



HOW THE COUNCIL WORKS:

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A ROUGH GUIDE FOR MEMBERS

David Claxton
Head of Member Services and Scrutiny
The Courts, Carlisle, CA3 8NA

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1. Introduction

- 1.1 Cumbria County Council is the second largest local authority in England and Wales by land area. It is also one of the most sparsely populated, with only 0.7 persons per hectare compared with the England and Wales average of 3.2. Cumbria's total population is 496,900.
- 1.2 The County Council is elected every four years, and everyone aged over 18 and on the electoral register for the County may vote. There are 84 members of the County Council, each representing a single electoral division with an average electorate of about 4,700. Most members are elected with the support of the political parties. The current political composition of the County Council is Labour 39, Conservative 32, Liberal Democrat 10 and Independents 3.
- 1.3 The County Council speaks for the 496,900 people who live in Cumbria. It champions their interests with central government, European institutions and a wide range of statutory, voluntary and private sector bodies whose decisions impact on the quality of life of Cumbrian residents. Through its democratic structures, the Council enables local people to have their say in decision making, and to contribute, both individually and through representative organisations, to the making of policy and to decisions which impact on local communities.
- 1.4 The County Council secures the provision of public services such as children's services, adult social care, strategic planning, highways and transport, waste disposal, the fire and rescue service, trading standards and libraries and archives within its area. It works with the six district councils in the County, the 230 town and parish councils and other agencies to develop a shared community plan for Cumbria (the Cumbria Community Strategy) and community plans for local areas.
- 1.5 The County Council has a revenue budget of £337 million in 2009/10 (excluding the dedicated schools budget of £259m). It will also spend £118m on capital investment in highways, schools, libraries and other schemes. The County Council employs some 16,000 people and is the largest single employer in Cumbria.

2. Political Governance Arrangements

- 2.1 The way the Council operates, how decisions are made and who is accountable for decisions is set out in the Council's Constitution. The Constitution is a lengthy document and this short guide is

intended to provide a brief summary for members. This document does not form part of the Constitution, and members should always refer to the Constitution itself for information on specific points or ask the Chief Legal Officer or the Head of Member Services and Scrutiny for advice. Contact names are given at the end.

- 2.2 The Council's political governance arrangements have to meet the requirements of statute, particularly the Local Government Act 2000, and associated secondary legislation. From June 2009, the Council must elect a "strong leader" who in turn will appoint a Deputy Leader and between one and eight other members to form a Cabinet. The Cabinet, operating within the budget and policies approved by the full Council (the Budget and Policy Framework) takes most of the important short to medium term decisions. Overview and Scrutiny Committees provide a system of checks and balances and contribute to the development of Council policy. Six local committees, based on district council areas, take decisions on a wide range of local issues within policies set by the Council and/or Cabinet.
- 2.3 A diagrammatic representation of the main features of the Council's present governance arrangements is set out at Appendix A. It will be open to the new Administration from June 2009 to review and change the detail of these arrangements, but the law requires the Council to appoint a Leader (and Cabinet), and at least one Overview and Scrutiny Committee.

3. The Full Council

- 3.1 The 84 members of Cumbria County Council meet in full Council at least seven times a year.
- 3.2 The main roles of the full Council are:-
 - (1) To approve the Constitution;
 - (2) To determine policies that set the framework for the way in which the County Council carries out its functions. These are called "Policy Framework Documents" and are set out in the articles of the Constitution;
 - (3) To approve the Council's revenue and capital budget and the Council Tax precept.

