



**LANCASHIRE**

COMBINED COUNTY  
AUTHORITY

# Constitution

March 2025

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# PART 1- INTRODUCTION

## 1. Background

- 1.1 The Lancashire Combined County Authority (LCCA) was established pursuant to the Lancashire Combined County Regulations 2025 (hereafter referred to as the Regulations) on 5<sup>th</sup> February 2025 to bring together the three upper tier councils of Blackburn with Darwen, Blackpool and Lancashire (the Constituent Councils), working collaboratively with district and borough councils and business and partners to champion the interests of the Lancashire nationally and internationally.
- 1.2 The Constituent Members of the LCCA are the nominated representatives of:
- Blackburn with Darwen Borough Council
  - Blackpool Borough Council
  - Lancashire County Council
- 1.3 The Non-Constituent Members of the LCCA are:
- Two nominated representatives from the Leaders of the Non-Constituent Councils
- 1.4 The Associate Member of the LCCA is:
- One Business Board representative
- 1.5 The Police and Crime Commissioner is not a Member of the LCCA but at the invitation of the Authority can attend meetings as an observer.
- 1.6 The LCCA incorporates the role and responsibilities of former Lancashire Local Enterprise Partnership.
- 1.7 The LCCA is responsible for a range of functions across Lancashire, these include:
- **Skills and Adult Education** - powers to better shape local skills provisions to ensure these meet the needs of the local economy. These include the devolution of adult education, the core adult education budget, free courses for jobs and the opportunity to further refine the Local Skills Improvement Plan.
  - **Housing Regeneration and Planning (Part 3 of the Regulations)** - functions to exercise compulsory purchase powers (subject to the agreement of the Local Authority where the land is located) to help drive regeneration and build more affordable homes, boosting supply and bringing down the cost of newly built dwellings.
  - **Net Zero and Climate Change** - working across the area to meet low carbon ambitions, promote clean energy and enhance the natural environment.
  - **Investment, Innovation and Trade** catalysing growth in future industries such as energy, low carbon and cyber.

- **Transport (Part 4 of the Regulations)** - powers to improve and better integrate local transport, including the ability to develop the bus service improvement plan through the enhanced partnership and strengthen co-ordination of local transport functions. Setting and delivering a transport strategy for the area, maximising opportunities for transport investment, providing oversight and assurance of investment delivery.

1.8 The functions of the LCCA are those functions conferred or imposed on it by the Regulations or any other enactment (whenever passed or made) or as may be delegated to it. The LCCA will exercise all its powers and duties in accordance with the law and this Constitution.

## 2. The Constitution

2.1 This Constitution sets out how the LCCA works, makes decisions, and the procedures the LCCA will follow to make sure its work is efficient and effective, and is both transparent and accountable to local people. Some of these procedures are set by law, while others are ones the LCCA has chosen to follow.

2.2 The Constitution has 8 parts, plus several appendices. These are outlined below as follows:

**Part 1: Introduction** to the LCCA and the LCCA's Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.

**Part 2: Articles** of the Constitution which set out the underpinning legal framework of the LCCA and signpost readers to relevant aspects throughout the Constitution.

**Part 3: Responsibility for Functions** setting out who is responsible for exercising each function of the LCCA.

**Part 4: Procedure Rules** which govern how the LCCA and its decision-makers operate, including:

- formal meetings of the LCCA and its committees,
- how to access information, and
- procedures relating to finance, employment and contracts.

**Part 5: Protocols and Ethical Standards** including codes of conduct for Members and officers of the LCCA and protocols relating to conduct, conflicts of interest and relationships between officers and members.

**Part 6: Member Allowances Scheme**

**Part 7: Management structure**

**Part 8: Complaints and Feedback**

2.3 The purpose of the Constitution is to:

- enable the LCCA to provide leadership to the community in partnership with councils, residents, businesses, and other organisations.
- support the involvement of citizens in the process of local decision-making.
- enable decisions to be taken efficiently and effectively.
- provide ways to hold decision-makers to public account.
- ensure that no one reviews or scrutinises a decision in which they have been directly involved.
- clarify who takes decisions and ensure that decision-makers explain the reasons for decision, and
- help deliver the LCCA's vision for the LCCA area.

2.4 The Monitoring Officer will regularly monitor and review the operation of the Constitution; this will include an annual review to ensure that it remains fit for purpose and is consistent with the current legislation.

2.5 The Monitoring Officer is authorised to make the following changes to the Constitution without separate approval of the LCCA:

(a) legal or technical amendments that do not materially affect the Constitution

(b) amendments required to be made to remove any inconsistency, ambiguity, or typographical error

(c) amendments required to be made so as to put into effect any decision of the County Combined Authority; or

(d) amendments required to reflect any changes to job or role titles (but that do not change the role or responsibilities of those jobs in the context of this Constitution).

2.6 Any other amendments or changes proposed by such a review require a unanimous vote of the LCCA.

2.7 The Chief Finance Officer shall be responsible for monitoring and keeping under review the Financial Procedural Rules set out in the Constitution.

2.8 The Monitoring Officer shall make any final decision regarding the application of the Constitution.

2.9 During meetings of the LCCA or any of its committees, the Chair is responsible for the interpretation of the constitution, with advice from the Monitoring Officer or their representative.

## 2. Definitions

2.1 Throughout the Constitution unless otherwise expressly stated, the following definitions shall apply:

Term	Definition
Associate Member	An Associate Member is an individual appointed to be a member of the CCA in accordance with section 12 of the Levelling-Up and Regeneration Act 2023
Blackpool Transport Services Limited (BTS)	A private limited company registered with company number 02003020 and wholly owned by Blackpool Borough Council.
Chief Finance Officer	Officer responsible for the administration of the Combined Authority's financial affairs under Section 73 of the Local Government Act 1985
Concurrent Function	Any function of the LCCA conferred by the Regulations which is exercisable concurrently with the Constituent Councils of the LCCA area in accordance with the Regulations. That is, both the LCCA and Constituent and Councils of the LCCA may exercise the function independently of one another.
Constituent Councils	Blackburn with Darwen Borough Council Blackpool Borough Council Lancashire County Council
Constituent Member	A nominated representative from a Constituent Council
Constitution	Parts 1 – 8 of this document (and any appendices)
Co-optee	Person who is not a LCCA Member but is a member of a committee of the LCCA.
Function	A power or duty; any reference to a Function is to be taken as including a reference to doing anything which is calculated to facilitate or is conducive or incidental to the discharge of the function, except where the context requires otherwise.
Head of Paid Service	The officer designated by the Combined Authority as the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989.
Key Decision	A 'key decision' means a decision, which in the view of the Overview and Scrutiny Committee is likely to: <ul style="list-style-type: none"> <li>• result in the LCCA spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or</li> <li>• have a significant effect on communities living or working in an area made up of two or more electoral divisions in the LCCA area.</li> </ul>

Term	Definition
	When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.
LCCA	the Lancashire Combined County Authority as described in the LCCA Regulations
LCCA Regulations	<ul style="list-style-type: none"> <li>(a) the Lancashire Combined County Authority Regulations 2024</li> <li>(b) Such other secondary legislation made by the Secretary of State in relation to the LCCA pursuant to the 2023 Act</li> </ul>
Monitoring Officer	Officer designated by the Combined Authority under Section 5 of the Local Government and Housing Act 1989
Nominating body	a body designated by the LCCA under section 11(1) of the 2023 Act
Non- Constituent Councils'	Burnley Borough Council, Chorley Borough Council, Fylde Borough Council, Hyndburn Borough Council, Lancaster City Council, Pendle Borough Council, Preston City Council, Ribble Valley Borough Council, Rossendale Borough Council, South Ribble Borough Council, West Lancashire Borough Council and Wyre Borough Council.
Non-Constituent Member	A non-constituent member is an individual nominated as a representative by a nominating body designated as such by the CCA in accordance with section 11 of the Levelling-up and Regeneration Act 2023
Statutory Officer(s)	Head of Paid Service, Chief Finance Officer, Monitoring Officer, Senior Information Risk Officer, Data Protection Officer, Scrutiny Officer
the 2023 Act	The Levelling Up and Regeneration Act 2023

## **PART 2 - Articles**

The Articles of the Constitution set out the underpinning legal framework of the LCCA and signpost readers to relevant aspects throughout the Constitution.

### **Article 1. The LCCA**

- 1.1 The LCCA was established pursuant to the LCCA Regulations 2024.
- 1.2 The LCCA through its supporting governance framework will work together in collaboration, in the interests of the people of Lancashire. This Constitution sets out arrangements to ensure the efficient and effective conduct of the LCCA's business, in this spirit of collaboration, mutual respect and transparency.
- 1.3 All members will strive to work on the basis of consensus, taking decisions through agreement wherever possible. These principles shall apply irrespective of the statutory basis for the exercise of those powers, through the powers and responsibilities of the LCCA.



## **Article 2. Membership of the LCCA**

- 2.1 The LCCA comprises four Constituent Members, these being Members appointed by the Constituent Councils, with Lancashire County Council appointing two Members and Blackburn with Darwen Borough Council and Blackpool Borough Council appointing one Member each.
- 2.2 Lancashire County Council must appoint one of its Members as its 'Lead Member'.
- 2.3 Each Constituent Council must appoint another two of its elected members to act as Members of the LCCA (Substitute Members) in the absence of any of the Members they appointed under Articles 2.1 and 2.2.
- 2.4 Only one Substitute Member may replace a Member appointed under Articles 2.1 and 2.2.
- 2.5 The LCCA must have no more than four other Members comprising Non-Constituent Members and Associate Members.
- 2.6 Up to two Non-Constituent Members may be nominated by the District Councils within the area. A named Substitute Member for each Non-Constituent Member must also be identified by the District Councils.
- 2.7 The Non-Constituent Members are not entitled to vote unless the LCCA resolves accordingly.
- 2.8 An Associate Member will be appointed who will be the Chair or nominated representative of the Business Board. A named Substitute Associate Member must also be identified for the appointed Associate Member.
- 2.9 The Associate Member is not entitled to vote.
- 2.10 All Members will:
  - 2.10.1 collectively be the ultimate policy makers of LCCA
  - 2.10.2 bring views of their communities into the LCCA decision-making process; and
  - 2.10.3 maintain the highest standards of conduct and ethics
- 2.11 All Members will at all times observe the Code of Conduct for Members set out in Part 5 of this Constitution.
- 2.12 A person will cease to be a Member or a Substitute Member of the LCCA if they cease to be a Member of the Constituent Councils that appointed them.
- 2.13 The Constituent Councils shall appoint or nominate a replacement as soon as possible.

- 2.14 A person may resign as a Member or Substitute Member of the LCCA by written notice served on the proper officer of the constituent council that appointed them and the resignation takes effect on receipt of the notice by the proper officer of the council.
- 2.15 Where a Member or Substitute Member of the LCCA's appointment ceases by virtue of Articles 2.12 or 2.13 above the Constituent Council that made the appointment must, as soon as practicable, give written notice of that fact to the LCCA and appoint another of its elected members in that person's place.
- 2.16 A Constituent Council may at any time terminate the appointment of a Member or Substitute Member appointed by it to the LCCA and appoint another one of its elected members in that person's place.
- 2.17 Where a constituent council exercises its power under Article 2.15 above, it must give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer of the LCCA and the new appointment takes effect and the previous appointment terminates at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.
- 2.18 If a Member fails throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, unless the failure was due to some reason approved by the authority before the expiry of that period, they cease to be a Member of the LCCA.

### **Article 3. Chairing of the LCCA**

- 3.1 The Chair and Vice Chair of the LCCA are appointed at the Annual Meeting of the LCCA from among the Constituent Members. The same Chair or Vice Chair may be reappointed.
- 3.2 The Chair and Vice Chair must not be from the same Constituent Council.
- 3.3 A person ceases to be Chair or Vice Chair of the Authority if they cease to be a Constituent Member of the Authority.
- 3.4 The Chair, or in their absence the Vice Chair, will preside at meetings of the LCCA.
- 3.5 If a vacancy arises in the office of Chair or Vice Chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the LCCA, or if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

## **Article 4. Meetings, Agenda Items and Voting Arrangements**

- 4.1 The LCCA will usually meet bi-monthly (*once every 2 months*), but additional meetings may take place should the need arise.
- 4.2 Meetings are to be held within or outside the LCCA Area.
- 4.3 Any matters that are to be decided by the Authority are to be decided by consensus of the Members, where possible. Where consensus is not achieved then the provisions for voting as set out in Part 4 – Rules of Procedure will apply.
- 4.4 Any Constituent Member of the LCCA may ask the Monitoring Officer to place an item on the agenda of the next available meeting of the LCCA for consideration. The Monitoring Officer will comply with the request.
- 4.5 Any Non-Constituent Member or Associate Member of the LCCA may ask the Chair to put an item on the agenda of the LCCA for consideration and, if reasonable and the Chair agrees, the item will be considered at the next available meeting. The notice of the meeting will give the name of the Non-Constituent Member or Associate Member who asked for the item to be considered and details of the subject matter.
- 4.6 The Monitoring Officer will place an item on the agenda of the next available meeting of the LCCA where the Scrutiny Committee or the Audit and Governance Committee has resolved that an item be considered by the LCCA .
- 4.7 The Head of Paid Service, the Monitoring Officer and the Chief Finance Officer may, individually or jointly include an item for consideration on the agenda of the LCCA and may require the Monitoring Officer to call such a meeting in pursuance of their statutory duties.
- 4.8 There are three types of LCCA meeting:
  - 4.8.1 the annual meeting;
  - 4.8.2 ordinary meetings; and
  - 4.8.3 extraordinary meetings.
- 4.9 All meetings will be conducted in accordance with the Rules of Procedure set out in Part 4 of this Constitution.

## **Article 5. Responsibility for Functions**

- 5.1 Only the LCCA will exercise LCCA Reserved Functions set out in Part 3, Section 2 of this Constitution (accepting that for a transitional period, some of those functions are held concurrently with Constituent Councils in accordance with the Regulations)
- 5.2 The LCCA may delegate the discharge of its functions (outlined in Part 3, Section 8 of this Constitution) which are not reserved to the LCCA to Committees, Sub-Committees, Officers, Joint Committees or other local authorities, pursuant to section 101 of the Local Government Act 1972.
- 5.3 The LCCA has delegated the discharge of the LCCA Functions to Officers as outlined in the Scheme of Delegation contained in Part 3, Section 7 of this Constitution.
- 5.4 The LCCA will review its Scheme of Delegation regularly.

## Article 6. Committees and Advisory Boards of the LCCA

- 6.1 The LCCA is required to appoint an Audit and Governance Committee and one or more Overview and Scrutiny Committees. These are statutory committees - see Part 3 of the Constitution for relevant terms of reference.
- 6.2 The Audit and Governance Committee will also make arrangements to consider complaints about the conduct of a LCCA Member. This will be in accordance with the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5 of this Constitution.
- 6.3 The LCCA may establish such other committees as it thinks fit to discharge its functions.
- 6.4 The LCCA may appoint Advisory Boards to advise the LCCA on any matter relating to the exercise of functions of the LCCA.
- 6.5 The functions which a Committee may exercise are set out in the Committee's terms of reference - see further Part 3 of the Constitution
- 6.6 The membership of the Overview and Scrutiny Committee shall be:
- 6 Members from Lancashire County Council
  - 3 Members from Blackpool Borough Council
  - 3 Members from Blackburn with Darwen Borough Council
  - 1 Independent Member
  - 2 non-constituent members, representing the District councils in Lancashire
- 6.7 The membership of the Audit and Governance Committee shall be:
- 6 Members from Lancashire County Council
  - 3 Members from Blackpool Borough Council
  - 3 Members from Blackburn with Darwen Borough Council
  - 1 Independent Member
  - 2 non-constituent members, representing the District councils in Lancashire
- 6.8 The membership of the Economy, Transport and Skills Advisory Boards shall be:
- 2 Members from Lancashire County Council
  - 1 Member from Blackpool Borough Council
  - 1 Member from Blackburn with Darwen Borough Council
  - 2 non-constituent members, representing the District councils in Lancashire
  - 1 representative nominated by the Business Board
  - Technical or specialist experts in the relevant sectors, as determined by the LCCA.

- 6.9 The membership of the Lancashire Business Board shall be made up of 17 senior representatives (including Chair and Vice Chair) from the local business community, nominated by the Constituent Councils and agreed by the LCCA.
- 6.10 In appointing members from each of the Constituent Councils to the Audit and Governance Committee and Overview and Scrutiny Committee, the LCCA must ensure that the members of the Committee taken as a whole reflect, so far as reasonably practicable, the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.
- 6.11 In appointing members of the Audit and Governance Committee, the LCCA must ensure that the members of the Committee taken as a whole reflect as far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.
- 6.12 The Chair of the Audit and Governance and Overview and Scrutiny Committees shall be Independent Members.
- 6.13 The Vice Chair of the Audit and Governance and Overview and Scrutiny Committee shall be appointed by the LCCA from the membership of those Committees.
- 6.14 The quorum of the Audit and Governance and Overview and Scrutiny Committees shall be at least two thirds of the total number of Constituent Council members of the respective Committee.
- 6.15 Each member of the Audit and Governance and Overview and Scrutiny Committees representing a constituent council is to have one vote, no member is to have a casting vote.
- 6.16 The Independent members and the Non-Constituent Council Members of Overview and Scrutiny Committees are not entitled to vote unless the County Combined Authority resolves unanimously that this provision is not to apply.
- 6.17 Nominating bodies responsible for nominating non-constituent members would be required to nominate to all positions in a way that so far as is reasonably practical takes into account the overall political balance on the District Councils.

#### **Independent Member**

- 6.18 For the purposes of paragraph 6.12 above an individual is an Independent Member if that person:—
- is not a member or substitute member, or officer, of the LCCA;
  - is not a member, co-opted member, or officer of a principal council or parish council, whose area is within the area of the LCCA;
  - is not a relative, or close friend, of a person within sub-paragraph (a) or (b); and

- was not a member or substitute member, or officer, of the authority, or a member, co-opted member, or officer of a principal council or parish council, whose area is within the area of the authority, at any time during the five years ending with an appointment as chair of the overview and scrutiny committee under arrangements made by the authority in accordance with paragraph 3(4)(a) of Schedule 1 to the 2023 Act, in the case of a LCCA.



## Article 7. Citizens and the LCCA

- 7.1 The Access to Information Rules in Part 4 of the Constitution set out the public's rights to information held by the LCCA, including:
- in relation to meetings of the LCCA and its Committees, (subject to exceptions including in relation to confidential or information information), rights:
    - o to attend meetings,
    - o to inspect agendas of and reports to meetings and background documents,
    - o to access documents after a meeting including minutes, and
    - o to report on and record a meeting.
    - o to inspect the Forward Plan to find out about any Key Decision to be made by the LCCA, and
  - to inspect written records of decisions made by officers,
  - to access information generally held by the LCCA
  - to inspect a list of LCCA Members
- 7.2 The LCCA must consult with citizens in accordance with any statutory requirement to do so.
- 7.3 The LCCA does not currently operate a Petitions Scheme, nor a process for members of the public to ask questions of the LCCA. A process for dealing with these matters will be considered in the first full Municipal Year of operation by the LCCA.
- 7.4 Citizens have the right to complain to the LCCA under its complaints scheme (Part 8 of this Constitution), or the Local Government and Social Care Ombudsman (after using the LCCA's complaints scheme).
- 7.5 Citizens may submit any complaint about the conduct of a Combined County Authority Member to the LCCA's Monitoring Officer in writing, in accordance with the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in Part 5 of this Constitution.

## **Article 8. Joint Arrangements**

- 8.1 The LCCA has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.
- 8.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

## Article 9. Officers

- 9.1 The LCCA is required to appoint or designate the following statutory officers:
- Head of Paid Service
  - Monitoring Officer, and
  - Chief Finance Officer
- 9.2 By law, some functions of the Monitoring Officer and Chief Finance Officer must be carried out personally or carried out by a deputy nominated by them in cases of absence or illness.

### Chief Officers

- 9.3 Chief Officers for the purposes of **Part 3** (Scheme of Delegation of Functions to Chief Officers) of this Constitution means the Head of Paid Service, the Monitoring Officer, the Chief Finance Officer and the Chief Operating Officer.

### Head of Paid Service - Statutory Functions

- 9.4 Where they consider it appropriate, the Head of Paid Service must prepare a report to the LCCA setting out their proposals in relation to:
- the manner in which the discharge by the LCCA of its different functions is coordinated,
  - the number and grades of staff required by the LCCA for discharging its functions;-
  - the organisation of the LCCA's staff, and
  - the appointment and proper management of the LCCA's staff.
- 9.5 The LCCA must consider any such report at a meeting within three months of the report first being sent to the LCCA Members.
- 9.6 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the LCCA by the holder for the time being of that post and may give directions to the LCCA to include a post in the list of politically restricted posts.

### *Restriction on Postholder*

- 9.7 The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if they are a qualified accountant member of one of the Consultative Committee of Accountancy Bodies (CCAB).

### Monitoring Officer - Statutory Functions

- 9.8 The Monitoring Officer has the following responsibilities:-

### *Maintaining the Constitution*

- 9.9 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that is widely available to staff, Members and the Public.

### ***Ensuring Lawfulness and Fairness of Decision Making***

- 9.10 If it appears to the Monitoring Officer that any proposal, decision, or omission by the LCCA would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each LCCA Member (after consulting so far as practicable with the Head of Paid Service and Chief Finance Officer). The LCCA must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the LCCA Members. The LCCA must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.

### ***Complaints Against Members***

- 9.11 The Monitoring Officer will be responsible for the investigation of complaints against Members under the Code of Conduct for Members.
- 9.12 The Monitoring Officer will appoint an Investigations Officer where a complaint where a complaint merits formal investigation. The Monitoring Officer will receive and act appropriately on reports made by Investigation Officer.

### ***Proper Officer for Access to Information***

- 9.13 The Monitoring Officer will ensure that decisions together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible in accordance with the law and the Access to Information Rules sets out in Part 4 of this Constitution

### ***Provision of Advice***

- 9.14 The Monitoring Officer will provide advice on the scope of the powers of the authority to take decisions, maladministration, financial impropriety, probity and the budget and policy framework to all Members as required.

### ***Dispensations***

- 9.15 The power to grant a dispensation is delegated to the Monitoring Officer to speak only or to speak and vote on matters:-
- where they have a disclosable pecuniary interest;
  - in respect of conflicts of interest declared by a member making a decision, or declared by a member consulted by a member or officer taking such a decision

### ***Restriction on Postholder***

- 9.16 The Monitoring Officer cannot also act as Chief Finance Officer or the Head of Paid Service.

## **Chief Finance Officer - Statutory Functions**

9.17 The Chief Finance Officer is responsible for the administration of the financial affairs of the LCCA, in accordance with Section 73 of the Local Government Act 1985. This includes the following responsibilities.

### ***Ensuring Lawfulness and Financial Prudence or Decision Making***

9.18 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer must prepare a report if it appears to the Chief Finance Officer that the LCCA:

- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
- has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
- is about to enter an item of account unlawfully.

9.19 The Chief Finance Officer must also make such a report if it appears that the expenditure of the LCCA incurred in a financial year is likely to exceed the resources available to the LCCA.

9.20 The Chief Finance Officer must send a copy of any such report to the Local Auditor and to each LCCA Member. The Combined County Authority must consider the report at a meeting not later than 21 days after the report has been sent to LCCA Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.

### ***Administration of Financial Affairs***

9.21 The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Authority.

### ***Contributing to Corporate Management***

9.22 The Chief Finance Office will contribute to the corporate management of the Authority, in particular through the provision of financial advice.

### ***Providing Advice***

9.23 The Chief Finance Officer will provide advice on the scope of powers and duties to take decision, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advice Members and Officers in their respective roles.

### ***Give Financial Information***

- 9.24 The Chief Finance Officer will provide information to the media, Members of the public and the community as appropriate.
- 9.25 **Scrutiny Officer** - The LCCA must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this constitution. They may not be an officer of a Constituent Council.
- 9.26 **Data Protection Officer** - the LCCA must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulation.
- 9.27 **Head of Internal Audit** - The LCCA must appoint a Head of Internal Audit in order to comply with its obligations contained in the Accounts and Audit Regulations 2015.
- 9.28 **Senior Information Risk Officer (SIRO)** - has responsibility for information as a strategic asset of the LCCA, ensuring that the value to the organisation is understood and recognised and that measures are in place to protect against risk.
- 9.29 The LCCA may engage such staff (referred to as officers), as it considers necessary to carry out its functions.
- 9.30 Officers will comply with the Officer Code of Conduct.

### ***Conflicts of Interest***

- 9.31 If, having regard to the particular circumstances it appears that the Monitoring Officer has a clear and substantial conflict of interest, any reference to the Monitoring Officer in any guidance, protocol or procedure approved by the Authority dealing with standards, conduct and the ethical framework shall be substituted by reference to the Chief Finance Officer.
- 9.32 If, having regard to the particular circumstances it appears that the Chief Finance Officer has a clear and substantial conflict of interest, any reference to the Chief Finance Officer in any guidance, protocol or procedure approved by the Authority dealing with standards, conduct and the ethical framework shall be substituted by reference to the Monitoring Officer.
- 9.33 If, having regard to the particular circumstances it appears that the Head of Paid Service has a clear and substantial conflict of interest, any reference to the Head of Paid in any guidance, protocol or procedure approved by the Authority dealing with standards, conduct and the ethical framework shall be substituted by reference to the Monitoring Officer.

## Article 10. Decision-Making

- 10.1 The LCCA will issue and keep up to date a record of what part of the LCCA or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in **Part 3** of this Constitution.
- 10.2 All decisions of the LCCA should be made in accordance with the following principles:
- due regard to all relevant and material considerations and without regard to any irrelevant considerations;
  - where appropriate, the realistic evaluation of alternatives;
  - proportionality (i.e., the action must be proportionate to the desired outcome);
  - due consultation and the taking of professional advice from officers;
  - respect for human rights and equalities;
  - a presumption in favour of openness;
  - clarity of aims and desired outcomes; and
  - reasons being given for the decision, as appropriate.
- 10.3 A Key Decision means a decision, which in the view of the Overview and Scrutiny Committee is likely to:
- result in the LCCA spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
  - have a significant effect on communities living or working in an area made up of two or more electoral divisions or wards in the area.
- 10.4 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.
- 10.5 A decision-maker may only make a Key Decision in accordance with the requirements of the:
- Access to Information Rules, and
  - LCCA Procedure Rules
- 10.6 Any Key Decision may be reviewed or scrutinised by an Overview and Scrutiny committee.
- 10.7 Decisions relating to the functions listed as Reserved Functions in Part 3 of this Constitution will be made by the LCCA and not delegated. The LCCA meeting will follow the Rules of Procedure set out in Part 4 of this Constitution when considering any matter.
- 10.8 Committees and Joint Committees established by the LCCA will follow those parts of the Rules of Procedure set out in Part 4 of this Constitution as apply to them.

- 10.9 Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in Part 3, Section 7 of this Constitution and other provisions of this Constitution.
- 10.10 Any decision taken at a meeting of the LCCA or one of its committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules in Part 4 of this Constitution.



## **Article 11. Finance, Contracts and Legal Matters**

- 11.1 The management of the LCCA's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 4 of the Constitution.
- 11.2 The Monitoring Officer is authorised to institute, settle, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the LCCA or in any case where the Monitoring Officer considers that such action is necessary to protect the LCCA interests.

