

Lancashire Local – Rossendale

Constitution

JOINT COMMITTEE

	<u>Page No.</u>
Section 1 Background and Purpose	1
Section 2 Functions	
(A) General Remit	3
(B) Delegated Powers	4
(C) Shaping and influence	8
Section 3 Standing Orders	12

Section 1 – Background and Purpose

Lancashire Local – Rossendale is a Joint Committee of the County Council and Rossendale Borough Council. The aim is to strengthen local democratic accountability through empowering locally elected Councillors to take decisions, shape and influence the delivery of local government services in Rossendale. There will be a Lancashire Local in each of the 12 District areas in Lancashire.

At the outset the Lancashire Local's remit will involve primarily County Council services and will include a broad, general remit as well as specific services and functions. Taken together, this should enable locally elected Councillors to exercise a much broader influence over County Council activity in Rossendale.

Part of the overall vision for the Lancashire Locals is that they should enable local councillors from the County Council and the Rossendale Borough Council to identify opportunities for joint working and decision making particularly on complementary service delivery. There has already been some consideration of joint public information provision (e.g. One Stop Shops) as part of the pilot phase. There are more examples which could be explored, such as linking decisions about County and District services affecting the street scene, exploring opportunities for joined up approaches to trading standards and environmental health and joint working on issues relating to young people. Again, local circumstances will dictate priorities, but the enabling framework would allow such approaches to be explored.

The Local Government Act 2000 provides for a division of a local authority's functions into executive and non-executive. In broad terms the majority of an Authority's service delivery functions are 'executive' and are the direct responsibility of an Authority's Executive or Cabinet. Non-executive functions are the responsibility of an Authority's Full Council including its policy framework and budget (which it cannot delegate) and various quasi-judicial or regulatory functions such as determining applications for licences or consents of various types.

On some services the Lancashire Local will have delegated powers to take formal decisions on local service delivery; on others it will bring local views to bear to shape and influence policy development and strategic decision making. Sometimes it will do both. The range of specific functions within its remit can be added to over time. It will also monitor service delivery and performance of all County Council services in Rossendale.

Not all County Council service decisions/budgets can be devolved to the Lancashire Local because some budgets:

- are required to be passed directly by formula to self-managing services,
- are allocated according to Lancashire-wide criteria often in response to national requirements,
- need to support service delivery patterns and different geographic footprints of partner organisations outside local government;

- need to be retained at the centre to support strategic service delivery to maximise economies of scale and efficiency.

But the Lancashire Local will monitor the local impact of all County services.

Meetings of the Lancashire Local will generally be open to the press and public and local people interested in specific agenda items will be able to have their say before decisions are taken. But Lancashire Locals are not primarily about community engagement. There are other more effective ways for the County and the Rossendale Borough Council to engage with communities at local neighbourhood or village level.

Neither is the Lancashire Local primarily about engaging locally with partners outside local government. This is the role of the Local Strategic Partnership. But the Lancashire Local can provide a forum for the County Council and Rossendale Borough Council to jointly consider specific local government issues raised by the LSP, including County and Rossendale Borough Council commitments to district community strategies. The Chair of the LSP will have an open invitation to attend meetings of the Lancashire Local in order to further reinforce the linkages between the two bodies.

The remit for the Lancashire Local has been drawn up as a broad enabling framework. All functions will be referred to all Lancashire Locals for decision or influence as appropriate. This should provide overall consistency yet give each Lancashire Local significant flexibility within approved County Council policies and budgets to respond to local circumstances and priorities for activities within its remit.

It is intended that at an appropriate stage, after gaining sufficient operational experience, a review of the Lancashire Locals throughout the County would be undertaken.