- 3.3 Full Council meetings take place on a Thursday at County Offices, Kendal, at 10.00 a.m. and usually last for most of the day.
- 3.4 The agenda and papers are sent to members five working days before the date of the meeting.
- 3.5 The order of business for County Council meetings and the time limits for the consideration of the various items of business are set out in the Council Procedure Rules at section 4A of the Constitution. After the roll call, the first item on the agenda is a standard one relating to members' interests which also appears as the first item on agendas for most other meetings. Members are invited to declare whether they have a personal, or a personal and prejudicial interest in any item on the agenda (separate advice will be issued to members concerning the declaration of interests).
- 3.6 Following the minutes of the last meeting, the Chair of the County Council, the Leader, Cabinet Members and the Chief Executive refer briefly to significant events which have occurred since the previous meeting, such as awards or commendations, the inclusion of Cumbria residents in the Honours List or the retirement of senior officers.
- 3.7 There is then an opportunity under the Council's Public Participation Scheme for any member of the public who has given the required notice to present a petition to the Council or ask a question. Public participation is time-limited to 30 minutes.
- 3.8 The next item on the agenda is the minutes of the Cabinet, which provides an opportunity for any member of the Council to ask a question on any matter in the Cabinet minutes. This is followed by questions from individual members of which advance notice has been given. This allows time for the member answering the question (usually a Cabinet Member) to brief him or herself on the matter to be able to give a full reply at the Council meeting.
- 3.9 The County Council then proceeds to debate major policy matters which will be the subject of reports and recommendations circulated in advance. The Constitution approved by the County Council contains specific policy documents (such as the annual budget, the Council Plan and the Local Transport Plan) which must be discussed and agreed by the full Council and may not be delegated to the Cabinet.

3.10 Following the consideration of reports of committees on which usually questions only may be asked, the County Council debates any notices of motion put down by members. After questions in relation to the Police Authority, the final agenda item is speeches, under which any member may speak for no more than five minutes on a matter relevant to Cumbria.

3.11 A more detailed note on the procedure for questions and motions is set out in the box below.

QUESTIONS AND MOTIONS AT COUNCIL

Questions at Council not requiring notice

Any member may ask the Leader, a Cabinet member or the chair of a committee any question relating to an item in a report of the Cabinet or a committee when that item is being considered by the Council. No notice of these questions is needed.

Questions at Council requiring notice

Any member may ask:

- the Leader
- a Member of the Cabinet
- the Chair of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties, or which affects the County. This will include matters considered by the Cabinet or a committee of the Council.

At least two working days' notice of such questions must be given, in writing, to the Head of Member Services and Scrutiny.

This means that for a Council meeting on a Thursday at 10.00 am the question must be received by 10.00 am on the Tuesday.

If the question relates to an urgent matter, and it has not been possible to give two days' notice, then it is still possible to ask a question, provided: -

- the member has the consent of the person to whom the question is to be put, and
- the content of the question is given to the Head of Member Services and Scrutiny by 9.30 am on the day of the meeting.

Questions relating to the Police Authority

Any member may ask a question at Council relating to the functions of the Police Authority. At least two clear days' notice must be given, in writing, to the Clerk to the Police Authority. For practical purposes questions should be sent to the Head of Member Services and Scrutiny.

This means that for a Council meeting on a Thursday, questions must be received by 5.00 pm on the Monday.

Speeches

Every member has the right to make a speech (up to five minutes in length) at Council. At least 24 hours' notice must be given to the Head of Member Services and Scrutiny.

However, there is no opportunity to debate whatever is being raised in the speech.

Notices of Motion

Except for emergency motions or motions which can be moved without notice (as set out in Council Procedure Rule No 12) written notice of every motion, signed by at least one member, must be delivered to the Head of Member Services and Scrutiny not later than eight days before the date of the meeting.

The deadline for receipt of notices of motion is set out in the Council diary.

3.12 The Chair of the Council is elected by the full Council and has the following responsibilities: -

- (i) To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) To preside over meetings of the Council, so that its business can be carried out efficiently and with regard to the rights of members and the interests of the community;
- (iii) To ensure that the Council meeting is a forum for the debate of matters of concern to the local community, and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
- (iv) To promote public involvement in the Council's activities;
- (v) To be the conscience of the Council.

3.13 Members are democratically accountable to residents in their electoral division. Members' overriding duty is to the whole community of Cumbria, but they have a special duty to their constituents, including those who did not vote for them.

3.14 The key roles of all members are:

- (i) Collectively (through the County Council) to be the ultimate policy makers and to approve the strategies and plans forming the Council's budget and policy framework;

- (ii) To represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- (iii) To deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (iv) To balance different interests identified within the electoral division and represent the electoral division as a whole;
- (v) To be involved in decision making;
- (vi) To be available to represent the Council on other bodies; and
- (vii) To maintain the highest standards of conduct and ethics.