### **Authentication of Documents**

- 11.3 Where any document is necessary to any legal procedure or proceedings on behalf of the LCCA, it will be signed by the Monitoring Officer or some other person duly authorised by the Combined County Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- 11.4 Any contract with a value exceeding £50,000 entered into by the LCCA shall be made in writing. Such contracts must be signed by a duly authorised officer of the LCCA or made under the Common Seal of the LCCA attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the LCCA attested by an authorised officer.
- 11.5 The Common Seal of the LCCA will be kept in a safe place in the custody of the Monitoring Officer (or a nominated Officer). A decision of the LCCA, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer or the LCCA.
- 11.6 The Monitoring Officer (or a nominated Officer) shall be responsible for ensuring the provision of legal advice and support to the LCCA. No appointment of external legal advice and support shall be made by another officer without the consent of the Monitoring Officer (or a nominated Officer). Any external legal advice and support must be provided to the Monitoring Officer (or a nominated Officer) and be review and agreed by them before it is acted upon or implemented.

## **Article 12. Revision and Review of the Constitution**

12.1 The Monitoring Officer will monitor and review the operation of the Constitution on a yearly basis and shall make recommendations for amendments as appropriate, to ensure that the aims and principles of the Constitution are given full effect.

12.2 Changes to the Constitution will only be made:-

- with the approval of the Combined County Authority after consideration of the proposal by the Monitoring Officer and in accordance with the Authority's Procedure Rules in Part 5A of this Constitution; or
- by the Monitoring Officer, in relation to amendments that are minor or necessarily consequential to amendments previously made or required by Law.

# PART 3 - Responsibility for Functions

## 1. Introduction

- 1.1 LCCA Functions are functions of the LCCA including those conferred by the LCCA (LCCA) Regulations 2024.
- 1.2 LCCA Functions are exercised by the LCCA at a meeting of the LCCA or in accordance with arrangements agreed by the LCCA and as set out in the Constitution.
- 1.3 Certain LCCA Functions can only be exercised with the consent of a relevant Constituent Council (and in some instances Non-Constituent Councils).
- 1.4 The LCCA may make arrangements for any LCCA Function, except those reserved to the LCCA, to be exercised:
  - by a Committee of the LCCA,
  - by an Officer of the LCCA,
  - by another local authority, or
  - under joint arrangements with one or more other local authorities.
- 1.5 **Part 3 - Section 2** sets out the LCCA Functions which have been reserved to the LCCA and must be taken at a meeting of the LCCA.
- 1.6 **Part 3 - Section 3** sets out the LCCA Functions which have been delegated to Committees of the LCCA and the terms of reference agreed for those committees.
- 1.7 **Part 3 - Section 6** sets out the LCCA Functions which are to be exercised by another local authority or under joint arrangements with one or more other local authorities.
- 1.8 **Part 3 - Section 7** sets out the LCCA Functions which have been delegated to officers of the LCCA.
- 1.9 Where a Function has been delegated under arrangements, this does not prevent the LCCA exercising the function.
- 1.10 The exercise of Statutory Consents shall be followed in respect of LCCA Functions that can only be exercised with the consent of the Member of a Constituent Council (or in the case of Lancashire County Council the Lead Member) given at a meeting of the LCCA.

## 2. Functions to be carried out by the LCCA (Reserved Functions)

1. The following functions are reserved to the LCCA and will not be subject to delegation to other Committees or Officers unless by decision of the LCCA:
  - a) **Budget and Policy Framework** – the approval, adoption or amendment of the Budget and Policy Framework (see Part 4, Section 4).
  - b) **Other Frameworks** - the adoption of, and any amendment to or withdrawal of the following framework documents:
    - i) Assurance Framework;
    - ii) Monitoring and Evaluation Framework;
    - iii) Performance Management Framework;
    - iv) Risk Management Framework
  - c) **Governance** – any decisions relating to the following:
    - i) Adoption and amendment of the Constitution (other than changes delegated to the Monitoring Officer) in line with the provisions of section 14 of the 2023 Act;
    - i) Appointing the Chair and Vice Chair
    - ii) Establishment and membership of Committees
    - iii) Establishment and membership of Joint Committees;
    - iv) Approve Chairs of Committees
    - v) Approve the appointment of the Chair of the Lancashire Business Board.
    - vi) Approve the appointment of the Chair of the Overview and Scrutiny Committee
    - vii) Approve the appointment of an Independent Person of the Audit Committee;
    - viii) Approval of Members Allowance scheme;
    - ix) Delegation of functions to third parties;
    - x) Appointment of the External Auditors
    - xi) Approval of a change of name of the LCCA.

**d) Financial Matters**

- i) Approval or amendment of the LCCA's Revenue Budget and Capital Programme.
- ii) Approval of the apportionment of costs of the LCCA reasonably attributable to the exercise of its functions between the Constituent Councils.
- iii) Approval of the Capital Strategy.
- iv) Approval of the Treasury Management Policy and Strategy (including the Investment Strategy).
- v) Approval of a Levy for Transport Functions under s74 of the Local Government Finance Act 1988.
- vi) Approval of Grant Programmes (involving the award of grant funding to third parties).
- vii) Acquisition, Disposal and Development of Land.

**e) People – employment matters as set out below:**

- i) Approving the appointment of the Head of Paid Service, Monitoring Officer, Chief Finance Officer and Chief Operating Officer.
- ii) Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto)
- iii) Making decisions in relation to settlements and severance packages on termination of appointment in excess of £100,000
- iv) The determination of collective terms and conditions of staff

**f) General Matters**

- i) The LCCA shall exercise the general power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and the Chief Finance Officer.
- ii) The function of designating the Nominating-Body is a LCCA responsibility and it can:
  - Agree the designation of a nominating body or the removal of such a designation.

- Agree the number of nominating bodies that may be designated by the LCCA.
  - Agree the number of non-constituent members that may be appointed by a nominating body of the LCCA.
  - Agree the process for the appointment, disqualification, resignation or removal of a non-constituent member or substitute member.
  - Approve the appointment or removal of non-constituent members and substitute members.
  - Agree the process for the appointment, disqualification, resignation or removal of an associate member or substitute member
  - Approve the appointment or removal of associate members or substitute members.
2. The Authority has the power to delegate its functions, which are not reserved to it, to Committees, Officers, Joint Committees or other Local Authorities. The Authority cannot delegate its functions to individual members of the Board.
  3. The Authority may establish Advisory Boards. These bodies will be non-decision making and will be convened to develop proposals for a thematic approach and/or strategy as defined by the Authority. The Authority will determine their remit, terms of reference and membership.
  4. The Authority may establish informal working groups. These groups will be non-decision-making groups of Officers and Members.

### 3. Terms of Reference of Committees

3.1 The Terms of Reference for the following committees are set out in this section:

- a) Overview and Scrutiny Committee
- b) Audit and Governance Committee

#### 3.2 Overview and Scrutiny Committee

3.2.1 The Overview and Scrutiny committee shall, within the scope of its remit, exercise the overview and scrutiny functions set out in Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009 and the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (“the Scrutiny Order”) and in particular shall have the following powers and responsibilities (to be exercised in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4, Section 2):

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the LCCA;
- b) to make reports or recommendations to the LCCA with respect to the discharge of any functions that are the responsibility of the LCCA;
- c) to make reports or recommendations to the LCCA on matters that affect the LCCA's area or the inhabitants of the area;
- d) when exercising the power under (a) or (c) above, to have the power to:
  - direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee; and
  - recommend that the decision be reconsidered;
- e) to publish details of how it proposes to exercise its powers under (d) above and its arrangements in connection with the exercise of those powers, having obtained the consent of the LCCA to the proposals and arrangements;
- f) to consider matters referred to the committee by one of its members, by a Member of the LCCA or a member of a Constituent Council, in accordance with Article 6 of the Scrutiny Order;
- g) to consider matters referred to the committee by the LCCA;

- h) to require the Members or officers of the LCCA to attend before the Overview and Scrutiny committee to answer questions;
- i) to invite other persons to attend meetings of the overview and scrutiny committee; and
- j) to appoint one or more Overview and Scrutiny sub-committees and arrange for the discharge of any of the overview and scrutiny committee's functions by any such sub-committee.



### 3.3 Audit and Governance Committee

3.3.1 The Audit Risk and Governance Committee has the following roles:

- a) To review and scrutinise the authority's accounting framework.
- b) To review and assess the authority's risk management, internal control and corporate governance arrangements.
- c) To review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the functions of the authority.
- d) To make reports and recommendations to the LCCA in relation to reviews conducted under paragraphs 3.3.1 (a) to (c) above.
- e) To require Members or Officers of the Combined Authority to attend before the Committee to answer questions on relevant items.

3.3.2 The following key audit functions sit within the responsibility of the Audit and Governance Committee:

- a) **Approval of Accounts**
  - Approve under delegated powers the annual Statement of Accounts for the LCCA.
- b) **Governance, Risk and Control**
  - Review corporate governance arrangements against the Code of Corporate Governance and the good governance framework.
  - Review the Annual Governance Statement (AGS) prior to approval to ensure it properly reflects the risk environment and supporting assurances.
  - Review the effectiveness of arrangements to secure value for money.
  - Ensure the assurance framework adequately addresses risks and priorities including governance arrangements in significant partnerships.
  - Monitor the LCCA's risk and performance management arrangements including review of the risk register, progress with mitigating action and the assurance map.
  - Consider reports on the effectiveness of internal controls.
  - Monitor the anti-fraud strategy, risk-assessment and any actions.
- c) **Internal audit**
  - Approve the Internal Audit Charter.

- Oversee Internal Audit's effectiveness including strategy, planning and process and ensure conformance with Global Internal Audit Standards (GIAS) (formerly known as the Public Sector Internal Audit Standards (PSIAS)).
- Approve (but not direct) the risk-based internal audit plan including resources, the reliability of other sources of assurance and any significant in-year changes.
- Consider reports and assurances from the Head of Audit and Assurance in relation to: -
  - Internal Audit performance including key findings and actions from audit assignments, significant non-conformance with GIAS and the Quality Assurance and Improvement Programme.
  - Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control.
  - Risk management and assurance mapping arrangements.
  - Progress to implement recommendations including concerns or where managers have accepted risks.
- Consider and comment on the Chief Finance Officer's Annual Review of the Effectiveness of the System of Internal Audit.
- Develop effective communication with the Head of Audit and Assurance and senior audit staff.

**d) External audit**

- Consider reports including the Annual Audit Letter, assess the implications and monitor management's response to concerns.
- Comment on the nature and scope of work to ensure it gives value for money.
- Advise on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

**e) Financial reporting**

- Consider whether accounting policies were appropriately followed and any need to report concerns to the LCCA.
- Consider any issues arising from the External Auditor's audit of the Statement of Account.
- Ensure there is effective scrutiny of the Treasury Management strategy and policies in accordance with CIPFA's Code of Practice.
- Make recommendations to the Section 73 Officer and Monitoring Officer in respect of Part 6 of the LCCA's Constitution (Financial Procedure Rules).

**f) Accountability arrangements**

- Report annually the Committee's findings, conclusions and recommendations to the LCCA on the effectiveness of governance, risk management and internal controls, financial reporting and internal and external audit functions.

3.3.3 The following key member conduct and ethical standards functions sit within the responsibility of the Audit and Governance Committee:

**a) Conduct and ethical standards**

- to promote and maintain high standards of conduct by LCCA Members and co-opted members of the LCCA's committees;
- to advise the LCCA on the adoption, revision or replacement of the Code of Conduct for Members and arrangements for Dealing with Complaints under the Code
- to monitor the operation of the LCCA's Code of Conduct for Members;
- to provide advice on training to LCCA Members and co-opted members on matters relating to the Code of Conduct for Members and other issues relating to standards and conduct;
- to determine in accordance with the LCCA's arrangements whether a LCCA Member or voting co-opted member has failed to comply with the LCCA's Code of Conduct for Members and, if so, to determine what action (if any) to take, in line with the agreed arrangements for the consideration of complaints;
- to determine appeals against the LCCA Monitoring Officer's decision on the grant of dispensations;
- to report from time to time to the LCCA on ethical governance within the LCCA.
- to overview the LCCA's whistleblowing policy;
- to consider the LCCA's Code of Corporate Governance

**b) Delegation**

- The Audit and Governance Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. Any such sub-committee shall be chaired as determined by the Committee and shall have a quorum of three, except in relation to the standards issues referred to in relevant parts of (a) above.
- In respect of those relevant parts of (a) above, the quorum will be four, of whom at least one member must be the Co-opted Independent Standards Member (provided that the Co-opted Independent Standards Member is not prevented or restricted from participating by virtue of the LCCA's Code of Conduct)

## 4. Terms of Reference of Advisory Boards

- 4.1 The Terms of Reference for the following Advisory Boards are set out in this section:
- a) Economy Advisory Board
  - b) Skills Advisory Board
  - c) Transport Advisory Board
- 4.2 The Advisory Boards are not decision-making bodies and cannot exercise delegated power on behalf of the LCCA.
- 4.3 Membership of the Advisory Boards is determined by the LCCA, in accordance with the arrangements set out in Article 6.
- 4.4 The LCCA shall also make arrangements for the appointment of Chairs of the Advisory Boards.
- 4.5 Meetings of the Advisory Boards are not open to the public and are not subject to the Access to Information Rules.
- 4.6 Time, location and frequency of meetings shall be a matter to be determined by individual Advisory Boards.
- 4.7 **Economy Advisory Board**
- 4.7.1 The Economy Advisory Board has the following roles and functions, in matters relating to economic development, innovation, trade and investment, to:
- a) contribute to the development, review and assurance of the Growth Plan
  - b) consider any matters referred to it by the LCCA
  - c) provide a forum for policy review and development
  - d) provide detailed monitoring and review of progress and performance
  - e) facilitate Non-Constituent council engagement in the LCCA's governance arrangements
  - f) monitor developments in this area of work
  - g) ensure any matters arising from the above be brought to the attention of the LCCA as appropriate

#### 4.8 **Skills Advisory Board**

4.8.1 The Skills Advisory Board has the following roles and functions in matters relating to skills, employment and training, to:

- a) contribute to the development, review and assurance of the Skills and Employment Strategic Framework consider any matters referred to it by the LCCA
- b) provide a forum for policy review and development
- c) provide detailed monitoring and review of progress and performance
- d) facilitate non-constituent council engagement in the LCCA's governance arrangements
- e) monitor developments in this area of work
- f) ensure any matters arising from the above be brought to the attention of the LCCA as appropriate
- g) To engage with the Skills and Employment Board to secure the input of relevant information and advice in support of the work of the Advisory Board

#### 4.9 **Transport Advisory Board**

4.9.1 The Transport Advisory Board has the following roles and functions, in matters relating to transport to:

- a) contribute to the development, review and assurance of the various Transport Strategies including the Local Transport Plan, Bus Service Improvement Plan and Local Cycling and Walking Infrastructure Plan and Growth Plan
- b) consider any matters referred to it by the CCA
- c) provide a forum for policy review and development
- d) provide detailed monitoring and review of progress and performance
- e) facilitate non-constituent council engagement in the LCCA's governance arrangements
- f) monitor developments in this area of work
- g) ensure any matters arising from the above be brought to the attention of the LCCA as appropriate

## **5. Independent Remuneration Panel**

The LCCA shall appoint an Independent Remuneration Panel which shall produce a report making recommendations:-

- a) as to the amount of basic allowance which should be payable to Members
- b) as to the duties in respect of which such members should receive a special responsibility allowance and as to the amount of such an allowance; and
- c) as to whether the allowance scheme should include allowances in respect of the expenses of arranging for the care of children or dependants of such members and as to the amount of such allowance travel and subsistence allowances

## **6. Joint Committees**

The terms of reference for any Joint Committees created by the LCCA will subsequently be detailed in this section of the constitution.

## **7. Scheme of Delegation of Functions to Chief Officers and Schedule of Proper Officers**

### **General**

1. The LCCA approves strategies and policies which determine the framework in which operational decisions are made - see further the Budget and Policy Procedure Rules in Part 4 of the Constitution.
2. Officers implement decisions made by the LCCA (or any decision-making Committee of the LCCA). Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.
3. For the avoidance of doubt, Officers must comply with Article 10 (Decision-making) in Part 2 of the Constitution when exercising authority delegated to them.
4. Decision-making by Officers is subject to other control measures. These include, for example:
  - a) The Financial Procedure Rules and the Contract Procedure Rules in Part 4 of the Constitution
  - b) Officer Code of Conduct, Gifts and Hospitality policy and the Conflicts of Interest Policy and Protocols in Part 5 of the Constitution
  - c) the policies (and procedures) of the LCCA
  - d) Identified organisational values
  - e) an Anti-Fraud, Bribery, and Corruption policy, and
  - f) internal audit and risk management arrangements.
5. When exercising their delegated authority, an Officer must:
  - a) ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the LCCA; and
  - b) follow approved practices and procedures of the LCCA including the Lancashire County Combined Authority Assurance Framework, relevant Government guidance and industry/professional best practice.

### **Delegation to Officers**

6. This Officer Delegation Scheme sets out LCCA functions delegated to Officers by the LCCA. The LCCA may also delegate decisions outside of this Scheme to a LCCA Officer in relation to any specific matter, subject to statutory restrictions.



7. The LCCA's Procedure Rules in Part 5 of the Constitution including Financial Procedure Rules and Contract Procedure Rules also set out details of delegations to specified Officers or post-holders.
8. Where the LCCA has authorised a Committee to discharge functions, that Committee may also delegate any of those functions or a decision in relation to a specific matter within the committee's terms of reference, to an Officer.
9. The LCCA (or a committee) may continue to exercise any function which it has delegated to an Officer.

### **Sub-Delegations**

10. Unless required by law or expressly indicated in the Scheme, an Officer is not required to discharge their delegated authority personally (although they will remain responsible for any decision taken on their behalf). Such an Officer (in their absence) may arrange for another Officer of suitable experience and seniority to exercise the delegated authority on their behalf subject to any such delegations being recorded as appropriate.

### **Referral of Matters to the LCCA or Relevant Committee**

11. An Officer may decide not to exercise their delegated authority in relation to any matter. If so, the Officer shall refer the matter to the LCCA or a relevant committee.
12. The Access to Information Rules in Part 4 of the constitution apply where an Officer exercises their delegated authority to take a Key Decision. A key decision is defined in Article 10: Decision-Making in Part 2 of the Constitution.
13. Any Key Decision taken by an Officer under delegated authority is open to call-in, in accordance with the Overview and Procedure Rules in Part 4 of the constitution.
14. An Officer is required to complete a written record of their decision in accordance with the Access to Information Procedure Rules in Part 4 of the Constitution. All reports and Officer decisions shall be held by the Monitoring Officer.
15. An Officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the LCCA with Constituent Councils (or Non Constituent Council as appropriate) relating to Concurrent Functions, including in relation to consultation.
16. No Officer may exercise their delegated authority in relation to any function which requires a Statutory Consent.

### **General Delegations (LCCA Functions) to the Head of Paid Service or Chief Officers**

17. Each Officer is authorised to carry into effect without reference to the LCCA or to any of its committees, matters of day-to-day management and administration in relation to functions within their remit. This includes the following:

### ***In connection with Financial and Contractual matters***

- a) To incur revenue expenditure from approved budgets and within the limits set out in Financial Procedure Rules;
- b) To incur capital expenditure on individual schemes approved in the LCCA's Capital Programme and within the limits set out in Financial Procedure Rules;
- c) To select contractors to tender for work or the supply of services to the LCCA in accordance with Financial Procedure Rules and Contract Procedure Rules;
- d) To approve price variations under contracts and to authorise variation orders under contracts within the limits set out in Financial Procedure Rules and Contract Procedure Rules;
- e) To place orders and award contracts in accordance with Financial Procedure Rules and Contract Procedure Rules;
- f) To draw up bids for and accept offers of external funding in consultation with the Chief Finance Officer and subject to all the terms and conditions set out by the grant awarding body being acceptable to the Authority;
- g) To approve in consultation with the Monitoring Officer and the Chief Finance Officer, the payment of financial compensation to resolve a complaint submitted in accordance with the Council's Complaints Policy and Procedure.

### **In connection with Human Resources matters**

- a) To make arrangements for the staffing of the Authority to deliver the agreed functions including:
  - i. appointment (within the approved Establishment and relevant budget provision), suspension and dismissal of staff;
  - ii. approval of payments and benefits to staff (within the limits set out in the Authority's Pay Policy);
  - iii. approval of leave (and flexi-time if such a scheme is in place)
- b) To engage staffing by secondment or by temporary contract subject to the business needs of the Authority, within agreed budgets and in accordance with the Authority's Human Resources Policies and Procedures.
- c) To determine employee related applications and appeals in accordance with the Authority's approved Human Resources Policies and Procedures.
- d) To determine any other employment issue arising in respect of an individual Officer (with the exception of Head of Paid Service, Chief Finance Officer or Monitoring Officer) in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, following consultation with the section 73 Officer and Monitoring Officer.

### **In connection with General Matters**

- a) To take necessary measures to ensure that high standards of health, safety and welfare are achieved in the activities of the Authority in compliance with the Health and Safety at Work Act 1974 and the Authority's approved Health and Safety Policy.
  - b) To identify and manage risks, strategic or otherwise, to the achievement of the LCCA's strategic objectives.
18. The Head of Paid Service may direct an Officer not to exercise their authority delegated under this Scheme in respect of a particular matter and to refer the matter for determination in respect of any LCCA Function to a relevant committee to the LCCA.

### **Head of Paid Service**

19. The Head of Paid Service of the LCCA is authorised to:-
- a) exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
  - b) to exercise any powers of the LCCA which are not:
    - expressly reserved to the LCCA (except where such matters are considered urgent – see (d) below) ,
    - the powers of any other Officer in their capacity as a Statutory Officer;
  - c) exercise any powers delegated to any Officer (not including the Monitoring Officer or the Chief Finance Officer) when that Officer is unable or unwilling to act.
  - d) in consultation with the Chair and Vice Chair, where it is practicable to do so, take urgent decisions which would have been taken by the LCCA or a Committee and where, for exceptional circumstances, the LCCA or the Committee has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting. Details of any such decisions should be reported in line with the requirements of the Constitution and to the next meeting of the LCCA or relevant Committee.
  - e) represent the Authority (or nominate in writing, another Chief Officer) on companies and major partnerships and, in doing so, exercise such further operational powers as they or their representative may be required to do on behalf of Authority.
  - f) issue corporate media statements, publicity and electronic or hard copy publications.

## **Chief Operating Officer**

20. The Chief Operating Officer of the LCCA is authorised to:-

- a) in consultation with the Head of Paid Service, exercise any powers of the LCCA which are not:
  - expressly reserved to the LCCA,
  - a power of any other Officer in their capacity as a statutory Officer;
- b) represent the Authority (or nominate in writing, another Chief Officer) on companies and major partnerships and, in doing so, exercise such further operational powers as they or their representative may be required to do on behalf of Authority.
- c) grant voluntary redundancy requests following consultation with the Head of Paid Service and the Chief Finance Officer;
- d) grant the release of pension benefits on ill's health grounds following consultation with the Head of Paid Service and the Chief Finance Officer;
- e) in consultation with the Chief Finance Officer, agree payments to any Officer for loss or damage to property arising out of their employment with the LCCA

21. The Chief Operating Officer is not a statutory post.

## **Chief Finance Officer (the Section 73 Officer)**

22. These delegations should be read in conjunction with Section 4 of Appendix 1 to the Financial Procedure Rules.

23. The Chief Finance Officer is authorised to:-

- a) act as the Authority's s73 Officer under the law (and to exercise any statutory powers of the Chief Finance Officer, including making arrangements for the proper administration of the LCCA's financial affairs.
- b) in consultation with the Head of Paid Service, exercise any powers of the LCCA which are not:
  - expressly reserved to the LCCA,
  - a power of any other Officer in their capacity as a statutory Officer;
- a) promote the effective corporate governance of the Authority;
- b) ensure compliance with the Financial Procedure Rules and Contract Procedure Rules;
- c) make arrangements for the provision of the Internal Audit Service;
- d) be responsible for the relationship with the External Auditors;

- e) to secure all necessary and sufficient insurance and indemnities appropriate to the functions of the Authority (including, but not limited to Public Liability, Employer's Liability, Professional Indemnity, Fidelity Guarantee etc.);
- f) to ensure that all payments to statutory bodies (tax, national insurance etc) are made as required;
- g) to write off debts due to the Authority within the limits set out in Financial Procedure Rules, referring other write offs to the Authority as required;
- h) Accept grant offers on behalf of the Authority, subject to all terms and conditions imposed by the Grant Awarding body being acceptable to the Authority.

### **The Monitoring Officer**

24. The Monitoring Officer is authorised to:-

- a) in consultation with the Head of Paid Service, exercise any powers of the LCCA which are not:
  - expressly reserved to the LCCA,
  - a power of any other Officer in their capacity as a statutory Officer;

### ***Legal Proceedings and Settlements***

- b) take any legal action to implement a decision of the LCCA.
- c) institute, defend or participate in any proceedings or disputes where such action is necessary to give effect to a decision of the LCCA or to protect the interests of the LCCA, and to take all necessary steps in relation to such proceedings or disputes.
- d) in consultation with the Chief Finance Officer, to make payments or provide other benefits in cases of maladministration
- e) in consultation with the Chief Finance Officer, defend and settle all actual and prospective claims made against the LCCA up to £500,000
- f) affix the seal of the LCCA (and to authorise any other Solicitor of the LCCA to authorise the affixing of the seal) and hold a register kept for the purpose that contains a consecutively numbered entry of every sealing initialed by the person who has authorised the affixing of the seal.
- g) Make orders or take any other steps in relation to any legislation when instructed by the Officer with the relevant area of responsibility
- h) authorise Officers possessing such qualifications as may be required by law or in accordance with the LCCA's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a Duly Authorised Officer of the LCCA (however described) and to issue any necessary certificates of authority.

## **Governance**

- i) discharge secretarial and other functions in relation to meetings of the LCCA, its committees and, where required, Advisory Boards.
- j) make any changes to any governance document of the LCCA which are required:
  - as a result of legislative change or decisions of the LCCA;
  - to enable them to be kept up to date; or
  - for the purposes of clarification only
- k) make any changes to the LCCA Assurance Framework which are required:
  - as a result of legislative change or decisions of the LCCA;
  - enable it to be kept up to date; or
  - for the purposes of clarification only
- l) make any change to the membership of any committee of the LCCA, provided that the appointment has no impact on the political balance for the committee and only in accordance with any nomination by the designated nominating body.
- m) administer the Members' Allowances Scheme in Part 6 of the constitution.
- n) obtain particulars of persons interested in land in alignment with Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

1.1. To act as the LCCA Senior Information Risk Officer (S.I.R.O)

## **Proper Officer Provisions**

- a) The Head of Paid Services is appointed as Head of Paid Service pursuant to section 4 of the Local Government and Housing Act 1989;
- b) The Chief Finance Officer is appointed as the Officer having responsibility for the administration of the Authority's financial affairs pursuant to section 73 of the Local Government Act 1985
- c) The Monitoring Officer is appointed as the Monitoring Officer pursuant to section 5 of the Local Government and Housing Act 1989;
- d) The Scrutiny Officer is appointed as the Statutory Scrutiny Officer pursuant to Section 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017..

## 8. LCCA Functions

LCCA Functions conferred by the 2023 Act and the Regulations.

