this has been provided (following consultation with the Monitoring Officer), the Chair's ruling cannot be challenged further, other than by an order of the court.

7. **Chair Standing - Call to Order**

   If the Chair so directs or stands, a councillor speaking must immediately be silent.

8. **Interruption by a County Councillor or Co-opted member**

8.1 If a councillor or a co-opted member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the councillor or a co-opted member be not heard further. If seconded, the motion will be voted on without discussion.

8.2 If the councillor or a co-opted member continues to behave improperly after such a motion is carried, the Chair may move that either the councillor or a co-opted member leaves the meeting or that the meeting is adjourned for a specified period. If seconded the motion will be voted on without discussion.

9. **Interruption by a Member of the Public**

If a member of the public interrupts the meeting, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.

10. **General Disturbance**

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

11. **Quorum**

The quorum of a meeting shall be a quarter of the whole number of voting committee members, or three members, whichever is the larger. If at any time there is not a quorum, the meeting shall be adjourned for 15 minutes. If after that time there is still not a quorum, the meeting shall stand adjourned to a time fixed by the Chair or, if they do not fix a time, to the next Ordinary Meeting.

12. **Committee Vacancies and Membership Changes**

If a vacancy occurs on a committee, it may be filled by the appointment of a councillor who has been nominated in writing to the Monitoring Officer by the appropriate political group. A councillor will not be able to take part in a committee meeting or vote until the nomination has been received.

13. **Attendance at Meetings**

13.1 Subject to Standing Order 13.2, the provisions of the Code of Member Conduct, and the Council's Access to Information Rules, a councillor may attend as an observer at a meeting of any committee of which they are not a member. They may not speak without the consent of the committee, or in any case vote.

13.2 Cabinet Members shall not be members of the Development Control Committee or the Regulatory Committee but shall be entitled to attend any part of a meeting of those committees in accordance with Standing Order 13.1 where a matter affecting their electoral division is under discussion.

13.3 Committee meetings shall have in attendance the relevant Executive Directors or their nominated representatives, in light of the items to be discussed.

14. **Exclusion of Press and Public**

14.1 A committee may exclude the press and other members of the public from a meeting during an item of business wherever it is likely, in view of the nature of the

business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt or confidential information.

14.2 If any question arises at a meeting of any committee as to the appointment, promotion, dismissal, salary, superannuation, or conditions of service, or as to the conduct of, any person employed by the County Council, such question shall not be the subject of discussion until the committee has decided whether or not the power of exclusion of the public under the relevant statutory power shall be exercised.

14.3 The business which is the subject of a resolution under Standing Orders 14.1 or 14.2 shall stand adjourned until all other business of the meeting has been transacted whereupon the press and other members of the public shall leave the meeting and the adjourned business shall then be considered.

15. **Procedure for Dealing with Matters of Urgent Business Which Cannot Await a Committee Meeting**

15.1 The Chief Executive, the Monitoring Officer and each Executive Director may deal with matters of urgency which cannot await a meeting of any Committee of the Full Council, following consultation with the appropriate Chair and Vice Chair. The other party spokespersons should be informed of matters of urgency as soon as practicable after the decision has been made.

15.2 The provisions at Standing Order 15.1 shall be suspended in the period beginning with the fourth day after the County Council Elections and ending on the date of the first Annual Meeting of the new Council. During that period, the Chief Executive may deal with matters of urgency which cannot await a meeting of any Committee of the Full Council where delay would significantly and materially prejudice the interests of the County Council or the inhabitants of the County.

15.3 The Chief Executive shall only exercise the powers at Standing Order 15.2 following consultation with the Leader (or in their absence, the Deputy Leader) of any political group with an overall majority, or if there is no majority political group, the Leaders (or in their absence the Deputy Leaders) of all political groups on the Council. In the event there is no Leader or Deputy Leader of any political group during that period, the Chief Executive shall consult with a representative or representatives of that group as they consider appropriate.

16. **Procedure for dealing with matters of Urgent Business at meetings**

An item of business not included on an agenda shall only be considered where, by reason of special circumstances which shall be specified in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

17. **Advice When Taking Decisions**

Decisions shall be taken only after the decision taker has considered any advice given by the Chief Executive or any appropriate Executive Director or their nominated representatives.

18. **Length of Speech**

Members of a committee may, at the discretion of the Chair, speak as often and for as long as the Chair allows.

19. **Moving of Reports at Committee meetings**

19.1 Any committee member may move the recommendations contained in a report at a committee meeting. In doing so, committee members may make amendments to the published recommendations.

19.2 Amendments to published recommendations must be relevant to the subject of the report.

19.3 Recommendations moved in committees must be seconded.

20. **Voting**

20.1 Votes shall be by show of hands or by affirmation of the meeting.

20.2 Subject to Standing Order 20.3, any matter will be decided by a simple majority of councillors (and co-opted members) entitled to vote and present in the room at the time the question was put.

20.3 Any six committee members including voting co-opted members may request a named vote and shall signify their wish for a named vote by a show of hands. The names for and against and those abstaining shall then be taken down in writing and recorded in the minutes.

20.4 Immediately after a vote is taken any committee member (and co-opted members) may request that it is recorded in the minutes of that meeting how they voted or abstained from voting.

20.5 Where there are equal votes cast for a motion or amendment, the Chair may, provided they have already exercised their first vote, exercise a second or casting vote. There will be no restriction on whether or how the Chair chooses to exercise a casting vote. If there are equal numbers of votes for and against and the Chair chooses not to exercise their casting vote, then the matter to be determined shall fall.

21. **Point of Order**

A councillor (or co-opted member) may raise a point of order at any time in relation to an alleged breach of a Standing Order or law and shall be entitled to be heard immediately. The councillor (or co-opted member) must specify the Standing Order or law and the way in which they consider it has been broken. The ruling of the Chair on a point of order shall be final and not open to discussion.

Section E - Overview and Scrutiny Procedural Standing Orders

The following paragraphs need to be read in conjunction with Standing Orders 18 to 30 of Section C – Cabinet Standing Orders. The Procedural Standing Orders in Section D shall also apply to Overview and Scrutiny Committee meetings.

1. **Request for a Decision not Implemented to be Reconsidered**

1.1 The relevant Overview and Scrutiny Committee may consider whether an Executive decision made but not implemented should be reconsidered by the decision maker (known as a 'call in') or arrange for the Full Council to review that decision and decide whether it should be reconsidered.

1.2 Requests in accordance with Standing Order 1.1 must be made in accordance with the following procedure:

a) Unless designated as urgent in accordance with Standing Order C28, no decision of the Executive can be implemented until after three clear working days following the date of the Cabinet or Cabinet Committee at which the decision was made, or, in the case of decisions made by individual Cabinet Members, from the date that the decision is published.

b) During this period a written request for a meeting in accordance with Standing Order 1.1 to be called for the consideration of a call in can be made by any five county councillors representing more than one single political group on the County Council. Co-opted members cannot request a special meeting to consider a call in.

c) The request must be received by Democratic Services on behalf of the Chief Executive by no later than 5 pm on the third working day following the date of the record of the decision being published. A request submitted later than that cannot be considered.

d) Requests for a special meeting must be made in writing and signed by the councillors making the request. A proforma for this purpose is available from the C-First portal. Email requests must be emailed to democratic.services@lancashire.gov.uk. For verification purposes, requests must come from the councillors' County Council provided email address. Any councillor wanting to request a special call in meeting by email must submit an individual email. Emails cannot be sent by one councillor on behalf of another councillors.

e) Requests for a special meeting must specify how the decision has breached one or more of the Principles of Decision Making set out in Part 1 of the Constitution.

f) The special meeting of the relevant Overview and Scrutiny Committee must be held within seven clear working days of the request being received by Democratic Services. The date will be agreed by the Chair of the relevant Overview and Scrutiny Committee.

g) The following will be invited to attend the Overview and Scrutiny Committee meeting:

(i) Any councillor who requested the special meeting;

(ii) Appropriate representatives of Cabinet;

(iii) The appropriate officers from the service subject to the proposed decision; and

(iv) Any other witness the committee wishes to invite.

h) At the meeting, the case for the call in will first be heard. Those requesting the call in will be given 20 minutes to present the case and they may, within that time, arrange for outside witnesses (such as members of the public or representatives of other organisations) to speak.

i) The Decision Maker (or representative) if present will be invited to respond, and officers invited to clarify any issues raised. The committee will then debate the matter, questioning any of the presenters as required, and a vote will be taken whether to request the call in.

j) At the special meeting, the committee may request Full Council to review the decision and decide whether it should be reconsidered only where the original decision was contrary to the Budget and Policy Framework set by the Full Council.

k) If the call in is requested, the committee must also agree the reasons on which the request is based. These reasons must specify which of the Principles of Decision Making set out in Part 1 of the Constitution has been breached and how. The decision and the grounds upon which the request is based shall be registered in writing with the Chief Executive within three clear working days of the meeting of the relevant Overview and Scrutiny Committee.

l) The Decision Maker shall reconsider the decision as soon as is reasonably practical and publish their response in accordance with the rules for the publication of Executive decisions. A copy shall be provided to the Chair of the relevant Overview and Scrutiny Committee.

m) All arrangements are subject to the Council's Standing Orders.

1.3 Once the written request described at Standing Order 1.2 has been made, the decision must not be implemented until either the relevant Overview and Scrutiny Committee has decided not to request a reconsideration, or until the Decision Maker has published a response to a request for reconsideration, with reasons.

2. **Decision to be Reconsidered Once Only**

The Decision Maker can only be required to reconsider the same decision on one occasion.

3. **Decisions not to be Reconsidered**

3.1 The relevant Overview and Scrutiny Committee shall not exercise its functions under Standing Order 1:

a) Where the decision has been designated by the Decision Maker as being urgent in that any delay in its implementation could adversely affect the efficient execution of the County Council’s responsibilities; or

b) In respect of decisions taken by officers; or

c) Where an Executive decision takes the form of recommendations for final decision by the Full Council.

4. **Party Whips**

In any meeting of any Overview and Scrutiny Committee, the Party Whip should not be applied by any political group, but if it is applied it shall be declared at the commencement of every meeting and the item or items to be the subject of the Party Whip shall be specified.

5. **Request for Matter to be Considered by an Overview and Scrutiny Committee**

If any member of the County Council or a co-opted member of an Overview and Scrutiny Committee wishes to have a matter considered by an Overview and Scrutiny Committee they must submit the request in writing to Democratic Services (on behalf of the Chief Executive) who will bring the request to the attention of the next meeting of the relevant Overview and Scrutiny Committee, or in cases of urgency to the Chair of the relevant Overview and Scrutiny Committee, for consideration.

6. For the purposes of these standing orders, the "relevant Overview and Scrutiny Committee" shall be the Overview and Scrutiny Committee with responsibility for the issue or service under consideration, as set out in Section 6 of the Constitution. In the event of any uncertainty, the Monitoring Officer's decision on which is the "relevant Overview and Scrutiny Committee" shall be final.

Access to Information Rules

Scope

1. These rules apply to all meetings of the Full Council, all committees of the Council including Overview and Scrutiny, Cabinet meetings and its committees, and also individual Cabinet Members.

2. They rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

3. The County Council provides electronic access to the minutes, agendas and reports of its Council and committee meetings, as well as records of Key Decisions. This can be accessed via the website www.lancashire.gov.uk.

Meetings

4. The Council will give, wherever possible, at least five clear working days' notice of any meeting by posting details of the meeting at County Hall, Preston and on its website.

5. Members of the public may attend all meetings subject only to the exceptions in these rules.

6. Public access to agendas, reports, background papers and minutes

7. Copies of agendas and reports to be considered at meetings, or by individual Cabinet Members or authorised officers (Key Decisions only) and which are open to the public will be made available for inspection at County Hall, Preston and on the Council's website, wherever possible, at least five clear working days before the meeting or decision making session in the case of a Cabinet Member. If an item is subsequently added to the agenda, the revised agenda will be open to inspection from the time the item was added to the agenda.

8. A record of each decision taken at meetings, or by an individual Cabinet Member or authorised officer (Key Decisions only) shall be made available for inspection as soon as reasonably practicable after the meeting or the decision has been taken. The record will be placed on deposit at County Hall, Preston, and on the Council's website.

9. Copies of the following documents will be made available for six years after a meeting:

    a) The minutes of the meeting, together with reasons for excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;

    b) A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

    c) The agenda for the meeting; and

    d) Reports relating to items which did not disclose exempt or confidential information.