4. The Cabinet

- 4.1 Within the budget and policy framework set by the full Council, the Cabinet is responsible for carrying out all the County Council's functions in delivering services to the community except those that have been delegated to local committees or officers.
- 4.2 The Cabinet comprises the Leader, the Deputy Leader and up to eight other members. The Cabinet promotes economic, social and environmental wellbeing in Cumbria through initiatives such as economic development, social inclusion, environmental sustainability, health improvement and strategies to reduce crime and disorder. Increasingly the Cabinet pursues its objectives through working in partnership with a wide range of other public authorities, including other tiers of local government and with the private and third sectors.
- 4.3 Under the "strong leader" model adopted by the Council to take effect from June 2009 the Leader of the Council will normally hold office for a four year term until the next whole council elections in 2013. However, there is provision to remove the Leader from office by resolution of the Council. Only the Leader may remove the Deputy Leader and members of the Cabinet. Another significant feature of the "strong leader" model is that the Leader of the Council has substantial discretion to determine how executive functions are discharged, ie by the Leader, individual Cabinet members or Cabinet collectively.

- 4.4 The Cabinet can form sub-committees or working groups to deal in more depth with particular political and corporate priorities. For example, the Administration prior to the June 2009 elections set up Cabinet working groups to bring forward proposals to devolve further responsibilities to local committees and to consider a strategic approach to equal pay claims.
- 4.5 Only councillors may be appointed to the Cabinet. There can be no co-opted members, deputies or substitutes for Cabinet Members. Neither the Chairman nor Vice-Chairman of the Council may be appointed to Cabinet.
- 4.6 There is provision under the Local Government Act 2000 for specific responsibilities for functions (with or without decision making powers) to be delegated to individual members of the Cabinet. Prior to June 2009, Cabinet Members had the following portfolios, although decisions were taken collectively by the Cabinet:-
- Finance and Resources
 - Organisational Development
 - Children's Social Care
 - Schools and Learning
 - Adults and Culture
 - Communities
 - Highways and Transportation
 - Safety
 - Economy
 - Environment
- 4.7 Cabinet members hold office until: -
- (a) they resign from office; or
 - (b) they are suspended from being members under the Local Government Act 2000; or
 - (c) they are no longer councillors; or
 - (d) they are removed from office by the Leader of the Council.
- 4.8 Cabinet meetings are open to the press and public and take place on a Tuesday every four weeks, usually at Carlisle or Kendal.

5. Overview and Scrutiny Committees

- 5.1 Overview and scrutiny committees provide checks and balances within the Council and are the principal means by which the Cabinet is held to account. Most importantly, the committees also assist in the development of County Council policy by looking at existing policies and the effectiveness of their delivery, including reviewing whether new policies or changes to existing policies are needed.
- 5.2 The guiding principle for the work of overview and scrutiny committees is that it should involve constructive criticism, with the aim of improving decision making. The emphasis of the work of overview and scrutiny committees is on making a positive contribution to the development of policy and performance and this is carried out in the main through the work of task and finish groups. These are member bodies set up with a specific remit to consider how a particular service or services could be improved.
- 5.3 Overview and scrutiny committees can: -
- (1) undertake policy reviews and make recommendations to the Cabinet;
 - (2) review and scrutinise any area of the Council's performance or its policy objectives;
 - (3) "call in" a decision of the Cabinet (and local committees) for review before implementation and refer the decision back to the Cabinet for further consideration. The procedure and timescales are laid down in the Constitution;
 - (4) make observations and comments on matters coming before the Cabinet (pre-scrutiny).
- 5.4 Following a review of Overview and Scrutiny arrangements in the light of the experience gained over the past four years, the County Council decided in April 2009 to remodel member arrangements so that a Scrutiny Management Board takes overall strategic responsibility for the overview and scrutiny function by commissioning all task and finish scrutiny work and overseeing and approving a single overview and scrutiny work programme. The Board will be supported by four advisory boards each with a distinct cross-cutting theme:

- children and young people
- adults
- safer/stronger and inclusive communities
- economy and environment

5.5 Policy review work is undertaken through task and finish groups whose members may be selected from non-executive members as a whole.