### Finance, Investment, Innovation and Trade

Legislative Provisions	From	Concurrent exercise?	Consent	Voting (if applicable to the LCCA)
Local Democracy, Economic Development and Construction Act 2009  Section 69	Upper tier Councils	Yes, with constituent councils	No specific requirement (note general voting requirements apply)	Simple majority
Localism Act 2011  Section 1 (in so far as the functions are exercisable for the purpose of economic development and regeneration)	Constituent Councils	Yes, with Constituent Councils	No specific requirement (note general voting requirements apply)	Simple majority
Crime and Disorder Act 1998  Section 17A	Upper tier councils	Yes, with constituent councils	No specific requirement (note general voting requirements apply)	Simple majority
Local Government Act 1972  Sections 113, 142(2), 144, 145 and 222	All LAs	No (but LAs do not lose powers)	No specific requirement (note general voting requirements apply)	Simple majority

<b>Legislative Provisions</b>	<b>From</b>	<b>Concurrent exercise?</b>	<b>Consent</b>	<b>Voting (if applicable to the LCCA)</b>
Local Government Act 1985 Section 88(1)(a) and s88(1)(b)	All LAs	No	No specific requirement (note general voting requirements apply)	Simple majority
Local Government and Housing Act 1989 Section 13	Applies to all powers conferred on any relevant authority by s102(1) of the Local Government Act 1972	N/a – this relates to voting rights rather than exercise of powers	No specific requirement (note general voting requirements apply)	N/a – no voting
Local Government Pension Scheme Regulations 2013	N/a – provision for pension arrangements	No – administering authority is Lancashire County Council	No	N/a – no voting
Local Government Act 2003 Section 31	Minister	Yes, concurrently with the Minister of the Crown	No specific requirement (note general voting requirements apply)	Simple majority

### **Housing and Planning**

<b>Legislative Provisions</b>	<b>From</b>	<b>Concurrent exercise?</b>	<b>Consent</b>	<b>Voting</b>
Town and Country Planning Act 1990 Sections 226, 227, 229, 230(1)(a), 232, 233, 235, 236, 238, 239, 241	LPA powers	Yes, with Constituent Councils and District Councils	Section 226 requires consent of  - Lead member of CCA designated by constituent council whose local government area contains any part of the relevant land	Simple majority



Legislative Provisions	From	Concurrent exercise?	Consent	Voting
			<ul style="list-style-type: none"> <li>- Each district council whose area contains any part of the relevant land</li> <li>- Yorkshire Dales National Park Authority if propose to exercise powers within YDNPA area</li> </ul> <p>In addition, note that general voting requirements apply</p>	
<p>Housing and Regeneration Act 2008</p> <p>Sections 5, 6, 7, 8, 9, 10, 19, paragraphs 19 and 20 of Schedule 3 and paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4</p>	<p>Homes England powers</p>	<p>Yes, with Homes England</p>	<p>Section 9(2) requires consent of</p> <ul style="list-style-type: none"> <li>- Lead member of CCA designated by constituent council whose local government area contains any part of the relevant land</li> <li>- Each district council whose area contains any part of the relevant land</li> <li>- Yorkshire Dales National Park Authority if propose to exercise powers within YDNPA area</li> </ul> <p>In addition, note that general voting requirements apply</p>	<p>Simple majority</p>
<p>Housing Act 1985</p> <p>Sections 8, 11, 12, 17 and 18</p>	<p>City Council and District/ Borough powers</p>	<p>Yes, Concurrent with Constituent Councils and District Councils</p>	<p>Section 17 requires consent of:</p> <ul style="list-style-type: none"> <li>- Lead member of CCA designated by constituent council whose local government</li> </ul>	<p>Simple majority</p>

Legislative Provisions	From	Concurrent exercise?	Consent	Voting
			<p>area containing the relevant land;</p> <ul style="list-style-type: none"> <li>- Each district council whose area contains any part of the relevant area</li> <li>- Yorkshire Dales National Park Authority if propose to exercise powers within YDNPA area</li> </ul> <p>In addition, note that general voting requirements apply</p>	

### Transport

Legislative Provisions	From	Concurrent exercise?	Consent required before exercise	Voting	
<b>Part 2 Transport Act 2000</b>					
Local transport plans and bus strategies (sections 108, 109 and 112) (sections 110 to 111 repealed)	A local transport authority or local transport authorities or a district council or a Passenger Transport Executive (as applicable)	The following are concurrent during the transition period and not concurrent thereafter:	No specific requirement	Unanimous for s108(3)  Otherwise, simple Majority subject to general voting requirements (noted at end of this table)	
Bus services: advanced quality partnership schemes (sections 113C to 113O)					
Bus services: quality partnership schemes (sections 114 to 123)					
		<ul style="list-style-type: none"> <li>- 113C-123</li> <li>- 123A-123X</li> <li>- 134C to 134G</li> <li>- 135-138</li> <li>- 138A-143B</li> <li>- 145A-150</li> <li>- 152 and 153</li> <li>- 155 to 159</li> </ul>			

Legislative Provisions	From	Concurrent exercise?	Consent required before exercise	Voting	
Bus services: franchising schemes (sections 123A to 123X)		The remainder are not concurrent			
Bus services: advanced ticketing schemes (sections 134C to 134 G)					
Bus services: ticketing schemes (sections 135 to 138)					
Bus services: enhanced partnership plans and schemes (sections 138A to 138S)					
Bus services: provision of information (section 139 to 141A)					
Bus services: miscellaneous (sections 142 to 143B)					
Mandatory travel concessions for journeys not beginning on the London bus network (sections 145A to 150)					
Travel concessions in Greater London (section 151)					

Legislative Provisions	From	Concurrent exercise?	Consent required before exercise	Voting	
Financial and competition provisions (sections 152 to 159 (156 and 158 repealed)					
Supplementary (Section 160 to 162)					
<p>Chapters 2 and 3 of Part 3 (Workplace parking levy, General and supplementary)</p> <p>Workplace Parking Levy (England Regulations 2009</p>	<p>Local Authority</p> <p>(charging authority which is the traffic authority (charging schemes can be made by a non-metropolitan local traffic authority (or jointly by more than one non-metropolitan local traffic authority), by an Integrated Transport Authority or combined authority and one or more eligible local traffic authorities, or the Secretary of State [or a strategic highways company]; a licencing authority or licencing authorities)</p>	<p>With Constituent Councils</p>	<p>Only exercisable with the consent of the affected Constituent Council.</p>	<p>Simple majority subject to general voting requirements (noted at end of this table)</p>	
<b>Highways Act 1980</b>					

<b>Legislative Provisions</b>	<b>From</b>	<b>Concurrent exercise?</b>	<b>Consent required before exercise</b>	<b>Voting</b>	
Section 6 (Delegation etc. of functions with respect to trunk roads etc)	Public Authority  Minister of Crown [or a strategic highway company]	With Constituent Councils	Only exercisable with the consent of the affected Constituent Council.	Simple majority subject to general voting requirements (noted at end of this table)	
Sections 8 (Agreements between local highway authorities [and strategic highways companies] for certain works)	Local Authority  Local highway authorities [and strategic highway companies]	With Constituent Councils	Only exercisable with the consent of the affected Constituent Council.	Simple majority subject to general voting requirements (noted at end of this table)	
<b>Part 4 Transport Act 1985</b>					
<i>Passenger Transport Areas (section 57 to 62)</i>	In a non-metropolitan county in England and Wales, the county council, a non-metropolitan district council in England, Passenger Transport Executive for any integrated transport area, council operating a bus undertaking, public transport company or its controlling authority, a Passenger Transport Executive or a council or local authority	With Constituent Councils	No specific requirement	Simple majority subject to general voting requirements (noted at end of this table)	
<i>Passenger Transport in other areas (sections 63* to 71)</i>					
<i>Further Provisions (sections 72 to 79)</i>					
<i>Miscellaneous (section 80* to 87)</i>					

Legislative Provisions	From	Concurrent exercise?	Consent required before exercise	Voting	
<b>Part 5 Transport Act 1985</b>					
<i>Expenditure on public passenger transport services (sections 88 to 92)</i>	Any authority responsible for expenditure on public local transport, any local authority or any two or more local authorities acting jointly, Passenger Transport Executive, a county or district council operating any public passenger transport service, a parish council or community council, the Secretary of State	During the Transition period, the following are exercisable concurrently with the constituent councils but not concurrent thereafter:  - Sections 93 to 105 - Section 109 The following are concurrent and continuing  - s88 to 92 - s106 and 106A	No specific requirement	Simple majority subject to general voting requirements (noted at end of this table)	
<i>Travel Concession Schemes (sections 93 to 101 (102 repealed))</i>					
<i>Travel concessions apart from schemes (sections 103 to 105)</i>					
<i>Grants for transport facilities and services (sections 106 and 106A)</i>					
<i>Grants for services in rural areas (sections 108 to 109)</i>					
<i>Miscellaneous (sections 110 (111 repealed) and 112)</i>					
<b>Traffic Management Act 2004</b>					
Part 6, insofar as it applies to a civil enforcement area designated under paragraphs 9 or 10 of Schedule 8 to that Act  the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022	Enforcement Authorities	Concurrent and continuing	Only exercisable with the consent of the Constituent Council in whose area it is proposed to be exercised.	Simple majority subject to general voting requirements (noted at end of this table)	

Legislative Provisions	From	Concurrent exercise?	Consent required before exercise	Voting	
the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022					
<p>Section 33</p> <p>Section 33A</p> <p>Section 36</p> <p>Part 3 (Permit Schemes) applies subject to modification</p>	Local Highway Authorities	Concurrent and continuing	Only exercisable with the consent of the Constituent Council in whose area it is proposed to be exercised.	Simple majority subject to general voting requirements (noted at end of this table)	
Traffic Management Permit Scheme (England) Regulations 2007 functions as Permit Authorities	Constituent Councils	Concurrent and continuing	Only exercisable with the consent of the Constituent Council in whose area it is proposed to be exercised.	Simple majority subject to general voting requirements (noted at end of this table)	

# Part 4: Procedure Rules

## Section 1 - LCCA Procedure Rules

### 1 Annual Meetings

1.1 The Annual meeting shall take place on such day between 1<sup>st</sup> March and 30<sup>th</sup> June in line with Schedule 12, paragraph 6A of the Local Government Act 1972.

1.2 At the Annual meeting the LCCA will:

- (a) Note the constituent council members and substitute members;
- (b) Appoint the Chair and Vice Chair
- (c) Receive apologies for absence;
- (d) Receive any declarations of interest from Members;
- (e) Approve the minutes of the last meeting;
- (f) Receive any announcements from the Chair or the Head of Paid Service;
- (g) Appoint non-constituent members and associate members and their substitute members;
- (h) Approve a programme of Ordinary meetings of the LCCA and other meetings for the year;
- (i) Approve committee arrangements and appointments to committees including appointing to at least one Overview and Scrutiny Committee and an Audit and Governance Committee and such other committees and Advisory Boards as required;
- (j) Receive Annual Reports from the Overview and Scrutiny Committee, Audit and Governance Committee and, as required, Advisory Boards.
- (k) Receive nominations and appoint Members to serve on outside bodies;
- (l) Consider any other business set out in the summons convening the meeting;



## 2 Ordinary Meetings

2.1 Ordinary meetings of the LCCA shall take place in accordance with a programme decided at the LCCA's Annual meeting.

Ordinary meetings will:

- (a) receive apologies for absence;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest;
- (d) receive any announcements from the Chair or the Head of Paid Service;
- (e) deal with any business adjourned from the last LCCA meeting;
- (f) consider reports and recommendations from any Committee or Advisory Board of the LCCA, or the Business Board;
- (g) consider reports and recommendations from any Officer of the LCCA;
- (h) consider any other business specified in the summons to the meeting and for debate.

## 3. Extraordinary Meetings

3.1 The Monitoring Officer, Chief Finance Officer and Head of Paid Service may call and those listed below may require the Monitoring Officer to call, Extraordinary LCCA meetings in addition to Ordinary meetings:

- the LCCA by resolution;
- the Chair, after consultation with the Monitoring Officer;
- any three LCCA Constituent Members who have signed requisition which has been presented to the Chair and the Chair has refused to call a meeting or has failed to call a meeting within 5 clear working days of the presentation of the request.

Only business specified in the summons may be transacted at an Extraordinary LCCA Board meeting.

4. Chair and Vice Chair
  - 4.1 The Chair, or in their absence the Vice Chair, will preside at meetings of the LCCA.
  - 4.2 Appointment of Chair and Vice Chair will be as set out in Article 2, Part 3.
  - 4.3 If for any reason the Chair is unable to act and the Vice Chair is unable to act, then the Combined County Authority will elect a Member, other than a Non-Constituent or Associate Member, to chair the meeting as its first item of business.
5. Quorum
  - 5.1 No business shall be transacted at a meeting of the LCCA unless at least one Member or Substitute Member appointed by each of the Constituent Authorities are present at the meeting.
  - 5.2 If at the time for which a meeting is called and for 15 minutes thereafter, a quorum is not present, then no meeting shall take place.
  - 5.3 If during any meeting the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting of the LCCA.
6. *Substitute Members*
  - 6.1 A Substitute Member may only act for the LCCA Member for whom they are the designated named substitute.
  - 6.2 With the exception of the Substitute Member for the Vice Chair where the Vice Chair is acting in the place of the Chair, a Substitute Member may only act when the Combined County Authority Member is absent from the meeting.
7. *Attendance at Meetings*
  - 7.1 The Chair may invite the Chair of any Committee or Advisory Board of the LCCA or the Business Board to attend and speak at any meeting of the LCCA to;

- present any reports or recommendations of the Committee, Advisory Board or Business Board;
  - answer questions about any matter in the minutes of that Committee, Advisory Board or Business Board, or
  - contribute to the discussions about any matter which is relevant to the functions discharged by the Committee, Advisory Board or Business Board of which they are chair.
- 7.2 The Chair may invite any person to attend and speak at meetings. In such circumstance the Chair is required to notify the Monitoring Officer at the earliest opportunity providing the details of the person(s) invited to speak and the agenda item they have been invited to speak in relation to.
8. Record of Attendance
- 8.1 The Monitoring Officer will ensure that the name of any Members and Substitute Members present during the whole or part of a meeting is recorded.
9. Time, Place and Duration of Meetings
- 9.1 LCCA meetings are to be held at any place within or outside the LCCA Area as the LCCA directs unless the LCCA decides otherwise. Any changes to the date, time and place of meetings or cancellation of meetings will be determined by the Monitoring Officer, after consultation with the Chair and Vice Chair.
10. Suspension, Variation, Revocation and Interpretation of Procedure Rules
- 10.1 Any motion to vary or revoke these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the LCCA (with the exception of a written report from the Monitoring Officer proposing changes to the Constitution).
- 10.2 Procedure Rules may be suspended in respect of any business at a meeting of the LCCA where its suspension is moved and seconded, except where this would be in contravention of statute.
- 10.3 A motion to suspend Procedure Rules shall not be moved without notice unless at least one Member or Substitute Member appointed by each of the Constituent Authorities are present at the meeting. One of these members must be the Chair or Vice Chair.

- 10.4 The ruling of the Chair as to the construction or application of Procedure Rules, or as to any proceedings of the LCCA, shall not be challenged. The Chair may consult with the Monitoring Officer or their nominee on any question of interpretation.
11. Items of Business
- 11.1 No item of business may be considered at any meeting except:
- the business set out in the Summons,
  - business required by law to be transacted at the annual meeting, or
  - business brought before the meeting as a matter of urgency by reason of special circumstances, which shall be specified in the minutes and the Chair of the opinion that the item should be considered at the meeting as a matter of urgency.
12. Order of Business
- 12.1 All items of business shall be dealt with in the order specified in the notice of the meeting, except that such order may be varied:
- at the discretion of the Chair, or
  - on a request agreed to by the meeting.
13. Confirmation of Minutes and Declarations of Interest
- 13.1 Minutes of the last LCCA meeting shall be confirmed at the next Ordinary meeting of the LCCA.
- 13.2 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.
- 13.3 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.

- 13.4 Any Member with an Other Registrable Interest or Non-Registrable Interest in a matter being discussed should declare the nature of the interest and should withdraw from the meeting during the item, if required to do so under the Members' Code of Conduct.
14. Order of Debate
- 14.1 The Chair will introduce each item and may invite an officer to explain the item.
- 14.2 Each Member shall then be given an opportunity to speak on the item and any recommendations contained in the report. This will be in the order decided by the Chair.
- 14.3 Members or Substitute Members may speak more than once and at the discretion of the Chair, speak as often and as long as the Chair allows.
- 14.4 Any Member while exercising the right to speak on the item may:-
- move a motion; or
  - move an amendment to a motion; or
  - move that an item be withdrawn.
15. Voting
- 15.1 Any matters that are to be decided by the LCCA are to be decided by consensus of the Members where possible.
- 15.2 Where consensus is not achieved the provisions of this section shall apply.
- 15.3 Each of the four Constituent Members (or a Substitute Member acting in their place) has one vote each.
- 15.4 The Non-Constituent Council Members are not entitled to vote unless the County Combined Authority Members resolve that this provision is not to apply.
- 15.5 The Associate Member is not entitled to vote.
- 15.6 No LCCA Member is to have a casting vote.
- 15.7 Except as otherwise provided for by law and by the provisions in this section, any question will be decided by a majority of members present and voting on that question at a meeting of the LCCA.

- 15.8 If a vote is tied on any matter, it shall be deemed not to have been carried.
- 15.9 The following matters require a unanimous vote in favour by all LCCA Members appointed by the Constituent Councils, present and voting on that question at a meeting of the Authority:
- approval of the proposed LCCA's budget and any amendment to it, including significant financial decisions, as set out in the Budget and Policy Procedure Rules in Part 4 of this Constitution.
  - the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer
  - approval of the policy framework, as set out in the Budget and Policy Procedure Rules in Part 4 of this Constitution.
  - the approval of and any amendments to the LCCA's Constitution.
  - Adoption of any local transport plan under section 108(3) of the Transport Act 2000
- 15.10 For questions relating to the following matters, the majority voting in favour must include the Member of the relevant Constituent council in whose area the decision will apply or, where any Substitute Member is acting in place of that Member, that Substitute Member. For Lancashire County Council the relevant Member would be the designated Lead Member or a Substitute Member acting in place of that Member:
- compulsory purchase of land or buildings by the proposed the LCCA under Section 9(2) of the 2008 Act or Section 226 of the 1990 Act
  - any decision by the proposed LCCA that could lead to a financial liability falling directly upon that constituent council, or significant material impact on Blackpool Transport Services Ltd
- 15.11 The exercise of compulsory purchase power under Section 9(2) of the 2008 Act or Section 226 of the 1990 Act will also require the consent of every relevant planning authority (being the district Council or the Yorkshire Dales National Park Authority) whose area contains any part of the land to which the proposed compulsory acquisition applies
- 15.12 For questions relating to any matter which:
- Could result in a financial liability accruing to Blackpool Transport Services Ltd (BTS); or
  - could have a significant, material and direct impact on Blackpool Transport Services Ltd,
- the majority voting in favour must include the Combined County Constituent Member for Blackpool Borough Council or, where any substitute member is acting in place of that Constituent Member, that Substitute Member.

15.13 For the purposes of 15.12 above, matters which could have a significant, material and direct impact on Blackpool Transport Services Ltd (BTS) can be defined as “ Those matters which arise where decisions taken by the LCCA could reasonably be expected to place an additional financial burden on BTS, threaten the viability of BTS’ existing operating model, or otherwise directly impact the smooth operation of BTS. Such impacts would not be considered to arise where the impacts are indirect, for example a decision of the CCA to award a tender to one of BTS’ competitors following an open competitive process, or to invest in alternative modes of transport outside of the bus network.”

16. Method of Voting

16.1 Whenever a vote is taken at meetings of the LCCA it shall be by a show of hands, or affirmation.

16.2 On the request of any Member of the LCCA eligible to vote, supported by two other Members (also eligible to vote) who signify their support by raising their hand and before the vote is taken, the voting on any question shall be recorded so as to show whether each Member present gave their vote for or against or abstained from voting.

16.3 Where immediately after the vote is taken and any Member eligible to vote so requires, there shall be recorded in the minutes of the meeting whether that member gave their vote for or against or abstained from voting.

16.4 **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.

17. Points of Order and Personal Explanations

17.1 A Member may raise on a point of order or in personal explanation and shall be entitled to be heard immediately. A Member raising a point of order must specify a Procedure Rule or statutory provision and the way in which they consider it has been breached.

17.2 A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood or misquoted in the current debate.

17.3 The Chair will hear the Member and give a ruling on the point of order or the admissibility of the personal explanation before the debate continues. The Chair may consult on any question of interpretation with the Monitoring Officer or their nominee prior to making a ruling. The ruling of the Chair on the matter shall not be open to discussion and will be final.

## 18. Committees

18.1 Except as provided below, each LCCA Constituent Member (or Substitute Member acting in their place) on a committee has one vote.

18.2 The following are non-voting members of any committee to which they are appointed:

- the Non-Constituent Council LCCA Members, and
- Associate Members

unless the voting LCCA Constituent Members resolve that this provision is not to apply.

18.3 Any Co-optee on a committee will be non-voting unless granted voting rights by resolution of the LCCA.

18.4 Except as otherwise provided for by law, any question will be decided by a majority of members of a committee present and voting on that question at a meeting.

18.5 No member on any Committee is to have a casting vote.

## 19. Matters Affecting Officers

19.1 If any question arises at a meeting at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the LCCA, such question shall not be the subject of discussion until the LCCA has decided whether or not to exclude the public.

## 20. Members Conduct at Meetings

### Speaking

20.1 When a Member speaks at the LCCA, they must address the meeting through the Chair.

### Members not to be heard further

20.2 If a Member misconducts him or herself whether by disregarding the ruling of the Chair or by behaving improperly or offensively or deliberately obstructing business, the Chair may move that the Member be not heard further. If seconded, the motion will be voted on without discussion and if carried, the Member shall not be permitted to speak on the same matter again during the meeting.



## Member to leave the meeting

- 20.3 If the Member continues to behave improperly after such a motion is carried, the Chair may move that either the Member leaves the meeting or that the meeting is adjourned for a specific period. If seconded, the motion will be voted on without discussion and if carried, the Chair shall either give directions for the removal of the Member or the meeting shall be adjourned.

## Conflicts of Interest

- 20.4 Where a Member discloses an interest arising from:-

- a) A disclosable pecuniary interest (as defined in the Member's Code of Conduct);  
or
- b) Another interest where that interest is one which a member of the public with knowledge of the relevant facts regard as so significant that it is likely to prejudice the Member's judgement of the public interest

That Member:

- i) may not participate in any discussion on the matter at the meeting;
- ii) may not vote on the matter at the meeting;
- iii) must leave the room where the meeting is held whilst any discussion or voting takes place

- 20.5 When a Member holds conflict of interest described in 20.4 above, before retiring he or she may first exercise the ability to address the meeting as a member of the public in accordance with these Procedure Rules.

## 21. *Other Conduct Matters at Meetings*

- 21.1 Mobile phones and other electronic devices must be switched to 'silent' during meetings.

- 21.2 Filming or recording of any meeting of the LCCA is permitted, subject to the following:

- Filming or recording is done openly.
- That the Chair has been notified at the commencement of the meeting.
- That anybody attending the meeting, with the exception of Members and officers, may request not to be filmed or recorded.
- Filming or recording may only take place when members of the public are entitled to attend in person.

- 21.3 Placards are not permitted during meetings.
- 21.4 If a member of the public interrupts proceedings, causes a disturbance or behaves improperly, offensively, or wilfully obstructs the business of the LCCA, the Chair will warn the person concerned. If the member of the public, having been warned, continues their conduct, the Chair may order their removal from the meeting room.
- 21.5 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary.

## **Section 2 - Overview and Scrutiny Procedure Rules**

### **1 Overview And Scrutiny Committee Work Programme**

- 1.1 The Overview and Scrutiny Committee will be responsible for setting their own work programme, taking into account the wishes of members of the Committee.
- 1.2 The Overview and Scrutiny Committee shall also accommodate requests from the LCCA to review areas of activity as soon as their work programme permits.
- 1.3 Any of the following may refer matters to an overview and scrutiny committee by notifying the Head of Paid Service in writing:
  - Any member of the LCCA overview and scrutiny committee or sub-committee
  - Any member of the LCCA
  - Any member of a constituent or non-constituent Council
- 1.4 Matters to be referred must be:
  - relevant to the functions of the Committee and
  - not an excluded matter
- 1.5 The Chair of the Overview and Scrutiny Committee in consultation with the Monitoring Officer will determine whether a matter is an 'excluded matter'.
- 1.6 An excluded matter is one which is a local crime and disorder matter within the meaning of section 19 of the Police and Justice Act 2006 or a matter of any description specified in an order made by the Secretary of State for the purposes of section 9FC of the Local Government Act 2000.
- 1.7 On receipt of a notice under Rule 1.3 the matter will be included on the agenda of the next meeting the committee provided it meets the statutory publication requirements.
- 1.8 When the Overview and Scrutiny Committee considers a referred matter, it must have regard to any representations made by the member referring the item as to whether it would be appropriate to exercise its powers in relation to the matter being referred.
- 1.9 If the Committee decides not to exercise its powers in relation to the referred matter, it must notify the member who referred the matter of their decision and the reasons for it.

## **2 Procedure at Overview and Scrutiny Committee Meetings**

- 2.1 Where the Overview and Scrutiny Committee conducts reviews (e.g., with a view to policy development), the Committee may also ask people to attend to give evidence at committee meetings.
- 2.2 Following any review, the Committee shall prepare a report, for submission to the LCCA as appropriate and shall make its report and findings public.
- 2.3 The Overview and Scrutiny Committee may make proposals to the LCCA about any policy developments that fall within the Committee's remit.
- 2.4 They may use choose to use different review methods, including task and finish groups, to discharge this policy review function

## **3 Reports and recommendations of the Overview and Scrutiny Committee**

- 3.1 The LCCA 's Overview and Scrutiny Committee may publish a report or make recommendations which may require the LCCA to:
  - consider the report or recommendations made by the Committee;
  - respond to the Overview and Scrutiny Committee indicating what (if any) action the LCCA proposes to take;
  - publish their response to the Overview and Scrutiny Committee's report or recommendations.
- 3.2 if the Committee's report or recommendations were made in response to a matter referred by a member under rule 1.3 that member must also be provided with the response.
- 3.3 The LCCA must respond to the Committee's report or recommendations as soon as is practicable, but no later than two months from the date on which the LCCA received the reports or recommendations.
- 3.4 Where a report or recommendation of the Overview and Scrutiny Committee or a response of the LCCA's response is published any confidential information must be excluded and any relevant exempt information may be excluded in line with the provisions of Article 8 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

## **4 Rights of Overview and Scrutiny Committee Members to Documents**

- 4.1 Members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 5 of this Constitution.