10. Copies of the following documents will be made available for six years after a decision has been taken by an individual Cabinet Member or a Key Decision taken by an authorised Officer:

    a) The record of the decision taken including a summary of any report containing exempt or confidential information;

    b) The agenda; and

    c) Reports relating to items which did not disclose exempt or confidential information.

11. Every report will list those documents (called background papers) which:

    a) Disclose any facts or matters on which the report or an important part of the report is based; and

    b) Have been relied on to a material extent in preparing the report;

    but may not include published works or those which disclose confidential or exempt or information as defined below.

12. The Council will make available for public inspection five clear working days before the meeting or prior to a decision being taken by an individual Cabinet Member or Key Decision taken by an authorised officer, and for four years after the date of the meeting or decision a copy of each of the documents on the list of background papers. The Council may make a charge for processing requests for copies of these papers.

Exclusion of Access by the Public to Meetings

Confidential Information

13. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

14. Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order and as fully defined in Section 100A(3) of the Local Government Act 1972.

Exempt Information

15. The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

16. Exempt information means information falling within the following seven categories (subject to the qualifications below):

    a) Information relating to any individual.

    b) Information which is likely to reveal the identity of an individual.

c) Information relating to the financial or business affairs of any particular person (including the authority holding that information).

d) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

e) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

f) Information which reveals that the authority proposes:

   (i) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

   (ii) To make an order or direction under any enactment.

g) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

17. Information relating to the financial or business affairs of any particular person is not exempt if it is required to be registered under: the Companies Act 1985; the Friendly Societies Act 1974; the Friendly Societies Act 1992; the Industrial and Provident Societies Acts 1965 to 1978; the Building Societies Act 1986; or the Charities Act 1993.

18. Information relating to proposed development for which the local planning authority may grant itself planning permission under regulation 3 of the Town and Country Planning General Regulations 1992 is not exempt.

19. Information in one of the seven categories of exempt information which is not prevented from being exempt by either of the two points described above is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing it.

Public Interest Test

20. The seven categories of exempt information are subject to the public interest test. In determining whether this information should remain exempt, the report writer and the decision-maker must decide whether the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

21. In respect of all Council, Executive, committee, joint committee and sub-committee reports, writers will, therefore, need to give consideration to exempt information and the public interest test, and if they determine that the document should not be published, they will need to explain why they consider the public interest test is best served by the information remaining exempt. The fact that a document is exempt, together with reasons, will appear in the report and the agenda relating to that item. The Monitoring Officer will ultimately determine whether reports and related documents are exempt or not and their decision will be final.

22. Where the public may be excluded from a meeting or part of a meeting due to an exempt report being considered, the Members of the meeting will need to consider the public interest test, having given due consideration to any legal advice provided.

23. There is no legal definition of ‘public interest’, but the following should be considered relevant considerations in favour of disclosure:

    a) The information would assist public understanding of an issue that is subject to current public debate;

    b) Proper debate cannot take place without wide availability of all the relevant information;

    c) The issue affects a wide range of individuals or companies;

    d) Facts, analysis and costings behind major policy decisions;

    e) Allowing individuals to understand decisions made by public authorities affecting their lives and, in some cases, assisting individuals in challenging those decisions;

    f) Accountability for proceeds of sale of assets in public ownership;

    g) Openness and accountability for tender processes and prices;

    h) Public interest in public bodies obtaining value for money;

    i) Public health or public safety;

    j) Damage to the environment;

    k) Contingency plans in an emergency; and

    l) Promoting accountability and transparency for decisions taken by public authorities and the spending of public money.

24. A practice of applying ‘exempt’ status to a report without reasons being set out and consideration of the public interest is not acceptable.

Private Meetings of Cabinet or a Cabinet Committee

25. If Cabinet or a Cabinet committee intends to hold a meeting in private in order to consider confidential or exempt information, it may do so only in accordance with the provisions of Standing Order C17.

Key Decisions

26. A Key Decision means an Executive decision which is likely:

    a) To result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function which the decision relates; or

    b) To be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the Council.

As set out in Part 5 of the Constitution.

27. Where a decision maker intends to make a Key Decision, a notice will be made available at County Hall, Preston and published on the Council's website at least 28 clear days in advance of the date of the decision, in accordance with the provisions of Standing Order C18.

General Exception

28. Where the publication of the intention to make a Key Decision in accordance with the above is impracticable and the matter would be a Key Decision, that decision shall only be made in accordance with the provisions of Standing Order C19.

Urgent Key Decisions

29. Where a Key Decision must be made urgently, making publication 28 days in advance impracticable, the decision shall only be made in accordance with the provisions of Standing Order C20.

Additional Rights for Members

Overview and Scrutiny Committee Members

30. Subject to paragraph 32, a member of an Overview and Scrutiny Committee (including its sub-committees or task groups) will be entitled to a copy of any document which is in the possession or control of the Executive and which contains material relating to:

    a) Any business transacted at a private or public Cabinet meeting or a Cabinet committee meeting; or

    b) Any decision taken by an individual Cabinet Member in accordance with Executive arrangements; or

    c) Any decision made by an officer in accordance with Executive arrangements.

31. Where a member of an Overview and Scrutiny Committee requests a document in accordance with paragraph 30, the Cabinet or Cabinet committee must provide that document as soon as reasonably practicable and in any case no later than ten clear working days after the Executive receives the request.

32. A member of an Overview and Scrutiny Committee will not be entitled to any document or part of a document:

    a) That is in draft form; or

    b) That contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or any review contained in any programme of work; or

    c) Containing advice provided by a political advisor or assistant.

33. Where the Cabinet or Cabinet committee determines that a member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of a document for a reason set out above, it will provide the Overview and Scrutiny Committee with a written statement of its reasons for that decision.

All Members

34. Subject to paragraph 36, any document which is in the possession of or under the control of the Executive, the Full Council and its committees and contains material relating to any business to be transacted at a public meeting must be available for inspection by any member of the Council.

35. Subject to paragraph 36, any document which is in the possession of or under the control of the Executive and contains material relating to any business transacted at a private meeting, any decision made by an individual member in accordance with Executive arrangements, or any decision made by an officer in accordance with Executive arrangements must be available for inspection by any member of the Council within 24 hours of the meeting or the decision being made.

36. The rights at paragraphs 34 and 35 do not apply to any document or part of a document that contains exempt information unless it is only exempt by virtue of paragraph 16(c) (except to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the case of negotiations for a contract) or paragraph 16(f).

37. Councillors as elected representatives have a right to inspect documents in the Council's possession subject to such documents being necessary for the performance of their Council duties. A councillor may be required to demonstrate why access to a particular document is required where the document in question is not already in the public domain.

Part II Reports and Confidential Information

38. Councillors must only use confidential information (including information contained in Part II reports) in accordance with the County Council's Protocol on the Disclosure of Confidential Information, as set out in Part 8 of the Constitution.

Financial Rules

1. Introduction

1.1 These Financial Rules, whilst specific in terms, are intended to operate with proper consultations with the appropriate Heads of Service/Directors, especially where other professions and skills are required to give effect to them in relation to procedures and professional practices to be observed.

1.2 These Rules should be read in conjunction with other internal regulatory frameworks which form part of the Council's Constitution, including but not limited to:

The Procurement Rules (lancashire.gov.uk) (contract standing orders);

The Scheme of Delegation to Officers (lancashire.gov.uk);

The Standing Orders (lancashire.gov.uk);

The Code of Conduct for Employees (lancashire.gov.uk); and

The Code of Member Conduct (lancashire.gov.uk).

2. Financial Accountabilities and Management

2.1 As set out in Part 9 of the Constitution (lancashire.gov.uk) and in accordance with Section 151 of the Local Government Act 1972, the Chief Financial Officer is responsible for ensuring the proper administration of the Council's financial affairs, including the Pension Fund. This includes setting and monitoring compliance with these Financial Rules, setting the key financial controls necessary to secure sound financial planning and management, and acting as financial adviser to the Full Council, Cabinet, individual Cabinet Members and Committees.

2.2 The responsibilities of the Chief Executive, Monitoring Officer and Executive Directors are also set out in the Council's Constitution (lancashire.gov.uk). These Financial Rules provide further detail around their financial responsibilities and should be read in conjunction with the Scheme of Delegation to Officers (lancashire.gov.uk).

2.3 All accounts and financial records shall be kept in a form approved by the Chief Financial Officer who will also be responsible for the submission of all significant returns and claims for grant to Government and other public bodies.

2.4 Executive Directors and Directors are responsible for ensuring compliance with these Financial Rules throughout the service areas under their management.

2.5 For the purpose of complying with these Rules, Executive Directors and Directors shall provide the Chief Financial Officer with any information which they may require and allow them access to all relevant records.

2.6 The Chief Financial Officer will arrange for the preparation and publication of the annual Statement of Accounts for the Council and its Pension Fund. Executive Directors and Directors will comply with accounting guidance provided by the Chief Financial Officer and supply them with the information when required.

2.7 For the financial management of schools, the Council will delegate the financial operations and management to the Board of Governors of Lancashire schools. The financial regulation of schools is set out in The School and Early Years Finance (England) Regulations 2014. Schools are required to comply with the consistent financial reporting framework (gov.uk) as specified by the Department for Education. The Council gives guidance for schools on their financial operations in the Scheme for Financing Schools in Lancashire (April 2022) (lancashire.gov.uk).

2.8 Failure to comply with these Financial Rules may constitute misconduct and lead to formal action under the Council's Disciplinary Policy and Procedure.

Financial Planning

2.9 The Local Government Act 1972 set out how the Council's expenditure can be financed. This is identified as 'revenue' and 'capital'.

a) Revenue is the Council's operating expenditure and includes salaries and wages, and running costs such as fuel, utility bills and service contract payments. The Council funds revenue expenditure through revenue income sources such as Council Tax and charging service users.

b) Capital is the Council's expenditure on the acquisition, maintenance and enhancement of assets. Capital expenditure can be funded by capital income sources such as capital receipts, grants and borrowing.

c) The Council's records and financial systems must separate the income and expenditure on revenue activities from the income and expenditure on capital activities.

2.10 The Council is required to ensure and demonstrate that it complies with these rules by making sure there is a clear separation between capital and revenue in all of its financial activities. It is generally clear whether a transaction is revenue or capital, but there are some nuances:

a) Maintenance, repairs and refurbishment – if the expenditure does not increase the asset's economic life, increase the sale value of the asset, or enhance the asset's use, it is considered revenue expenditure.

b) Income – regular income derived from a capital asset, for example rent or service charges, is considered revenue income. Whereas the proceeds of the sale of an asset are considered capital income (known as capital receipt).

c) Normally, councils are not allowed to use capital income to fund revenue expenditure, other than in some cases when capital receipts may be used to fund the revenue costs of transformation projects.

d) There is a lower limit of £12,000, below which expenditure is assumed to be revenue.

e) Guidance and advice on capital and revenue expenditure should be sought from the Chief Financial Officer.

Financial Management for Revenue

2.11 Under the Scheme of Delegation to Officers (lancashire.gov.uk), Executive Directors and Directors are responsible for the financial management of their services and for the purpose of these Financial Rules are called budget holders.

2.12 Budget holders are responsible for ensuring that their budget, as approved by the Full Council, is not used for any purpose other than that for which it is approved.

2.13 Budget holders are responsible for maintaining appropriate control of expenditure and income within their service area against budget and ensuring it is properly recorded, including taking corrective action where there are material differences.

2.14 Budget holders are responsible for ensuring that any proposed expenditure that is unfunded shall not be incurred without prior consent of the Chief Financial Officer.

2.15 Budget holders are responsible for ensuring that funding has been identified for the ongoing costs of any decisions taken.

2.16 Each Directorate has relevant strategic officer boards responsible for the financial management of their services.

2.17 As set out in Part 9 of the Constitution (lancashire.gov.uk) and in accordance with Section 114 of the Local Government Finance Act 1988, the Chief Financial Officer must report to the Full Council if there is or is likely to be unlawful expenditure or an unbalanced budget, where income is not expected to meet expenditure commitments. This would include situations where reserves have become seriously depleted.

2.18 Directorate Leadership Teams shall receive appropriate reports for their revenue expenditure and income on a regular basis.

2.19 The Chief Financial Officer will provide guidance on suitable approaches to enable income and expenditure to be monitored effectively.