5.6 In addition there are separate overview and scrutiny committees dealing with matters concerning health and health services in Cumbria – the Cumbria Health and Well-being Committee – and a Cumbria Joint Scrutiny Committee including members from district councils and the Cumbria Association of Local Councils to take a strategic overview of the performance and delivery of the Cumbria Community Strategy and the Cumbria Local Area Agreement.

5.7 Members of the Cabinet may not be members of an Overview and Scrutiny Committee.

5.8 Overview and Scrutiny Committees are important in demonstrating accountability. They can require cabinet members and officers to attend their meetings to account for and justify decisions and how they are taken.

5.9 The committees can also invite outside organisations and representative groups to attend meetings to give their views on service or policy issues.

6. Local Committees

6.1 Cumbria is a big County and six local committees have delegated responsibility for a range of functions where decisions are best taken by local members. These six local committees are based on district council boundaries and their membership includes all members whose electoral divisions fall within the local committee area. The size of each local committee therefore varies as follows: -

Allerdale Local Committee	16 members
Barrow Local Committee	12 members
Carlisle Local Committee	17 members
Copeland Local Committee	12 members
Eden Local Committee	9 members
South Lakeland Local Committee	18 members

- 6.2 Local committees have responsibility for what are called “Executive functions”. In local authorities which do not have local committees these delegated functions might be the responsibility of the Cabinet, a Cabinet Member or an officer. Any decisions taken by local committees are subject to review (and call-in) by Overview and Scrutiny Committees in the same way as decisions taken by the Cabinet.

7. **Other Council Committees**

- 7.1 By law a small number of important Council functions cannot be undertaken by the Cabinet or local committees. These functions are called “Non-Executive functions” and Appendix A includes a box labelled “Non-Executive Bodies” which lists committees etc that undertake functions which are not the responsibility of the Cabinet or local committees. The statutory term “Non-Executive functions” can be confusing because non-executive bodies such as the Development Control and Regulation Committee do take important decisions!

(1) **The Standards Committee**

Comprises four members of the County Council and five independent co-opted members. The Standards Committee aims to ensure that members and officers maintain the highest ethical standards across all areas of the Council’s services.

The Leader of the Council cannot be a member of this Committee, nor can any individual Cabinet Member chair it. The Committee’s Chair is an independent co-opted member.

(2) **The Development Control and Regulation Committee**

Deals with applications for planning permission for waste disposal and mineral extraction, and for developments proposed by the County Council.

(3) **The Cumbria Pensions Committee**

Administers the Cumbria Pensions Fund.

7.2 Agendas for all of the Council's main meetings are published by the Head of Member Services and Scrutiny five clear working days in advance of the meeting. Copies are sent to all members of the Committee, and can be accessed on the Council's website at <http://www.cumbria.gov.uk/councilmeetings/default.asp> under "Council and Democracy".

8. Codes of Conduct for Members and Officers

8.1 Members must observe the Council's Code of Conduct. This is based on a national model and among other things requires members to consider whether they have a personal, or a personal and prejudicial interest, in any matter on the agenda for a meeting and if so to disclose such an interest.

8.2 Members also have a general obligation to:

- promote equality;
- treat others with respect;
- not use their position for their own advantage or to confer unfair advantage or disadvantage on any other person.

8.3 Officers also have to observe a Code of Conduct that sets guidelines on behaviour and standards of conduct at work.

9. Council Procedure Rules and Financial Regulations

9.1 These set out the detailed procedural rules that must be followed in conducting Council business.

10. Key Decisions and the Forward Plan

10.1 The Leader of the Council must publish each month a Forward Plan which sets out the "key decisions" to be taken by the Cabinet, local committees or officers over the following four months. A key decision for this purpose is one which is likely:

- (1) to be significant in terms of expenditure or savings if it relates to a matter which exceeds £250,000 in value, **except** those decisions taken by: -

- (i) the Corporate Director - Resources under delegated authority in connection with Treasury Management;
- (ii) the Corporate Director – Children’s Services or the Corporate Director – Adult and Cultural Services under delegated authority in relation to care plans for individual children and young people or adults;
- (iii) Corporate Directors generally under delegated powers in relation to the submission of or acceptance of tenders.

or

- (2) to be significant in terms of its effect on communities living or working in an area comprising two or more electoral divisions if it would change, or proposes changes to, the way in which services are used or provided. Significant in this context means important or far reaching. Examples would include proposals for changing the character of a school, closing down or opening Council services, and major changes in transport arrangements affecting an area. This is not an exhaustive list, and in considering whether a decision is a ‘key decision’ the Council seeks to apply the principle that the public in the area affected should not be taken by surprise by the proposed decision.