Section 2 - Functions

(A) General Remit

- (1) To express views on policy, strategy or other matters specifically referred to it by the County Council or Rossendale Borough Council including where appropriate the co-ordination of consultation with local stakeholders and communities.
- (2) To explore opportunities for joint working between the County Council and the Rossendale Borough Council on complementary service delivery where this would bring benefits to local people.
- (3) To advise the County Council, the Rossendale Borough Council and other public bodies as appropriate on issues of local interest or concern which are brought to its attention by members, Rossendale Borough Councils' area committees, other bodies and members of the public.
- (4) The Lancashire Local will have a key role to play in helping the County Council to respond to the Government's increased emphasis on neighbourhoods.
- (5) The County Council will assess the opportunities for extending the remit of the Lancashire Local to support new policy initiatives, for example additional youth and community services once the new "Youth Matters" agenda is further developed, and how models of neighbourhood management and engagement can feed into Lancashire Locals.

(B) Delegated Powers

The services identified below are delegated by the County Council or Rossendale Borough Council as indicated, for decision making by the Lancashire Local, in accordance with the relevant legislation.

In discharging the delegated powers, the Lancashire Local must act at all times within the approved policies, budgets and financial regulations of the Council delegating the functions, and in accordance with Standing Orders at Section 3 of this Constitution.

**Delegated
by LCC or
RBC**

Highways

- Budget Allocation LCC

To exercise discretion for the provision of highway authority functions (except winter maintenance) within an annual countywide allocation (currently £150,000 pa) to be apportioned to each Lancashire Local in accordance with road lengths in their area.
- Street lighting special maintenance schemes. LCC
 - To determine the priority of street lighting special maintenance schemes within the County Council's allocated budget.
- Local Safety Schemes LCC
 - To determine the priority of local safety schemes including walking and cycling proposals where there is more than one such scheme for the District in an approved programme.
 - To determine specific schemes where objections or representations have been received.
- Crime reduction street lighting schemes LCC
 - To determine the priority of crime reduction street lighting schemes where there is more than one such scheme in the District in the approved programme.
- Retaining Walls Strengthening Programmes LCC

**Delegated
by LCC or
RBC**

- To determine the priority of retaining wall strengthening schemes where there is more than one such scheme in the District, in the approved Strengthening Programme.
- Pavement Cafes LCC
 - To approve applications for licences for pavement cafes.
- Residents parking schemes LCC
 - To determine specific schemes where objections or representations have been received.
- Traffic Regulation Orders LCC
 - To approve the making of Traffic Regulation Orders where objections or representations have been received.
- Speed Limit Orders LCC
 - To approve the making of Speed Limit Orders where objections or representations have been received.
- School Crossing Patrols LCC
 - To review and determine the continuation of a School Crossing Patrol when the current Patrol Officer leaves the service.
- Car parking LCC
 - To determine the priority of highway measures to be carried out from the surplus income generated from on-street parking.
- Pedestrian Crossings LCC
 - To determine the priority for pedestrian crossings where there is more than one in an approved programme for the district.
 - To approve specific proposals where objections or representations have been received.

	Delegated by LCC or RBC
<ul style="list-style-type: none"> • Bus Shelters <ul style="list-style-type: none"> - To determine the locations of bus shelters within the County Council's responsibility (e.g. on Quality Bus Routes). 	LCC
<ul style="list-style-type: none"> • 20mph Zones <ul style="list-style-type: none"> - To determine the priority of 20mph zones where there is more than one scheme in the approved programme for the district. - To approve the making of schemes for such zones where objections or representations have been received. 	LCC
Waste	LCC
<ul style="list-style-type: none"> • To determine the location of household waste recycling centres where there are viable alternative site options. 	
Libraries	LCC
<ul style="list-style-type: none"> • To determine following consultation the pattern of library opening hours together with other appropriate local developments within existing resources. 	
Museums	LCC
<ul style="list-style-type: none"> • To determine following consultation the pattern of opening hours for the County Museums Service within existing resources. 	
Youth and Community	LCC
<ul style="list-style-type: none"> • To approve small grants to youth organisations previously administered by the former District Youth and Community Services Advisory Committee, in accordance with guidelines issued by the County Council and Connexions Service, following consultation with young people. • To determine in consultation with young people the nature and extent of expenditure on Youth and Community Services within existing resources and statutory framework. 	

**Delegated
by LCC or
RBC**

- To establish mechanisms for engaging with young people, including, for example special meetings to discuss the allocation of local grants and to debate local youth issues generally.

