

COUNCIL

Lancashire Local – Lancaster District Joint Committee Constitutional Amendment 4th February 2009

Report of the Chief Executive

PURPOSE OF REPORT

The report sets out an amended Constitution for the Lancashire Local – Lancaster District Joint Committee proposed by Lancashire County Council.

This report is public

1.0 RECOMMENDATIONS

- (1) That the City Council accept the proposed amendments agreed by Lancashire County Council to the Constitution of the Lancashire Local – Lancaster District Joint Committee and formally adopt the Constitution as set out at Appendix A to the report.
- (2) That the Monitoring Officer be authorised to make any necessary amendments to the City Council's Constitution to include the revised Joint Committee Constitution and any future amendments to the delegation arrangements approved by either the City Council or County Council.

2.0 Background

- 2.1 In March 2006 the City Council formally resolved to establish a Joint Committee with Lancashire County Council to be known as the Lancashire Local – Lancaster District Joint Committee and adopted the proposed Constitution.
- 2.2 The meetings are held at different venues throughout the district and at different times of day. The Committee comprises the 10 County Councillors and 10 City Councillors appointed on PR with at least one Member of the City Council Cabinet included.
- 2.3 The initiative is lead by the County Council who carry out the role of servicing the Committee – organising meetings, putting together the agenda and publishing the minutes. Being a Joint Committee however means that the City Council is obliged to keep records in the same way as for any other City Council Committees in order to comply with Access to Information legislation and any decisions on the Constitution of the Joint Committee require approval of both Councils.
- 2.4 The County Council has delegated a number of powers to the Joint Committee in relation to Highways, Waste, Libraries, Museums, Youth and Community expenditure and a local Grants Scheme, in addition to using the Committee in a consultative role. The City Council has not agreed any delegations but does occasionally submit reports for consultation purposes.

3.0 Proposal

- 3.1 Lancashire County Council has considered whether there is scope for expanding the remit of Lancashire Locals and developing the model further in the light of experience since their inception.
- 3.2 In addition it has been noted that the Joint Committees provide the opportunity to use members' detailed local knowledge of the local community and geography to address local county service issues, such as the location of effective local safety schemes and prioritisation of local highways maintenance and can seek to tailor the delivery of many other local government services to better meet the needs of the local communities.
- 3.3 Until now the 12 Lancashire Locals have all operated within the same broad framework set out in the constitution. How this is implemented locally differs from district to district, with some focusing on the service reports brought to them to exercise their delegated powers over local service delivery, whilst others use these delegated powers and their influencing role to undertake more of a local problem solving approach to local priorities.
- 3.4 The County Council therefore embarked on a development proposal which comprised two elements – to review the constitution to ensure that it offers, from their perspective, as wide a range of local government service delegations as possible at this moment in time to the district level, without undermining the standard of those services, and secondly to look at strengthening the role of the Lancashire Local Committees and consider how Lancashire Locals are able to shape and influence all County Council Services delivered in their area. The County's view is that for this role to be effective locally, the decision on which services to be selected for influence by each Lancashire Local must be informed by local priorities and aspirations and this would result in the twelve Lancashire Locals concentrating on different elements of County Council services at any given time, depending on the local priorities in that area, in that year.
- 3.5 A single model across the County is therefore neither appropriate nor workable, so the County Council wishes to encourage each Lancashire Local to work with its district Local Strategic Partnership to consider how they can best achieve these links, perhaps by establishing strong communication links between the two in the belief that Lancashire Locals have the potential to complement the Local Strategic Partnership by overcoming barriers to solving local issues relating to local government services. In harnessing this opportunity, the Local Strategic Partnership could refer matters to the Lancashire Local which require it to bring about local service improvements through greater joining up, avoiding duplication and working on complementary projects.
- 3.6 A consultation exercise was undertaken which allowed the Lancashire Local Joint Committee to formally respond: 'That the consultation paper on developing the Lancashire Locals be welcomed as a basis for more integrated working between the County Council and the City Council to enable initiatives to be taken forward which will be of benefit to the people of the Lancaster District.
- 3.7 Further comments were also expressed at the meeting as follows:-
 - the relationship with the Local Strategic Partnership would be of significant importance, but more work was required to ensure complementary working and linkage;

- the imbalance on agendas between County and City Council business needed to be addressed and it was important that the City Council was encouraged to submit issues for consideration;
- the approach described in the consultation paper was welcomed and the need for more integrated/joint working was recognised.