2.20 *Managing Variations from Budget*

a) Corrective action may be required to bring expenditure and income in line with budgets. This may involve taking action to reduce expenditure where there is a projected overspend or to increase expenditure where there is a projected underspend. This type of corrective action must be considered in the context of Directorate plans and performance targets.

b) Steps taken by the Cabinet or any officer discharging delegated responsibilities to implement Council policy shall not exceed the allocated budget for the service in question. Decisions should only be taken which are in line with the Council's Budget and Policy Framework, Corporate Plan and Directorate Plans. Decisions which would be contrary to the Policy Framework, or contrary to, or not wholly in accordance with, the Budget approved by Full Council, can only be taken by the Full Council.

c) If an officer wishes to make a decision which may be contrary to the Policy Framework or not in accordance with the approved Budget, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer, prior to any consideration by the Full Council. The advice of the relevant Head of Financial Management should initially be sought.

d) Executive Directors must consult and agree with the Chief Financial Officer any matter likely to affect the Council's finances materially before any commitments are made. The advice of the relevant Head of Financial Management should initially be sought.

2.21 *Maintenance of Revenue Reserves*

a) The Chief Financial Officer will advise the Full Council on the prudent levels of reserves for the Council. Section 25 of the Local Government Act 2003 requires that, in giving consideration to budget proposals, members must have regard to the advice of the Council's Chief Financial Officer, on the robustness of estimates and the adequacy of the Council's reserves.

b) Use of reserves are reviewed by the Cabinet on a regular basis, and authorisation to finance expenditure from reserves can only be approved by the Cabinet and Full Council on setting the Budget, upon the advice of the Chief Financial Officer.

c) For each reserve established, the purpose, usage (including the timeframe for usage) and basis of transactions will be clearly recorded and reported to Cabinet and Full Council.

2.22 *Scheme of Virement*

a) Transfers of expenditure or income revenue budgets are described as 'virements.'

b) These are a financial management practice to reallocate funds based on changing priorities or unforeseen circumstances without needing to seek additional budget approval.

c) There may also be realignments of budgets that form the basis of a virement within a service area to reflect changing trends of expenditure and income across those budgets.

d) A virement must not be used to smooth underspending and overspending positions across services.

e) Virements may be authorised by the relevant Executive Director from their delegated budgets, providing the amount of any individual transfer does not exceed 10% of the gross expenditure of the Director's budget or in any other case, with the consent of the relevant Cabinet Members.

f) Directors or Heads of Service as delegated can authorise virements which do not exceed 10% of the gross expenditure within their own service budgets. If budgets are to transfer across Directors (within the same directorate) approval is required from all Directors or Heads of Service impacted.

2.23 *In Year Budget Increases and Supplementary Budgets*

a) In the event that it is not possible to move resources between budget headings to meet an expenditure commitment, a request may be made to the relevant strategic officer board to support the additional funding request. These boards should advise the Chief Financial Officer if there is no corrective action that can be taken within the directorate to finance the commitment. The Chief Financial Officer will report to the Cabinet if financing is to be arranged. Any changes required to the "in-year" budget require Full Council approval.

2.24 *Treatment of Year End Balances*

a) The Council's financial position at the end of the financial year will be financed from the Council's reserves (this could be a transfer to or from reserves depending on whether the outturn position is an under or overspend). Any requirement to finance expenditure from reserves in future years resulting from underspending in-year will require authorisation from the Head of Financial Management in consultation with the Chief Financial Officer.

2.25 *Financial Implications of Reports*

a) Executive Directors will ensure that Cabinet Members are briefed on the financial implications of all proposals and that the financial implications have been cleared by the Chief Financial Officer prior to the reports being sent to the Cabinet (or individual Cabinet Members under the urgency procedure).

Financial Management for Capital

2.26 The capital programme sets out the Council's medium-term plans for capital expenditure.

2.27 The Chief Financial Officer is responsible for ensuring that the capital programme is updated annually for consideration by Cabinet before submission to Full Council for approval.

2.28 The planned capital expenditure will be consolidated into a comprehensive report by the Chief Financial Officer in consultation with individual Cabinet Members. The estimated cost of capital projects will be prepared jointly by the Chief Financial Officer and the appropriate Executive Director (or as delegated).

2.29 The estimated expenditure will be the amount of the accepted tender (adjusted if necessary for any non-contract items), or, if there is no tender, the latest estimate of cost. This figure constitutes the approved budget for monitoring purposes.

2.30 Capital expenditure should be based on the Council's long-term plans as detailed in the Capital Strategy.

2.31 Approval by the Full Council of the capital programme constitutes the authority for incurring expenditure. Additions to the authorised Capital Programme may be made by the Cabinet provided that the source of finance is clear at the point of approval and that the revenue consequences including that of any increased borrowing can be contained within existing or newly identified budgetary provision and reflected in an updated medium term financial strategy.

2.32 Amendments to the capital programme must comply with the Scheme of Delegation to Officers (lancashire.gov.uk) where the changes are within the total approved budget for a service programme and the scope of works within it are not fundamentally changed. Amendments requiring additional funding or a fundamental change of scope of a programme will require approval by Cabinet. The Cabinet shall have the power to suspend all authority to commit or to incur any capital expenditure on a specified project or programme which is not legally or contractually committed. Such action will require confirmation by the Full Council.

2.33 The estimated expenditure committed by officers under the Scheme of Delegation to Officers must not, in aggregate, exceed the amount approved for the scheme in the annual Capital Programme by more than 20% of the annual programme budget or £250,000 (whichever is the lower). If estimated expenditure does exceed the approved annual Capital Programme

figure by more than the above limits, then approval to the excess must be sought from Cabinet and Full Council as necessary before any commitment is entered into.

2.34 One of the key differences between the Revenue Budget and Capital Programme is that Capital schemes will more likely operate over a number of years and can experience a number of delays, changes or enhancements over the life of the scheme. It is important that the Capital Programme is flexible to accommodate these factors.

2.35 It is the responsibility of the Chief Financial Officer to determine how the Capital Programme will be funded and report the implication this will have on the revenue budget to Cabinet and the Full Council.

2.36 Cost increases which arise in the course of a programme will be treated as follows:

a) If additional payments arising from cost increases are required to allow a project to continue without delay or if the cost increases arise from fluctuations in the price of loose furniture and equipment, no prior approval is required but any action taken under this Regulation should be reported by an officer decision under the Scheme of Delegation to Officers as long as the programme budget is not breached.

b) If total increased costs, including any previous increases are less than 20% of the annual programme budget or £250,000 (whichever is the lower) approval to the increase may be given by the Chief Financial Officer on the recommendation of the appropriate Chief Officer and strategic officer board, but any action taken under this Regulation should be reported by an officer decision under the Scheme of Delegation to Officers.

c) Approval to any other cost increases in a programme budget must be sought from Cabinet before any expenditure arising from such cost increases are committed. Where there are no additional costs to the Council in relation to an additional scheme, approval can be undertaken by officers under the Scheme of Delegation to Officers.

2.37 For each capital project with an out-turn cost greater than £50,000,000 a post-completion statement will be presented to the relevant Cabinet Member. The statement must show the original capital programme cost estimate, the amount of the accepted tender if appropriate, any subsequent approvals to increased costs and the actual out-turn expenditure. The statement is to be produced as soon as possible, and at the latest within two years after practical completion of the project.

2.38 Where a capital scheme approval takes the form of a general approval to spend over a programme and the detailed projects within the programme are identified, officers can allocate funding between the projects as long as the overall funding envelope is not exceeded, and the scope is not changed. Where a change to scope or overall costs is required, this should be approved by Cabinet as necessary.

2.39 Where approval to a programme is a general allocation, with scheme details to be developed, then approval by Cabinet to the detailed programme of capital expenditure is necessary prior to expenditure being incurred. This regulation does not apply to schemes for structural maintenance.

2.40 *Capital Programme Additions*

a) A business case is required for a new scheme to be to be added to the capital programme. The business case will comprise of the following as a minimum:

(i) Scheme objectives
(ii) Contribution to Council's objectives
(iii) Initial capital estimates of cost
(iv) Revenue consequences of the borrowing and whole life costs
(v) Risk
(vi) Funding source(s)

b) The business cases will be reviewed by the relevant strategic officer boards and inclusion as a recommendation to Cabinet.

c) Amendments to the capital programme will largely be made in the same way, with some discretion allowed at officer boards as to the route for Cabinet approval.

d) Costs incurred prior to the business case's approval, such as option appraisals and any fees including initial design, are classed as feasibility and will be charged to the service revenue budget.

e) For this purpose, contributions from funds delegated or devolved to school governing bodies will not be regarded as Council contributions.

f) Schemes that are wholly funded by external contributions and represent no identified financial or reputational risk can be added to the capital programme under the Scheme of Delegation to Officers and these officer decisions must be recorded on the central Mod.gov recording system.

2.41 *Monitoring of Capital Expenditure*

a) Capital project and programme managers will proactively forecast anticipated expenditure on their projects and where this will exceed their budget allocation, initiate a change request and business case for additional funding as appropriate.

2.42 *Corrective Action*

a) Due to the nature of long-term projects and deterioration of assets, it is not unusual to encounter slippage in project delivery and / or to require items planned for future years to be brought forward for earlier interventions. The transfer of approved schemes between years of the capital programme will not be considered as a budget change provided that there is no overall long-term impact on the capital programme funding. There is, therefore, no requirement for prior approval by the Cabinet or the Full Council for re-profiling. These transfers can be made by programme managers following consultation with the Chief Financial Officer or as delegated and be reported in the quarterly update reports to Cabinet.

b) Where a project is forecast to exceed its budget allocation pre-emptive action should be taken by the project and programme manager in consultation with the relevant capital accountant to ensure funding is made available for the completion of the project. This can include de-scoping the project to be deliverable within the funding envelope, moving funds within a programme, rescoping a programme, or requests for additional funding to be made.

c) Directorate Leadership Teams must receive appropriate reports for their capital expenditure on a regular basis.

d) Cabinet will receive a report on a quarterly basis, giving details of movements in the capital programme over time, the anticipated annual delivery, and details of under / overspends and slippage within the capital programme.

3. Accounting and Financial Systems

3.1 All accounting records and statements must comply with the relevant accounting standards, adapted in accordance with the current Code of Practice on Local Authority Accounting in United Kingdom (The Code).

3.2 Budget holders are provided with relevant information to comply with the Council's accounting policies which are updated annually.

3.3 Budget holders are instructed on the required record keeping. All taxable (and National Insurance) transactions are identified, properly carried out and accounted for within stipulated time scales as required by His Majesty's Revenue and Customs (HMRC). Returns are made to the appropriate authorities within the stipulated timescales.

3.4 New financial procedures and systems will not be introduced, or existing systems amended without consultation with, and the prior approval of, the Chief Financial Officer.

3.5 Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources.

3.6 Budget holders must consult and obtain approval of the relevant Financial Head of Service before making any changes to accounting records and procedures, and maintain adequate records to provide a management trail leading from the source of income/expenditure through to the statement of accounts.

3.7 Statement of Accounts

a) The Council will publish financial statements as stipulated by the Accounts and Audit Regulations. The statement of accounts gives electors, those subject to locally levied taxes and charges, members of the council, employees and other interested parties information about the Council's finances.

b) The Full Council delegates responsibility to scrutinise and approve the statement of accounts to the Audit, Risk and Governance Committee.

c) The statement of accounts must be prepared on the basis of proper practices, which ensure that they present a true and fair view of the Council's financial position and performance. The Chief Financial Officer is responsible for the preparation of the council's statement of accounts and in doing so is required to:

(i) Select suitable accounting policies;

(ii) Make arrangements for these policies to be scrutinised by the Audit, Risk and Governance Committee and ensure that they are applied consistently;

(iii) Make judgements and estimates that are reasonable and prudent;

(iv) Comply with The Code; and

(v) Take reasonable steps to secure the prevention and detection of fraud and other irregularities.

3.8 Closure of Accounts

a) To comply with the statutory requirements and deadlines, budget holders must:

(i) Adhere to the accounting policies and guidelines provided by the Chief Financial Officer;

(ii) Adhere to the timetable issued by the Chief Financial Officer;

(iii) Comply with accounting requirements contained within the closure of accounts guidance issued by the Chief Financial Officer;

(iv) Supply information for the statement of accounts as and when required.