Local Grants Scheme

LCC

- From funds made available by the County Council, to consider for approval recommendations from County Councillors for grants to support local groups in accordance with criteria laid down by the County Council.

(C). Shaping and Influencing

The Lancashire Local will monitor service delivery and district based performance information in relation to all County Council services. This will enable the Lancashire Local to help influence County Council activity generally in Rossendale.

More specifically, the following matters will be referred to the Lancashire Local with a view to it expressing views to the County Council or Rossendale Borough Council as appropriate.

Highways

- Highway Authority Functions
 - To consider and express views on matters relating to the exercise of Highway Authority Functions within the Rossendale area, including performance monitoring, contributing to policy development and assisting in the development of Best Practice.
 - To consider and express views for changes in highway policies and standards.
- Local Transport Plan
 - To consider and express views on all matters in relation to the LTP, especially social inclusion matters.
- Highway special maintenance schemes
 - To consider and express views on locations where it is considered that resurfacing or reconstruction of carriageways and/or footways should be included in future programmes of work.
- Safety Cameras
 - To comment on proposals for 'community concern' sites put forward by the local Community Safety Partnership and the locations for proposed fixed camera sites.
- Street Scene
 - To consider and express views around rationalising the street scene, including road signs, road markings, street furniture, lighting, seats, bins, street cleaning, fly posting, graffiti etc, and in particular to influence proposals for traffic

management/signing schemes.

Traffic Regulation Orders

- To make suggestions for future Traffic Regulation Orders.

Speed Limit Orders

- To make suggestions for future Speed Limit Orders.

20 mph Zones

- To make suggestions for future 20 mph zones.

IT Public Enquiry Manager (PEM) System

- To consider reports on the IT Public Enquiry Manager system (e.g. highway defect faults) and express views on changes and/or improvements.

Public Transport

- To consider and express views on local bus networks and proposed changes in provision (subject to statutory timescales)
- To consider and express views on local priorities for public transport in terms of Quality Bus Routes and subsidised bus routes.
- To facilitate closer joint working between the County and the District Council on sharing information and marketing in respect of public transport.
- To facilitate effective joint liaison arrangements linking the District Council's regeneration initiatives to improving access to public transport.
- To consider and express views on local community transport needs.

School Travel Plans

- To review annual programmes of School Transport Plans, to monitor progress on their implementation and encourage local schools to pursue such plans.

Environmental Projects

To consider and express views on

- The promotion of initiatives to improve the environment of the District,

under the Green Partnership Awards.

- Opportunities for removing derelict, underused and neglected land and to consider projects that might be supported under the Small Sites Reclamation Programme within Reclamation and Management of Derelict Land in Lancashire (REMADE).
- Proposals for the after-use of major land reclamation schemes under the Reclamation and Management of Derelict Land initiative, managed by the North West Regional Development Agency.

Waste

- To consider and express views on proposed sites for future waste facilities, as part of the Lancashire Waste Management Strategy.

Countryside Service

- To consider and express views on
 - Future Public Rights of Way Improvement Plan
 - The Public Rights of Way Network
 - The County Council's Countryside and Recreation Policy

Adult Social Services

The Lancashire Local - Rossendale will have annual reports on the following service areas to keep local councillors informed and provide an opportunity to examine and influence services.

- Partnership Boards
 - Learning/Disability Partnership Board.
 - Physical Disability/Sensory Impairment Partnership Board
 - Older People Partnership Board
- Locality Commissioning Plans

The Commissioning Plans for each Adult Social Services client group, i.e. mental health, learning disabilities, physical disabilities and older people.

The annual report will contain the plans for expanding existing services, developing new services and decommissioning services over a three year period. Commissioning plans will be reviewed and updated annually. The services typically commissioned are day care, respite care, home care, rehabilitation, residential and nursing home

care, and home care support to very sheltered housing.

- **Supporting People**

The work of the Supporting People Team on activities in Rossendale, including performance information and information on service development and delivery.