10.2 The Forward Plan enables members and the public to see what key decisions are proposed, who will be taking them, and when and what consultation is proposed.

10.3 Key decisions cannot always be identified in advance. In certain circumstances Cabinet and local committees may take key decisions not published in the Forward Plan provided that the Chair of the relevant Overview and Scrutiny Committee has been consulted as necessary.

11. Officer Management Structure

11.1 The law makes a clear distinction between the elected members of a local authority and the paid, professional staff who advise elected members and manage services under their overall direction. It is not possible for this reason for an elected member to be employed by the authority of which he or she is a member, or for an officer to stand for election. Additionally, it is an important principle that officers serve the whole Council and must be careful to maintain their political neutrality. In Cumbria,

elected members and officers work closely together in pursuing the interests of the people the County Council serves, while being aware of the fact that their roles are different and complementary.

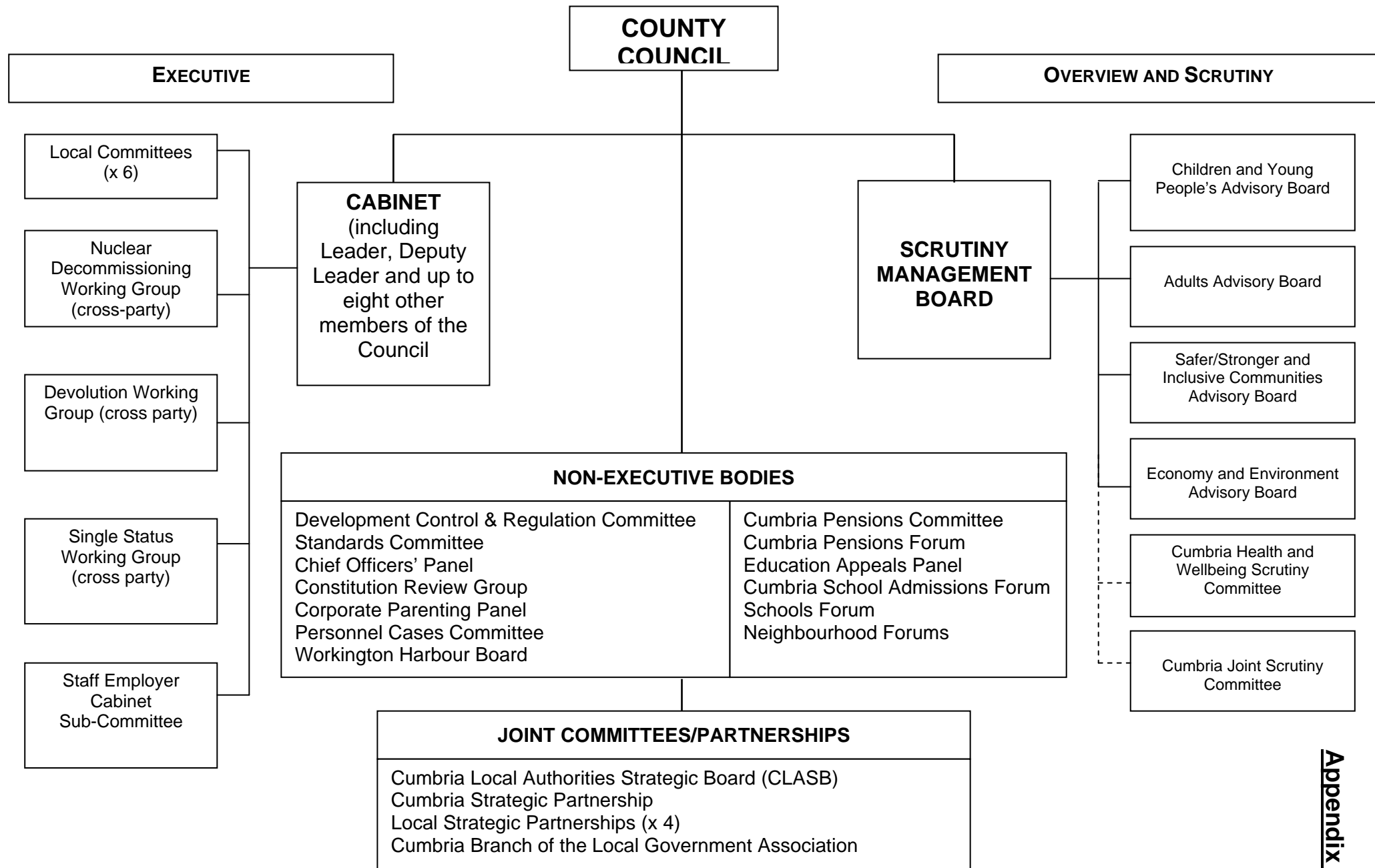
- 11.2 The Chief Executive is the head of the County Council's paid service and the Council's principal adviser on policy. He chairs the Council's Corporate Management Team, which includes the six corporate directors as well as the Chief Legal Officer and the Chief Finance Officer. The Chief Legal Officer (Angela Harwood) is the Monitoring Officer under Section 5 of the Local Government and Housing Act 1989 and advises the Standards Committee. The Monitoring Officer's role is to make sure that the Council acts lawfully and that its actions do not give rise to maladministration or injustice.
- 11.3 Below the Corporate Management Team, the staff of the County Council are organised into service units, each of which is led by a Head of Service.
- 11.4 The officer structure is shown at Appendix B.
- 11.5 Member Services and Scrutiny provides logistical and administration support to the County Council's decision making and scrutiny processes. Staff attend meetings involving elected members, oversee the production and publication of papers which are sent to members for decision or discussion, advise on practice and procedures, prepare minutes of meetings attended by members, produce records of decisions, liaise with the representatives of the political groups and operate systems to ensure that members at large are aware of what is going on.
- 11.6 A list of contacts is attached at Appendix C.