4. Taxation

4.1 The Chief Financial Officer is responsible for ensuring the Council's tax affairs are in order. Tax issues are often complex and the penalties for incorrect accounting can be severe. It is therefore important that advice is sought from the appropriate finance officer wherever necessary.

4.2 The Chief Financial Officer is responsible for providing an adequate financial system that will:

a) Comply with HMRC reporting requirements;
b) Calculate and make tax and National Insurance deductions and reflect this correctly in the Council's accounts;
c) Accurately account for VAT under all the categories stipulated by HMRC and reflect this correctly in the accounts;
d) Retain sufficient information in respect of taxation and National Insurance to meet the reporting requirements of HMRC and management;
e) Provide an adequate payroll system that will correctly calculate and deduct/refund income tax and National Insurance contributions from employees in line with HMRC guidelines and legislation;
f) Ensure that financial control systems are operating effectively to produce the necessary information and minimise the risk of error; and
g) Report significant tax and National Insurance related matters to members.

4.3 The Chief Financial Officer must also ensure that officers are designated to be responsible for:

a) The completion of monthly and annual returns to HMRC and to employees for tax and National Insurance in line with defined timetables, and providing other information requested;
b) Collating and issuing statements in line with the terms of the various tax schemes;
c) Making payments to HMRC of all taxes and National Insurance deducted in line with the defined timetables;
d) Verifying and maintaining required information held within the financial system;
e) Providing advice to staff on taxation that affects the Council in the light of the guidance issued by the appropriate bodies and relevant legislation;
f) Keeping up to date with the current HMRC requirements on Pay As You Earn (PAYE) and National Insurance and ensuring the payroll system is maintained in line with legislative changes;

g) Liaising with HMRC on tax and National Insurance management issues such as routine or special investigations, taxable benefits and dispensations; and
h) Providing advice and guidance on tax and National Insurance issues to management.

4.4 Executive Directors are responsible for ensuring that all staff in their directorates are aware of the regulations and procedures relating to taxation, and that they comply with them. The Director of People is responsible for advising on terms and conditions of employment.

4.5 Executive Directors, together with their staff, are responsible for providing the Chief Financial Officer with the necessary information to enable the proper application of income tax and National Insurance procedures.

4.6 *Construction Industry Scheme (CIS)*

a) Businesses in the construction industry are known either as contractors or sub-contractors. These may be companies, partnerships, or self-employed individuals. The CIS applies to payments made by 'contractors' (in this case the council) to 'sub-contractors' for construction work that is deemed to be 'in scope' of the scheme. In general, this covers almost any work done to a building or structure, civil engineering work or installation of a variety of equipment. This includes demolition, site preparation, construction, alteration, repair and dismantling.

b) The CIS is administered by the HMRC. Under the scheme some payments could be liable to a tax deduction from the labour element of an invoice. The Council is required by legislation to keep records, complete forms and returns, and account for tax withheld. The Council is liable to HMRC for the amount deductible from payments to subcontractors, whether or not these deductions have actually been made. Where a failure to deduct tax results from an error or omission at department level, the appropriate local budget will be charged with the tax due.

c) When initiating an order for ‘construction’ type work, budget holders must consider the potential CIS implications, and inform the Accounts Payable and Procurement teams if the scheme applies.

4.7 Value Added Tax (VAT)

a) VAT is charged on supply and receipt of goods and services. The Council is registered for VAT and as such can recover from HMRC the majority of VAT it pays. However, the Council must also charge and pay to HMRC VAT on its income, where appropriate. Overall, the Council recovers more VAT than it pays. HMRC have statutory powers to inspect records and to ensure that financial systems comply with their requirements. Substantial financial penalties may be applied for the incorrect treatment of VAT. Although inspections generally occur centrally, HMRC may undertake site visits. All officers involved in making payments or collecting income must familiarise themselves with VAT rules and procedures to ensure that VAT is accounted for correctly.

b) The Council accounts for VAT to be paid to or recovered from HMRC through submission of a monthly VAT return. The requirement to submit this return digitally must be met. VAT can only be recovered where goods and services are supplied directly to the Council, and correct treatment is recorded in the financial system.

5. Control of Resources

5.1 For the security of assets such as property, equipment, software and information, the key controls are as follows:

a) An asset register is maintained for the authority. Assets are recorded when they are acquired, and this record is updated as changes occur with respect to the location and condition of the asset.
b) Resources are used only for the purposes of the authority, are properly accounted for, have suitable insurance coverage and are regularly monitored.
c) Resources are available for use when required.
d) Resources no longer required are disposed of in accordance with the law and to the maximum benefit of the authority.
e) All staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act, software copyright legislation and any relevant policies and standards produced by the council.
f) All staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the data held on them and compliance with the authority's data security and IT security policies.

Procurement and Accounts Payable

5.2 For ordering and payment, the following key controls must be met:

a) The purchase is legitimate and lawful.
b) The purchase is within the Budget and Policy Framework.
c) All goods and services are ordered in accordance with the Procurement Rules (lancashire.gov.uk).
d) The purchase is authorised by an appropriate person and correctly recorded.
e) Goods or services received meet the requirements of the authorised order.
f) Payments are only made for goods or services received at the correct price, quantity and quality standards.
g) The budget holder monitors all expenditure through their budget.
h) Payments are recorded accurately in the Council's accounts on a timely basis.
i) Processes are in place to maintain the security and integrity of data for transacting business electronically.

5.3 Purchase of equipment, goods and materials shall be affected through the most economical and practical means, making use of contracts arranged by the Procurement Service and co-ordinated purchasing or any other contracting arrangements where these are available. To this end the Chief Financial Officer will issue such general instructions as they deem necessary and is entitled to make such enquiries and to receive such information and explanations as they may reasonably require.

5.4 *Initial Purchasing Considerations*

Before any procurement takes place, officers must consider:

a) The service needs and objectives;
b) Funding;
c) Availability of corporate contracts to source the required goods/services;

d) For purchases of £10,000 and below a single supplier can be approached; however, the purchasing officer should still be satisfied that they are obtaining best value. The use of corporate contracts should always be considered in the first instance. The purchasing officer may wish to check the market for indicative prices and quality; and
e) For purchases over £10,000, the purchaser should refer to the Procurement Rules (lancashire.gov.uk).

5.5 *New Suppliers to the Council*

a) If it is necessary to procure from a new supplier because an established supplier or contract does not exist, then it is necessary to ensure the supplier is set up within the council's Oracle Fusion system before the order is placed.

b) The only exception to (a) is when imprest or purchase cards are used. In these instances, the names of the imprest account and card provider are the suppliers on the council's system.

c) Before requesting a new supplier to be set up, the requesting officers must assure themselves that:

(i) The supplier is bona fide and can be considered a reputable trader;
(ii) Existing contracts have been adequately considered before approaching a new supplier;
(iii) Sufficient checks have been undertaken to ensure that the supplier has not already been set up on Oracle Fusion; and
(iv) For the supply of large contracts, the appropriate financial due diligence has been carried out to ensure the supplier is financially sound and can execute the contract and this will be performed as part of a tender exercise.

d) For new suppliers, the following information should be sent to the Procurement Service titled ‘supplier set up request’:

(i) Your name;
(ii) Your work email address;
(iii) Name of supplier;
(iv) Contact name for supplier (they will be completing the online form);
(v) Contact email address for the supplier;
(vi) Contact phone number for the supplier;
(vii) Reason for the request;
(viii) Type of goods or services; and
(ix) Any additional information.

e) If a supplier is set up but has not been used for some time, it may be closed for use. If this is the case, the details set out at (d) should be re-sent to the Procurement Service indicating the need to reactivate the supplier.

5.6 *Ordering Goods and Services*

a) In the main, goods and services should be purchased by raising a requisition through the Oracle Fusion system or through the appropriate line of business care management system. (See sections 5.39 to 5.42 on Payment Methods where alternatives are available).

b) In most instances, goods or services will be requested in advance. When this is the case, a requisition should be raised which will be converted into a purchase order by the Procurement Service.

c) The purpose of this purchase order is to:

(i) Comply with the Council's No Purchase Order No Pay policy;
(ii) Formally notify the supplier of requirements;
(iii) Provide the Council with a control over procurement;
(iv) Provide a commitment against budgets; and
(v) Inform the supplier of the Council's terms and conditions.

d) An official quantity-based purchase order should always be issued to the supplier, except in the following circumstances:

(i) For ongoing commitments, in which case a call-off order can be raised;
(ii) Procurement Card purchases;
(iii) Purchases for reimbursement through an imprest account; and
(iv) For those categories of spend exempt from the council's No Purchase Order No Pay policy.

e) Each official order or formal contract shall indicate clearly the nature and quantity of the work, goods, materials or services. It should also show the agreed value or price, any trade discount or allowance, together with any reference to a quotation, tender or other arrangement. Orders should specify delivery to a Council address or site.

f) Orders must be raised against the correct cost centre and account code to be charged.

g) Access to the Oracle Fusion system to raise and authorise a requisition and purchase order is restricted in line with the authorisation limits set out in these Financial Rules.

h) Generally, orders must not be changed after issue to the supplier.

i) If additional goods/services/works are required after the purchase order has been issued to the supplier, then a new purchase must be raised. Only in exceptional circumstances should an order be amended.

j) Lines on a purchase order that are no longer required or available should be cancelled by the initial requisitioner. If goods/services/works are no longer required, then the supplier must be advised of this separately.

k) Outstanding orders must be reviewed on a regular basis and appropriate action taken to either secure the goods/services/works or cancel the order.

l) Official orders should not be raised for any personal or private purchases.

5.7 *Call-Off Purchase Orders*

a) Call-off purchase orders are a means of creating one purchase order to meet an ongoing requirement instead of lots of smaller purchase orders. This approach reduces the number of requisitions and purchase orders that are created. Requisitioners are to undertake call-off orders using the 'by amount' option within Oracle Fusion.

5.8 *Receipt of Goods and Services*

a) Responsibility for checking and recording that any good/services/works have been received is the responsibility of the requesting budget holder.

b) Requisitioners should ensure that when goods or services are received, they agree with the order delivery note or equivalent record.

c) Receipting must be undertaken as deliveries are received or services are satisfactorily received. Requisitioners are required to keep receipts up to date in a timely manner on the Oracle Fusion system.

d) Requisitioners must not receipt the full value of the purchase order in advance, only receipting goods/services/works validated as received, this is particularly relevant for call-off purchase orders where multiple receipts are likely to be required over the length of the contract.

e) If for any reason goods received do not meet the required standards, and a decision is taken to return the goods to the supplier, evidence of the goods returned must be kept. The invoice should not be processed for payment, and a credit note should be requested for any returned goods.

5.9 *Accounts Payable*

a) Accounts payable represents the Council's financial obligation to pay suppliers for goods or services that have been received or will be received in the future.

b) These provisions exclude the purchase of services through the following social care systems which will operate based on local configuration on a commissioned care basis:
(i) Liquid Logic Adult System (LAS)
(ii) Liquid Logic Children System (LCS)

c) Payments will be made when the following conditions are met:
(i) An appropriately authorised purchase order is sent to the supplier;
(ii) The receipt of the goods or service is recorded against the purchase order;
(iii) A VAT compliant invoice is received and can be matched to a receipted purchase order; and
(iv) All transactions are recorded using the Council's Oracle Fusion system.

5.10 *Stages of the Procure to Pay Process*

a) The overall process of purchasing goods and services is as follows:
(i) Procurement process complete, and good or services ordered; then
(ii) Goods or services delivered and recognition of liability; then
(iii) Payment to supplier.

5.11 *Ordering Goods and Services*

a) Purchase orders are documents given to the supplier that identify the nature of the goods or services requested, including the quantity, unit price and description.

b) The purchase order must be authorised for it to be a valid purchasing instruction. Purchase order authorisation limits are subject to the following financial limits. Amounts above £10 million must be approved by the relevant Executive Director in conjunction with the Chief Financial Officer.

Position	**Approval Limit**

Chief Executive	Above £100 million
Executive Directors	£100 million
Directors	£10 million
Head of Service	£500,000
Grade 10-13	£100,000
Grade 6-9	£5,000
Requisitioner (self-approval)	£500

c) Certain exceptions may be allowed to these limits with the appropriate business case approved by the Chief Financial Officer and appropriate Executive Director.

d) Individual directorate schemes of delegation will further detail the operational approval requirements deployed within respective service areas within the above corporate framework.