Adult Education

- To consider and express views on the development of Community learning provision, especially in areas of deprivation

Children and Young People

- To consider and express views on
 - the development of District based links for the Every Child Matters Agenda
 - School Organisation Reviews/School Place Planning

Museums Services

- Local management arrangements.

Asset Management

- To consider and express views on the development of joint County and District Council asset management and shared facilities, particularly one-stop shops.

Customer Access

- To consider and express views on the development and integration of Local Customer Access Strategies and service delivery.

Community Strategies

- To monitor and express views on County Council actions identified in local community strategies.

Lancashire Local Area Agreement

- To monitor County Council performance at the District level towards relevant targets in the Lancashire Local Area Agreement.

Section 3 - Standing Orders

Membership

1. (i) Membership of Lancashire Local – Rossendale shall be all local County Councillors with electoral divisions in Rossendale, and an equivalent number of Councillors appointed by Rossendale Borough Council. At least one Rossendale Borough Council member shall be a member of that Council's Executive. District Council representatives shall be appointed in accordance with the political balance rules as they are applied to their authority by the Local Government and Housing Act 1989.
- (ii) A person shall cease to be a member if he/she ceases to be a member of the County Council or a member representing an electoral division in Rossendale, or in the case of a member of the Borough Council ceases to be a member of that Council or resigns from the Lancashire Local.
- (iii) Prior to the meeting, the Secretary must be notified of substitutions for District Council Members made in accordance with that Council's normal procedures.

Parish and Town Councils

2. (i) Lancashire Local – Rossendale shall, in consultation with Parish and Town Councils in its area, draw up a Protocol to ensure that Parish and Town Councils can engage effectively with the Lancashire Local.
- (ii) A representative of a Parish or Town Council may participate at Lancashire Locals when items are discussed which are specifically concerned with their area.

Appointment of Chair and Deputy Chair

3. (i) The Chair, who shall be a County Councillor, shall be elected at the annual meeting of the Lancashire Local.
- (ii) The Deputy Chair, who shall be of a different political group to the Chair, shall be elected at the annual meeting of the Lancashire Local and, wherever possible, shall be a member of the Rossendale Borough Council.
- (iii) Existing office holders are eligible for re-election.
- (iv) The Chair and Deputy Chair shall, unless he or she resigns the office or ceases to be a member of the Lancashire Local, continue in office until a successor is appointed.

Secretary

4. A nominated representative of the Chief Executive of the County Council shall act as Secretary to Lancashire Local – Rossendale and shall be responsible for preparing and circulating agendas for meetings, advising on constitutional matters and for producing the minutes.

Meetings

5.
 - (i) Meetings shall be held in public other than in the circumstances set out in Standing Order 27.
 - (ii) Meetings shall be held on a six or eight weekly cycle to be determined along with venues, by the Lancashire Local.
 - (iii) The meeting held in June each year, or if there is no scheduled meeting that month the first meeting after June, shall be the Annual Meeting of the Lancashire Local - Rossendale.
 - (iv) The Chair or in his/her absence the Deputy Chair may call a special meeting of the Lancashire Local - Rossendale to consider a matter that falls within its remit but cannot await the next scheduled meeting, provided at least 10 clear working days notice in writing is given to the Secretary.
 - (v) The Lancashire Local may prepare a protocol to facilitate the opportunity for other members of the Rossendale Borough Council to participate at Lancashire Locals, but not vote, when items are discussed which are specifically concerned with their ward.

Delegated Powers

6. The delegated powers mean those powers to be discharged by the Lancashire Local as set out in Section 2(B) of this Constitution.
7. The Lancashire Local – Rossendale shall discharge the delegated powers, within the budgetary and policy framework set by the County Council in the case of County functions or by the Rossendale Borough Council in the case of its functions.
8. When discharging the delegated powers the Lancashire Local shall take decisions only after taking into account advice given in writing or orally from relevant officers of the County Council or of the Rossendale Borough Council as appropriate, including legal, financial and policy advice.