## **5 Call-In Of Decisions**

- 5.1 The Overview and Scrutiny Committee may consider whether a decision made but not implemented by the following should be reconsidered by the decision maker (known as a 'call in').
- The LCCA
  - A Committee of the LCCA exercising delegated decision making
  - A Key decision taken by an Officer of the LCCA under the scheme of delegation
- 5.2 Unless designated as urgent in accordance with Overview and Scrutiny Procedure Rule 7, none of the above decisions can be implemented until after three clear working days following the date of the which the record of the decision is published.
- 5.3 During this period a written request for a meeting in accordance with Overview and Scrutiny Procedure Rule 7 to be called for the consideration of a call in can be made by any five members of the Overview and Scrutiny committee, who must:
- Represent more than one single political group or party represented on the Overview and Scrutiny Committee
  - Include at least one representative of a constituent council
- 5.4 The request must be received by the Monitoring Officer or their nominated representative, by no later than 5 pm on the third working day following the date of the record of the decision being published.
- 5.5 Requests for a Call-In meeting must be made in writing and signed by relevant Members making the request or via individual emails from the relevant Members registered email address
- 5.6 Requests for a Call-In meeting must specify the reasons for the call-in, such as how the decision has breached one or more of the Principles of Decision Making set out in Article 10 of the constitution.
- 5.7 The Monitoring Officer must then convene a meeting of the Overview and Scrutiny Committee on such date as they may determine, after consultation with the chair of the Overview and Scrutiny Committee.
- 5.8 The meeting must be convened within ten working days of the decision to call in. If it is not possible to convene a quorate scrutiny meeting within this period such a meeting must instead be convened as soon as practicable to consider the call in. The decision-maker will have the right to attend the meeting to explain the reasons for the decision and to answer questions at the meeting.

- 5.9 At the scrutiny meeting in which the call-in is reviewed the Overview and Scrutiny Committee will consider the reasons for call-in and the decision maker's response to any questions the Committee may agree to. The committee may decide to:
- Make no recommendations (in which case the decision will stand and may be implemented with immediate effect); or
  - Refer the matter back to the decision-maker with a recommendation that the decision-maker: changes aspects of the decision; reconsiders the decision in light of the committee's views; or does something else before the final decision is made.
- 5.10 If a decision is referred back to the decision-maker by a meeting of the Overview and Scrutiny Committee the decision-maker must reconsider the original decision before adopting a final decision. After reconsidering their decision, the decision maker must write to the overview and scrutiny committee and set out if they have amended their decision or explain the reasons why their decision stands.

## **6 Decisions which may not be called in**

- 6.1 A decision may not be called in if the Overview and Scrutiny committee has already reviewed the matter that is subject to the decision and made recommendations to the decision-maker or it is Urgent Decision (see 7 below).
- 6.2 Provided that the views and recommendations (if any) of the LCCA Overview and Scrutiny Committee on the proposals for the LCCA Budget have been formally reported to the LCCA and considered by them, such decisions of the LCCA shall not be subject to call in.

## **7 Urgent decisions**

- 7.1 The grounds for a decision to be considered as urgent (and therefore not subject to call-in) are that if any delay likely to be caused by the calling in process would seriously prejudice the legal or financial position of the LCCA or the constituent councils, or the interests of the residents of the area.
- 7.2 The Chair of the Overview and Scrutiny Committee must agree both that the making of the decision is urgent, cannot reasonably be deferred and that it can be treated as a matter of urgency. In the absence of the chair of the overview and scrutiny committee, the deputy chair of the Overview and Scrutiny Committee may agree that the decision be treated as a matter of urgency.
- 7.3 As soon as agreement has been obtained by the decision maker that the making of the decision is urgent the decision maker must publish a notice in its offices and on its website which states the reason why the decision is urgent and cannot reasonably be deferred.

7.4 Where a decision is exempted from call-in it will become effective immediately or (if later) as soon as the agreement of the chair of the Overview and Scrutiny Committee (or of the Chair or Vice Chair of the LCCA) has been obtained.

7.5 Decisions taken as a matter of urgency must be reported to the next meeting of the LCCA, together with the reasons for urgency.

## **8 Scrutiny Officer**

8.1 The LCCA must designate one of its Officers as the Scrutiny Officer to discharge the following functions

- to promote the role of the Overview and Scrutiny Committee(s);
- to provide support and guidance to the Overview and Scrutiny Committee(s) and to members of such committees; and
- to provide support and guidance to Members of the LCCA in relation to the functions of the Overview and Scrutiny Committee(s).

8.2 The LCCA may not designate as the Scrutiny Officer any officer of a Constituent Council.

## **Section 3 – Other Committee Procedure Rules**

### **1 Other Committee Procedure Rules**

- 1.1 Other Committees of the LCCA will operate in accordance with paras 2 to 21 of Section 1 of these Procedure Rules.



## Section 4 - Budget and Policy Framework Rules of Procedure

### 1. Introduction

The Budget and the Policy Framework is the collective name given to the budget and a number of the major plans and strategies of the Authority that must be considered by Authority before they are finally approved. Any such approval must be given on a unanimous basis.

This part of the Constitution sets out how the Authority will decide on which plans and strategies are in the Policy Framework. It also sets out how it will make decisions on the content of the budget and those plans and strategies contained in the Framework where such plans and strategies are brought forward.

Once a budget or policy is in place it is the responsibility of the Authority to implement.

### 2. Content of the Budget and Policy Framework

The Budget and Policy Framework will comprise:

#### a) The Budget

The budget comprises the estimated revenue and capital expenditure and income for the Authority. It includes the allocation of financial resources to different services and projects, proposed contingencies, earmarked and general reserves. This includes decisions relating to the control of the Authority's borrowing requirement (when powers to do so are given to the Authority), the control of its expenditure and income and the setting of virement limits.

The budget also includes the Treasury Management Policy and Strategy. Treasury Management is the management of the Authority's cash flows, its banking, borrowing and investment transactions; the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks.

The Treasury Management Policy and Strategy aims to protect the Authority from market related risks by monitoring interest rates, economic indicators and UK and overseas government finances. The prime objective of the Authority's investment strategy is to maintain capital security whilst ensuring that there is the necessary liquidity to carry out its business.

#### b) The Policy Framework:

The Policy Framework comprises the following policies and strategies and will be kept under review by the County Combined Authority:

- Corporate Strategy
- Economic Growth Strategy
- Housing and Regeneration Policy and Strategy
- Skills and Employment Strategic Framework
- The Local Transport Plan
- Bus Service Improvement Plan (BSIP)

- Local Cycling and Walking Infrastructure Plan (LCWIP)
- Procurement and Social Value Policy and Strategy
- Climate Change, Net Zero and Sustainability Policy and Strategy
- Pay Policy

The LCCA will review the composition of the Policy Framework annually as part of the review of the Constitution and the relevant provisions will be amended to take account of the outcome of any review.

### **3. The Budget**

The process described below aims to ensure that appropriate and effective consultation takes place with all stakeholders on the content of the Budget.

The LCCA must set its budget for the forthcoming financial year by no later than 15th February.

#### **a) Initial Proposals**

The LCCA will publicise a timetable for making draft proposals for the adoption of a budget and any arrangements for consultation after the publication of those initial proposals. Consultation will take place in a manner and to the extent that is appropriate to the circumstances and with the agreement of the LCCA.

At the conclusion of any such consultation and having regard to the responses received, the LCCA will refer the draft budget to the Overview and Scrutiny Committee for consideration.

#### **b) Determining the Budget**

The LCCA will agree the final budget after consideration of any decisions and any recommendations from the Overview and Scrutiny Committee on the draft budget. In doing so, the LCCA may engage further with the Overview and Scrutiny Committee to refine budget proposals.

The agreement of the final budget must have the unanimous support of all constituent members of the LCCA and once determined, the agreed final budget will not be subject to further Call-In by the Overview and Scrutiny Committee.

#### **c) After the Budget has been agreed**

A notice of the decision will be prepared by the Chief Finance Officer and given to each Constituent Authority.

### **4. The Policy Framework**

The process described below aims to ensure that appropriate and effective consultation takes place with all Members and other stakeholders on the content of any of the major plans or strategies within the Policy Framework.

#### **a) Initial proposals**

At least 2 months before any plan or strategy needs to be finalised, the LCCA will produce initial proposals. These initial proposals will be accompanied by:

- i. a summary of information that has been taken into account in producing the initial proposals and any consultation undertaken (including specific reference to consideration of any reviews/studies previously carried out by the Overview and Scrutiny Committee);
- ii. detailed information on how it is intended to consult with Members and others;
- iii. a clearly stated timetable for the consultation and the preparation of final proposals for consideration by the Overview and Scrutiny Committee and the LCCA; and
- iv. proposals on the degree of changes to the plan or strategy that can be approved by the LCCA during the life span of the plan or strategy.

The initial proposals and accompanying information will be referred to the Overview and Scrutiny Committee. The Overview and Scrutiny Committee will examine the consultation proposals and timetable and make recommendations on these, where it is considered appropriate.

#### **b) Finalising proposals**

A second draft of the policy, taking into consideration comments received through the consultation process on the initial proposals will be approved by the LCCA and referred again to the Overview and Scrutiny Committee together with the relevant background information on which the final proposals have been based.

Any recommendations and/or observations from the Overview and Scrutiny Committee will be considered by the LCCA.

#### **c) Submission of final proposals to the LCCA**

The final proposals will then be considered by the LCCA, which may or may not include the recommendations and/or observations from the Overview and Scrutiny Committee.

The LCCA must approve the final proposals unanimously.

### **3. Decisions that contravene the Budget or the plans or strategies in the Policy Framework**

The LCCA's Financial Procedure Rules contain provisions allowing virement. Subject to those provisions, the LCCA, committees of the LCCA and/or any officers or joint committees discharging functions are only authorised to take decisions in line with the approved Budget and/or the approved plans or strategies in the Policy Framework. Only the LCCA can take a decision that wholly or in part does not accord with the approved Budget or plans or strategies in the Policy Framework.

Decision makers must take the advice of the Monitoring Officer and/or Chief Finance Officer where it appears to them that a decision they wish to make would be contrary to the approved strategies in the Policy Framework or not wholly in accordance with the approved Budget. Where advice is given that the decision would be contrary to the approved plans or strategies in the Policy Framework or not wholly in accordance with the Budget then that decision must be referred to the LCCA.

Decisions of the LCCA and its committees, or a joint committee or officers, must be in line with the policies set by the LCCA. These decision makers may only make changes to any of the policies in the Policy Framework in the following circumstances:

- a) where the LCCA has a budgetary constraint and changes are made to the policies in the Policy Framework to meet that constraint. This may involve the closure or discontinuance of a service;
- b) changes necessary to ensure compliance with the law, ministerial direction or government guidance; or
- c) changes to a policy which would normally be agreed annually or periodically by the LCCA following consultation, but where the existing policy document is silent on the matter under consideration.

## **Section 5 - – Access to Information Rules**

### **Access to Information Rules**

1. These rules apply to all meetings of the LCCA, including committee and sub-committees and also to decisions made by individual members and officers of the LCCA, where permitted by the Constitution and Scheme of Delegation.
2. These rules do not apply to Advisory Boards.
3. They rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.
4. The LCCA provides electronic access to the minutes, agendas and reports of its meetings, as well as records of Key Decisions. This can be accessed via the website [www.lancashire-cca.gov.uk](http://www.lancashire-cca.gov.uk).

### **Meetings**

3. The LCCA will give at least five clear working days' notice of any meeting by posting details of the meeting at County Hall, Preston, PR1 7LD and on its website.
4. Members of the public may attend all meetings subject only to the exceptions in these rules.

### **Public access to agendas, reports, background papers and minutes.**

5. Copies of agendas and reports to be considered at meetings or by individual members and officers of the LCCA, where permitted by the constitution and Scheme of Delegation, and which are open to the public will be made available for inspection at County Hall, Preston, PR1 7LD) and on the LCCA's website at least five clear working days before the meeting. 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.
6. A record of each decision taken at meetings or officers of the LCCA, where permitted by the Constitution and Scheme of Delegation, 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, PR1 7LD and on the LCCA's website.
7. 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.

8. Copies of the following documents will be made available for six years after a decision has been taken by individual members and officers of the LCCA, where permitted by the constitution and Scheme of Delegation:-
  - 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.
9. 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.
10. The LCCA will make available for public inspection five clear working days before the meeting or prior to a decision being taken officers of the LCCA, where permitted by the Constitution and Scheme of Delegation 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 LCCA may make a charge for processing requests for copies of these papers.

### **Exclusion of Access by the Public to Meetings**

#### ***Confidential Information***

11. 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.
12. Confidential information means information given to the LCCA 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***

13. 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.
14. Exempt information means information falling within the following seven categories (subject to the qualifications below):
  - i. Information relating to any individual.
  - ii. Information which is likely to reveal the identity of an individual.

- iii. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- iv. 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.
- v. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- vi. Information which reveals that the authority proposes:
  - a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
  - b) To make an order or direction under any enactment.
- vii. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

### **Qualifications**

- 15. 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.
- 16. Information falling within any of these descriptions is not exempt information if it relates 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
- 17. Information in one of the seven categories of exempt information which is not prevented from being exempt is exempt if the public interest in maintaining the exemption outweighs the public interest in disclosing it.

### **Public Interest Test**

- 18. 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.
- 19. In respect of all LCCA 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.
- 20. 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.

21. 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.
22. 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 the LCCA and Committees**

23. If the LCCA or a 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 paras 11 to 14 above..

#### **Key Decisions**

24. A Key Decision means a decision which is likely:
- a) To result in the LCCA incurring expenditure which is, or the making of savings which are, significant having regard to the LCCA'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 or wards in the area of the LCCA.
25. As set out in Part4, Section 5 of the Constitution, where a decision maker intends to make a Key Decision, a notice will be made available at County Hall, Preston, PR1 7LD and published on the LCCA's website at least 28 clear days in advance of the date of the decision, in accordance with the provisions of para 3 above.



## **General Exception**

26. 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 para 7.1 of Part 4, Section 2. .

## **Urgent Key Decisions**

27. 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 para 7.1 of Part 4, Section 2. .

## **Additional Rights for Members**

### ***Overview and Scrutiny Committee Members***

28. Subject to paragraph 31, 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 LCCA and which contains material relating to:
- a) Any business transacted at a private or public LCCA meeting
  - b) Any decision taken by an individual Member in accordance with the constitution
  - c) Any decision made by an officer in accordance with the constitution and scheme of delegation.
29. Where a member of an Overview and Scrutiny Committee requests a document in accordance with paragraph 30, the LCCA must provide that document as soon as reasonably practicable and in any case no later than ten clear working days after the receipt of the request.
30. 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.
31. Where the LCCA's Monitoring Officer 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***

32. Subject to paragraphs 11 to 14, any document which is in the possession of or under the control of the LCCA and contains material relating to any business to be transacted at a public meeting must be available for inspection by any member of the LCCA.
33. Subject to paragraphs 11 to 14, any document which is in the possession of or under the control of the LCCA and contains material relating to any business transacted at a private meeting, any decision made by an individual member or any decision made by an officer in accordance with the constitution and scheme of delegation must be available for inspection by any member of the LCCA as soon as reasonably practicable
34. The rights at paragraphs 5 to 10 and 9.3 do not apply to any document or part of a document that contains exempt information unless it is only exempt by virtue of paragraph 14(iii) (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 14(vi)..
35. Members of the LCCA have a right to inspect documents in the Combined County Authority's possession subject to such documents being necessary for the performance of their Combined County Authority duties. A member 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.

## **Section 6 – Financial Procedure Rules**

### **1. Background and framework**

The purpose and authority of the Financial Procedure Rules

These Procedure Rules form part of the Authority's Constitution and as such carry with them the same authority. They set out the financial management policies of the LCCA and are a key part of the Authority's financial governance arrangements. They are intended to help Members and Officers manage the Authority's finances in line with best practice and should be read and implemented in the wider context of the Authority's Constitution and alongside the Assurance Framework.

The Chief Finance Officer (Section 73 Officer) is required to formulate and maintain any standards, procedures, processes and training as they deem necessary to support the effective implementation of these Procedure Rules. It is important that these Procedure Rules are, and continue to be, relevant to the Authority. They should be reviewed at least annually to remain consistent with the Authority's Constitution and related documentation and to be in line with accounting best practice, legislation and any changes in the Authority's requirements. Any substantive changes to these Procedure Rules must be proposed by the Chief Finance Officer and approved by the Authority.

For the purposes of complying with these Procedure Rules, the Chief Finance Officer shall be provided with any information they may require and shall have access to any documents and records as necessary.

### **2. Accountability for compliance**

These Procedure Rules are a key element of the Authority's governance arrangements. The Chief Finance Officer is required to affirm in the Annual Governance Statement (AGS) that they fully comply with the prescribed governance arrangements of the Authority including these Financial Procedure Rules or to notify any discrepancies.

All Members and Officers working for or on behalf of the Authority are accountable for following the rules set out in these Procedure Rules and all relevant financial and accounting procedures as prepared by the Chief Finance Officer. Non-compliance with these Procedure Rules and associated procedures may result in the withdrawal of delegated financial authority and/or the instigation of disciplinary procedures. Adherence to the processes associated with the Authority's finance systems is also essential in ensuring that Officers are complying with these Procedure Rules. In the event of a dispute or lack of clarity over interpretation of these Procedure Rules, the matter must be referred to the Chief Finance Officer for arbitration.

The Chief Finance Officer may waive the need to comply with any of these Financial Procedure Rules in exceptional circumstances. In doing so, they must record the reasons for the waiver and must set out the scope and duration of the waiver and any substitute regulations.

### 3. **Accounting Policies**

The Chief Finance Officer is responsible for selecting Accounting Policies and ensuring that they are applied consistently. The Accounting Policies are set out in the Statement of Accounts which are prepared as at 31st March each year. The key controls in Accounting Policies are that:

- Systems of internal control are in place to ensure that financial transactions are lawful;
- Proper accounting records are maintained; and
- Financial statements are prepared which present fairly the financial position of the Authority and its expenditure and income and
- Reasonable steps are taken to detect and prevent fraud and other irregularities.

### 4. **Risk Management**

These Financial Procedure Rules and associated finance systems and processes are a key part of the Authority's risk management framework and associated risk strategies. Officers will need to demonstrate compliance with corporate risk management requirements.

### 5. **Internal Control**

Internal Control is the system put in place by the Authority to conduct its business in an orderly and efficient manner. It is used to safeguard its assets and resources, to deter and detect errors, fraud and theft, to ensure accuracy and completeness of its accounting data, to produce reliable and timely financial and management information and ensure adherence to the Authority's policies and plans. The Head of Paid Service is required to highlight deficiencies in the control framework and to identify significant incidents that have occurred. As part of the Annual Governance process, and specifically in the Annual Governance Statement, they must also confirm via the Chief Finance Officer that there are satisfactory arrangements in place to manage internal controls.

### 6. **Roles and Responsibilities**

The Authority has overall responsibility for ensuring that the Authority's expenditure remains within the resources available to it. Functions reserved to the Authority, which include approving the annual revenue and capital budgets, are set out in Part 3, Section 2 of the Constitution and/or prescribed by law.

The Chief Finance Officer is responsible for the proper administration of the Authority's financial affairs, including but not limited, to the provision of financial advice, procedures, records and accounting systems, internal audit and financial control generally.

The Chief Finance Officer is authorised to sign all grant claims, statutory returns or other documents that require the authority of the Section 73 Officer.

The Head of Paid Service has overall responsibility for the management and co-ordination of the employees appointed by or seconded to the Authority. Consistent with their role as a Chief Officer of the Authority, the Head of Paid Service is responsible for ensuring that the services provided to the Authority by staff under their control are in accordance with the Financial Procedure Rules of the Authority.

## **7. Staffing**

The Head of Paid Service will be responsible for providing overall management to staff employed by or seconded to the Authority.

The Head of Paid Service and the Chief Finance Officer will be responsible for ensuring that there is proper use of evaluation or other agreed systems for determining remuneration.

The Chief Finance Officer will:

- Ensure that budget provision exists for all existing and new employees;
- Ensure that appropriate mechanisms are in place to support the payment of salaries and any other related expenses to staff;
- Set out and issue a staff expenses scheme to be followed where staff incur personal expenses when carrying out their duties on behalf of the Authority.

Chief Officers must ensure that appointments are made in accordance with the Officer Employment Procedure Rules in this Constitution, the approved establishment, scales of pay and that adequate budget provision is available. Officers must produce an annual staffing budget (including on costs and overheads) which should be an accurate forecast of staffing levels and associated costs.

Chief Officers shall notify the Chief Finance Officer of all matters affecting payment to employees - including appointments, resignations, dismissals, suspensions, secondments and pay awards, absences from duty for sickness and other reasons affecting pay, information necessary to maintain records of service for pension purposes, income tax and national insurance.

A list of individual delegations for Officers is provided in the Scheme of Delegation at Part 3, Section 7.

## **8. Financial Planning and Management**

### ***Accounting arrangements***

The Chief Finance Officer shall ensure the preparation of a manual of financial and accounting procedures to be operated by Officers working for the Authority.

All accounting and financial arrangements shall be determined by the Chief Finance Officer who shall be consulted before any form or document of a financial or costing nature is introduced.

At the end of the financial year the Chief Finance Officer shall be supplied with information in such a form and by such a date as they may determine to enable them to close the Authority's Accounts promptly. The Draft Statement of Accounts must be presented to the Audit and Governance Committee prior to external audit.

The Statement of Accounts must be approved by the Authority before the statutory deadline (usually within 6 months of the year end) and promptly after the external Audit. If the Auditor's Report requires any material amendment to be made to the draft Statement of Accounts, this must be then reported to the Authority as soon as practicable after the receipt of the audit report.

The timescales for retaining financial records are set out in the financial and accounting procedures manual.

### ***Financial Planning Arrangements***

The Chief Finance Officer is responsible for running the annual budget and business planning process, thus ensuring that the proposed budget is policy-led. The detailed format of the programme of capital expenditure and revenue estimates shall be determined by the [Chief Finance Officer] after consultation with appropriate Officers and Members, in accordance with any general directions of the Authority.

The Authority is responsible for approving its annual revenue budget and capital programme within the Budget and Policy Framework, including:

- Setting of a levy pursuant to the Transport Levying Bodies Regulations 1992 on or before the 15th February in the preceding year;
- setting the annual revenue budget for the forthcoming financial year, by such time as defined by statute.

### ***Capital and Revenue Budget Planning – Medium Term Financial Strategy***

The Chief Finance Officer shall prepare a medium-term financial strategy comprising a forecast of capital and revenue expenditure and income for discussion with the Constituent Councils in relation to future levies and funding and report such proposals to the Authority. Such a strategy must reflect the priorities and plans of the Authority.

The Chief Finance Officer shall ensure that a revenue budget is prepared, following a thorough consultation process on an annual basis for consideration and approval at a meeting of the Authority on or before 15<sup>th</sup> February prior to the start of the forthcoming financial year, allowing for scrutiny committee consideration. At the budget approval meeting determination shall be made of the quantum of any transport levy and other contributions for the following year.

## ***Budgetary Control***

In approving the revenue budget, the Authority will determine the amounts to be allocated to various expenditure heads. The Chief Finance Officer will ensure expenditure is monitored against this approval, and report on a regular basis, at least quarterly, to the Authority showing actual and projected expenditure. It will be a matter for the Authority to determine from this information whether expenditure priorities should be changed.

For revenue expenditure, it is expected that Chief Officers will manage within the budgets set. Where there is any likely overspending, which cannot be mitigated by changes within the budget, it shall be reported as soon as practicable in the first instance to the Chief Operating Officer. Where it is not possible to finance an overspend by a transfer between budgets heads it should be reported to the Chief Finance Officer for further mitigation advice and if no mitigation is possible, the matter shall be referred to the Authority.

Before a capital scheme for which provision is made in the Capital Programme may proceed, a fully costed scheme report shall be presented to the Authority, after having been assessed in accordance with the Authority's Assurance Framework and any requirements as stipulated by the funding provider.

The Authority will determine guidelines for the carrying forward of under and overspending on budget headings. The Chief Finance Officer will administer the scheme of carry forward within the guidelines approved by the Authority for consideration.

Any use of revenue and capital reserves, in addition to that already planned, must be approved by the Authority. The Chief Finance Officer will ensure that there are clear protocols for the establishment and use of reserves, advise the Authority on prudent levels of reserves and report on the use of reserves to the Authority.

Award of grant is a matter reserved to the Authority unless subject to those under the limit in the financial scheme of delegation or where other specific delegation has been agreed. The Chief Finance Officer shall ensure that grants for capital and revenue purposes to outside organisations are not made without appropriate authority, budget provision and assessment of subsidy control matters.

As soon as practical after the end of the financial year, the Chief Finance Officer will report to the Authority the overall revenue and capital out-turn positions including details of reserves, balances and provisions held by the Authority. The report should include recommendations relating to the treatment of any under or overspending by the Authority.

### ***Virements between budget heads of expenditure***

Virements between expenditure heads will be subject to agreement as follows:

Virements from the staffing budgets and all non-controllable budgets headings such as central support services, depreciation and corporate/democratic management are not permitted. If in doubt, Officers should seek the advice of the Chief Finance Officer (or a nominated officer) should be obtained.

Changes to investment programmes involving the award of grant to external organisations is a policy matter reserved to the Authority after recommendations from the Thematic Boards unless under the limits in the scheme of delegation. Approval will be sought from the Authority for changes to previously approved programme or scheme funding levels.

Virements between capital and revenue budgets require the approval of the Authority and are subject to the advice of the Chief Finance Officer

In accordance with the scheme of virement and associated thresholds, the Chief Finance Officer is responsible for considering reports submitted by the Chief Operating Officer in respect of virement proposals for revenue spending.

Where a matter is urgent the Chief Finance Office can exercise the virement powers above that included in the scheme of delegation, after consultation with the Chair of the Authority and report such virements at the next available meeting of the Authority.

#### ***Variations to Revenue and Capital Budgets***

Changes to the overall level of resources available in the revenue budget and capital programme will be subject to agreement as follows:-

Any proposed changes will be made by the Chief Finance Officer as part of regular budget monitoring.

The Chief Finance Officer may vary the overall level of resource without further approval where an amendment is required to accommodate new grant funded activity that has been previously approved by the Authority and presents no additional financial risk to the Authority.

#### ***Maintenance of Reserves and Provisions***

The Chief Finance Officer is responsible for formulating an annual Reserves Strategy for approval in line with the Constitution (and in accordance with recognised guidance).

The Chief Finance Officer may approve the transfer to reserves of a restricted grant, being either ring fenced or subject to conditions imposed by the funder, received by the Authority where the related expenditure is not expected to be incurred in the current financial year.



As part of their duty to make arrangements for the proper administration of financial affairs, including the statutory obligation to undertake an assessment of the adequacy of reserves on an annual basis, the Chief Finance Officer will manage the need for transfers to and from reserves in line with the approved Reserves Strategy. Movement to and from reserves will be reported to the Authority as part of the revenue budget monitoring process. Where the proposed transfer is not consistent with the approved Reserves Strategy or does not relate to the receipt of a restricted grant, then subject to the urgency procedure, the decision may only be taken by the Authority.

Requests to carry forward underspends or to establish earmarked reserves should be linked to the annual revenue budget and may only be done following review by the Chief Finance Officer. Transfers made will be highlighted to the Authority as part of the revenue budget monitoring process.

### ***External Funding and Grants***

The Chief Finance Officer is responsible for:

- Ensuring there are proper processes and procedures in place for the completion, assessment, authorisation and submission of applications for external funding and any subsequent claims;
- Determining whether to accept grant offers on behalf of the Authority, subject to all the terms and conditions imposed by the grant awarding body, in accordance with the Officer Scheme of Delegation;
- Approval of all completed grant claims and certifications;
- Ensuring all statutory financial returns related to external funding are completed and submitted in line with relevant guidelines, and;
- Ensuring the income due from grant claims is received and that records are kept for the reconciliation of grants due and received. Such records must have robust audit trails and meet External Audit requirements and grant conditions.