5.12 *Supplier Invoice*

a) A valid supplier invoice will contain the following details:
   (i) Supplier name;
   (ii) VAT registration number;
   (iii) Tax point date;
   (iv) Description of good/service;
   (v) Units;
   (vi) Currency;
   (vii) Amount before tax;
   (viii) VAT amount; and
   (ix) Amount after tax.

b) Invoices are to be sent directly from the supplier to the Council's Finance Accounts Payable team via email.

c) Where payments are to be made in foreign currency denominations, the settlement date must be identified if required.

5.13 *Payment*

a) The council will make payment to suppliers by BACS transfer. Payment will be made within the supplier's contracted credit terms as measured from the date of receipt in the Council's Accounts Payable team.

5.14 *Urgent Payment Procedure*

a) Where a payment for the purchase of goods or services is required to be made urgently, due to the absence of an appropriately receipted purchase order or in advance of credit terms, the urgent payment must be authorised by an appropriate Head of Service by email and will be subject to a £100 processing charge per urgent transaction.

5.15 *Alternative Payment methods*

a) Where payments are to be made that do not relate to the purchase of goods and services, a payment by bank transfer request can be made to the Accounts Payable team, for the following circumstances:

(i) For payments to public bodies or partner organisations as directed by law, legal direction, or formal contractual agreement.

(ii) For payment to private citizens (not companies or employees) for the reimbursement of costs that they have incurred on behalf of the Council. A maximum of £1,000 per person per annum is applicable.

Collection of Income

5.16 Each Executive Director should establish the charging policy within their own area of responsibility, taking into account any statutory obligations and the appropriate charging of VAT where applicable. All such policies should be subject to annual review and should be notified to the Chief Financial Officer.

5.17 Executive Directors have a responsibility to:

a) Ensure that all income due to the Council is identified and collected;
b) All income due to the Council is identified and charged correctly, in accordance with an approved departmental charging policy which is reviewed annually;
c) All money received by an employee on behalf of the Council is paid without delay into the Council's bank accounts and properly recorded within the Council's financial system;
d) Effective action is taken to pursue non-payment within defined timescales;
e) Formal approval for amendments to debtor invoices is obtained (credit memos); and
f) All appropriate income documents are retained and stored for a defined period in accordance with the document retention schedule.

5.18 Where consideration is being given to the introduction of charges for discretionary services or to utilising a trading power, the relevant Executive Director must consult with the Chief Financial Officer and the Monitoring Officer on all aspects of the proposal (i.e. financial, legal and personnel related).

5.19 The Chief Financial Officer will determine where debts can no longer be collected and must be written off.

5.20 *Debt Management*

a) Principles of debt recovery:

(i) The Council's approach to recovering invoiced debt will be consistent, transparent, firm, fair and courteous.

(ii) Recovery action will be taken in a timely manner and wherever possible technology will be utilised to automate and expedite processes.

(iii) The Council will always take recovery action where a client does not pay and has not informed the Council that they are having difficulty paying.

5.21 Recovery Considerations

a) If a customer is considered to be vulnerable (for example due to physical illness or disability, mental health, frailty due to older age, learning disability) and this makes it difficult for them to pay outstanding bills, recovery action will be avoided, and assistance will be provided to facilitate payment.

b) Where it has been identified that a customer is suffering from financial difficulties or other extenuating circumstances the Council is committed to providing advice and support including:

(i) Holding enforcement action once a customer makes contact to inform of a hardship in making payment; or
(ii) Voluntary payment solutions considered in preference to statutory or civil remedies.

c) Where the debt is for an ongoing service, the Council may stop providing the service until the debt is paid or an acceptable payment arrangement is agreed. The cessation of services will only be actioned following the approval by the service department and only following consultation with the assigned social worker in Adults' or Children's social care cases.

5.22 *Low Invoice Amounts*

a) Services should consider the administrative costs of raising one-off invoices for low amounts, generally considered to be less than £50, and should take steps where possible to collect such income at the point of sale/purchase/charge.

5.23 *Overpayments*

a) Where the Council has received a payment in excess of the amount owing, reasonable efforts will be made to contact the recipient. Generally, the steps taken will be as follows:

(i) Deceased client – contact the next of kin by letter/telephone call for up to two years. These are reviewed on an individual case by case basis, but if the amount or case is deemed significant, a trace or will and probate search will be carried out.

(ii) All other accounts – contact by letter/telephone call for up to 12 months.

b) If attempts to contact the client/next of kin are unsuccessful the overpayment will be moved to the council's reserves, and the action noted to ensure that if the overpayment is then subsequently claimed, it can be refunded.

5.24 *Complaints and Errors*

a) If an error is identified in the process of recovering debt the account will be reviewed and the error corrected as soon as possible where the correction would result in a material benefit to the client. If evidence emerges of this after enforcement proceedings have taken place, the Council will take appropriate action to remedy the situation as far as possible.

b) If the correction of the error will cause a detrimental impact to the client, the Chief Financial Officer may determine to waive this aspect of the debt.

c) If a customer is unhappy with the service provided or disagrees with decisions made relating to their debt, complaints will be handled through the council's general complaints procedure.

Property

5.25 Executive Directors, in consultation with the Chief Financial Officer, are responsible for the Council's estate management, including:

a) Acquiring land and premises;

b) Disposal of land and premises when surplus to requirements;

c) To accept and grant leases of land and premises and such other rights over land and premises as may be deemed necessary and appropriate;

d) All property acquisition and disposal;

e) Declaring land and premises surplus to requirements, after consultation with the appropriate Cabinet Member and Lead Member.

f) The management, maintenance, furnishing and equipping of premises for which they are responsible. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control;

g) The safe custody and physical control of stores and equipment and for the maintenance of records in the form approved by the Chief Financial Officer. The records shall include such items as the Chief Financial Officer, after consultation with Executive Director, considers necessary; and

h) Arranging periodic physical checks of equipment and stores against relevant records by officers other than those responsible for their custody and control.

Cash

5.26 Officers shall inform the Treasury Management team of all income and expenditure over £500,000 to allow for effective cashflow management of the Council's cash resources.

5.27 The Chief Financial Officer is responsible for providing assurances that the Council's money is properly managed in a way that balances risk with return, with the overriding consideration being given to security. In accordance with the Council's Anti Money Laundering Policy, all suspected attempts to use the Council to launder money must be reported to the Head of Internal Audit and the Council's Money Laundering Reporting Officer. Council staff who handle cash and cheques on behalf of the Council (including those who deal with voluntary funds, school and amenity funds) should adhere to the Council's key principles of cash handling as detailed below:

a) Cash and cheques should be immediately recorded on an agreed form of receipting record on receipt showing the date, the value, the identity of the officer receiving the income and payment type (e.g. cash, cheque etc.).

b) If responsibility for the cash is subsequently passed to another officer, there should be a formal handover process. Officers involved should agree the amount of income being handed over and evidence this action by signing and dating an appropriate record. This formal handover process should also be in place where employees are handling cash / cheques on behalf of a third party.

c) Income should remain unbanked only for the shortest length of time operationally possible. The banking of income should occur on a regular basis and all income should be banked in full.

d) The cash and cheques retained should be held securely in a locked depository. In most cases this will mean a safe, however, where small amounts of cash are held, a locked cabinet, cupboard or drawer is acceptable.

e) Whatever type of storage is used, access to income held must be restricted to a minimum. Wherever operationally possible, this should mean only one or two officers holding keys. Keys should remain with the key holders and should not be left on site overnight.

f) Where banking is undertaken in the normal course of work duties, officers should take care to minimise the risks involved, for example to vary time and route taken, to use a vehicle wherever possible.

g) Employees should not risk personal injury to try and prevent the loss of county council monies.

Treasury Management

5.28 Treasury management is an important aspect of the overall financial management of the Council. Treasury management activities are those associated with the management of borrowings and investments to meet the council's cashflow needs. A fundamental aim is to effectively control the risks associated with these activities and to pursue best value, in so far as that is consistent with the effective management of those risks.

5.29 The Full Council delegates responsibility for the oversight of its treasury management policies and for ensuring effective scrutiny of the treasury management strategy to the Audit, Risk and Governance Committee.

5.30 The Chief Financial Officer is responsible for the execution and administration of treasury management decisions, who will act in accordance with the Council's annual Treasury Management Strategy and statements approved by the Full Council. This includes the investment of public funds on behalf of the Council, undertaking all money market transactions associated with cash flow functions, borrowing on behalf of the council to finance long term capital spending plans and providing the safe custody arrangements of investment securities.

5.31 Schools require the prior written approval of the Chief Financial Officer to make any alternative investments of surplus cash other than prescribed deposit and other interest-bearing accounts.

5.32 The Chief Financial Officer is responsible for ensuring all investment and borrowing activity is undertaken in accordance with the relevant legislation, government and accounting regulations. The Chief Financial Officer will propose an annual Treasury Management and Investment Strategy to the Full Council in advance of the start of the relevant financial year. These strategies will comply with the relevant regulations and will set the parameters within which investment and borrowing activity will be managed during the forthcoming year.

5.33 The Chief Financial Officer is responsible for ensuring that all borrowing and investment activity is undertaken in compliance with the approved Treasury Management Strategy. All day-to-day operational treasury activities are delegated by the Chief Financial Officer to appropriately their qualified nominated staff.

5.34 All investment of money and borrowings undertaken on behalf of the Council will be made in the name of the Council. All records of such transactions will be maintained in loan and investment registers.

5.35 *Borrowing*

a) The Council must comply with the Chartered Institute for Public Finance and Accountancy's (CIPFA) Prudential Code which governs and regulates how the Council uses borrowing to finance the Council's capital expenditure plans. The aim of this code is to ensure that the level of the Council's borrowing remains prudent, affordable and sustainable. To enable compliance, Prudential Indicators are published alongside the Council's annual budget each year and are approved by Full Council. The Chief Financial Officer has delegated responsibility for the raising and repayment of loans within the limits set by the Prudential Indicators as approved by Full Council, and also in respect of loans raised for the purposes of cash flow, as may be necessary from time to time.

b) In line with the CIPFA Prudential Code, the Council publishes a Capital Strategy which addresses the affordability and risk profile of non-treasury investment and borrowing activity of the Council as well as looking at the process of the formulation of the capital programme in line with the Council's strategic plans.

c) Lancashire schools may only take out loans with the prior consent of the Chief Financial Officer. In accordance with the Scheme for the Financial Management of Schools, the Council operates a loan scheme that is available to all schools. Details of the loan scheme can be found in the School Finance Handbook. Schools are only permitted to take out external loans with prior consent of the Secretary of State after consultation with the Chief Financial Officer.

5.36 *Loans to Third Parties*

a) The Chief Financial Officer is responsible, in consultation with the Cabinet Member where appropriate, to make loans and advances to outside bodies.

5.37 *Bank Accounts*

a) The Chief Financial Officer is responsible for arranging appropriate banking and related services on behalf of the Council and is authorised to open and close all bank accounts related to this provision. This responsibility is delegated to appropriately trained designated staff.

b) No Council bank account should be opened in the name of an individual or individual establishment.

5.38 *School Local Bank Accounts (Prime Account Schools)*

a) In line with the Scheme for the Financial Management of Schools, all schools with full delegation may elect to operate a local bank account. The decision to operate a local account should be notified in writing to the Council’s banking team.

<u>Payment Methods</u>

5.39 The Council's default method of payment is electronically by BACS for supplier and payroll payments. The following methods are also available and can be used following approval by the Chief Financial Officer in order to meet service needs.

5.40 *Cash/Cash equivalent*

a) Must not be used for personal expenses or administrative expenditure. The following tools are available to access cash/cash equivalent payment in pursuit of delivering council services:

   (i) Paypoint;
   (ii) Debit card; or
   (iii) Imprest Account.

b) These methods will be subject to a person specific and transaction level financial limit, as agreed between the Chief Financial Officer and the relevant Head of Service.

c) Cash should only be used for payment in limited circumstances where no alternative electronic means is available.

5.41 *Cheque Payments*

a) Cheque payments are only made in limited circumstances where cheques are specifically requested and are necessary in a specific payment scenario.