3.8 In addition the City Council submitted the following response, approved by the Council Business Committee:

'The principles described in the consultation paper reflect the national and regional trends to more localism and community engagement in accordance with priorities identified by the LSP. Although the main thrust of the proposals are around delegation of County powers, there are clear indications that Districts as well may be expected to delegate powers to Lancashire Locals and to provide more support to those arrangements. For Lancaster District our Community Engagement/Neighbourhood Management proposals are still developing and more detailed consideration needs to be given as to how they will align with the proposed development of the Lancashire Locals model.'

3.9 Following the conclusion of the consultation exercise a draft revised Constitution was considered by the County Council and approved on 11th December 2008 which provides for additional delegations from the County Council and a simplified approach to future amendments to allow the future development of Constitutions more tailored to the requirements of individual districts.

3.10 A draft of the revised Constitution for the Lancaster District is attached at Appendix A. Changes are shown in bold for ease of reference and include:

- An additional £5m of highways money delegated to the Locals (previously announced)
- Elements of the Lancashire Young People's Service including:-
 - Determination of the annual priorities for the district
 - Determination of the resource allocation to each element of the service within a given District Commissioning and Delivery Plan, including the priorities for what is funded and what is delivered each year
 - Determination of the opening hours of young peoples provision within the service
 - Determination of the allocation of the Playbuilders' Funding
- Approval of highways gating orders and determination of the construction of cycle tracks in the place of a footway.
- Approval and monitoring of the County's Face to Face Customer Access Strategy, in relation to its work in the district.
- A new enabling clause, to support the commitment to the ongoing development of the Lancashire Locals. A new provision is added to the Constitution which allows additions to be made to the powers of the Lancashire Locals on an ongoing basis, without the need for re-adoption of the Constitution. This would enable further delegations to be made after the adoption of this revised Constitution should they

be considered desirable following detailed consideration of the second element of the consultation.

- 3.11 With regard to the final part the Committee Secretary for the Lancashire Local (a County Council officer) will be responsible for keeping a list of additions, which will be circulated to members of Local Joint Committees at each meeting. The City Council will also keep a record and update the Constitution which is currently held as an appendix to the City Council Constitution. Any such updates would be provided to all Members in the usual way.
- 3.12 In addition to the changes shown in bold which signify additions to the Constitution, the County Council has taken the opportunity to improve the layout of the document and a copy of the Constitution as previously approved is also included at Appendix B for comparison.
- 3.13 Members will note that the document contains reference to 4 protocols. Of these protocols have previously been agreed regarding public participation, Parish and Town Council engagement and engagement with City Councillors who are not members of the Lancashire Local Committee. These will be further considered along with a protocol for engaging young people at a future meeting of the Lancashire Local Committee for confirmation or amendment and will be included in the revised Constitution in due course.

4.0 Options and Options Analysis (including risk assessment)

- 4.1 The options available to Council are to formally adopt the revised the Constitution as proposed by the County Council or to reject the changes.
- 4.2 If the City Council refuses to adopt the amended Constitution as proposed by the County Council, then further discussions will be required with the County Council in relation to the continuation of the Joint Committee. Until this version of the Constitution is adopted by this authority the existing constitution still applies.

5.0 City Council officer comments

- 5.1 The proposal to delegate further powers to the Lancashire Locals and simplify the mechanism for future changes should be seen as a positive move.

The proposed changes were considered by the Lancaster District LSP management group in October and their response is attached at Appendix C. The key points from the response were to welcome the approach set out in the proposals and to seek further discussion with the County as to how the Lancashire Locals could work to support City and County Councillors who are representatives on the various LDLSP bodies. This would seek to reduce any duplication between the bodies and make more effective use of combined resources to deliver the objectives and priorities of the Sustainable Community Strategy.

Following the formal adoption of the proposed Constitution, it is proposed that City Council officers meet with County colleagues to develop how the changes can be effectively implemented in liaison with officers from the LDLSP.

6.0 Conclusion

- 6.1 The amended Constitution proposed by the County Council offers some immediate developments for the Lancashire Local Joint Committee in terms of additional delegations from the County Council. The new provision to add to the constitution on an ongoing basis, also enables the future development of the Lancashire Local over the longer term to which the County Council aspires, in line with the latest government thinking, local policy direction and community level priorities, by facilitating the inclusion of additional delegations in the future.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

There are no direct financial implications as a result of this report.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments.

LEGAL IMPLICATIONS

The Joint committee has been established under the Local Government Act 1972 and any changes to its Constitution require approval of both Councils. Legal Services have been consulted and have no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

Letter from Lancashire County Council dated 22nd December 2008

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