### ***Accountable Body Arrangements***

The Accountable Body is legally responsible for ensuring that the requirements of the funder are met. Based on an assessment of risk, and other pertinent information, the Chief Finance Officer is responsible for approving whether it is appropriate for the Authority to act as the Accountable Body for external grant aid or to provide guarantees in relation to the liabilities of a third party.

The decision to agree to the Authority becoming an Accountable Body must be taken before any offers of funding are accepted. Where the Authority is guaranteeing the liabilities of a third party this must also be approved in accordance with these Regulations.

Where in the opinion of the Chief Finance Officer the risks associated with the Authority becoming the Accountable Body or guaranteeing the liabilities of a third party, merit doing so they can request the decision to be taken by the Authority.

## 9. Risk Management and Control

### ***Borrowing and Investments***

The LCCA is responsible for:

- Approving the Treasury Management Strategy (including an Investment Strategy) of the LCCA and its subsidiaries.
- Approving the borrowing limits of the Authority pursuant to section 3 of the Local Government Act 2003.

The Chief Finance Officer shall maintain the Authority's registrar of stocks, bonds, bills and [mortgages] and all borrowings shall be made by, or under the supervision, of the Chief Finance Officer.

The Chief Finance Officer shall ensure that the Treasury Management Code of Practice and the Prudential Code are complied with and shall, as recommended by the Codes of Practice, periodically submit relevant reports to the Authority in relation to its borrowings.

### ***CIPFA Treasury Management Code of Practice***

In line with CIPFA recommendations, the Authority has adopted the following as the cornerstones for effective treasury management:

- A Treasury Management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities.
- Suitable Treasury Management Practices (TMPs), setting out the manner in which the Authority will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- The Authority will receive reports on its Treasury Management policies, practices and activities, including, as a minimum, an annual strategy and plan in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.
- The Authority delegates responsibility for the implementation and regular monitoring of its TMPs to the Audit and Governance Committee and for the execution and administration of treasury management decisions to the Chief Finance Officer of the Authority, who will act in accordance with the Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

### ***Contracts***

All contracts on behalf of the Authority shall be subject to the Authority's Contract Procedure Rules.

### ***Insurance***

The Chief Finance Officer shall affect all insurance cover required in connection with the business of the Authority, subject to any general direction of the Authority.

Chief Officers shall give prompt notification to the Chief Finance Officer of all new risks which require to be insured and of any alterations affecting existing insurances.

Chief Officers shall inform the Chief Finance Officer promptly in writing of any event which may involve the Authority in a claim with its insurers.

### ***Internal and External Audit***

The Chief Finance Officer shall, so far as they consider necessary:

- Arrange for the provision of an internal audit service to of all accounts and financial transactions of the Authority and its officers.
- supervise security arrangements and the custody and safeguarding of the Authority's monies [and property], including any funds entrusted to the Authority or its officers.
- Undertake investigations in order to ensure that value for money is obtained and loss through wastage minimised.

The Chief Finance Officer will make arrangements to ensure that Internal Auditors have the authority:

- To have access to Authority premises at reasonable times,
- To have access to the Authority's documents, records, and equipment,
- To require any Officer of the Authority to account for cash, stores, or any other Authority asset under their control,
- Where possible and when required, to have access to records belonging to third parties, such as contractors,
- To receive information concerning any matter under investigation,
- To have access to the Head of Paid Service, the Monitoring Officer, Chief Operating Officer and the Audit and Governance Committee.

An annual Internal Audit plan will be prepared by the Internal Audit Service and approved by the Audit and Governance Committee and the Chief Finance Officer. This plan is designed to provide independent assurance to the Authority that its arrangements for risk management, governance and internal control processes are operating effectively.

In line with the requirements of the Authority's Risk Management Framework, the Chief Operating Officer is responsible for managing risk. The Chief Operating Officer is also responsible for ensuring the implementation of Internal Audit recommendations.

The Internal Audit service will report to each Audit and Governance Committee on the delivery of the Internal Audit Plan, the implementation of recommendations by management, any material changes to planned coverage, significant control issues and on the operational performance of the Internal Audit function.

External audit shall be carried out by an auditor appointed in accordance with the legislative requirements who will report annually, or more often if deemed necessary, to the Audit and Governance Committee.

### ***Taxation***

The Chief Finance Officer is responsible for:

- Ensuring that taxation advice is available to the Authority and Chief Officers to ensure compliance with relevant legislation,
- Maintaining the Authority's tax records, making all tax payments, receiving tax credits, and submitting tax returns by their due-date as appropriate,
- Completing all HM Revenue and Customs (HMRC) returns regarding Pay As You Earn (PAYE),
- Completing a monthly return of VAT inputs and outputs to HMRC

Chief Officers are to:

- Ensure that the correct VAT liability is attached to all income due and that all claims for VAT recoverable on purchases complies with HMRC regulations and all output tax is properly identified and recorded,
- Ensure that the Authority is not put at risk in any funding arrangements by identifying the correct VAT treatment in accordance with the VAT Act 1994,
- Ensure that all persons employed by or seconded to the Authority are added to the Authority's payroll and that tax is deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency,
- Follow any guidance on taxation that may be issued by the Chief Finance Officer.

### ***Stocks Stores and Security***

Each Chief Officer shall be responsible for the care and custody of stocks and stores within their area of responsibility. The responsibilities are to:

- make proper arrangements for the secure control and safe custody of all assets in respect of their area of responsibility,
- ensure that the property procedures are adhered to by all officers,
- inform the Chief Finance Officer of any instances where they believe the security to be inadequate,
- ensure that designated officers are personally responsible for the safekeeping of keys,
- ensure that designated managers review the security of the premises under their control on a regular basis.

The Chief Finance Officer shall arrange for periodic checks of stocks by persons other than store-keepers where such stocks are of a significant value. The Chief Finance Officer shall be authorised to write-off or dispose of obsolete or surplus stock. Requests to write-off or dispose of items in excess of £10,000 must be reported to the Authority for information.

Assets shall not be removed from the Authority's premises, unless on official Authority business and should not be used other than for official Authority purposes or in line with arrangements sanctioned by the Head of Paid Service. All information assets such as non-public paper records, IT equipment used to access information and the computer network, must be identified, recorded and have an appointed asset owner and be appropriately protected at all times.

### ***Money Laundering***

Specific responsibilities relating to money laundering are set out in the Anti-Money Laundering Policy and the Head of Paid Service is responsible for ensuring that this policy is adhered to.

The Monitoring Officer will be the Authority's Money Laundering Reporting Officer.

### ***Fraud***

All Officers, acting for or on behalf of the Authority, and Members are responsible for notifying the Chief Finance Officer where there is any actual or suspected irregularity affecting the Authority's assets.

The Chief Finance Officer will ensure an effective Anti-Fraud and Anti-Corruption Policy is maintained which is included in the Authority's Constitution along with the Whistleblowing policy

## ***Financial Implications***

The Chief Finance Officer will ensure that all reports to the Authority, Committees and Advisory Boards include a completed section for 'Financial Implications'. This section will summarise the capital, revenue expenditure and other financial implications of the proposals in the report together with any associated financial risks. The contents and advice within this section is the remit of the Chief Finance Officer.

### **10. Financial Procedures**

#### ***Banking Arrangements***

All arrangements with the Authority's bankers shall be made on behalf of the Section 73 Officer who shall be authorised to operate such banking accounts, as they consider necessary. Any funds due to the Authority shall be deposited directly into an account established under the direction of the Section 73 Officer and no other Officer shall have the authority to establish any other type of banking arrangement without the express permission of the Section 73 Officer.

The Section 73 Officer shall maintain a schedule of signatories for each and every bank account (as appropriate)

#### ***Purchasing***

All purchasing of goods, services and works must be undertaken in accordance with the Authority's Contract Procedure Rules.

#### ***Payments to Suppliers***

No payment should be made unless supported by an appropriately authorised Purchase Order. Exceptions to this are payments relating one off payments transacted directly through the bank for types of transactions where no invoice can be received, and these should be kept to a minimum and be approved by the Section 73 Officer or the Chief Operating Officer under delegation. In these cases appropriate contract or legal agreements should be maintained as evidence of the payment.

Supplier Invoices should go direct to the Accounts Payable team where it will be loaded into the finance system. Once the invoice is matched to the appropriate purchase order and is receipted, to evidence completed delivery of the goods/ services, this will clear the invoice for payment in accordance with the payment timescales recorded on the Authority's finance system for that supplier. Where the details contained on the invoice do not allow the purchase order to be three-way matched, the order raiser should resolve either by request of a credit note from the supplier, or a request to change the value of the purchase order which would need approval through the usual process.

The Authority's standard payment terms are 30 calendar days from the date of a valid invoice received by the Authority. Any variation, which would result in the supplier being paid in less than 30 days, must be agreed by the Chief Finance Officer or delegate. Where a supplier makes a request for payment in advance, advice must be sought from the Chief Finance Officer.

The Chief Finance Officer shall ensure that once procedures are complied with for the certification and submission of invoices and claims that there is a safe and efficient process for the payments of such accounts.

### ***Expenses***

Members and officers will only be entitled to travel, subsistence, and incidental expenses where these are incurred legitimately in performing duties on behalf of the Authority in line with the agreed policy and rates. Claims should be made in line with relevant Authority policies including the requirement to provide receipts to the provider of the Payroll Service. All such payments will be made through the payroll system.

Payments of expenses to individuals who are not Authority employees must be made through the Accounts Payable Team in accordance with the procedures as laid down by the Section 73 Officer.

Expenses incurred by agency staff should be included in the Agency charge and paid through the Accounts Payable Team.

### ***Asset Register***

The Chief Finance Officer has overall responsibility for the financial elements of the Authority's asset register and for ensuring that it complies with all necessary accounting requirements.

The Monitoring Officer shall be responsible for the safe custody of all legal documents under secure arrangements agreed with the Chief Finance Officer.

It is the responsibility of the Chief Operating Officer to authorise the acquisition and disposal of capital assets, aside from the disposal, acquisition, and development of any land by the Authority which, subsequent to Part 3, Section 7 of the Authority's Constitution, may be authorised by the Authority.

### ***Income Management and Debt Recovery***

The collection of all money due to the Authority shall be directed by the Chief Finance Officer. This will include the methods by which income will be accepted, its banking and storage, and appropriate separations of duties.

The Authority's standard payment terms and conditions are that, unless contractually agreed or in the case of a demand payable by instalments, sundry debts are payable within 30 days and in full.

The Authority will undertake robust action up to and including Court action to recover money owed to it.

If recovery action is unsuccessful, the Authority may write off debts that are correctly due to it but which, for whatever reason, are no longer collectable.

Write-offs must be proposed by the Chief Finance Officer and approved as follows:-

Acceptance of cash as a means of settling debtor-accounts is discouraged.

### ***Payroll***

The payment of all salaries, wages, pensions, expenses and any other payments to all employees and former employees of the Authority must only be made under arrangements approved and controlled by the Head of Paid Service and approved by the Chief Finance Officer.

Amendments to the payroll, e.g., for absences and variations to pay, shall be limited to those Officers authorised to do so, as per the Authority's decision-making framework set out in this Constitution.

Payment of fees to individuals who are not Authority employees must be made through the Accounts Payable Team and in accordance with the requirements of HM Revenue and Customs and the relevant procedures as laid down by the Chief Finance Officer and the Monitoring Officer. Payment and personnel records must be held securely.

The Chief Finance Officer is responsible for ensuring the calculation of all PAYE and Superannuation deductions and their remittance to relevant bodies is carried out correctly.

### ***Retention of records***

The Chief Finance Officer is responsible for ensuring that appropriate records are retained to support all audit, funding, and taxation requirements. The Chief Finance Officer will ensure maintenance of a Financial Records Retention Schedule to support this.



## **Appendix 1 - Financial Scheme of Delegation**

### **1. Background**

- 1.1 Part 3, Section 7 of the Constitution details the Scheme of Delegation of Functions to Officers. This Scheme of Delegation is prepared in accordance with Section 101 of the Local Government Act 1972.
- 1.2 The Constitution recognises the Head of Paid Service, the Chief Finance Officer, and the Monitoring Officer as the Statutory Officers. Chief Officers in the context of this scheme means any person designated as such by this Constitution and appearing on the staffing establishment as a Chief Officer. .
- 1.3 The Schemes of Financial Delegation defines exactly which posts (and postholders) have the right to initiate or approve a range of decisions or transactions which have a bearing on the financial management of the Authority. This is important in order to ensure that:
  - Individuals are empowered to make decisions on behalf of the Authority,
  - Responsibilities and accountabilities are made clear to all,
  - The Authority can demonstrate that financial responsibilities are being delegated in a planned and managed way, and that associated risks are being mitigated,
  - The risk of fraud and irregularity is managed through ensuring separation of duties and allocating responsibilities to different officers so that all key processes involve more than one officer.
- 1.4 The Scheme of Financial Delegation must be approved by the Chief Finance Officer and reviewed on an at least annually. It will form part of the annual assessment of the Authority's governance arrangements. Consequently, the document itself will act as a snapshot in time and may not reflect all the current data until the time of the next review.
- 1.5 Where there is any uncertainty in matters of interpretation, the Chief Finance Officer and/or the Monitoring Officer will provide advice as appropriate. . [

### **2. Information contained in the Scheme of Financial Delegation**

- 2.1 The Scheme of Financial Delegation covers several pre-defined areas of activity including budget management, procurement, human resources, management of assets, banking, general ledger, etc. For each area, the types of activity for which responsibility needs to be defined are set out. The service allocates responsibility for each activity, including transaction limits, to a specific postholder.
- 2.2 All officers identified in the Scheme need to understand what their responsibilities are and how they should be undertaken. These include, amongst other things, authorising expenditure against service budgets, authorising monthly payments to contractors, and expenses.

2.3 The Scheme of Delegation sets out which powers may be exercised by which officer on behalf of the Authority. The Scheme of Delegations notes that powers may be exercised on behalf of those named officers, or in their name, provided that authorisations have been granted and recorded with appropriate monitoring arrangements in place. Finally, Part 3, Section 7 of the Constitution notes the circumstances in which delegated powers may be exercised. In relation to the Financial Procedure Rules, the following General Delegations are of note:

### 3. **Delegations to Statutory Officers and the Chief Operating Officer**

3.1 The functions set out below are delegated to all Statutory Officers and Chief Operating Officer unless limited by the individual delegation.

#### ***Routine Management***

3.2 In relation to Statutory Officers and Chief Operating Officer the day-to-day routine management, supervision and control of functions undertaken by the Authority in accordance with the Rules of Procedure and Financial Procedure Rules of the Authority.

#### ***Contracts/Land***

3.3 In relation to Chief Operating Officer the disposal of surplus or obsolete Authority assets to the person submitting the highest quotation up to a limit of £25,000 in value and the leasehold disposal of land leased for revenue generative purposes.

3.4 In relation to Chief Operating Officer the acquisition of land for the purpose of delivering any project in the approved capital programme and budget subject to any such acquisition being authorised by the Authority.

3.5 In relation to Statutory Officers and the Chief Operating Officer the acceptance of a tender or quotation: -

- For the supply of goods, materials, or services for which financial provisions has been made in the Authority's revenue budget (as may be varied from time-to-time subject to the delegations afforded to the Chief Finance Officer through the Procedure Rules or is fully funded by any grant that is received as a result of a previously approved funding bid submission), or
- For building and civil engineering works provided that the value of the tender is within the estimate previously approved by the Authority as part of the capital programme and such expenditure is approved by the Chief Finance Officer.

Provided that: -

- The tender or quotation is in accordance with the Authority's Contracts Procedure rules and is either the most advantageous tender decided by reference to pre-determined weighted award criteria or the subject of a waiver of the Authority's Contracts Procedure Rules granted in accordance with those rules,
- The decision relates to the delivery of the agreed business plan and fits within the agreed budget for that activity,
- The decision accords with any Officer decision making guidance issued to Officers,
- Once the decision has been made the Officer completes the prescribed officer decision form and complies with the transparency requirements of The Openness of Local Government Bodies Regulations 2014; and

#### **4. Delegations to the Chief Finance Officer**

3.1 The functions set out below are delegated to the Chief Finance Officer: -

- In accordance with relevant legislation, to ensure the proper administration of the Authority's financial affairs, particularly in relation to financial advice, procedures, records and accounting systems, internal audit and financial control generally,
- The taking of all action required in relation to the Authority's treasury management (borrowing, investment and financing arrangements) subject to the submission to the Authority of an annual report of the Chief Finance Officer on treasury management activities in accordance with CIPFA's Code of Practice for Treasury Management & Prudential Codes,
- To ensure that all insurance cover required in connection with the business of the Authority is affected and to ensure that all claims under such insurances arranged for the Authority's benefit are settled,
- The preparation of manuals of financial and accounting procedures to be followed by all Officers working for and on behalf of the Authority,
- To accept grant offers on behalf of the Authority, subject to being satisfied with all the terms and conditions imposed by the grant awarding body and subject to either the submission of the funding application for grant or the grant offer having been approved by the Authority (in accordance with the Scheme of Delegation set out in Part 3, Section 7) as appropriate,
- To certify and submit all claims for grant to the UK Government, or any other source of funding,

- To make all such banking arrangements on behalf of the Authority as the Chief Finance Officer considers necessary, including arrangements for issuing cheques,
- To monitor capital spending and submit regular reports to the Authority,
- In relation to revenue expenditure under the control of officers, to consider the reports of those officers,
- The collection of all money due to the Authority, and the writing-off of bad debts subject to the limits set out these Financial Procedure Rules,
- To supervise procedures for the invitation, receipt and acceptance of tenders,
- To administer the scheme of Members' allowances,
- To discharge the functions of the 'responsible financial officer' under the Accounts and Audit (England) Regulations 2011 including the requirement under Regulation 8(2) to sign and date the statement of accounts and certify that it presents a true and fair view of the financial position of the Authority at the end of the year to which it relates and of the Authority's income and expenditure for that year,
- As appropriate, to discharge the functions of the Authority under the Accounts and Audit (England) Regulations 2015,
- To sign certificates under the Local Government (Contracts) Act 1997,
- To be the officer nominated, or to nominate in writing another officer, as the person to receive disclosures of suspicious transactions for the purposes of the Proceeds of Crime Act 2002 and any regulations made thereunder,
- To determine an amount (not exceeding the sterling equivalent of £1,000) being the maximum sum which the Authority will receive in cash without the express written consent of the Chief Finance Officer,
- To exercise the responsibilities assigned to the Chief Finance Officer in the Financial Procedure Rules and the Contracts Procedure Rules.

## 5. **Financial Delegation limits**

- 5.1 Schemes of Financial Delegation allow the Authority to define exactly which posts have the right to initiate a range of decisions or transactions which have a bearing on the financial management of their Authority. The delegated limits for financial decisions is shown in the table below.

## 6. Changes to the Service Budget In-Year

### ***Scheme of Virement***

- 6.1 Transfers of budgets between heads of expenditure (virements) may be made by Chief Officers within delegated budgets in accordance with the limits set out in these Financial Procedure Rules

### ***In Year Budget Increases***

- 6.2 If it is not possible to move resources between budget headings to meet an expected liability, a request may be made through the Chief Finance Officer to the Authority for an increase in budget.

### ***Planning Future Years Budgets***

- 6.3 All Chief Officers have a responsibility to plan future years budgets including identifying emerging financial issues and potential growth areas as well as identifying cost efficiencies that can be made.

### ***Authorisation Limits***

- 6.4 Approval Hierarchies allow officers to route documents for approval. For requisitions once approved, a Purchase Order will be raised and sent to the supplier. This ensures segregation of duties through the initial part of the [Procure to Payment] process.

<b>Post / Grade</b>	<b>Limit</b>	<b>Condition</b>
Head of Paid Service	No Limit	Countersigned by Chief Finance Officer
Chief Finance Officer	Up to £500,000	Countersigned by Monitoring Officer or Chief Operating Officer
Monitoring Officer	Up to £500,000	Countersigned by Chief Finance Officer or Chief Operating Officer
Chief Operating Officer	Up to £500,000	Countersigned by Chief Finance Officer

\* £0 would force all requisitions to be approved.

- 6.5 Chief Officers may agree sub-delegation for the requisition of goods and services and authorisation of the payment of invoices for and on behalf of the LCCA. Such sub-delegations will be with the approval of the Chief Finance Officer and can include Officers from the Constituent Councils.

### ***Capital Expenditure***

- 6.6 Approval by the Authority of the programme of capital expenditure estimates (the Capital Programme) shall constitute the authority for incurring expenditure.
- 6.7 Amendments to the Capital Programme will be dealt with under the Scheme of Delegation to Officers 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 in scope of a programme will require the Authority's approval.
- 6.8 The estimated expenditure committed by officers under the above authority must not exceed the amount approved for the scheme in the Capital Programme. If estimated expenditure is forecast to exceed the approved capital budget figure, then approval must be sought in accordance with the limits set out in these Financial Procedure Rules as appropriate.
- 6.8 Where a Capital scheme 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, under the delegation above, as long as the overall funding is not exceeded, and the scope is not changed. Any change to scope or increase in overall costs will require approval by the Authority.

### ***Grants***

- 6.9 The award of grants of public money may require consideration of Subsidy Control Regulations. Advice should be sought from the [Procurement Team], Monitoring Officer or Legal team unless Government or a quasi- government body confirm that the subsidy control rules do not apply, or appropriate procurement activity has been carried out in compliance with the procurement rules and where appropriate the Regulations.

## **Section 7 – Contract Procedure Rules**

### **1. Brief guide to the Contract Procedure rules and Grant rules**

These Contract Procedure rules (issued in accordance with section 135 of the Local Government Act 1972) and the Procurement Contract Regulations 2015. These rules are intended to promote good purchasing practice (including the delivery of social value and the application of ethical procurement principles) and public accountability and deter corruption.

Officers and third parties involved in procurement activity must comply with these Contract Procedure rules. They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. (For example, if Rule 8 would normally require that quotes be obtained, it might be appropriate, in particular circumstances, to seek additional quotations in writing or tender submissions).

For the purposes of these rules, where there is a requirement for communication to be in writing, this shall be deemed to include electronic as well as hard copy.

Key considerations for Officers engaged in purchasing works, goods and services include:

- Follow the rules if you purchase goods or services or order building work,
- Take all necessary legal, financial and professional advice (including from Procurement Advisors),
- Declare any personal financial interest in a contract. Corruption is a criminal offence,
- Conduct a best value review and appraise the purchasing need,
- Check whether there is an existing LCCA Contract, OGC Buying Solutions/Crown Commercial Service agreement, and other joint purchasing arrangements you can make use of before undergoing a competitive process,
- Normally allow at least four weeks for submission of bids (not to be submitted by email unless allowed for in the Invitation to Tender documents),
- Keep bids and related material confidential,
- Complete a written contract or LCCA order before the supply or works begin,
- As appropriate, identify a contract manager with responsibility for ensuring the contract is well managed and delivers as intended,
- Keep records of dealings with suppliers,
- Assess each contract afterwards to see how well it met the purchasing need and Value for Money requirements.

The LCCA is committed to meeting needs for goods, services, and works in a way that achieves value for money on a whole life basis in terms of generating benefits to society and the economy of Lancashire whilst maximising environmental sustainability.

Where there is a discrepancy between these rules and any procurement legislation, the procurement legislation is the dominant authority. Where there is a conflict between the procurement legislation and any other relevant legislation (as identified during procurement planning) the Monitoring Officer must be consulted immediately to carry out a legal project risk assessment

## **2. Contracts or Grants**

### ***Distinguishing between a contract and a grant***

It is important to distinguish whether obligations arise as a result of a grant or a contract because different legal frameworks apply to grants and to contracts. The description given to the relationship by the parties will not necessarily be decisive. The outcome will depend on all the circumstances.

There is no one factor that determines whether an arrangement is a grant agreement or a contract. The arrangement must be considered as a whole.

The question of whether an obligation arises as a result of a grant or a contract is one that affects state entities providing funds, usually to not-for-profit or third sector organisations (which can include charities), to facilitate outcomes.

Advice can be obtained from the Procurement Section.

### **Contract**

Usually, a contract will be entered into following a procurement process (often an Invitation to Tender or Request for Quotation) meaning:

- The provider will be contractually bound to provide the services, works, or goods,
- The commissioner will be contractually bound to pay the provider for the services, works, or goods,
- There will be a detailed specification drawn up to meet the LCCA's requirements setting out the services the provider is to carry out the works to be performed or the goods to be provided,
- There will be, among other things, provisions in the contract,
- setting out what happens if either party does not comply with the terms of the contract,
- determining what will happen if the contract is terminated,
- dealing with whether the provider can subcontract the services or the provision of the works or goods.



### ***Breach of Contract***

A breach of contract occurs whenever a party fails to perform a contractual duty as required by its terms. The principal remedy in English law for breach of contract is an award of damages.

#### **Grant**

A grant is a gift of funds for a specific purpose. Under a grant agreement, the funder makes a payment to the recipient for a specific purpose. The recipient is not obliged to deliver any goods or services to the funder (so no liability for damages will arise by the recipient failing to perform), although the funder may claw back grant which has not been spent for that specific purpose or is misapplied.

Usually, under a grant agreement:

- The funder will give money to the recipient to assist it to meet the recipient's Objectives. The funds are to be used to undertake activities that are not being undertaken for the direct benefit of the LCCA.
- The recipient organisation has the choice of either undertaking the funded services or activities or handing back the money without incurring further costs.
- The only material obligation placed on the LCCA under the grant agreement will be to pay the grant to the recipient.

\* The recipient organisation must return any unspent grant to the LCCA .

A grant agreement may not be suitable, for example, where the LCCA has a statutory duty to provide a service as a grant agreement would not secure the delivery of the services because the organisation is not contractually bound to provide services to the LCCA.

### ***Breach of Grant Agreement***

Grant agreements normally enable the funder to withhold or suspend payment of the grant and/or require repayment of all or part of the grant if the recipient organisation:

- Misuses the grant,
- Fails to comply with the terms and conditions of the grant agreement,
- Acts negligently in delivering the project,
- Obtains duplicate funding from a third party,
- Provides the funder with misleading or inaccurate information,
- Commits fraud or bribery,
- Ceases to operate, is wound up, dissolved or becomes insolvent.

### ***Contracting authorities as grant recipients***

Contracting authorities which receive grant monies to fund contracts will be subject to the procurement rules in terms of how they spend that grant. A failure to comply may result in grant funding being clawed back.

#### **3. Scope of Contract Procedure rules**

##### ***Rule 1: Basic Principles***

All procurement procedures must:

- Achieve Best Value for public money spent,
- Be consistent with the highest standards of integrity,
- Ensure fairness in allocating public contracts,
- Comply with all legal requirements,
- Ensure that non-commercial Considerations do not influence any Contracting Decision,
- Support the LCCA's corporate aims and policies,
- Comply with any Corporate Procurement Strategy produced by the LCCA and other relevant policies,
- Include considerations of social value in line with any LCCA's policy on Social Value and the Public Services (Social Value) Act 2012.