5.42 *Purchase Cards (PCards)*

a) PCards are a corporate charge card, similar to a credit card which is settled in full at the end of each month, provided by the Council to appropriate staff to facilitate the electronic payment for goods without the need for a purchase order. The guidance for the use of PCards explains the types of purchases the PCard can and cannot be used for.

b) Generally, to be used for spending in pursuit of delivering Council services and must not be used for personal expenses or administrative expenditure.

c) PCards may be attributed to an:
   (i) Individual employee; or
   (ii) Group of employees.

d) PCards will be subject to a person specific and transaction level financial limit, as agreed between the Chief Financial Officer and the relevant Head of Service.

Records Management and Retention of Records

5.43 Executive Directors must ensure that accounting records and financial systems are operated in line with the information governance framework, to ensure security of information/information systems is maintained.

5.44 Executive Directors must ensure records are managed appropriately and obligations set out in applicable information legislation are met.

6. Payments to Employees and Members

Payments to Employees

6.1 The assessment, calculation and payment of all salaries, wages, pensions, pension payments, compensation and other emoluments or allowances to employees or former employees of the Council shall be made by the Chief Financial Officer, or in a manner approved by them after consultation with the appropriate Executive Director.

6.2 *Pay Policy Statement*

a) The Localism Act 2011 (the Act) requires the council to prepare a Pay Policy Statement each year. The pay policy statement must articulate the Council's approach to a range of issues relating to the pay of its workforce, particularly its senior staff (or 'chief officers') and its lowest paid employees.

b) This Pay Policy Statement is subject to annual review and approval by Full Council by 31 March each year. In exceptional circumstances, the statement may be reviewed/amended mid-year by the Full Council.

c) The purpose of this statement is to provide transparency with regard to the Council's approach to setting the pay of its employees (excluding staff working in local authority schools) by identifying:

(i) The methods by which salaries of all employees are determined;
(ii) The detail and level of remuneration of the Council's most senior staff;
(iii) The remuneration of the Council's lowest-paid employees; and
(iv) The relationship between the remuneration of chief officers and those employees who are not chief officers.

d) The Pay Policy Statement is published on the Council's website following approval by Full Council: Annual Pay Policy Statement (lancashire.gov.uk).

6.3 *The Council's Pay and Grading Structure*

a) Section 112 of the Local Government Act 1972 provides that a local authority shall appoint such officers as they think fit for the proper discharge of their functions. Officers so appointed shall hold office on such reasonable terms and conditions, including conditions as to remuneration, as the local authority thinks fit.

b) In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. The Council will ensure that there is no pay discrimination within its pay and grading structures and that all pay differentials can be objectively justified through the use of job evaluation mechanisms, which directly establish the relative levels of posts in grades according to the requirements, demands and responsibilities of the role.

Payments to Members

6.4 The Council's Members' Allowance Scheme sets out the allowances which members and co-opted members may receive and is included in Part 8 of the Constitution (lancashire.gov.uk).

7. External Funding

7.1 Executive Directors and Directors will ensure that all funding notified by external bodies is received and properly recorded in the Council's accounts in a form approved by the Chief Financial Officer.

7.2 Executive Directors and Directors will ensure that the written approval of the Chief Financial Officer is obtained prior to committing the Council to act as the "accountable body" for any partnership with which it is involved.

7.3 Executive Directors and Directors will ensure that the matched funding requirements are considered prior to entering into an agreement and that future revenue budgets reflect these requirements.

7.4 Executive Directors and Directors will ensure that audit requirements are met, that all claims for funds are made by the due date, and that all expenditure is properly incurred and recorded.

8. Grants

8.1 The Procurement Rules (lancashire.gov.uk) must be followed for the award of grants of public money.

8.2 Providing grants to Districts and the voluntary, community faith and social enterprise sector can be an important way of supporting Lancashire's communities and the Council's corporate priorities. However, when awarding public money, the appropriate safeguards must be put in place to ensure the grant schemes achieve their aims, deliver value for money, and are organised in a transparent way.

8.3 The Council's Protocol for Developing a Grants Scheme (lancashire.gov.uk) must be followed, which covers the following key principles for grant schemes established by the Council:

a) Decide what you want to achieve;
b) Establish what funding is available and whether it can be used for that purpose;
c) Name a "Senior Responsible Owner";
d) Develop criteria;
e) Decide who can and cannot apply;
f) Agree how applications can be made, and what evidence or documentation is required;
g) Consider how to promote the scheme;
h) Agree the assessment and decision-making process;
i) Create a Grant Funding Agreement;
j) Establish monitoring arrangements;
k) Keep records; and
l) Conduct a review.

9. Risk Management and Whistleblowing

9.1 Annual Governance Statement

a) Local authorities are required by statute to review their governance arrangements at least once a year.

b) The Council prepares and publishes an Annual Governance Statement in accordance with the CIPFA/Solace "Delivering Good Governance in Local Government Framework" (2016) (the Framework), and approved by the Audit, Risk and Governance Committee, in order to help fulfil this requirement.

c) The Framework requires local authorities to be responsible for ensuring that their business is conducted in accordance with all relevant laws and regulations; public money is safeguarded and properly accounted for; and resources are used economically, efficiently and effectively to achieve agreed priorities which benefit local people.

d) The Framework also expects that local authorities will put in place proper arrangements for the governance of their affairs which facilitate the effective exercise of functions and ensure that the responsibilities set out above are being met.

9.2 *Corporate Risk Register*

a) Performance management is a key component of the Council's approach to achieving its outcomes. Part of this process involves identifying and, where appropriate, mitigating risks, ensuring that performance and risk management processes are in place throughout the organisation with effective processes to ensure sound financial management. Managing risks is the responsibility of services. All service risks are scored on the same basis and the greatest risks are elevated onto the Corporate Risk Register.

b) During the year, service risk and opportunity registers are updated regularly, and the Corporate Risk and Opportunity register is reported to Executive Management Team, Cabinet and Audit, Risk and Governance Committee.

9.3 *Medium Term Financial Strategy*

a) The medium term financial strategy is updated and reported to Cabinet on a regular basis, with relevant resource forecasts and takes full account of the changing regulatory, environmental, demographic and economic factors that impact on the financial environment in which the Council operates.

9.4 *Corporate Performance*

a) Cabinet receives high-level metrics relating to the corporate strategy, together with more detailed, service specific performance metrics which enable members to monitor ongoing service delivery and performance. The reports highlight good performance and areas for improvement.

9.5 Financial Management Code

a) The CIPFA Financial Management Code is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The code sets out six principles underpinned by a series of financial management standards identifying the professional standards to be met if a local authority is to meet the minimal expectations of financial management that are acceptable to meet the fiduciary duties to taxpayers, customers, and lenders.

b) The Council undertakes medium-term financial planning which drives the annual budget-setting and monitoring process.

c) Through the Overview and Scrutiny Committees and the Audit, Risk and Governance Committee, sources of assurance are recognised as an effective tool in delivering and demonstrating good financial management.

9.6 Internal Audit

a) The Council's Internal Audit Service provides independent assurance that the Council's risk management, governance and internal control processes are operating effectively.

b) The Chief Financial Officer (or as delegated) shall have access for any necessary examination and audit, at all reasonable times, to all cash, property, documents, accounting and vouchers appertaining in any way to the finances of the Council and shall be entitled to require such explanations as may be reasonably considered necessary to satisfy themselves of the correctness of any matter under examination.

c) The Chief Financial Officer shall, to the extent they consider necessary or desirable, conduct or arrange for the examination and audit of the accounting records of the Council and of its officers and agents.

d) Executive Directors have responsibility to ensure they and all officers in their directorate:

(i) Notify the Head of Internal Audit immediately of any suspected fraud, theft, irregularity, improper use, or misappropriation of the Council's property or resources.

(ii) Take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.

(iii) Ensure that potential irregularities remain confidential and to determine what action should be taken as a result of an investigation.

(iv) Take immediate action to minimise the risk of any or a further loss arising from actual or suspected fraud or financial irregularity.

(v) Follow the Council's Disciplinary Policy and Procedures against any member of staff where the outcome of an investigation indicates improper behaviours.

9.7 *Irregularities*

a) Executive Directors shall notify the Chief Financial Officer immediately of all financial or accounting irregularities or suspected irregularities or of any circumstances which may suggest the possibility of irregularities including those affecting cash, stores, property, remuneration or allowances.

9.8 *Insurance*

a) Executive Directors shall notify the Chief Financial Officer promptly of all risks, liabilities, properties, or vehicles which require to be insured and of any alterations affecting risks or insurances indicating the amount of cover required.

b) Executive Directors shall immediately notify the Chief Financial Officer of any fire, loss, accident or other event which may give rise to a claim against the Council's insurers.

c) The Chief Financial Officer is responsible for advising the Council on proper insurance cover, and will:

(i) Effect corporate insurance cover through external insurance and internal funding, and negotiate all claims in consultation with other officers, where necessary;

(ii) Offer insurance cover to schools in accordance with arrangements for financing schools;

(iii) Ensure that provision is made for losses that might result from identified risks;

(iv) Ensure that procedures are in place to investigate claims within required timescales; and

(v) Advise anyone covered by the Council's insurances to not admit liability or make any offer to pay compensation which may prejudice the assessment of liability on any claim against the Council.

d) The Monitoring Officer is responsible for handling all claims made to the Council and will report to the Chief Financial Officer the value of claims settled on a quarterly basis.

e) In the case of a school exercising the option for delegation, insurance will by the school be in a manner approved by the Chief Financial Officer.

9.9 *External Audit*

a) The Local Audit and Accountability Act requires the Full Council to appoint an external auditor to form an opinion on the Council's statement of accounts and produce an annual report on its efficiency and effectiveness.

b) The Chief Financial Officer and Executive Directors must give access to all records, documents, assets and explanations that can reasonably be required for the auditor to undertakes their duties.

Procurement Rules

1. Introduction and purpose

1.1 The Council is required under section 135 of the Local Government Act 1972 to make standing orders in connection with its contracting requirements for Works, Supplies and Services. These Procurement Rules form part of the Council's Constitution and compliance with them by all officers is mandatory.

1.2 The Council has a duty to secure continuous improvement in the way it delivers services, with a clear regard for the economy, efficiency, and effectiveness. The Procurement Rules explain how the Council will deliver against these criteria and sets out the required approach for procurement and contracting with third parties on behalf of the Council, for the purchase of Works, Supplies and Services.

1.3 These Procurement Rules are designed to assist the Council in complying with relevant legislation and to:

1.3.1 Ensure the public purse is managed in a proper and responsible fashion and in a way which will promote value for money; and

1.3.2 Act as a safeguard for the Council and its officers against any allegations of dishonesty and corruption.

1.4 In addition to these Procurement Rules, officers must refer to any supporting guidance and procedures issued by the Procurement and Contract Management Service when spending Council money.

2. Compliance

2.1 The Council is a Contracting Authority/Relevant Authority for the purposes of Procurement Legislation and is therefore legally bound to comply with certain practices and procedures in the award of Contracts to which Procurement Legislation applies.

2.2 These Procurement Rules form part of the Council's Constitution and compliance with them by all officers is mandatory. The risk of non-compliance with the Procurement Legislation is significant and can include awards of damages and contracts being set aside.

2.3 Save as provided at at 2.10, every Contract made by or on behalf of the Council shall comply with the provisions and principles of Procurement Legislation and all other applicable principles and provisions, domestic legal requirements, and the Council's Procurement Rules and Financial Rules. In the event of any inconsistency between the provisions of the Procurement Rules and any legal requirement then the legal requirement shall prevail.

2.4 All officers and any third parties involved in spending Council money must comply with the Council's Code of Conduct for Employees and these Procurement Rules. Officers who instruct third parties to procure contracts must provide the third party with the Council's Code of Conduct for Employees and a copy of these Procurement Rules.

2.5 Officers and third parties must ensure that any conflicts of interest are avoided. Any conflicts of interest must be declared to appropriate line managers and advice from the Procurement and Contract Management Service obtained where any conflict has potential to impact on contractual relationships and/or a Tender Process.

2.6 Corruption is a criminal offence. All officers who let, manage or supervise contracts must act in accordance with the highest standards of propriety and ensure adequate records are kept.

2.7 Failure to comply with any of these rules may be considered a breach of the Code of Conduct for Employees and may result in disciplinary action and legal proceedings against the officers or third parties concerned. No officer shall take any steps or fail to take steps to knowingly or recklessly seek to avoid the Procurement Rules.

2.8 Any officer who fails to follow the Procurement Rules may lose the protection of the indemnity given to employees of the Council and therefore may have personal liability for a contract or any losses.