Executive and Key Executive Decisions

There are particular requirements to be met when the Lancashire Local is exercising delegated powers in respect of executive and key executive decisions, and these are set out below:

9. An executive decision means a decision by the Lancashire Local that has been delegated to it by the Executive (or Cabinet) of the County Council or of the Rossendale Borough Council.
10. For the purposes of provisions for key executive decisions in the Local Government Act 2000 as reflected in paragraphs (i) to (viii) below, the definition of a 'key executive decision' may vary between local authorities. For the purposes of the Lancashire Local, a "key executive decision" shall be as defined in the constitution of the County Council in the case of a County Council function and the constitution of the Rossendale Borough Council in the case of a District Council function

Consideration of Key Executive Decisions

- (i) A meeting of the Lancashire Local shall be held in public if a decision to be made at that meeting will be a Key Executive Decision.
- (ii) A Key Executive Decision shall not be taken by the Lancashire Local unless the report which it intends to take into consideration has been made available for inspection by the public for five clear working days prior to the meeting.
- (iii) Any Key Executive Decision to be taken by the Lancashire Local shall be included in the monthly Forward Plan of the County Council or of the Rossendale Borough Council as appropriate.
- (iv) Where the inclusion of a matter in the Forward Plan is impracticable and the matter would be a Key Executive Decision, that decision shall only be made where:
 - (a) the Chair of the relevant Overview and Scrutiny Committee of the County Council or Rossendale Borough Council as appropriate, has been informed in writing of the matter about which the decision is to be made;
 - (b) the provisions of paragraph (ii) above are complied with
- (v) Where the date by which an urgent Key Executive Decision must be made makes compliance with paragraph (ii) above impracticable, the decision shall only be made where the Chair of the relevant Overview and Scrutiny Committee of the County Council or the Rossendale Borough Council as appropriate, agrees that the making of the decision is urgent and cannot reasonably be deferred.
- (vi) The Secretary shall ensure that a copy of a report referred to at paragraph (ii) above shall, as soon as is reasonably practicable, be

sent to the Chair of the relevant Overview and Scrutiny Committee of the County Council or of the Rossendale Borough Council as appropriate.

- (vii) A report referred to in paragraph (ii) above shall include a list of background papers, and the Secretary shall make available for public inspection a copy of each of the documents on the list of background papers.
- (viii) Where an Executive Decision by the Lancashire Local was not treated as being a Key Executive Decision and the relevant Overview and Scrutiny Committee of the County Council or the Rossendale Borough Council as appropriate, is of the opinion that the decision should have been so treated the relevant Committee may require the Lancashire Local to submit a report to the County Council's or the Rossendale Borough Council's Full Council setting out the reasons why the Lancashire Local was of the opinion that the decision was not a Key Executive Decision

Overview and Scrutiny

11. Executive decisions made by the Lancashire Local are subject to scrutiny by either the County Council's or the Rossendale Borough Council's relevant Overview and Scrutiny Committee (depending on which authority delegated the particular function), including an Overview and Scrutiny Committee's right under the Local Government Act 2000 to request that an Executive Decision made but not implemented be reconsidered by the decision-taker (often referred to as 'call-in').
12. The processes and procedures for the exercise by the relevant Overview and Scrutiny Committee of their 'call-in' function shall be in accordance with the Constitutions of the County Council or the Rossendale Borough Council depending on which Authority delegated the executive decision in question.
13. An Overview and Scrutiny Committee shall not exercise the 'call-in' function in respect of an executive decision by the Lancashire Local where that decision has been designated by the Lancashire Local as being urgent in that any delay in its implementation could adversely affect the efficient execution of their responsibilities on behalf of the County Council or the Rossendale Borough Council, and provided that the designation and the reasons for it are recorded in the Minutes.
14. Executive decisions made by the Lancashire Local shall be implemented by the County Council or the Rossendale Borough Council as appropriate, in accordance with their respective Constitutions.

The following general provisions apply to the consideration of all matters within the Lancashire Local's remit.

Chairing of Meetings

15. In the absence of the Chair, the Deputy Chair shall preside at the meeting. In the absence of both, the members present shall, as the first item of business, appoint one of their number who is a member of the County Council to be Chair of the meeting.