##### ***Rule2: Officer Responsibilities***

All Officers responsible for purchasing must comply with these Contract Procedure rules, the LCCA Financial Procedure Rules, the LCCA's Code of Conduct for Employees and with all applicable legal requirements, including, for example:-

- Procurement Act 2023
- The Public Contracts Regulations 2015
- The Concession Contracts Regulations 2016
- The Public Services (Social Value) Act 2012

Officers must:

- Have regard to any Purchasing Guidance including any relevant Gateway procedures,
- Check whether a suitable LCCA contract exists before seeking to let another contract; where a suitable LCCA contract exists, this must be used unless there is an auditable reason not to,
- Keep the records required by Rule 6,
- Take all necessary legal, financial and professional advice.

When any employee either of the LCCA or of a service provider may be affected by any transfer arrangement, Officers must ensure that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) issues are considered and obtain legal and personnel advice before proceeding with inviting Tenders or Quotations.

The Officer must comply with the LCCA Code of Conduct for Employees and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the Bribery Act 2010.

Officers shall comply with section 117 of the Local Government Act 1972 in relation to the declaration of interest in contracts.

### ***Rule 3: Exemptions, Collaborative and E-Procurement Arrangements***

The LCCA has power to waive any requirements within these Contract Procedure Rules for specific projects unless it would be unlawful to do so.

A Chief Officer may (subject to the written approval of the Chief Finance Officer and the Monitoring Officer) where the total value is likely to exceed £50,000) waive any requirements within these Contract Procedure Rules, where they are satisfied:

- Goods are to be bought at auction and the LCCA's best interest will be served by purchase through auction and has agreed an upper limit for bids; or
- Only one contractor can provide the goods, services or works required and there is no reasonable alternative contractor; or
- The need for the goods, services or works is so urgent that the time needed to comply with these Contract Procedure Rules would be prejudicial to the LCCA's interests; or
- There are good value for money reasons justifying a waiver.

Applications to waive any requirement shall be made using the waiver template documentation available from the Procurement Team.

Where a proposed contract or agreement is subject to the Statutory Procedure, Officers (including the Chief Finance Officer) have no delegated powers. No exemption under Paras. 7 and 8 can be used if the Statutory Procedure applies.

All exemptions, and the reasons for them, must be recorded by Officers. The Chief Finance Officer will monitor use of exemptions.

To secure Value for Money, the LCCA may enter into collaborative procurement arrangements with local authorities, government departments, public bodies, public sector buying organisations and may use Framework Agreements let by local authorities, government departments, public bodies or Central Purchasing Bodies.

All purchases made via a public sector buying organisation are deemed to comply with these Contract Procedure Rules and no exemption is required. However, purchases above the Statutory Threshold(s) must be let under the Statutory Procedure, unless the consortium or Central Purchasing Body has satisfied this requirement already by letting its agreement in accordance with the Statutory Procedures on behalf of the LCCA or specifying the LCCA as a potential user.

Advice must be sought from the Procurement Team prior to entering into a contract through collaboration with local authorities or other public bodies to ensure compliance with the procurement rules.

#### ***Rule 4: Relevant Contracts***

All relevant contracts and framework agreements must comply with these Contract Procedure Rules. A 'relevant contract' is any arrangement made by the LCCA for the carrying out of works or for the supply of goods, works or services. These include arrangements for:

- The carrying out of construction and engineering works,
- The supply or disposal of goods,
- The hire, rental or lease of goods or equipment, and
- The delivery of services.

Relevant Contracts do not include:

- Contracts of employment,
- Agreements relating to the acquisition, disposal or transfer of land which do not form part of a wider transaction under which the LCCA procures works, goods or services,
- Instruction of Counsel.

### **3. Common Requirements**

#### ***Rule 5: Steps Prior to Purchase***

Officers must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance in the Purchasing Guidance, by:

- Satisfying themselves that they have the necessary authority to deal with the purchase and that there is budget provision for the purchase,
- Taking into account the requirements from any relevant best value review appraising the need for the expenditure and its priority defining the objectives of the purchase,
- Assessing the risks associated with the purchase and how to manage them,
- In consultation with the Procurement Team considering what procurement method is most likely to achieve the purchasing objectives, including internal or external sourcing, partnering, packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium,
- Consulting users as appropriate about the proposed procurement method, social value opportunities, contract standards and performance and user satisfaction monitoring, terms and conditions that are to apply to the proposed contract,
- Setting out these matters in writing if the total value of the purchase exceeds £50,000.

In doing so, Officers must confirm that there is LCCA or delegated approval for the expenditure and the purchase accords with the approved Policy Framework and Scheme of Delegation as set out in the LCCA Constitution.

#### ***Rule 6: Records***

Where the Total Value is below £10,000 a purchase order is sufficient record unless additional records are deemed appropriate having taken into account considerations in Rule 5.

Where the Total Value is £10,001 to £50,000, the following records must be kept:

- A unique reference number for the contract (obtained from the Procurement Section) and the title of the contract,
- Invitations to quote or tender, and quotations or tenders,
- A record of any exemptions and the reasons for them,
- A record of any contracting decision and the reasons for it including the evaluation of the quotation or tender,

- Written records of communications with the successful contractor or an electronic record if a written record of the transaction would not normally be produced.

Where the Total Value exceeds £50,000, Officers must record:

- A unique reference number for the contract (obtained from the Procurement Section) and the title of the contract,
- The method for obtaining bids (see Rule 8),
- Any contracting decision and the reasons for it,
- Any exemption under Rule 3 together with reasons for it,
- The award criteria,
- Invitation to Tender documents sent to, and Tender documents received from, candidates,
- Pre-tender market research (if any),
- Clarification and post-tender negotiation (to include minutes of any meetings),
- The contract documents – an electronic copy to be provided to Procurement Section,
- Post-contract evaluation and monitoring,
- Communications with candidates and with the successful contractor throughout the period of the procurement.

Records required by this rule must be kept for six years after the end of the contract.

### ***Rule 7: Advertising***

#### *Identifying and Assessing Potential Candidates*

Officers shall ensure that, for relevant Contracts or Framework Agreements a sufficiently accessible advertisement is published. Examples of where such advertisements may be placed include:

- The LCCA's website,
- E-portals specifically created for contract advertisements such as the UK Government Contracts Finder or Find a Tender,
- A local or national newspaper or specialist publication,
- National official journals, or the Tenders Electronic Daily (TED) where applicable (even if

there is no requirement within the Statutory Procedure).

Officers are responsible for ensuring that all candidates for a relevant Contract have the necessary economic and financial standing and the technical ability and capacity to deliver the contract.

#### 4. Conducting Purchases

##### **Rule 8: Competition Requirements for Purchase and Partnership Arrangements**

Officers must calculate the total value of the Contract.

The following procedures apply where there are no other procedures which take precedence. Other procedures may include agency agreements with government. If in doubt, Officers must seek the advice of the Monitoring Officer.

##### *Purchasing – Competition Requirements*

Where the Total Value for a purchase is within the values in the first column below, the procedure in the second and third columns must be followed.

Total Value	Procedure	Advert Place
Up to £9,999.99	One written quotation	
£10,000 to £50,000	At least three written quotations	
Over £50,000 – Statutory Threshold (Including VAT)	Invitation to Tender by advertisement to at least three Candidates	E portal and the UK Government Contracts Finder
Above Statutory Threshold (including VAT)	Statutory Procedure	E portal and the UK Government Contracts Finder

Irrespective of the requirements set out in the table above, relevant Contracts and Framework Agreements that are subject to specific grant funding requirements shall be advertised in accordance with published guidance as amended from time to time.

An Officer must not enter into separate contracts nor select a method of calculating the Total Value in order to minimise the application of these Contract Procedure Rules.

Where the Total Value exceeds £50,000 the Procurement Team should be consulted prior to the commencement of the procedure.

*Providing Services to External Purchasers*

The Chief Finance Officer must be consulted where contracts to work for other organisations are contemplated and any bid, tender and contract for work shall be made in accordance with the Financial Procedure Rules.

*Collaborative and Partnership Arrangements*

Collaborative and partnership arrangements where services/ goods/works are supplied to the LCCA are subject to all applicable procurement legislation and must follow these Contract Procedure Rules. If in doubt, Officers must seek the advice of the Monitoring Officer and the Chief Finance Officer (or their named representatives).

*The Appointment of Consultants to Provide Professional Services*

Consultants shall be selected, and commissions awarded in accordance with the procedures detailed within these contract procedure rules and as outlined below.

Total Value	Procedure	Advert Placement
Up to £30,000	One written quotation	
£30,001 – Statutory Threshold	Three written quotations	E portal up to £50,000 then E portal and UK Government Contracts Finder
Above Statutory Threshold	Statutory Procedure	E portal and UK Government Contracts Finder

Agreements shall be completed as specified in Rule 18 (Contract Formalities).

Irrespective of the requirements set out in the table above, Relevant Contracts and Framework Agreements that are subject to specific grant funding requirements shall be advertised in accordance with published guidance as amended from time to time.

The engagement of a Consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided and shall be subject to completion of a contract of appointment.



Records of consultancy appointments shall be maintained in accordance with Rule 6.

Consultants shall be required to provide evidence of and maintain appropriate professional indemnity insurance policies for the periods specified in the respective agreement. Advice on the level of indemnity should be obtained from the Chief Finance Officer (or their named representative).

The instruction of the Authority's External Auditors for additional pieces of work must only be carried out by the Chief Finance Officer.

The instruction of external legal advisers (including Counsel) must only be carried out by the Monitoring Officer. The instruction of Counsel shall not be subject to the requirements of Rule 8

***Rule 9: Pre-Tender Market Research and Consultation***

Officers responsible for the purchase:

- may consult potential suppliers prior to the issue of the Invitation to Tender in general terms about the nature, level and standard of the supply, contract packaging and other relevant matters, provided this does not prejudice any potential Candidate, but
- must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them if this may prejudice the equal treatment of all potential Candidates or distort competition.

***Rule 10: Standards and Award Criteria***

Officers must ascertain the standards necessary to properly describe the subject matter of the contract having regard to any relevant British, European or international standards.

Officers must define Award Criteria that are appropriate to the purchase and designed to secure an outcome giving Value for Money for the authority. The basic criteria shall be one of the following:

- 'most advantageous', where considerations of quality, price, social value and other relevant factors apply, or
- 'lowest price' where payment is to be made by the LCCA (noting that lowest price is not permissible under the Statutory Procedure),

If the first criterion is adopted (most advantageous) it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant social value and environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

Supplier suitability assessment questions may also be asked by the LCCA provided such questions are relevant to the subject matter of the procurement, are proportionate and are used to assess whether candidates meet requirements or minimum standards of suitability, capability, legal status and financial standing. Officers shall have regard to the Purchasing Guidance when defining the Award Criteria.

Award Criteria must not include non-commercial considerations that are prohibited under UK law (although this does not prevent the LCCA from exercising any function with reference to a non-commercial matter to the extent that it is necessary or expedient to do so to enable or facilitate compliance with a duty imposed on the LCCA by Section 1 of the Public Services (Social Value) Act 2012).

### ***Rule 11 – Invitations to Tenders/Quotations***

An Invitation to Tender shall state that the LCCA reserves the right to reject a Tender that is not received by the date and time stipulated in the Invitation to Tender. No Tender delivered in contravention of this requirement shall be considered without the Chief Finance Officer's prior approval and shall not be considered under any circumstances when it is received after the other Tenders have been opened.

All Invitations to Tender shall include the following:

- A specification that describes the LCCA's requirements in sufficient detail to enable the submission of competitive offers.
- A requirement for tenderers to declare that the Tender content, price or any other figure or particulars concerning the Tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose).
- A requirement for tenderers to complete fully and sign all Tender documents including a form of Tender and certificates relating to canvassing and non-collusion.
- Notification that Tenders are submitted to the LCCA on the basis that they are compiled at the tenderer's expense.
- A description of the Award Procedure and, unless defined in a prior advertisement, a definition of the Award Criteria in objective terms.
- Unless the Tender is sought in accordance with an electronic tendering process which is approved by the Chief Finance Officer and Monitoring Officer and/or which is permitted by the Invitation to Tender documents, a statement that any Tenders submitted by fax or other electronic means shall not be considered.
- All Invitations to Tender or Quotations must specify the goods, service or works that are required, together with the terms and conditions of contract that will apply (see Rule 18).

- The Invitation to Tender or Quotation must state that the LCCA is not bound to accept any Quotation or Tender.

### ***Rule 12: Shortlisting***

Shortlisting for contracts or agreements which are not subject to the Statutory Procedure may only be undertaken where permitted by UK law. Special rules apply to short listing for contracts or agreements which are subject to the Statutory Procedure, and these are set out in the Statutory Procedure.

### ***Rule 13: Submission, Receipts and Opening of Tenders/Quotations***

Candidates must be given an adequate period in which to prepare and submit a proper Quotation or Tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of Tenders. The Statutory Procedure lays down specific time periods (see guidance in the Purchasing Guidance).

All Tenders must be returned in accordance with the Invitation to Tender.

Tenders received by any means (e.g., email) other than the electronic tendering process approved by the Chief Finance Officer and Monitoring Officer must be rejected.

Each Tender must be:

- suitably recorded to verify the date and precise time it was received,
- adequately protected on receipt to guard against amendment of its contents.

### ***Rule 14: Clarification Procedures***

Providing clarification of an Invitation to Tender to potential or actual Candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted.

However, discussions with tenderers after submission of a Tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content (i.e., post-tender negotiations) are the exception rather than the rule. In particular, they must not be conducted in a Statutory Procedure where this might distort competition, especially with regard to price.

Any such discussions with one candidate must be offered to other potential candidates.

### ***Rule 15: Evaluation of Tenders***

Apart from the debriefing required or permitted by these Contract Procedure Rules, the confidentiality of Quotations, Tenders and the identity of Candidates must be preserved at all times and information about one Candidate's response must not be given to another Candidate.

Contracts must be evaluated and awarded in accordance with the Award Criteria. During this process, Officers shall ensure that submitted Tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily.

The arithmetic in compliant Tenders must be checked. If arithmetical errors are found they should be notified to the tenderer, who should be requested to confirm or withdraw their Tender. Alternatively, if the rates in the Tender, rather than the overall price, were stated within the Invitation to Tender as being dominant, an amended Tender price may be requested to accord with the rates given by the tenderer.

#### ***Rule 16: Post Tender Negotiations***

Post tender negotiations under the Statutory Procedure can only be undertaken on the grounds allowing for such specified in the Statutory Procedure. For all other procedures if post-tender negotiations are necessary after a single-stage Tender process or after the second stage of a two-stage Tender process, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful Candidates have been informed.

During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers undertaking any post-tender negotiations should ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

Post-tender negotiation must only be conducted in accordance with [the guidance issued by the Monitoring Officer who, together with the Chief Finance Officer, must be consulted wherever it is proposed to enter into post-tender negotiation.

Where post-tender negotiation results in a fundamental change to the specification (or contract terms) the contract must not be awarded but re- tendered.

#### ***Rule 17: Award of Contracts and Framework Agreements and Debriefing Candidates***

Officers may accept quotations, tenders and bids received up to £50,000 in value in respect of proposed contracts and Framework Agreements, provided that they have been sought and evaluated fully in accordance with these Contract Procedure rules, and that budget provision is available.

In respect of proposed contracts and Framework Agreements over £50,000 and up to £250,000 in value an Officer may accept tenders or bids received provided they have been sought and evaluated fully in accordance with these Contract Procedure rules only following consultation with the Chief Operating Officer.

For proposed contracts and Framework Agreements that are expected to exceed £250,000 an Officer may accept tenders or bids received provided they have been sought and evaluated fully in accordance with these Contract Procedure rules only following approval from the Chief Finance Officer.

For contracts and Framework Agreements subject to the Statutory Procedure, the Officer must notify all Candidates simultaneously and as soon as possible of the intention to award the contract or Framework Agreement to the successful Candidate and provide information required by the Statutory Procedure specifying the name(s) of the successful Candidate(s), the award criteria and the reasons for the decision including the score of the Candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender.

Officers must provide unsuccessful Candidates **with a period of at least ten days** in which to challenge the decision before the Officer awards the contract or Framework Agreement. If the decision is challenged by an unsuccessful Candidate, then the Officer shall not award the contract or Framework Agreement and shall immediately seek the advice of the Monitoring Officer. The requirement to notify candidates of the intention to award a contract or Framework Agreement in this Rule 17 does not apply to:

- contracts and Framework Agreements that are not subject to the Statutory Procedure (such as social and other specific services listed under the Statutory Procedure, or where the value is under the Statutory Threshold) and
- contracts subsequently called off and awarded based on a Framework Agreement that was let in accordance with the Statutory Procedure

If a Candidate requests in writing the reasons for a Contracting Decision relating to an unsuccessful Quotation or Tender it has submitted, the Officer must give in writing the name(s) of the successful Candidate(s), the award criteria and the reasons for the decisions including the score of the candidate being debriefed and the successful Candidate(s) and the characteristics and relative advantages of the successful tender.

## **5. Contract and other formalities**

### ***Rule 18: Contract Documents (including Signing and Sealing Contracts)***

All Relevant Contracts that exceed £50,000 shall be in writing. All Relevant Contracts, irrespective of value, shall clearly specify:

- what is to be supplied (i.e., the works, materials, services, matters or things to be furnished, had or done),
- the provisions for payment (i.e., the price to be paid and when),
- the time, or times, within which the contract is to be performed,
- the provisions for the Authority to terminate the contract.

The LCCA's standard terms and conditions or standard contract forms issued by a relevant professional body must be used wherever possible. In addition, every contract or agreement must also state clearly as a minimum:

- that the contractor may not assign or sub-contract without prior written consent,
- any insurance requirements,
- health and safety requirements,
- data protection requirements, if relevant,
- Equality Act requirements,
- Anti-bribery compliance,
- Freedom of Information Act requirements,
- a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant,
- that the LCCA shall use its best endeavors to pay the contractor and the contractor shall pay its subcontractors within 30 days of an undisputed invoice.

The formal advice of the Monitoring Officer must be sought for the following contracts:

- those involving leasing arrangements,
- where it is proposed to use a supplier's own terms or,
- those that are complex in any other way.

Agreements shall be completed as follows:

<b>Total Value</b>	<b>Method of completion</b>	<b>By</b>
Up to £250,000	Signature	Authorised Signatory
Above £250,000	Sealing	See Rule 18

All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances.

Where contracts are completed by each side as a deed, such contracts shall be executed by the fixing of the LCCA's seal and must be witnessed by an Authorised Signatory.

Every LCCA sealing will be consecutively numbered, recorded and signed by the person witnessing the seal. A contract must be sealed where:

- the LCCA may wish to enforce the contract more than six years after its end,
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services,
- there is any doubt about the authority of the person signing for the other contracting party, or the Total Value exceeds £75,000 unless the Monitoring Officer does not consider that sealing is necessary.

Authorised Signatories may sign and witness the sealing of documents by way of electronic signature.

***Rule 19: Bond and Parent Company Guarantees***

Officers must consult the Chief Finance Officer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and:

- the Total Value exceeds £250,000, or
- selection and/or award is based on evaluation of the parent company, or
- there is some concern about the stability of the Candidate.

An Officer must consult the Chief Finance Officer about whether a Bond is needed:

- where the Total Value exceeds £1,000,000, or
- where it is proposed to make stage or other payments in advance of receiving the whole of the subject matter of the contract and there is concern about the stability of the Candidate.

**6. Contract Management**

***Rule 20: Management Contracts***

Chief Officers are to name Contract Managers for all new contracts. All contracts must have a LCCA Contract Manager for the entirety of the contract.

Contract Managers must follow the procedures set out in the LCCA's Purchasing Guidance.

Anyone awarding a contract must notify the Chief Finance Officer of the details of that contract if for any reason the tender has not been issued via the Procurement Section.

The Chief Finance Officer must maintain a central register of all contracts let with a value more than £50,000.

***Rule 21: Risk Assessment and Contingency Planning***

A business case must be prepared for all procurements with a potential value over the Statutory Threshold. Provision for resources for the management of the contract, for its entirety, must be identified in the business case.

For all contracts with a value of over £75,000, Contract Managers must consider maintaining a risk register during the contract period, undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

***Rules 22: Contract Monitoring, Evaluation and Review***

The Chief Finance Officer may require that a developed Gateway review process may be applied to all contracts deemed to be high risk, high value, or high profile. This process must be applied at key stages of major procurements.

During the life of the contract, Officers must monitor in respect of:

- Performance,
- Compliance with specification and contract,
- Cost,
- Any Value for Money requirements,
- Social value requirements,
- User satisfaction and risk management.

***Rule 23 – Grants – Transparency award criteria, grant agreements, monitoring, evaluation, and review***

*Transparency – Award Criteria*

Where there is more than one likely possible grant recipient, grants should be awarded following an open, fair, transparent process.

Officers must define award criteria that are appropriate to the grant programme. Bids for grants must be evaluated and awarded in accordance with the award criteria. All grant awards should be approved by the Chief Finance Officer.



Before awarding any grant, the officer shall ensure compliance with prevailing subsidy rules, adhering to any LCCA Grant Award Procedure and seeking advice from the Procurement Team as appropriate.

#### *Grant Agreements*

Grant agreements should specify that the LCCA may withhold or suspend payment of the grant and require repayment of all or part of the grant if, among other matters, the recipient organisation:

- Misuses the grant,
- Fails to comply with the terms and conditions of the grant agreement o Obtains duplicate funding from a third party,
- Provides the LCCA with misleading or inaccurate information,
- Commits fraud or bribery,
- Ceases to operate, is wound up, dissolved or becomes insolvent.

#### *Monitoring, Evaluation and Review*

During the life of the grant agreement, the Officer must monitor in respect of:

- Compliance with grant conditions,
- Spend against profile,
- Programme outcomes.

## 7. Definitions

Term	Definition
Authorised Signatory	An officer authorised by the Monitoring Officer in accordance with the LCCA's Constitution to sign a contract or witness the LCCA's seal.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected (see further Rules 10 and 11).
Award Procedure	The procedure for awarding a contract as specified in Rules 8, 10 and 15.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the LCCA.
Candidate	Any person or organisation who applies for, asks or is invited to submit a Quotation or Tender.
Central Purchasing Body	Means a contracting authority which provides centralised purchasing activities, and which may also provide ancillary purchasing activities
Chief Officers	The Officers defined as such in Article 9 of the LCCA Constitution.
Code of Conduct	The Code of Conduct for Employees as set out from time to time in the LCCA Constitution.
Committee	A committee which has power to make decisions for the LCCA.
Constitution	The constitutional document approved by the LCCA of which those Contract Procedure Rules form part.
Consultant	Specialist advisers engaged to provide professional services to the LCCA.
Contracting Decision	<p>Any of the following decisions:</p> <ul style="list-style-type: none"> <li>• withdrawal of Invitation to Tender</li> <li>• whom to invite to submit a Quotation or Tender</li> <li>• Shortlisting</li> <li>• award of contract or Framework Agreement</li> <li>• any decision to terminate a contract.</li> </ul>
Delegated Officer	The Officer authorised by the Chief Officer to approve requisitions and purchase orders.

Term	Definition
Statutory Procedure	The procurement procedure required by UK law for goods, works and services where the Total Value exceeds the Statutory Threshold.
Statutory Threshold	The values at which the relevant UK public procurement law applies.
European Economic Area	The members of the European Union, and Norway, Iceland and Liechtenstein
Financial Procedure Rules	The LCCA's Financial Procedure Rules outlining Officer responsibilities for financial matters prepared by the Section 73 Officer and becoming part of the LCCA Constitution.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Head of Procurement	The Officer as designated by the Chief Finance Officer
High Profile	A high-profile purchase is one that could have an impact on functions integral to LCCA service delivery should it fail or go wrong.
High Risk	A high-risk purchase that is in the opinion of the Section 73 Officer one which presents the potential for substantial exposure on the LCCA's part should it fail or go wrong.
High Value	A high-value purchase is where the value exceeds the Statutory Threshold values.
Invitation to Tender	Invitation to tender documents in the form required by these Contract Procedure Rules.
Monitoring Officer	As identified in the LCCA Constitution
Non-Commercial Considerations	<p>(a) The terms and conditions of employment by contractors of their workers or the composition of the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').</p> <p>(b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of</p>

Term	Definition
	<p>contracts with individuals, contracts for the provision by them as self- employed persons of their services only.</p> <p>(c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.</p> <p>(d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').</p> <p>(e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.</p> <p>(f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.</p> <p>(g) Financial support or lack of financial support by contractors for any institution to or from which the LCCA gives or withholds support.</p> <p>(h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.</p> <p>Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with Best Value; or where there is a transfer of staff to which the Transfer of undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.</p>
Officer	The Officer designated by the LCCA to deal with the procurement and award of the contract in question.
Parent Company Guarantee	A contract which binds the parent of a subsidiary company whereby if the subsidiary company fails to do what it has promised under a contract with the LCCA, the LCCA can require the parent company to do so instead.
Procurement Strategy	The document setting out the LCCA's approach to procurement and key priorities for the next few years.
Procurement Team	The Team under the Section 73 Officer' responsibility for Procurement Services.
Purchasing Guidance	Any guidance documents issued from time to time by the Section 73 Officer that support the implementation of these Contract Procedure rules.

Term	Definition
Quotation	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender).
Relevant Contract	Contracts to which these contract procedure rules apply (see Rule 4).
Shortlisting	The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
Tender	A Candidate's offer submitted in response to a LCCA Invitation to Tender.
Total Value	<p>The whole of the value (inclusive of VAT) or estimated value (in money or equivalent value) calculated as follows:</p> <ul style="list-style-type: none"> <li>(a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period</li> <li>(b) where the purchase involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months</li> <li>(c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48</li> <li>(d) in the case of framework agreements and dynamic purchasing systems, the maximum estimated value of all contracts envisaged for the total term of the framework agreement or the dynamic purchasing system.</li> </ul>
Chief Finance Officer	As identified in the LCCA Constitution.
TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246)	Subject to certain conditions, the regulations applying where responsibility for the delivery of works or services for the LCCA is transferred from one organisation (e.g., private contractor, local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.
Value for Money	the most economically advantageous proposal that combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

## **Section 8 – Officer Employment Procedure Rules**

### **Recruitment of Head of Paid Service and Chief Officers**

1. Where the Authority proposes to appoint a Chief Officer (as defined in Article 9.3) and it is not proposed that the appointment be made exclusively from among their existing officers, the LCCA will:
  - a) draw up a job description and person specification specifying:
    - i) pay range for the post;
    - ii) the duties of the officer concerned; and
    - iii) any qualifications or qualities to be sought in the person to be appointed;
  - b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - c) make arrangements for the job description and person specification to be sent to any person on request.

### **Appointment in respect of the Head of Paid Service, the Monitoring officer, Chief Finance Officer or Chief Operating Officer.**

2. The appointment of the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer is a reserved function of the Authority.
3. The Authority will approve the appointment of the Head of Paid Service, the Monitoring officer and the Chief Finance Officer following a recommendation for such an appointment by a Committee or Sub-committee of the Authority.
4. That Committee or Sub-committee must include at least one member of each Constituent Council (and may include all Constituent Council Members).

*(Note: The National Salary Framework & Conditions of Service of Local Authority Chief Executives and subsequent guidance will be used to support the arrangements for the appointment, dismissal and disciplinary action in respect of the Head of Paid Service)*

### **Dismissal in respect of the Head of Paid Service, the Monitoring officer or Chief Finance Officer.**

5. The provisions of Schedule 3 (below) of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) are incorporated into the Constitution in respect of the appointment or dismissal of the Head of Paid Service, or the dismissal of the Monitoring Officer or Chief Finance Officer.
6. The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no

longer than two months. Suspension is a neutral act.