2.9 Where it becomes apparent that there is a potential failure to comply with the Procurement Rules and, or, the Procurement Legislation, the requirements of paragraphs 12 and 13 are to be complied with.

2.10 The provisions of these Procurement Rules shall not apply to contracts that are/spend that is exempted from the application of Procurement Legislation as set out in the relevant Procurement Legislation. Examples of such exempted procurement activity are:

2.10.1 The sale, leasing or purchase of land or any interest in land;

2.10.2 Any contract of employment or loans or the sale, issue or purchase of any shares or other similar financial asset;

2.10.3 Any contract for the provision of exempt legal services;

2.10.4 Any contracts between the Council and a company that is controlled by it (sometimes referred to as a Teckal company);

2.10.5 Any contracts between the Council and a company that is jointly controlled by the Council with another contracting authority; or

2.10.6 Any arrangement entered into by two or more authorities with the aim of achieving objectives the authorities have in common in connection with the exercise of their public functions, which are solely in the public interest, in which no more than 20% of the activities contemplated by the arrangement intended to be carried out other than for the purposes of the authorities' public functions.

2.10.7 The direct award of any contract not exceeding the relevant UK Procurement Threshold which would otherwise satisfy one or more Direct Award justification as set out in Schedule 5 of the Procurement Act 2023.

2.11 Advice must be sought from Legal Services and the Procurement and Contract Management Service where spend is considered to be exempted from the application of Procurement Legislation.

3. Transitional arrangements

3.1 There are a series of transitional and saving arrangements which determine which legislation applies to the Council's procurement activities.

3.2 If in doubt, advice must be sought from Legal Services as to the applicability of the Procurement Legislation.

3.3 For the purposes of these Procurement Rules, the following Procurement Legislation shall apply:

3.3.1 Health Care Services (Provider Selection Regime) Regulations 2023

- Procurement of Health Care Services
- Modification of contracts relating to Health Care Services

3.3.2 Public Contracts Regulations 2015

- For contracts awarded, framework agreements concluded, or dynamic purchasing systems established before 24 February 2025.
- Modification of contracts awarded, framework agreements concluded, or dynamic purchasing systems established before 24 February 2025.
- Call-offs of framework agreements concluded, or dynamic purchasing systems established before 24 February 2025. (Note that with the exception of dynamic purchasing systems procured for Services under the Light Touch regime, any contracts let under a dynamic purchasing system will automatically expire 23 February 2029).
- Where a contract notice required by Regulation 26(8) or 75(1)(a) (publication of notices: public contracts for social and other specific services), has been submitted for publication in accordance with Regulation 51 before 24 February 2025.
- Modification of a contract where a contract notice required by Regulation 26(8) or 75(1)(a) (publication of notices: public contracts for social and other specific services), in relation to that contract had been submitted for publication in accordance with Regulation 51 before 24 February 2025.
- In respect of a below threshold contract, the publication of a contract opportunity on Contracts Finder in accordance with Regulation 110 before 24 February 2025.
- Modification of a below threshold contract, where the publication of the contract opportunity on Contracts Finder was made in accordance with Regulation 110 before 24 February 2025.

3.3.3 Procurement Act 2023 (as amended and/or any successor legislation) and the Procurement Regulations 2024 (as amended and/or any successor legislation)

- For contracts awarded, framework agreements concluded, or dynamic markets established after 24 February 2025.
- Modification of contracts awarded, framework agreements concluded, or dynamic markets established after 24 February 2025.
- Call-offs of framework agreements concluded, or dynamic markets established after 24 February 2025.

4. Principles of procurement

4.1 For all procurement exercises conducted by the Council, irrespective of value, the following objectives will be followed:

4.1.1 The Council's contracts will deliver value for money.

4.1.2 The Council will procure to maximise the public benefit.

4.1.3 The Council will share information for the purpose of allowing suppliers and others to understand the Council's procurement policies and decisions.

4.1.4 The Council will act, and be seen to act, with integrity, transparency and proportionality.

4.1.5 The Council will treat suppliers the same, unless a difference between the suppliers justifies different treatment.

4.2 Where one or more of the above objectives cannot be followed, the justifications for this and any mitigations to be taken will be recorded in the Council's central decision recording system.

4.3 The optimum use of the Council's purchasing power must be made by aggregating purchases and through the use of Procurement Options and Contracts. Where there is an approved Contract or Procurement Option in place then this should be used in the first instance for purchasing Works, Services and Supplies.

5. Required approvals

5.1 Where contractual spend concerns a Key Decision then appropriate approval to undertake a Tender Process must be sought from the Cabinet. This approval will provide authority to the relevant delegated officer to proceed to award a Contract on the completion of the Tender Process, in which case no further Cabinet approval will be required and the provisions of paragraph 5.3 will apply.

5.2 Where contractual spend would not involve a Key Decision, the relevant delegated officer must approve the commencement of a Tender Process in accordance with the Scheme of Delegation to Officers. It is the responsibility of the delegated officer to record the decision on the Council's central decision recording system, where required by the Scheme of Delegation to Officers.

5.3 The delegated officer must approve the award of a Contract on the satisfactory completion of the Tender Process prior to entering into a Contract or notifying any person or organisation of the Council's intention to award a contract. The same delegated officer shall ensure the relevant Cabinet Member is informed and the decision is recorded using the Council's central decision recording system, where required by the Scheme of Delegation to Officers.

5.4 All ICT procurements must be undertaken with the involvement of Digital Services.

6. Contract value, lotting, aggregation and supplier selection

6.1 It is important to properly estimate the total value of a Contract on the basis that different rules apply depending the nature and value of a Contract (please refer to this paragraph 6 and paragraph 8).

6.2 The estimated total value of a Contract shall be the total value of the Contract inclusive of VAT, unless VAT exempt or "zero rated". This is the total consideration estimated to be payable over the full term of the Contract by the Council to the supplier, including any extensions of the term, or where there are options to supply additional Works, Supplies or Services.

6.3 Where the Contract is one where the benefit to the supplier is made up entirely or in part from benefits other than simple monetary payment (such other benefits may include but are not limited to concessions, options, licences or more generally exposure to other opportunities or funding streams) from the Council, a best estimate of the total financial value should nonetheless be ascertained and this should be treated as the relevant Contract value for the purposes of the application of the remainder of this paragraph 6 and paragraph 8.

6.4 Where, in relation to Contracts for Services, the Contract period or total value of the Contract is indefinite or uncertain, it shall be assumed that the Contract will be above the UK Procurement Threshold.

6.5 Where the Contract has an option to extend, then the proposed extension period must be included in determining the Contract value.

6.6 The estimated value of a Framework Agreement is the total value of all the Contracts which could be entered into by the Council (and other Contracting Authorities if appropriate) over the duration of the Framework Agreement. In the case of a framework awarded under an Open Framework, the value of the Framework is to be treated as including the value of all of the frameworks awarded, or to be awarded under the Open Framework.

6.7 In the case of supply/goods Contracts which are regular in nature (i.e. a series of similar individual purchases throughout the year), there is a requirement to aggregate these and assess their value on the basis of spend over the preceding 12 months or, where such data is unavailable, the estimated value over the 12 months following the first delivery under the contract to be procured; and this calculation is to be used as the relevant Contract value for the purposes of the application of these Procurement Rules.

6.8 Purchases of the same or similar nature must be aggregated wherever practicable and it is unlawful to deliberately disaggregate purchases so as to avoid the application of Procurement Legislation.

6.9 For Contracts above UK Procurement Threshold, purchase requirements should be lotted where appropriate so as to attract the interest of SME and VCFS organisations. Where this is not practicable the justification for the decision must be recorded on any associated report and/or Procurement Initiative Plan.

6.10 Where purchase requirements are lotted, the estimated value of Contracts should be the estimated value of all lots envisaged for the total term.

6.11 Whatever method is used for the calculation of the estimated Contract value, this must not be made with the deliberate intention of excluding that Contract from the scope of the application of Procurement Legislation.

6.12 For the avoidance of doubt, Contracts relating to the leasing, hire, rental or hire purchase and Contracts for concessions are subject to the provisions of these Procurement Rules.

7. Use of procurement options

7.1 There are a number of Procurement Options including Framework Agreements, Open Frameworks, Dynamic Markets and Dynamic Purchasing Systems as set out below.

7.2 A Framework Agreement is a general term for agreements with providers that set out terms and conditions under which specific purchases ("call-offs") can be made throughout the term of the Framework Agreement.

7.3 An Open Framework pursuant to the Procurement Act 2023 is a scheme of frameworks that provides for the award of successive frameworks on substantially the same terms. The Open Framework must provide for the award of a framework at least once during the first three-year period and each period of five years beginning with the day of award of the next. An Open Framework may only be concluded after 24 February 2025.

7.4 A Dynamic Market pursuant to the Procurement Act 2023 is a list of suppliers who have met the Council's conditions of membership and whom may be awarded an above UK Procurement Threshold contract via the competitive flexible procedure. New suppliers can join the Dynamic Market at any time during its operation. A Dynamic Market may only be established after 24 February 2025.

7.5 A Dynamic Purchasing System, procured pursuant to the Public Contracts Regulations 2015, is an electronic system of pre-qualified suppliers, for commonly used purchases from which Contracting Authorities can invite tenders. New suppliers can join the Dynamic Purchasing System at any time during its operation.

7.6 It may be the case that the applicable Procurement Option itself is not a Contract, but the procurement to establish the Procurement Option will still be subject to Procurement Legislation, save where the subject matter of the Procurement Option is exempt from their application. All Procurement Options established by the Council are required to be in writing.

7.7 The Council may set up its own Procurement Options or may use Procurement Options set up by other Centralised Procurement Authorities.

7.8 All purchases made via a Centralised Procurement Authority must have the prior approval of Legal Services and the Council's Procurement and Contract Management Service. This is to ensure that the proposed Procurement Option has been compliantly procured in accordance with these Procurement Rules and Procurement Legislation, and the rules of use of the Procurement Option are adhered to.

7.9 Without prejudice to the requirements set out in paragraph 5 of these Procurement Rules, the use of Procurement Options which have been approved in accordance with paragraph 7.8 are deemed to comply with these Procurement Rules and no waiver will be required.

7.10 For the purposes of determining whether the value of a proposed Framework Agreement or Open Framework is such as to attract the application of Procurement Legislation, please refer to paragraph 6.6 above.

7.11 For the avoidance of doubt, the use of select lists, preferred providers or approved providers shall, for the purposes of these Procurement Rules, be treated as a Procurement Option and shall therefore require compliance with this paragraph 7 and these Procurement Rules generally.

7.12 *Duration*

7.12.1 A Framework Agreement shall not exceed 4 years' duration without prior approval of the Monitoring Officer, which will only be given in exceptional circumstances where justified by the subject matter of the Framework Agreement.

7.12.2 Framework Agreements set up for Light Touch Services and Dynamic Markets do not have a maximum term but must be set for an appropriate duration taking into account the subject matter.

7.12.3 The maximum duration of an Open Framework is 8 years.

7.12.4 There is no restriction on the duration of a call-off Contract, but the duration must not be determined in a manner that distorts or restricts competition.

7.12.5 No process to establish new Dynamic Purchasing Systems shall commence on or after 24 February 2025. Existing Dynamic Purchasing Systems shall expire on their stated expiry date or 23 February 2029, whichever is earlier. Any contract awarded under an existing Dynamic Purchasing System will continue until that contract comes to an end and will be managed under the Public Contracts Regulations 2015, even if the Dynamic Purchasing System has terminated prior to that point. Dynamic Purchasing Systems procured for Services under the Light Touch regime are not subject to the automatic expiry date stated above.

8. Contract procurement activity requirements by value

8.1 The table below outlines the Council's requirements in terms of procurement activity dependent on the category and value of the procurement. All values described are inclusive of VAT.