Access to Information

16. Items of business may not be considered at a meeting of the Lancashire Local unless a copy of the item has been open to inspection by members of the public for at least five working days before the meeting (or where the meeting is convened at shorter notice, from the time the meeting is convened). However an item that has not been open to inspection may be considered where, by reason of special circumstances which shall be specified in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.

Agendas and Minutes

17. Agendas for meetings of the Lancashire Local shall be dispatched by the Secretary five clear working days in advance of a meeting, and copies will be made available for public inspection at the designated County and District Council offices, libraries, other local public information points and on the Democratic Information System on the County Council's Website.
18. Agendas will identify separately matters which are for decision by the Lancashire Local under delegated powers, and which of those are executive or non-executive decisions.
19. The Rossendale Borough Council and any Member of the Lancashire Local may suggest items for inclusion in the Agenda within its remit provided such requests are received by the Secretary at least 10 clear working days in advance of the meeting. It shall then be for the Lancashire Local to determine whether it wishes to receive a report on the matter at a future meeting. Where, in the opinion of the Secretary, the matter requires a more immediate response, it shall be for the Chair and Deputy Chair to determine whether the Lancashire Local should receive a full report at its next meeting.
20. The minutes of a meeting shall be published on the Democratic Information System as soon as is reasonably practicable, and wherever possible within three clear working days after a meeting at which an executive decision has been made.

Quorum

21. The quorum for any meeting shall be a quarter of the membership (rounded up) but not less than 4 members with at least one Member from each authority. If there is not a quorum of Members, the meeting shall stand

adjourned for 15 minutes. If after that time there is still no quorum the meeting shall stand adjourned until a date and time to be fixed by the Chair.

Members Code of Conduct

22. Members are bound by the Code of Conduct of the authority which appointed them to the Lancashire Local and should particularly observe the provisions of their respective Codes concerning the declaration of personal and prejudicial interests when attending meetings of Lancashire Locals.

Declaration of Neutrality

23. A Member will be required to declare a position of neutrality when the Lancashire Local considers formulating a recommendation which will fall to that Member to decide upon in their capacity as a Cabinet Member of the County Council or the Rossendale Borough Council.
24. A declaration of neutrality will permit the Member to advise the meeting on any policy background or other general issues that might assist discussion but he/she shall refrain from indicating his or her intended position on the issue and shall abstain from voting.

Voting

25. All members are entitled to vote and voting shall be by show of hands, and in the case of an equality of votes the Chair of the meeting shall have a second or casting vote.

Members of the public

26. The Lancashire Local will have the flexibility to determine what the mechanisms should be for the public to participate at meetings including the need to avoid undue influence by a vocal minority. Unless other mechanisms are adopted by the Lancashire Local the following process shall be applied:-
 - A member of the public will be allowed to speak for up to 3 minutes on issues relevant to an item on the agenda. This period for public participation will be for 30 minutes at the beginning of the meeting, although the Chair will have the discretion to extend it.

The Lancashire Local will be requested to periodically review their arrangements for public participation, to ensure they remain effective.

Exclusion of the Press and Public

27. The Lancashire Local may, by resolution, exclude the press and public from a meeting during an item of business wherever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be

disclosure of Exempt or Confidential information as defined by the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000.

Urgent Business Procedure

28. The Secretary may in consultation with the Rossendale Borough Council, and with the Chair and Deputy Chair of the Lancashire Local, deal with matters of urgency which cannot await the next meeting and which do not in the view of the Chair and Deputy Chair warrant a special meeting being convened.

Sub-Committees and Working Groups

29. The Lancashire Local may appoint
- (i) Sub-Committees with power to act to discharge any of its functions, provided:
 - they comprise an equal number of Members of the County Council and of Rossendale Borough Council,
 - at least one quarter of the Sub-Committee is present at the meeting.
 - (ii) Working Groups to consider specific matters and report back to a future meeting of the Lancashire Local.

Conduct at Meetings

30. The conduct of meetings and the interpretation of these Standing Orders are at all times a matter for the Chair of the meeting whose ruling is final.