**Appointment, dismissal and disciplinary action in respect of Chief Officers and percentage related deputy Chief Officers other than the Head of Paid Service, the Chief Finance Officer, and the Monitoring officer**

The Authority will appoint, dismiss and take disciplinary action in respect of Chief Officers.

7. The Authority may only approve the appointment or dismissal of a Chief Officer or deputy Chief Officer where no material or well-founded objection has been made by a Member from a Constituent Council.
  
8. The Authority has adopted the Model Disciplinary Procedure and Guidance (England) produced by the JNC for Chief Executives/Chief Officers set out in the National Salary Framework and Conditions of Service handbook. This procedure and guidance were commended to the Authority by the Local Government Association (LGA) and the Association of Local Authorities Chief Executives and Senior Managers (ALACE).

**Other appointments, dismissals and disciplinary action**

9. Appointment, dismissals and disciplinary action in respect of all other officers is the responsibility of the Head of Paid Service (or their nominated representative). The Authority may not make such decisions.
  
10. Any such appointments, dismissals and disciplinary action must be undertaken in accordance with the law, the Human Resources policies and procedures and on the basis of the staffing establishment and budget approved by the Authority.

**SCHEDULE 3 (as amended by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881))**

*Provisions to be incorporated in standing orders in respect of disciplinary action*

1. *In the following paragraphs—*
  - a) *“the 2011 Act” means the Localism Act 2011;*
  - b) *“Chief Finance Officer”, “disciplinary action”, “Head of Paid Service” and “Monitoring Officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001(c);*
  - c) *“independent person” means a person appointed under section 28(7) of the 2011 Act;*
  - d) *“local government elector” means a person registered as a local government elector in the register of electors in the authority’s area in accordance with the Representation of the People Acts;*
  - e) *“the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972(d) for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;*
  - f) *“relevant meeting” means a meeting of the authority (i.e. Full Council) to consider whether or not to approve a proposal to dismiss a relevant officer; and*
  - g) *“relevant officer” means the chief finance officer, head of the authority’s paid service or monitoring officer, as the case may be.*
2. *A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.*
3. *The Authority must invite relevant independent persons to be considered for appointment to a Panel, with a view to appointing at least two such persons to a Panel.*
4. *In paragraph 3 “relevant independent person” means any independent person who has been appointed by the Authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the Authority considers appropriate.*
5. *Subject to paragraph 6, the Authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order—*
  - a) *a relevant independent person who has been appointed by the authority and who is a local government elector;*
  - b) *any other relevant independent person who has been appointed by the Authority;*
  - c) *a relevant independent person who has been appointed by another Authority or Authorities.*



6. *An Authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.*
7. *The Authority must appoint any Panel at least 20 working days before the relevant meeting.*
8. *Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the Authority must consider, in particular*
  - c) *any advice, views or recommendations of the Panel;*
  - d) *the conclusions of any investigation into the proposed dismissal; and*
  - e) *any representations from the relevant officer.*
9. *Any remuneration, allowances or fees paid by the Authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act."*

*The Authority has adopted the Model Disciplinary Procedure and Guidance (England) produced by the JNC for Chief Executives/Chief Officers set out in the National Salary Framework and Conditions of Service handbook. This procedure and guidance were commended to the Authority by the Local Government Association (LGA) and the Association of Local Authorities Chief Executives and Senior Managers (ALACE).*

# Part 5 – Protocols and Ethical Standards

## Section 1 – Members Code of Conduct

### Definitions

For the purposes of this Code of Conduct, a “member” means a constituent member or co-opted member of the LCCA. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

### General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority’s requirements and in the public interest.

### Application of the Code of Conduct

This Code of Conduct applies to you as soon as you are appointed as a member of the Lancashire County Combined Authority or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a member or co-opted member of the LCCA.

This Code of Conduct applies to you when you are acting in your capacity as a member which may include when:

- you misuse your position as a member

- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a member

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a member.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from the LCCA Monitoring Officer on any matters that may relate to the Code of Conduct.

### **Standards of member conduct**

This section sets out your obligations, which are the minimum standards of conduct required of you as a member. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

### **General Conduct**

The general conduct guidance follows below:

#### **1. Respect**

**As a member:**

**1.1 I treat other members and members of the public with respect.**

**1.2 I treat LCCA employees, employees and representatives of partner organisations and those volunteering for the LCCA with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a member, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in members.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the LCCA, the relevant social media provider or the police. This also applies to fellow members, where action could then be taken under the Member Code of Conduct, and local authority employees, where concerns should be raised in line with the member-officer protocol.

## **2. Bullying, harassment and discrimination**

**As a member:**

**2.1 I do not bully any person.**

**2.2 I do not harass any person.**

**2.3 I promote equalities and do not discriminate unlawfully against any person.**

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.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Members have a central role to play in ensuring that equality issues are integral to the LCCA's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

## **3. Impartiality of officers of the LCCA**

**As a member:**

**3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**

Officers work for the LCCA as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

#### **4. Confidentiality and access to information**

**As a member:**

- **4.1 I do not disclose information:**
  - a. given to me in confidence by anyone
  - b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless
    - i. I have received the consent of a person authorised to give it;
    - ii. I am required by law to do so;
    - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
    - iv. the disclosure is:
      - 1. reasonable and in the public interest; and
      - 2. made in good faith and in compliance with the reasonable requirements of the Lancashire Combined County Authority; and
      - 3. I have consulted the Monitoring Officer prior to its release.

**4.2 I do not improperly use knowledge gained solely as a result of my role as a member for the advancement of myself, my friends, my family members, my employer or my business interests.**

**4.3 I do not prevent anyone from getting information that they are entitled to by law.**

Combined County Authorities must work openly and transparently and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the LCCA must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

#### **5. Disrepute**

**As a member:**

**5.1 I do not bring my role or the LCCA into disrepute.**

As a member, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other members and/or the LCCA and may lower the public's confidence in your or the LCCA's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the LCCA into disrepute.

You are able to hold the LCCA and fellow members to account and are able to constructively challenge and express concern about decisions and processes undertaken by the LCCA whilst continuing to adhere to other aspects of this Code of Conduct.

#### **6. Use of position**

**As a member:**

**6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.**

Your position as a member of the LCCA provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

## **7. Use of LCCA resources and facilities**

**As a member:**

**7.1 I do not misuse LCCA resources.**

**7.2 I will, when using the resources of the LCCA or authorising their use by others:**

- **a. act in accordance with the LCCA requirements; and**
- **b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the LCCA or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the LCCA to assist you in carrying out your duties as a member. Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a member more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the LCCA's own policies regarding their use.

## **8. Complying with the Code of Conduct**

**As a Member:**

**8.1 I undertake Code of Conduct training provided by the LCCA.**

**8.2 I cooperate with any Code of Conduct investigation and/or determination.**

**8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**

**8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a member to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the LCCA's processes in handling a complaint you should raise this with the LCCA Monitoring Officer.

## **9. Protecting your reputation and the reputation of the LCCA Interests**

**As a member:**

**9.1 I register and disclose my interests.**

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, LCCA employees and fellow members know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

**Appendix B** sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

### **10. Gifts and hospitality**

**As a member:**

**10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the LCCA for any permission, licence or other significant advantage.**

**10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**

**10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the LCCA, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a member. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a member. If you are unsure, do contact your Monitoring Officer for guidance.

### **Appendix A – The Seven Principles of Public Life**

The principles are:

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **Honesty**

Holders of public office should be truthful.

### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

## **Appendix B Registering Interests**

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"**Disclosable Pecuniary Interest**" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"**Partner**" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the member, or a person connected with the member, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### **Non participation in case of disclosable pecuniary interest**

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate 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, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

### **Disclosure of Other Registerable Interests**

5. Where a matter arises at a meeting which *directly relates* to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise 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.



## Disclosure of Non-Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. 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. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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.

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the **Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.**

Subject	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 LCCA) made to the member during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a member, or towards his/her election expenses. 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 made between the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the LCCA – (a) under which goods or services are to be provided or works are to be executed; and

Subject	Description
	(b) which has not been fully discharged.
Land and property	Any beneficial interest in land which is within the area of the LCCA. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the member or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the LCCA for a month or longer
Corporate tenancies	Any tenancy where (to the member's knowledge)— (a) the landlord is the LCCA; and (b) the tenant is a body that the member, or his/her spouse or civil partner or the person with whom the member is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the member's knowledge) has a place of business or land in the area of the LCCA; 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 member, or his/ her spouse or civil partner or the person with whom the member is living as if they were spouses/civil partners have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

\* 'director' includes a member of the committee of management of an industrial and provident society.

\* '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.

#### Table 2: Other Registrable Interest

You must register as an Other Registerable Interest :

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body
  - (i) exercising functions of a public nature
  - (ii) directed to charitable purposes or
  - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management

## **Section 2 – Employee Code of Conduct**

### **Introduction**

1. The LCCA is committed to achieving and maintaining the highest possible standards of conduct.
2. This Employee Code of Conduct (hereafter referred to as the “Code”) outlines the standards of behaviour expected of all employees – morally, ethically and legally.
3. The Code is additional to appropriate statutes, sections of the National Scheme of Conditions of Service, the Financial Procedure Rules and particularly the protocol on Member / Officer Relations. It forms part of the contractual terms and conditions of employment and applies to all employees.
4. The Code cannot cover all areas that are likely to arise in practice, but the principles of the Code will apply to ensure the integrity of the LCCA is maintained at all times.

### **Conduct and Standards**

5. All employees are expected to give the highest possible standard of service to the public, communities, Members and fellow employees in a courteous, efficient and impartial manner, to protect themselves from any misunderstanding and unfair criticism. Any advice to Members and fellow employees should be done so with impartiality.
6. All employees should be aware of their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.
7. Any departure from these high standards will be treated as a serious matter and could lead to action under the LCCA’s Disciplinary Policy and/or in conjunction with other applicable policies. This may result in formal action up to and including dismissal, and, where necessary through the process of the law, for example, criminal proceeding.

### **Equality Issues**

8. The LCCA’s policies relating to equality issues in employment and service delivery must be complied with, in addition to the requirements of the law.
9. All members of the local community, customers / service users and other employees have a right to be treated with fairness and equity in accordance with the LCCA’s Equality Policy and the Equality Act 2010.

## **Dress and Personal Appearance at Work**

10. All employees are reminded that standards of dress, personal appearance and hygiene, including standards required in the interests of health and safety, can affect public confidence and all employees should comply with expected standards for their particular employment.

## **Health and Safety**

11. In the interests of the public and colleagues, employees must adhere to the LCCA's Health and Safety arrangements. Employees must not act either wilfully or unintentionally in a manner liable to place the public, their colleagues, or themselves at risk, and must adhere to the duty of care prescribed in the LCCA's Health and Safety arrangements.
12. This is particularly the case where there is direct responsibility for a service user's welfare.
13. It is important that all employees working with children, young people and vulnerable adults understand that the nature of their workplaces places them in a position of trust. Such employees should be familiar with government guidance, local procedures and protocols for safeguarding the welfare of children young people and vulnerable adults. Employees have a duty to report any child protection or welfare concerns to a designated member of staff in the organisation or the relevant Constituent Council
14. It is the responsibility of every employee to immediately report:
  - any criminal offence, caution, conviction or police involvement concerning their conduct that occurs during employment whether inside or outside of working hours; and
  - if they are barred from any professional occupation during the course of their employment.
15. In addition, any employee working in activity where a check by the Disclosure and Barring Service (DBS) of any level is required must also report any criminal offence, caution, conviction or police involvement concerning the conduct of their partner (regardless of whether they are living in the same household) or a family member living in the same household.

## **Political Awareness and Impartiality**

16. Employees are public servants; however, they do have clearly different and distinct roles and responsibilities.
17. All employees are responsible for undertaking assigned duties and responsibilities appropriate to their job role with the LCCA.
18. Employees must always be impartial in their dealings with Members from all political parties.
19. Employees may be required to advise political groups in the course of their duties and in doing so they must not compromise their political neutrality.

20. Employees must not at any time allow their own personal or political views or interests to influence them in the work they undertake on behalf of the LCCA.

### **Politically Restricted Posts**

21. Employees holding politically restricted posts are disqualified, under the Local Government and Housing Act 1989, from membership of any local authority, other than a parish or community council or from being an MP and are subject to prescribed restrictions on their political activity.

22. All employees holding a politically restricted post will have been notified, in writing. Political restricted posts fall into two broad categories: specified posts and sensitive posts. Postholders in specified posts are politically restricted without the right of appeal.

a) Specified Posts:

- Head of Paid Service (s4 Local Government and Housing Act)
- Statutory and Non-Statutory Chief Officers
- Deputy Chief Officers reporting to a Chief Officer
- The Monitoring Officer (s5 Local Government and Housing Act)
- Officers exercising delegated powers ie: employees whose posts are for the time being specified by the authority in a list maintained in accordance with s100G(2) of the Local Government Act 1972

b) Sensitive Posts these are posts where the primary role is to give advice on a regular basis to:

- the LCCA itself
- any committee or sub-committee of the LCCA
- any joint committee on which the Authority is represented
- the Executive of the Authority or any committee of the Executive
- any member of that Executive.

23. Sensitive posts also include those where the postholder would be expected to speak on behalf of the LCCA on a regular basis to journalists or broadcasters.

24. Employees, whether in a politically restricted post, must not allow their own personal or political opinions to interfere with their work. This shall not prevent employees expressing a professional view in accordance with their duties.

25. Employees may be required to advise political groups. They must do so in ways which do not compromise their political neutrality and in line with the protocol on Member / Officer Relations.

26. Mutual respect between employees and Members is essential to good working relationships. Close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and Members and should therefore be avoided when dealing with LCCA business.

## **Appointment and other employment matters**

27. Employees involved in appointment and promotions should ensure that any decisions are made in accordance with the LCCA's Human Resources / Equality Policy and Procedures and based on merit.
28. To avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work with them or seek to influence an appointment or promotion for any purpose.
29. Similarly, employees should not be involved in decisions relating to discipline, promotion or pay for an employee who is a relative, partner or close friend.
30. Employees must not approach Members on matters relating to reorganisations, terms and conditions of employment or other employment matters that affect them individually except through procedures laid down in Human Resources policies and procedures or agreed by the Head of Paid Service.

## **Disclosure of Information and Confidentiality**

### **Media and Social Media**

31. All employees should not contact or disclose information relating to the work of the LCCA to the media, other than as part of their job or as an official spokesperson of the LCCA.
32. Employees must not disclose any information on personal pages via social media, for example, Facebook, X etc. which is, or may be, protected under the Data Protection Act 2018 relating to Authority's business, service users, employees or Councillors. Employees must take care to ensure that any use of social media does not bring the LCCA into disrepute nor is defamatory or libellous.
33. Where there is a reasonable belief that social media has been used inappropriately this should be raised with a Senior Officer, alternatively the Whistleblowing Policy can be referred to.
34. Examples where it may have been used inappropriately include:
  - it highlights potential criminal activity;
  - the disclosure of confidential information;
  - where the suspicion arises that there has been fraud, dishonesty or corruption;
  - where there is the potential to bring the Authority into disrepute.
35. The Whistleblowing Policy can be used to raise genuine concerns regarding any aspect of the LCCA's work.

## **Data Protection**

36. All information containing personal data relating to members of the public, Members and employees must be obtained, held and dealt with fairly and lawfully in accordance with the Data Protection Act 2018. Any information relating to the Authority's business, its service users, employees or Members must not be used or given out in any manner that does not comply with that Act, except where this has been expressly authorised.
37. Employees must respect the confidentiality of any information they are given. All Employees should make themselves aware, where information they come into contact with in the course of their employment is confidential. Employees should not prevent another person from gaining access to information to which that person is entitled by law.
38. To protect the confidentiality of this information and without prejudice to other obligations an employee may have in handling information, employees must:
- not disclose to any person or make use of any such confidential information unless authorised to do so
  - not make any copies, abstracts or summaries of the whole or part of any document, computer record or other records belonging to the Authority, except when required to do so in the course of their employment.
39. Upon the termination of their employment with the Authority for whatever reason or otherwise at the Authority's request, an employee must immediately return all property belonging to the Authority or third party held in connection with their employment which may be in their possession or control.

## **Intellectual Property**

40. Intellectual property is a general term that includes inventions, creative writings and drawings. If any of these are created by any employee in the course of their employment, for example, plans, then as a general rule they belong to the Authority and therefore cannot be sold or lent to any other person or organisation without prior written permission of the Authority.

## **General Disclosures in relation to LCCA Executive Reports**

41. The law requires that most of the work undertaken by the Authority should be open to inspection, transparency and that certain types of information should be available to Members, Government Departments, service users and the public.
42. There are exceptions to this which include:
- confidential or "exempt from publication" information discussed at meetings of the Authority, , committees and other meetings when the press and public have been excluded;
  - commercially sensitive information in relation to contracts for the supply of goods and/or services;
  - personal information relating to service users, employees and Members.

43. All employees should not disclose (without express permission) information relating to those items at Para 42 above and reports. No reports relating to staffing, financial, commercial, disciplinary, political or other confidential matters should be provided or discussed without the express agreement of the Authority, Head of Paid Services or Chief Officer as appropriate.

### **Corruption**

44. All employees must ensure that any use public funds entrusted to them are used in a responsible and lawful manner.
45. It may be deemed to be corrupt if employees receive or give any gift, loan, fee, reward or advantage for doing, or not doing anything or showing favour, or disfavour, to any person in their official capacity and could amount to a criminal offence as well as gross misconduct and may place them at risk of a criminal sanction as well as disciplinary proceedings. This includes bribing another person, being bribed and/or bribing a foreign public official.
46. Failing to prevent bribery is also considered to be a 'corporate offence'. Under this, the Authority may be guilty of an offence if an "associated person" bribes someone else with the intention to obtain or retain business, or a business advantage, for the Authority. "Associated persons" may include employees, agents and subsidiaries.

### **Gifts & Hospitality**

47. A gift should only be accepted where it is reasonable and justifiable and is on a scale appropriate to the circumstances, for example, the gift has a token value and will not give the impression of influence or reward.
48. Except for gifts of a token value, all employees should refuse any gift or hospitality offered to them personally or to members of their family. All gifts or offers of hospitality with a value over £50 must be declared by notification to the Monitoring Officer (or their nominated representative). Nothing over the token value must be accepted without the written consent of the Monitoring Officer (or their nominated representative) .
49. No personal gifts from either existing or potential contractors or suppliers should be accepted and gifts should not take the form of cash, bonds or benefits such as hotel accommodation or tickets to major sporting events.
50. Normally, visits to exhibitions, inspection of equipment and attendance at conferences by employees will be at the Authority's expense. There may be occasions where it may be in the Authority's interest to accept offers from outside agencies, organisations or individuals, for example, offers of hospitality which form part of the life of the community or where the Authority needs to be represented. The decision to attend will be made by the Chief Operating Officer (or their nominated representative). When receiving authorised hospitality, you should be particularly sensitive about its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.



51. If there is any doubt, the approval of the Monitoring Officer (or their nominated representative) should be sought before accepting any gift or hospitality or the offer should be declined politely.
52. The requirements of this Code concerning the acceptance of gifts or hospitality also apply to where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily. Particular care must be taken when dealing with contractors or potential contractors.
53. Where the Authority wishes to sponsor an event or service or where the Authority through sponsorship, grant aid, financial or other means, give support in the community, the prior approval of the Chief Operating Officer is required.

### **The Selection of Developers, Consultants or Contractors**

54. The need for accountability and openness is crucial during any tendering exercise. Any relationship, of a private or business nature, with any current or proposed external contractor(s) and/or supplier(s) of services to the LCCA must be declared to the relevant Chief Officer prior to any involvement in the tendering or contract process.
55. No part of the community should be discriminated against when assessing or awarding contracts.
56. Orders and contracts must be awarded fairly against other tenders, in accordance with the LCCA's Financial Procedure Rules and Contract Procedure Rules. No special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process.
57. No employee should behave in a manner that gives the impression they are in a position of favouring one party over another, or in their dealings, behave in such a way that seeks or implies a gift, loan, fee, reward or advantage, or implies any offer of such is required in return for an award of contract.
58. Any employee involved in the selection or supervision of contractors who they have previously had, or currently have a relationship or any other official relationships with contractors or potential contractors in a business or personal capacity, should declare that relationship in writing to the relevant Chief Operating Officer (or their nominated representative). Where there are concerns from any party about a relationship with an external contractor and/or supplier, then the Whistleblowing Policy should be referred to.

### **Financial, Personal and Conflicts of Interests**

59. For the purposes of this Code, the following are examples of who should declare an interest. The list is not exhaustive:
  - If you have a direct or indirect financial interest in a company or organisation which trades, or could potentially trade with the LCCA;
  - If you or your spouse/partner have a direct personal, financial and other interest which may conflict with the business of the LCCA or with your employment with the Authority.

## Personal commitments

60. A personal commitment outside work which may conflict with employment in the LCCA must be declared in writing to the Chief Operating Officer (or their nominated representative) . This includes being employed by or receiving any kind of payment including those 'in kind', from a company or organisation (not including a Constituent Council) which has a contract with the LCCA.
61. Other examples include:
- directorships, including non-executive directorships of, or employment by, public or private companies likely or possibly seeking to do business with the LCCA;
  - close relative, spouse or partner who has directorship of public or private companies likely or possibly seeking to do business with the LCCA;
  - outside interests that may have conflicting time demands and so could possibly affect the performance of duties in the LCCA. Examples include, second or third jobs, management of companies, etc;
  - remunerated or honorary positions and other connections with organisations which may give rise to a conflict of interests;
  - representational or other non-financial interests in areas covering Authority business.
  - tenancy or licence agreements with the LCCA;
  - employees who may have small personal interests whereby they do not have contractual relations with the LCCA but may sell goods on a small scale to employees of the LCCA.
  - Membership of a Secret Society.
62. All employees should disclose any land, (other than their home), or business in which they have an interest which is, or likely to be, the subject of an Authority decision.
63. The Monitoring Officer (or their nominated representative) will maintain a confidential register of all declared interests to ensure standards of conduct are maintained. This will be reviewed annually by the Monitoring Officer. If your circumstances change you can make a voluntary declaration by completing and submitting the Register of Interest Form.
64. If any employee has a personal interest in a matter raised at a meeting where they are in attendance or advising on the matter, this must be declared immediately and they must take no further part. Such a declaration made at an official meeting will be recorded formally in the minutes of the meeting.
65. The LCCA requires that employees declare if they are a member of any Secret Society. A Secret Society can be defined as:
- "Any lodge, chapter, society, trust or regular gathering or meeting which is not open to members of the public, who are not members of that lodge, chapter, society, trust, regular gathering or meeting"
  - "A society which as part of membership obliges a member to make a commitment, whether by oath or otherwise, of allegiance to the lodge, chapter, society, trust, regular gathering or meeting" and

- “Includes, whether initially or subsequently, a commitment, whether by oath or otherwise, of secrecy about the rules, membership, or conduct of the lodge, chapter, society, trust, regular gathering or meeting”.

66. Employees should note that a lodge, chapter, society, trust, regular gathering or meeting as defined above, should not be regarded as a Secret Society if it forms part of the activity of a generally recognised religion.

### **Commitments outside Work**

67. All employees should not engage in any other business or take outside employment which conflicts with the LCCA's interests, for example, working with or for someone who does business or seeks to do business with the LCCA or obtain grants, consents or permits from the LCCA.

68. Officers on or above administrative, professional or technical grades specified in the LCCA's Pay Policy must not engage in any other business, such as any paid or unpaid employment or running a business, or take up any other additional appointment, without first receiving the express consent in writing from the Chief Operating Officer. Human Resources should be notified of any approvals granted.

69. Consent is not, however, required for:

- work in connection with religious bodies
- work in connection with the social and charitable life of the area
- work in connection with Friendly Societies, trade unions, staff organisations etc
- contributions to professional and trade periodicals or societies and other literary and recreational and artistic pursuits
- part-time teaching in technical colleges, evening schools, and tutorial work outside normal working hours.

70. Employees may not undertake outside work for payment by a member of the public on any matter connected with their official duties.

71. Employees may accept appointments as Presiding Officers / Poll Clerks at Elections or as Census Enumerators, with the necessary days of absence to count against their leave entitlement.

72. The LCCA will not attempt to preclude any of its employees from engaging in any other businesses or from undertaking additional employment, but any such employment must not conflict with or be detrimental to the LCCA's interests, or in any way weaken public confidence in the conduct of the LCCA's business.

73. Employees should not use the LCCA's premises, facilities and other resources in connection with their outside commitments.

## **Personal Relationships**

74. If an employee becomes involved in a personal relationship with someone they manage or are managed by or a relative or close personal friend, this should immediately be raised with an appropriate the Chief Operating Officer (or their representative) who will consider the individual circumstances and any implications regarding continued management to avoid any accusation or appearance of bias. Relevant issues will be considered on a case-by-case basis.

## **Compliance with the Code**

75. The Code of Conduct is part of every employee's contract. Failure to comply with the Code may result in disciplinary action being taken under the Disciplinary Policy and Procedure.

76. The LCCA reserves the right to take legal action against employees where breaches of the Code warrant such action.

77. The Chief Operating Officer and the Monitoring Officer are jointly responsible for the implementation of the Code and for ensuring it is regularly reviewed.

## **Section 3 – Officer Member Protocol**

### **Introduction and Principles**

1. The purpose of this Protocol sets out a framework for the conduct of relations between Members and Officers to ensure the smooth running of the business of the LCCA. This guidance should be heeded by Members and Officers of the LCCA, its Committees and Joint Committees, and of Constituent Councils providing services to LCCA, its Committees and Joint Committees.
2. In this guidance, references to Members include references, where appropriate, to members of its Committees and Joint Committees and, references to Officers include references where appropriate to officers of the Constituent Councils who provide services to the LCCA, its Committees and Joint Committees.
3. Given the variety and complexity of such relations, this guidance does not seek to be prescriptive or comprehensive. It offers guidance on some of the issues which most commonly arise. It is hoped, however, that the approach which it adopts to these issues will serve as a guide to dealing with other circumstances.
4. This guidance is a written statement of current practice and convention. It seeks to promote greater clarity and certainty. If the Protocol is followed it should ensure that Members receive objective and impartial advice and that Officers are protected from accusations of bias and any undue influence from Members.
5. It also seeks to reflect the principles underlying the respective Codes of Conduct that apply to Members and Officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and the Codes, therefore, demand very high standards of personal conduct.
6. This guidance should be read in conjunction with the Members' and Employees' Codes of Conduct and any guidance issued by the Audit and Governance Committee and/or the Monitoring Officer (or their representative).
7. This guidance relates to interactions and relations between Members and Officers both in-person and via digital and other means, including through Social Media.

### **General Points**

8. Both Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the communities of Lancashire and serve only so long as their term of office lasts. Officers are responsible to the LCCA, its Committees and Joint Committees. Their job is to give advice to Members and to carry out work under the direction and control of the LCCA, its Committees and Joint Committees.