Procurement type	**Threshold 1 Seek a minimum of One quote**	**Threshold 2 Seek a minimum of Three quotes***	**Threshold 3 Conduct an open competition**
Goods	Less than £30k	£30k to £207,720	Greater than £207,720
Services	Less than £30k	£30k to £207,720	Greater than £207,720
Works	Less than £30k	£30k to £207,720	Greater than £207,720**
Light Touch regime for services	£30k	£30k to £663,539	Greater than £663,540
Health Care Services procured under Provider Selection Regime	No financial thresholds apply under the Provider Selection Regime – procedure to be determined as appropriate by Procurement and Legal Services under the Provider Selection Regime		

** In the event that a minimum of three legitimate quotes have been demonstrably sought but not received within a reasonable timescale (see section 8.8) it is considered that the Procurement Rules have been complied with.*

*** If seeking open competition is not feasible in the circumstances, where the contract value is below the works UK Procurement Threshold in the Procurement Legislation, a three quote process may be undertaken, provided that the reasons for not undertaking an open competition are recorded by the relevant officer on the Council's central decision recording system.*

8.2 The table below outlines the Council's requirements in terms of whom shall be responsible for undertaking the required procurement activity.

Threshold	**Who Undertakes Procurement Activity**
Threshold 1	The relevant service area
Threshold 2	The Procurement and Contract Management Service under instruction from the commissioning service area, or The service area with prior agreement from the Procurement and Contract Management Service
Threshold 3	The Procurement and Contract Management Service under instruction from the commissioning service area

8.3 All Contracts awarded must be in writing.

8.4 The Council's standard terms and conditions must be utilised for all contracts with a value below £30,000, unless the contract concerns an ICT requirement. Where the contract concerns an ICT requirement on supplier terms and conditions, advice must be sought from Legal Services. Where the contract value is £30,000 or more, advice must be sought from Legal Services as to the form of contract to be entered into.

8.5 For Threshold 2 activity, three quotes represent a minimum requirement. It is strongly recommended that more than three quotes are obtained to enhance competition. Forward planning and engagement with the marketplace will help to ensure maximum value is achieved.

8.6 The Council will use the Oracle Sourcing Portal for all competitive tendering activities and, where appropriate, for three quotation activities as well.

8.7 Unless the value of the procurement activity exceeds the relevant UK Procurement Threshold, the Council will endeavour to provide a minimum of 10 days for suppliers to respond to a Tender Process.

8.8 In setting the procurement timeframes, whether or not the Procurement Legislation applies, the Council will consider, amongst other factors:

8.8.1 The nature and complexity of the contract being awarded;

8.8.2 The need for site visits, physical inspections and other practical steps;

8.8.3 The need for sub-contracting;

8.8.4 The nature and complexity of any amendments made to the Council's requirements during the procurement activity; and

8.8.5 The importance of avoiding unnecessary delay.

9. Social value

9.1 Social value considers the wider economic, community or environmental benefits than can be generated through how the Council delivers its activity and services, including when procuring goods, works or services from the Council's suppliers. These benefits can be measured through financial and non-financial metrics and can encompass the entire supply chain.

9.2 All officers undertaking procurement activity shall have regard to the requirements of the Council's Social Value Policy and Framework. By leveraging how the Council procures goods and services, the Council can create the maximum benefits for Lancashire. The Council's suppliers will not just be expected to deliver additional benefits, but to measure and report against these too.

10. General contract requirements

10.1 In the event that a low value Contract carries a disproportionate risk by means of concerning high risk services or service users, or carrying significant reputational, operational or financial risk, advice should be sought from Legal Services and the Procurement and Contract Management Service prior to any Contract award.

10.2 All Contracts shall require the Council to make payment within 30 days of receipt of an undisputed invoice and Contracts shall require a similar payment term to be reflected down any relevant supply chain. No arrangements for payment in advance shall be entered into unless prior approval from Legal Services and Finance is obtained.

10.3 No contract shall include an indemnity on behalf of the Council unless prior approval has been sought and obtained from Legal Services, in accordance with the Scheme of Delegation to Officers.

10.4 Attesting of the Council's seal may only be undertaken by delegated officers within Legal Services, following a decision taken by a delegated officer within the relevant service area and recorded on the Council's central decision recording system. Reference should be had to the Scheme of Delegation to Officers as to who is authorised to sign a particular Contract.

10.5 Notwithstanding the provisions of paragraph 10.4, any Contract that meets any of the following criteria must be made under seal:

10.5.1 Any Contract that is required by law to be executed as a deed (which includes but is not limited to appointment of trustees, transfers of land, powers of attorney, some formal scheme amendments – please seek further guidance from Legal Services).

10.5.2 Any agreement that is otherwise executed as a deed (for example, agreements for no consideration or where it is uncertain as to whether any valuable consideration exists (i.e. there is no price or no obvious benefit to a party), where an extended limitation period is required (standard Contracts have a 6 year limitation period whereas deeds have a 12 year limitation period).

10.5.3 Any agreement with a value in excess of the Key Decision threshold unless the requirement is waived (as agreed by Legal Services and recorded in the Scheme of Delegation database).

10.6 In entering into any Contract, or issuing a Purchase Order, officers must have regard to and ensure compliance with any relevant provisions of the Scheme of Delegation to Officers.

10.7 For Contracts awarded pursuant to the Procurement Act 2023, after 24 February 2025, that have a value greater than £5,000,000, a redacted copy of the awarded contract must be published within the timescales identified in the Procurement Legislation. Further, it shall be a requirement for those Contracts to contain a minimum of 3 key performance indicators, unless it could be reasonably determined that the supplier's performance under the contract could not be appropriately assessed by reference to key performance indicators.

10.8 When determining the appropriate duration of a Contract to be procured, or whether to utilise a valid Contract extension option, it is essential that officers consider not only the immediate financial implications but also the longer-term internal and external costs associated with the potential switching of supplier(s) or solution(s) when the Contract term concludes. For the avoidance of doubt, the cost of changing supplier must not be used as a criterion in determining the award of a Contract.

11. Contract modification, short term contract extensions and direct awards

11.1 Such modifications, changes, awards or amendments that are not compliant with the relevant Procurement Legislation may result in a legal challenge, which if upheld, could result in the termination of the Contract as well as reputational and financial harm for the Council. Prior to modifying any Contract, whether in terms of value, duration, scope or otherwise, advice must first be sought from the Council's Procurement and Contract Management Service and Legal Services.

11.2 Contracts may only be modified, changed or amended in very limited circumstances and regard should be had to:

11.2.1 Section 74 and Schedule 8 of the Procurement Act 2023, after 24 February 2025, in respect of contracts to which the Procurement Act 2023 applies;

11.2.2 Regulations 13 and 14 of the Provider Selection Regime Regulations in respect of contracts for Health Care Services. For the avoidance of doubt, Regulations 13 and 14 of the Provider Selection Regime Regulations applies to contracts for Health Care Services which were originally let prior to 1 January 2024; and

11.2.3 Regulation 72 of the Public Contracts Regulations 2015 in respect of contracts to which the Public Contracts Regulations 2015 apply.

11.3 Where the modification of a contact awarded after 24 February 2025 results in that contract exceeding the UK Procurement Threshold (a "convertible contract"), consideration must be had to Section 74 and Schedule 8 of the Procurement Act 2023.

11.4 The direct award of any contract exceeding the relevant UK Procurement Threshold must be made in accordance with the justifications set out in the relevant Procurement Legislation.

12. Waiving the Procurement Rules

12.1 These Procurement Rules are mandatory and must be adhered to at all times. A waiver to these Procurement Rules must only be sought in exceptional circumstances, where

it is demonstrated that adherence to these rules would be impractical or would cause a significant impediment to the fulfilment of an urgent or essential need. Such circumstances are rare and must be justified with clear, compelling, and documented evidence that all other procurement avenues have been exhausted or are unviable.

12.2 The request for a waiver must be presented in a detailed and structured manner to the relevant officer(s) as determined by the table at 12.5, outlining the specific Procurement Rules from which a waiver is sought, the exceptional circumstances warranting such a waiver, and the anticipated benefits of granting the waiver versus adhering to the established rules.

12.3 The decision to grant a waiver will not be taken lightly and will require a thorough evaluation by the relevant officer(s). The relevant officer(s) will assess the potential impact on competition, value for money, transparency, and fairness of the procurement process. A waiver may only be granted if it is in the public interest and complies with all relevant laws and regulations, including those pertaining to anti-corruption and fair trading.

12.4 A departure from these Procurement Rules, whether by explicit reference or in principle, will require a waiver of the Procurement Rules. Advice must be sought from Legal Services and the Procurement and Contract Management Service concerning any request for a waiver.

12.5 The table below sets out which officers are authorised to approve a waiver of the Procurement Rules. For any requirement that is below the Key Decision threshold and falls outside of the limited circumstances permitted by the relevant regulations described at paragraph 11 of these Procurement Rules:

Contract Value	**Authorised Officer**
Up to £30,000	Relevant Director
£30,001 - £100,000	Relevant Director in consultation with the Head of Procurement
£100,001 – Key Decision threshold	Relevant Director or Executive Director, in consultation with the Head of Procurement, the Director of Finance and Commerce, and the Director of Law and Governance. The relevant officer(s) shall consult the Cabinet Member responsible for Procurement, prior to any decision to grant a waiver being taken.
Above the Key Decision threshold	Reserved to Cabinet

12.6 A decision to waive these Procurement Rules must be recorded on the Council's central decision recording system and, if applicable, an appropriate notice under the relevant Procurement Legislation issued.

12.7 Given the specialist nature of the roles and the market, these Procurement Rules provide an exemption, in relation to the appointment of Independent Investment Advisers and Shareholder Advisers to the Pension Fund (where the contract value is

below the UK Procurement Threshold) from the requirement set out at paragraph 8 of these Procurement Rules.

13. Non-compliance

13.1 It is not possible to seek a waiver of the requirements of the Procurement Legislation.

13.2 Any proposed waiver of these Procurement Rules, the result of which would be a breach of Procurement Legislation, shall be recorded on the Council's central decision recording system as non-compliance with these Procurement Rules.

13.3 Advice from Legal Services and the Procurement and Contract Management Service on a route to compliance must be sought.

13.4 Identifying a compliant route for the activity is considered the priority. In the rare occasions that a compliant route cannot be identified the Director must inform the Head of Internal Audit and the Monitoring Officer. The Director must draft a report on the non-compliance, and the steps taken to minimise risk and prevent reoccurrence, which will be provided to the Head of Internal Audit and the Monitoring Officer. The Cabinet Members responsible for both Procurement and the relevant service area must be consulted on this report.

13.5 The Head of Internal Audit and the Head of Procurement will report annually to Audit, Risk and Governance Committee on all waivers and non-compliance, with an interim report to be provided six months prior to the full report.

13.6 The Monitoring Officer will report any illegality in accordance with section 5 of the Local Government and Housing Act 1989.

14. Notices

The Council shall ensure that all notices required by the relevant Procurement Legislation are published within the timescales set out in that Procurement Legislation.

15. Grants

The award of grants of public money may invoke the provisions of the Subsidy Control Act 2022 and/or Procurement Legislation as amended. In either case advice should be sought from Legal Services.

16. Definitions

In the Procurement Rules, the following terms shall have the following meanings:

Centralised Procurement Authority	A Contracting Authority that is in the business of carrying our procurement for and on behalf of, or for the purpose of the supply of goods, services or works to other Contracting Authorities
Procurement Options	As defined at paragraph 7.1 of these Procurement Rules
Contract	Means any contract, whether in writing or not, including but not limited to the provision of services, goods or supplies or execution of works
Contracting Authority	Shall have the meaning ascribed under Procurement Legislation

Council	Means Lancashire County Council
Delegated Officer	Shall mean the employee of the Council, who by virtue of the Council's Constitution or the Council's Scheme of Delegation to Officers, has the authority to make decisions of behalf of the Council
Financial Rules	Means Lancashire County Council's Financial Rules published in accordance with section 151 of the Local Government Act 1972
Health Care Services	Has the meaning ascribed in the Common Procurement Vocabulary (CPV) codes set out at Schedule 1 to the Provider Selection Regime Regulations
Light Touch Services	Refers to those social and other services as described by the relevant Procurement Legislation
Procurement Legislation	Means the legislation which applies to the Council's procurement activity, as set out at paragraph 3
Provider Selection Regime	Means the procurement regime for Health Care Services set out in the Health Care Services (Provider Selection Regime) Regulations 2023
Relevant Authority	Has the meaning ascribed in the National Health Service Act 2006
Scheme of Delegation	Means the Council's Scheme of Delegation to Officers
SME	Means small and medium enterprises
Tender Process	Refers to any process to appoint a supplier
UK Procurement Threshold	Means the thresholds above which the provisions of the relevant Procurement Legislation are held to apply
VCFS	Means voluntary, community and faith sectors
Works, Supplies and Services	As defined in the Procurement Legislation