12. Changes to Political Governance Arrangements

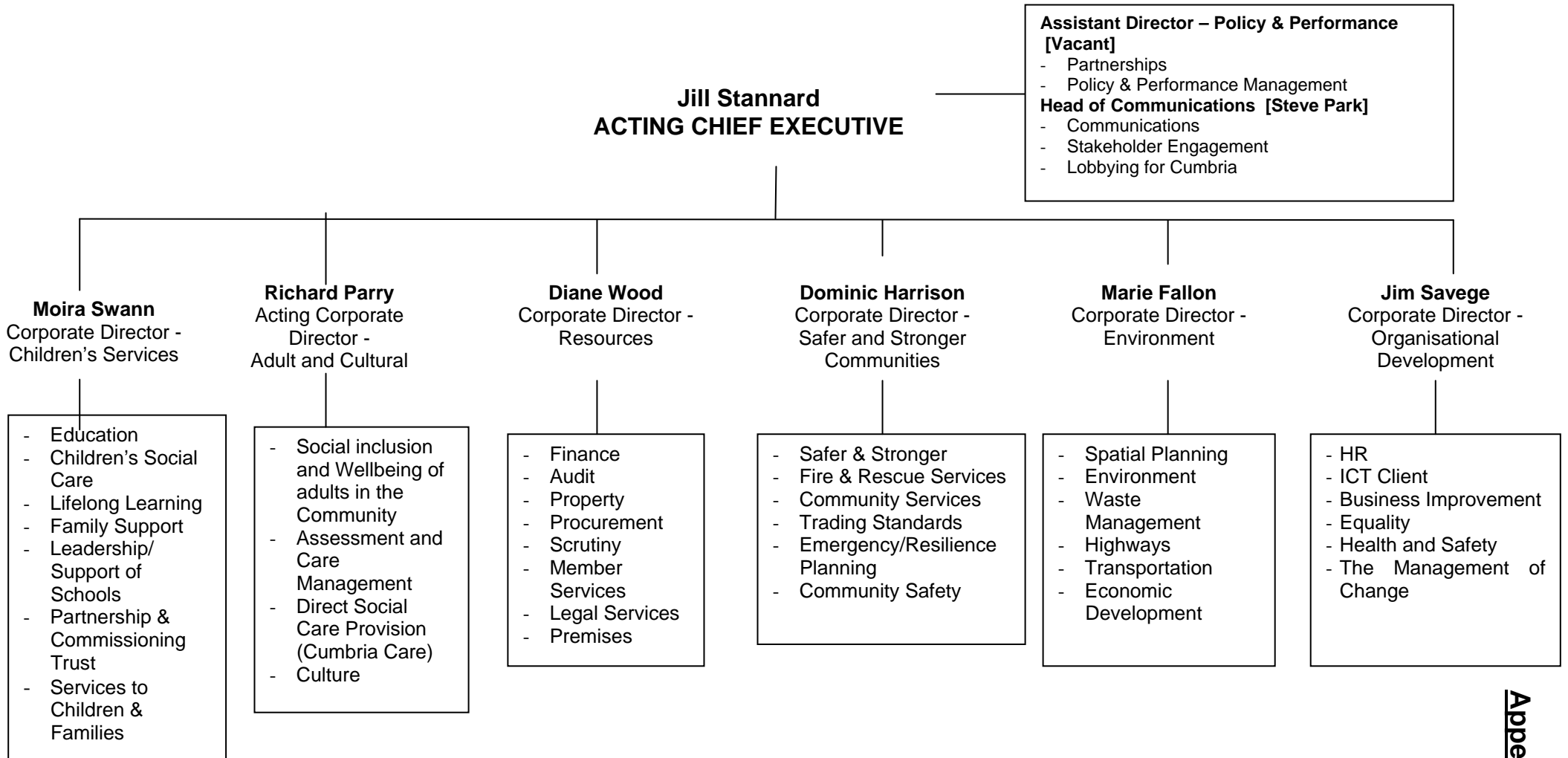
- 12.1 This rough guide sets out the Council's arrangements as at the date of publication but it will be open to the new Administration formed after the elections in June 2009 to change these arrangements in particular respects. But such changes must comply and be consistent with the relevant statutory provisions.

May 2009

COUNTY COUNCIL POLITICAL GOVERNANCE ARRANGEMENTS – MAY 2009



COUNTY COUNCIL MANAGEMENT STRUCTURE



May 2009

Appendix B

Appendix C

MEMBER SERVICES CONTACTS

Head of Member Services and Scrutiny	David Claxton	Tel 01228 226351	e-mail david.claxton@cumbriacc.gov.uk
County Council Overview and Scrutiny	Michael Turner	Tel 01228 226373	e-mail michael.turner@cumbriacc.gov.uk
Cabinet	Nick Evans Linda Graham	Tel 01228 226367 Tel 01228 226362	e-mail nick.evans@cumbriacc.gov.uk e-mail linda.graham@cumbriacc.gov.uk
Standards Committee	Michael Turner	Tel 01228 226373	e-mail michael.turner@cumbriacc.gov.uk
Allerdale Local Committee	Claire Bradshaw	Tel 01228 226364	e-mail claire.bradshaw@cumbriacc.gov.uk
Barrow Local Committee	Janine Hounslow	Tel 01228 226906	e-mail Janine.hounslow@cumbriacc.gov.uk
Carlisle Local Committee	Linda Graham	Tel 01228 226362	e-mail linda.graham@cumbriacc.gov.uk
Copeland Local Committee	Jackie Currie	Tel 01228 221030	e-mail jackie.currie@cumbriacc.gov.uk
Eden Local Committee	Susan Johnston	Tel 01228 226363	e-mail susan.johnston@cumbriacc.gov.uk
South Lakeland Local Committee	Glynis Andrews	Tel 01228 226361	e-mail glynis.andrews@cumbriacc.gov.uk
Development Control & Regulation Committee	Nicola Phillips	Tel 01228 226376	e-mail nicola.phillips@cumbriacc.gov.uk
Cumbria Pensions Committee	Susan Johnston	Tel 01228 226363	e-mail susan.johnston@cumbriacc.gov.uk