9. At the heart of this guidance is the importance of mutual respect. Member/Officer relationships should be conducted in a positive and constructive way. Therefore, it is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or seek to exert undue influence on the other party.
10. A Member should not raise matters relating to the conduct or capability of an Officer at meetings held in public or before the press. This is a long-standing tradition in public service as an Officer has no means of responding to such criticisms in public. If a Member feels they have not been treated with proper respect, courtesy or has any concern about the conduct or capability of an Officer and fails to resolve it through direct discussion with the Officer, they should raise the matter with the Head of Paid Service of the LCCA who will then look into the facts and report back to the Member.
11. An Officer should not raise with a Member matters relating to the conduct or capability of another Officer in a manner that is incompatible with the overall objectives of this Protocol. Such matters should be raised with the Officer's immediate line manager or the Chief Operating Officer. Nothing in this Protocol prevents an Officer from expressing a concern under the LCCA's Whistleblowing Policy.
12. Nothing in this guidance shall prevent an Officer expressing a relevant concern under the LCCA Whistle Blowing Policy.
13. Where an Officer feels that they have not been properly treated with respect and courtesy by a Member, they should raise the matter with the Head of Paid Service or Monitoring Officer of the LCCA who will take appropriate action including approaching the individual Member concerned or discussing the matter with the Monitoring Officer where they consider there may be a breach of the Members' Code of Conduct.

#### **Officer Support to Members: General Points**

14. Officers must act in the best interests of the LCCA, its Committees and Joint Committees as a whole and must not give politically partisan advice.
15. Members must respect the impartiality of officers and do nothing to compromise it, e.g., by insisting that an officer change their professional advice.
16. Close personal familiarity between individual Members and Officers can damage professional relationships and can prove embarrassing to other Members and Officers and could give rise to the appearance of improper conduct or behaviour. . Close personal familiarity should therefore be avoided and Members and Officers should address each other formally in public.
17. Certain statutory officers – the Head of Paid Service of the LCCA, the Chief Finance Officer (Section 73 Officer) and the Monitoring Officer - have specific roles. These are addressed in the Constitution. Their roles need to be understood and respected by all Members. Members are reminded of the duty under the Code of Conduct to have regard to any advice given by the Chief Finance Officer (Section 73 Officer) or the Monitoring Officer.

18. The following key principles reflect the way in which Officers generally relate to Members:
- a) Officers undertaking work for the LCCA are accountable to the LCA Authority through the Head of Paid Service.
  - b) Support from Officers is needed for all the LCCA's functions. Day-to-day managerial and operational decisions should remain the responsibility of the Head of Paid Service of the LCCA and other Officers.
  - c) On occasion, a decision may be reached which authorises named Officers to take action between meetings following consultation with a Member or Members. It should be recognised that in these circumstances it is the Officer, rather than the Member or Members, who legally takes the action and it is the Officer who is accountable for it. If this action is a key decision the officer must ensure that the procedures to publicly notify such decisions are followed as set out in the constitution.
19. Finally, it should be remembered that Officers undertaking work for the Lancashire Combined County Authority are accountable to the Head of Paid Service of the Lancashire Combined County Authority and whilst Officers should always seek to assist a Member, they must not, in so doing go beyond the bounds of whatever authority they have been given by the Head of Paid Service.

#### **Officer Advice to Party Groups**

20. It must be recognised by all Officers and Members that in discharging their duties and responsibilities, Officers serve the LCCA as a whole and not any political group, combination of groups or any individual Member. The assistance provided by Senior Officers can take many forms ranging from a briefing meeting with a Member, Chair or other Members prior to a meeting, to a presentation, to a full political group meeting. It is an important principle that such assistance is available to all political groups and individual members.

#### **Attendance at Party Political Group Meetings**

21. There is now statutory recognition for 'party groups'. It is common practice for such groups to consider matters of LCCA business in advance of such matters being considered by the relevant decision-making body. Senior Officers may properly be called upon to assist and contribute to such deliberations by party groups but must always maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.
22. Attendance at meetings of party groups is voluntary for Officers and must be authorised by the Head of Paid Service of the LCCA.
23. Certain points must, however, be clearly understood by all those participating in this type of process, Members and Officers alike. In particular:

- a) Officer assistance must not extend beyond providing information and advice in relation to matters of LCCA business. Officers must not be involved in advising on matters of party business. Internal party debates and decision making should take place in the absence of Officers.
  - b) Party group meetings, whilst they may form part of the preliminaries to LCCA decision making, are not formal decision-making bodies of the LCCA and are not empowered to make decisions on behalf of the LCCA. Conclusions reached at such meetings do not therefore rank as LCCA decisions and it is essential that they are not interpreted or acted upon as such; and
  - c) Similarly, where Officers provide information and advice to a party group meeting in relation to a matter of LCCA business, this cannot act as a substitute for providing all necessary information and advice to the relevant LCCA decision making body when the matter in question is considered.
24. Special care needs to be exercised whenever Officers are involved in providing information and advice to a party group meeting which includes persons who are not Members of the LCCA. Such persons are not bound by the LCCA's Code of Conduct for Members (in particular, the provisions concerning the declaration of interests and confidentiality). Officers would not be able to provide the same level of information and advice as they would to a Member only meeting.
25. Officers must respect the confidentiality of any party group discussions at which they are present. When information is disclosed to an Officer during discussions with a party group that information should not be passed on to other groups. However, Members should be aware that this would not prevent officers from disclosing such information to other Officers of the LCCA so far as that is necessary to performing their duties.
26. Any particular cases of difficulty or uncertainty in this area of Officer advice to party groups should be raised with the Head of Paid Service of the LCCA who will take action as appropriate.

### **Members' Access to Information and to Authority Documents**

27. Members have various statutory and common law rights to inspect LCCA documents. The rights of Members to inspect LCCA documents are set out in the Constitution in the Access to Information Procedure rules. Members and Officers should both be mindful of their obligations under Data Protection legislation.
28. A Member must not disclose information given to them in confidence by anyone or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, or unless they are required by law to do so and must not prevent another person from gaining access to information to which that person is entitled by law. A breach of these requirements is a breach of the Code of Conduct and actionable by way of complaint to the LCCA's Audit and Governance Committee. If the breach is serious a civil action may be brought against the Member and / or the LCCA for damages.



29. The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 brought additional rights and responsibilities regarding the disclosure of information. A 'publication scheme' has been produced by the LCCA and is available on the information bar under Data Protection and FOI which appears on every page of the LCCA's website.

### **Correspondence**

30. Correspondence between an individual Member and an Officer should not normally be copied (by the Officer) to any other Member. Where it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of 'silent copies' should not be employed.
31. Official letters on behalf of the LCCA should normally be sent in the name of the appropriate Officer, rather than in the name of a Member. It will, however, be appropriate in certain circumstances (e.g., representations to a Government Minister) for a letter to appear in the name of a Member. Letters which, for example, create legal obligations or give instructions on behalf of the LCCA should never be sent out in the name of a Member.

### **Publicity and Press Releases**

32. In recent years, all authorities have increasingly used publicity to keep the public informed and to encourage public participation. The Government has issued a Code of Recommended Practice on Local Authority Publicity<sup>1</sup>, and all local authorities must have regard to the provisions of that code or any updated code or relevant guidance issued by Government or the Head of Paid Service in coming to any decision on publicity. Members and Officers should note that during the local election period special rules apply regarding local authority publicity.
33. If in doubt Officers and / or Members should seek advice from the Head of Paid Service or the Monitoring Officer.
34. All press releases are issued through the Head of Paid Service on behalf of the LCCA. Press releases are not issued by the LCCA on behalf of political groups. They can contain the comments of Members and Committee Chairs where they are speaking in connection with the roles given to them by the LCCA. Officer's comments can be included on professional and technical issues.

### **Officer / Member Guidance Review and Interpretation**

35. Monitoring compliance with this Protocol is the responsibility of the Audit and Governance Committee and the Monitoring Officer. This guidance will be reviewed by the Audit and Governance Committee every two years, unless changes to legislation necessitate an update before the next scheduled review.
36. Questions of interpretation of this guidance will be determined by the Monitoring Officer.

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<sup>1</sup> [1878324.pdf](#)

## Part 15 – Members Allowance Scheme

78. LCCA's Members' Allowance Scheme is as follows.

### **Background**

79. LCCA hereby makes the following Scheme.

80. This Scheme shall have effect for the period 1 April 2025 to 31 March 2026 and subsequent years.

81. The Authority 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.

82. Each year the Authority has to publish details of its Scheme, and the amounts paid to each Member under the Scheme. The record is open to inspection by any local government elector for the Authority's area during normal working hours, and electors are entitled to make a copy of any part of the record. Scheme Definitions

83. In this Scheme:

- a) "Member(s)" means a Member of the Lancashire LCCA
- b) "Co-opted Member(s)" means a Member from a Constituent Council, a Member of a Non Constituent Council and any Independent Member who is appointed to serve on a Committee, Sub-Committee or Joint Committee of the Lancashire LCCA
- c) "Year" means the twelve months commencing 1st April.
- d) "Meetings" means a meeting of the LCCA, or a body of members formally established by the Authority, a Committee or an Advisory Board.
- e) "Regulations" means the Local Authorities (Members' Allowances) (England) Regulations 2003.

### **Allowances General**

84. The main allowances which are provided for in this Scheme are as follows:

- i) Allowances Payable to Members
  - a) Basic Allowance
  - b) Special Responsibility Allowance
- ii) Allowances Payable to Co-opted Members
- iii) Other Allowances Payable to Members/Co-Opted Members
  - a) Dependants' Carer's Allowance
  - b) Travelling Allowances

85. The Allowances shall be increased annually in accordance with paragraphs xx to xx of this Scheme.

86. For the avoidance of doubt, attendance and subsistence allowances are not payable under this Scheme.

***Members - Basic Allowance***

87. No Basic Annual Allowance will be paid to Members.

***Members - Special Responsibility Allowance***

88. No Special Responsibility Allowances will be paid to Members.

***Co-opted Members' Allowances***

89. With the exception of the Independent Chair of the Overview and Scrutiny Committee and the Independent Chair on the Audit and Governance Committee, no allowances will be paid to Co-opted Members.

***Independent Chair – Overview and Scrutiny Committee***

90. An allowance of £TBD will be paid to the Independent Chair of the Overview and Scrutiny Committee

***Independent Chair – Audit and Governance Committee***

91. An allowance of £TBD will be paid to the Independent Person on the Audit and Governance Committee.

***Dependants' Carer's Allowance***

92. No Dependants' Carer's Allowances will be paid to any Member.

***Travelling Allowances***

93. Members 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 Chief Operating Officer (see Schedule C of this Scheme).

94. Appropriate receipts must be obtained and retained in respect of any claims made by a Member or Co-Opted Member for the reimbursement of public transport and taxi fares (see Schedule X of this Scheme), car parking fees and other incidental expenses.

95. Receipts must be retained for three years following the financial year in which the expenses were incurred.

96. A Member or a Co-Opted Member must produce their receipts if required by claim processing officers, as well as internal or external auditors.

### **Renunciation**

97. A Member or Co-opted Member may, by notice in writing to the Monitoring Officer, 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**

98. The provisions of this paragraph apply in relation to the entitlement of Members and Co-Opted Members to allowances where, in the course of a year:

- a) The Scheme is amended;
- b) A person becomes, or ceases to be, a Member or a Co-Opted Member;
- c) A Member or a Co-Opted Members accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable; or
- d) A Member or a Co-Opted Member is suspended or partially suspended from their responsibilities or duties as a member of the LCCA.

99. If, during the year, the Scheme is amended and this results in a change to a Member or Co-Opted Members entitlement to an 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.

100. When the appointment of a Member or Co-Opted Member 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 98.

101. Where, for a part of the year, a Member 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 Member 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 98.

102. Where a Member is suspended or partially suspended from their responsibilities or duties as a member of the Authority 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 Authority.

## Submission of Claims

103. Separately, individual claims for 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.
104. Claims must be submitted 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.
105. 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 Monitoring Officer (or their nominated representative) and good cause having been shown by the member submitting the late claim.
106. 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.
107. Each claim shall be certified by the Member or Co-Opted member that they have actually and necessarily incurred the expenditure claimed in the performance of Approved Duties (as defined in Schedule B 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

108. 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.
109. Claims for Dependants' Carer's 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.
110. 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 28 to 33.

## Scheme Amendments

111. The amounts of the Basic Allowance, Special Responsibility Allowance, Co-opted Members' Allowance, Dependants' Carer's Allowance and Council's Chair/Vice-Chair Allowance 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.
112. 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.

113. 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**

114. Schedule X 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 – Travelling Allowances**

#### ***Travelling by Private Vehicle***

115. The rate for travel by a Member or Co-Opted member in their own private vehicle, or one belonging to a member of the family or otherwise provided for the Member or Co-Opted member's use, for journeys made in accordance with paragraph xx of this Scheme shall not exceed:

Type of vehicle	First 10,000 miles	Above 10,000 miles
Cars and vans	45p	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***

116. Where the nature of the duties being undertaken result in a Member or Co-Opted member being absent from their usual place of residence, overnight accommodation will be booked and paid directly by the Authority. In exceptional circumstances where it is not possible for the Authority to make a direct booking on behalf of a Member or Co-Opted member, the actual receipted cost of accommodation will be reimbursed to the Member or Co-Opted member. Such reimbursement will be subject to a maximum allowance per night of £TBD for London and £TBD elsewhere in the UK.

#### ***Travel Abroad***

117. For councillors or co-opted members travelling outside Great Britain on approved duties (including, for the purpose of this section, travelling in Northern Ireland), a flat daily rate of £86.78 will be provided to cover costs incurred on transport whilst actually abroad. Any unused portion of this allowance must be returned to the Council.

### **Schedule B – Approved Duties**

118. Appropriate allowances (Travel or Dependants' Carer's) 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':

- The attendance at a meeting of the Authority or of any Committee, Sub Committee, task group, working group, steering group or Board.
- 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.
- Authorised training events.
- Public meetings concerning Authority functions.
- Any authorised official or courtesy visit on behalf the Authority.
- The carrying out of any duties as Chair and Vice-Chair of the Authority.

119. Attendance at any of the following is not authorised as an 'Approved Duty':

- Any meeting for which an allowance is payable by the Member's or Co-Opted Member's own Council
- All political group meetings
- Meetings with officers and constituents.
- Member surgeries.
- Attendance by members of the Council at meetings of committees or sub-committees of which they are not members.
- 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.
- Meetings of any outside body where a councillor has been appointed by a political party.

## Schedule C – Supporting Guidance

### **Contacts, Enquiries and Other General Matters**

120. If Members 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-cca.gov.uk](mailto:membersallowances@lancashire-cca.gov.uk);
- b) Wish to raise a point of principle or require clarification of the Members' Allowance Scheme, please contact the Monitoring Officer or their nominated representative.

### ***Cases of Uncertainty***

121. 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 Authority to warrant 'approved duty' status and thus attract the payment of allowances) the matter falls for consideration by the Monitoring Officer (or their nominated representative).

122. Any such matters should be raised with the Monitoring Officer (or their nominated representative).

### ***Attendance Record***

123. Members or Co-Opted Members 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.

### ***Record of Payments***

124. The Authority is required to keep a record of all payments to Members and Co-Opted Members, indicating the amount paid to each 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 Authority. Each year the payments made in the preceding year are published on the Authority's website.

## Travelling Allowances - Additional Guidance and Provision

125. General Allowances should be claimed according to the actual method of travel used. When Members and Co-Opted Members travel in the performance of approved duties, in the car of an officer or another Member and Co-Opted Member who is claiming reimbursement, or when transport is provided, they are not entitled to any allowance for that journey.



126. Travel by public transport First Class travel is not permitted. Members and Co-Opted Members are asked to notify Democratic Services of their travel requirements as early as possible so that the Authority can benefit from any discounts for advance booking where available. Exceptionally, Members 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 Democratic Services.

#### Travel by Private Vehicle

127. Members 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 (or their nominated representative). 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. Members 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 Cabinet Member with responsibility for Members' Allowances, via Democratic Services. Members and Co-Opted Members are encouraged to car share wherever possible and journeys should be made via the shortest practicable route. Members and Co-Opted Members are responsible for ensuring that their motor insurance covers use of the vehicle on Council business.

#### Travel by Taxi

128. Members 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 the normal meeting place; 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.

#### Overnight Accommodation

129. Democratic Services 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 this Scheme.

#### Travel Abroad

130. A flat daily rate will be paid to Members and Co-Opted Members traveling outside Great Britain on 'approved duties'. This allowance is intended to cover costs incurred on transport whilst actually abroad. Any unused portion of this allowance (for example in respect of meals provided at no cost to the councillor or co-opted member) must be returned to the Council. Details of the rate are set out in Schedule 'C' of this Scheme.

## Taxation

131. 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 Authority's Payroll Service in the form of a tax code notification from HM Revenue and Customs (HMRC).
132. It should be noted that it is up to each Member and Co-Opted Member 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.
133. Allowances paid and tax deducted are notified to HMRC monthly and a certificate (P60) will be issued to each Member and Co-Opted Member 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 Dependants' Carer's allowance would also be subject to tax.

## National Insurance

### General Liability for National Insurance Contributions

134. 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.
135. As Basic Allowances and Special Responsibility Allowances are taxable, they are also liable for National Insurance contributions. The Dependants' Carer's 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.
136. 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. Members and Co-Opted Members 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.

## Persons of Pensionable Age

137. 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 Members and Co-Opted Members 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 14.

## Married Women and Widows

138. 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 Authority's Payroll Service.

Dual Employment etc.

139. Each employment or office is considered separately for contribution purposes and no account is taken for the fact that a Member and Co-Opted Member 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, Members and Co-Opted Members 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

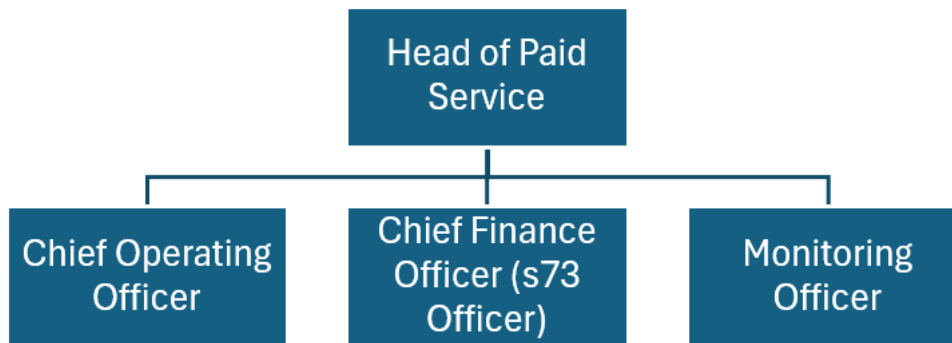
Liability Insurance

140. The Council's liability insurance arrangements provide appropriate cover in respect of the actions of Members and Co-Opted Members whilst acting on Authority business.

Motor Vehicle Insurance

141. The use of motor vehicles is subject to compulsory insurance cover and where Members and Co-Opted Members use private motor vehicles on Authority business, it is the responsibility of individual Members and Co-Opted Members to ensure that their own motor vehicle insurance policies provide appropriate cover for such use.

## Part 7 – Officer Management Structure



# Part 8 – Complaints and Feedback procedure

## Introduction

Our officers are committed to providing the best possible service we can. If we fail to do this, we want to know about your specific problem and take steps to avoid mistakes from happening again so that we can improve our services.

We welcome feedback, as people are at the heart of our service delivery and good complaint handling is central to this. This procedure explains how you can take up matters formally through the LCCA Complaints Procedure (the Procedure) if you think the service you have received from the LCCA is unsatisfactory.

This Procedure operates in line with The Complaint Handling Code (the Code) published by the Local Government and Social Care Ombudsman (the Ombudsman). This Procedure sets out the process for responding to complaints effectively and fairly, as we wish to learn from when things have gone wrong.

## Complaint definition

We accept the definition by the Ombudsman, as set out in the Code:

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.”*

A complaint is different from a service request. A service request is defined as:

*“a request that the organisation provides or improves a service, fixes a problem or reconsiders a decision’.*

The complaints procedure is not intended to be used for service requests. We first need to have the opportunity to deal with such matters under our business-as-usual processes.

Therefore, first reports of any complaint are also dealt with under our business-as-usual processes as we cannot respond to a complaint unless we know about it first. We give ourselves a 10-working day timescale to resolve your complaint before the formal procedure applies.

This procedure deals with all complaints where there is not a separate specific or legal procedure to deal with the matter.

## **Is this the right procedure for my complaint?**

The LCCA will consider complaints about any matters for which it is responsible.

We cannot deal with:

- Complaints about district council or county council responsibilities.
- A concern raised by a third party without explicit consent by the individual concerned.,
- Complaints about schools.
- Any matter on subject to legal action by or against the LCCA which also includes abandoned matters.
- Complaints from employees (or ex-employees) and their representatives in respect of matters relating to their employment or pension.
- Complaints by commissioned providers about matters relating to their legal contracts, for example payment issues.
- Complaints about data protection or other matters which fall within the remit of the Information Commissioner

We will accept a complaint unless there is a valid reason not to do so. If we decide not to accept your complaint, we tell you the reason why and inform you of your right to take that decision to the Ombudsman. We will carefully consider the individual circumstances of each complaint.

Complaints received anonymously will be recorded and considered where the Complaints Manager feels that this is appropriate, but action may be limited if there is insufficient information available to enable a full investigation to take place.

### **Timescales and delays**

We will accept complaints within 12 months of the issue occurring or of you becoming aware of the matter. We will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.

### **Outcomes**

The aims of the Complaints Procedure are:

- to prioritise a culture of learning from complaints to improve our services,
- to provide customer focussed services,
- to encourage constructive feedback,
- to deal with complaints fairly and consistently across services,
- to investigate complaints about service delivery promptly and, where we are at fault, to put things right,
- to encourage best practice by all staff; and

- to increase customer satisfaction across all our services.

## **Accessibility**

We take our responsibility under the Equality Act 2010 seriously. We have therefore tried to make this procedure as accessible and straightforward as possible.

We will provide different channels through which people can make a complaint. We aim to anticipate the needs of individuals who may need extra support to access the complaints procedure. You may arrange a representative or advocate to support you with your complaint.

We aim to make reasonable adjustments if required. Please let us know if you need extra support to be heard. We will keep a record the reasonable adjustments that we have agreed and keep them under active review.

We consider high volumes of complaints as indicative of a well-publicised and accessible complaints procedure. Low complaint volumes are potentially a sign that individuals are unable to complain.

## **How to make a complaint**

You can contact us about your concerns in many ways:

- by completing the webform on the LCCA website
- by email to: [LCCAcomplaintsandfeedback@lancashire.gov.uk](mailto:LCCAcomplaintsandfeedback@lancashire.gov.uk)
- by telephone through our Customer Access Centre: 0300 1236720??
- by letter to:

LCCA Complaints  
Complaints and Appeals Team  
County Hall  
Preston  
PR1 8XJ

Please ensure that any communication contains:

- Your full name,
- Your postal address,
- The date (where possible) and details of the complaint; and
- The service concerned where possible.

A template for reporting your complaint can be found at the end of this document.

Our investigations into your complaint will be thorough and unbiased, will be completed within strict timescales and your confidentiality will be respected as far as possible.

## **Who is involved?**

The Complaints and Appeals Manager is responsible for complaint handling performance and has the authority and autonomy to act to resolve disputes promptly and fairly. The Complaints and Appeals Team will ensure that every complaint is logged, and progress is monitored. They have access to staff at all levels to facilitate the prompt resolution of complaints. The appropriate Head of Service or Director for the service to which the complaint relates, will act as the LCCA Designated Complaints Officer for the complaint. The Deputy Leader of the LCCA is the member responsible for complaints.

The Complaints and Appeals Team will consider all expressions of dissatisfaction to decide on the appropriate action to take in each case.

### **Stage 1 – Investigation by senior manager**

- The complaint will be formally acknowledged by the LCCA within 5 working days.
- It will be recorded on the LCCA's electronic complaints management system.
- The appropriate manager for the service / staff member to which the complaint relates, will investigate, and respond to your complaint within 10 working days of your complaint being acknowledged.

It is hoped that in this way your complaint can be resolved promptly with an explanation, apology or resolution being provided.

A complaint response will be provided when the answer to the complaint is known, not when the outstanding actions required to address the issue are completed. Outstanding actions will be tracked and actioned promptly, and appropriate updates will be provided.

In exceptional circumstances, where the issues raised are more complex and will take more than 10 days to investigate, we will let you know why we need more time. Any extension will be no more than 10 working days without good reason. If we breach this timescale or do not let you know the reasons for any delay, you will be provided details of how to approach the Ombudsman.

We hope that the Stage 1 response will resolve your complaint to your complete satisfaction. However, if you remain dissatisfied with your response, you may ask for your complaint to be escalated to Stage 2 in the process.

### **Stage 2 - Consideration by Head of Service or Director**

The appropriate Head of Service or Director to which the complaint relates acts as the Designated



Complaints Officer for your complaint. They will not have previously been involved with your complaint and will examine the reasons for your continued dissatisfaction and carry out a full review and if necessary, further investigate your complaint. You will be sent a comprehensive reply within 20 working days of when you escalated your complaint to Stage 2.

Where our complaint response is handled by a third party, for example a contractor, this will form part of this two-stage procedure. You will not be expected to go through two complaints processes.

If we breach this timescale, or this Procedure you will be provided details of how to approach the Ombudsman.

### **Putting things right**

This Procedure is not intended to be used to obtain compensation payments. We may however offer a payment if you are out of pocket as a result of an upheld complaint. If a complaint is upheld, we will also consider making a "time and trouble" payment, in line with the Ombudsman [guidance on remedies](#) (click for link).

### **What if you are still unhappy with the response you receive?**

We hope to resolve your complaint to your satisfaction. However, if you are still not happy after both stages of the procedure have been completed, you can ask the Ombudsman, to investigate your complaint. Details of how to do that will be included in your Stage 2 response. The Ombudsman's contact details are as follows:

Telephone: 0300 061 0614

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

Online complaint form: <https://complaints.lgo.org.uk/>

The Ombudsman will expect you to have given us the opportunity to resolve your complaint through our own procedures before they will investigate.

### **Continuous learning and improvement**

The LCCA uses complaints and customer feedback to improve the quality of our services and ensure that lessons are learnt. Complaints are therefore monitored and reported on quarterly and annually, so that best practice is disseminated throughout the LCCA.

Themes and learning from complaints are reported to the Monitoring Officer and Member Responsible for Complaints through the appropriate governance arrangements.

## **Management of unreasonable complaint behaviour**

There are a small number of complainants who pursue their complaints in ways that are unreasonable and /or who take up an unwarranted amount of time and LCCA resources.

In such circumstances, we may apply our policy on the management of unreasonable or unacceptable behaviour, which has been drawn up in line with guidance issued by the Ombudsman.

Such action is very rare and not taken lightly and we will inform complainants before any restrictions are applied so that they might moderate their behaviour. Any such restrictions will be individual, proportionate and demonstrate regard for the provisions of the Equality Act 2010. We will keep such restrictions under regular review.

## **Interpretation**

The Complaints and Appeals Manager will determine any issue relating to the interpretation of any provision in this procedure.

# LCCA Complaints Procedure: Formal Investigation

Name .....

Address .....

Daytime telephone number .....

E-mail address .....

Are you happy for us to correspond with you by e-mail? Yes/No

LCCA Service concerned .....

Reference on any previous correspondence .....

What do you think the LCCA did wrong?

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What do you think the LCCA should do to put things right?

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Date of Completion.....

