

## Part 1

# A summary of the Lincolnshire County Council Constitution

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## 1 Introduction

- 1a By law, we must have a formal constitution in place. The constitution sets out how we operate and how we make decisions.
- 1b This summary is to help council members, officers and the public and is not a substitute for the constitution itself. If you are in any doubt, you should always refer to the constitution or speak to the monitoring officer.
- 1c How we act towards members, officers and the public is important. There is a set of values (**PERFORMS**) which are based on Nolan's seven principles of public life.

Putting customers first  
Encouraging innovation  
Results matter  
Focus on the community  
Openness and honesty  
Respect everyone  
Making a difference  
Striving to improve

- 1d The constitution promises that we will:
  - talk and listen to all the people of Lincolnshire;
  - provide clear leadership;
  - work effectively with members of the public, businesses and other organisations;
  - provide improving services which meet the needs and goals of all the people of Lincolnshire; and
  - contribute to promoting or improving the economic, social and environmental well-being of Lincolnshire.

## 2 The Full Council

- 2a The full council is made up of 77 members, and all members play a part in the running of the council.
- 2b The council's role is to approve our main policies and the annual budget (which we refer to as the Budget and Policy Framework). It also decides on other matters and these are set out in article 4 of the constitution.
- 2c In most cases, the Executive (see section 3) makes decisions and all our members are told about these.

- 2d The full council may also get reports from our other committees, and recommendations and reports from the overview and scrutiny committees.
- 2e All decisions taken must be made within the Budget and Policy Framework.
- 2f We run full council meetings in line with procedure rules (see part 4 of the constitution). These rules set out how full council meetings are carried out.
- 2g Our meetings are open to the public, unless we are considering personal, sensitive or private matters.

### **3 The Executive**

- 3a The Executive is made up of a leader and up to nine other councillors, who the leader appoints. When the Executive makes or discusses major decisions, these are published in the Executive's 'forward plan'. The meetings are normally open to the public, unless private matters are being discussed. The Executive has to make decisions which are in line with our Policy and Budget Framework. If the Executive wants to make a decision outside the framework, it must first refer it to full council to decide.
- 3b All members of the Executive have a portfolio, which is a particular area of responsibility. The portfolios are as follows.
- Policy, Strategy and Communications
  - Corporate Development
  - Community Safety, Cohesion and Diversity
  - Children's Services and Adult Education
  - Adult Social Care
  - Economic Development
  - Waste Services and Green Issues
  - Highways and Transport
  - Health, Housing and Community
  - Finance and Human Resources
- 3c The Executive takes decisions as a group, though individual Executive councillors also have powers to take decisions on behalf of the Executive.

### **4 The Forward Plan**

- 4a The purpose of the forward plan is to let the public and elected members (councillors) know when important decisions are to be taken so that they can raise matters of concern with their ward councillors or with the members of the Executive.

## **5 Calling in Executive Decisions**

- 5a 'Calling in' is the process which allows non-Executive councillors to challenge Executive, Executive councillor and chief officer decisions.

## **6 Overview and Scrutiny**

- 6a Overview and scrutiny means reviewing and questioning decisions. Our Overview and Scrutiny Management Committee is supported by the following overview and scrutiny committees.

- Health Scrutiny Committee for Lincolnshire
- Adults Scrutiny Committee
- Children and Young People Scrutiny Committee
- Communities Scrutiny Committee
- Economic Scrutiny Committee
- Environmental Scrutiny Committee
- Highways, Transport and Technology Scrutiny Committee
- Value for Money Scrutiny Committee

- 6b Councillor Call for Action (CCfA) can be started by any councillor to raise a problem that affects a significant number of local residents and has not been dealt with in the other ways available.

## **7 Non-Executive Committees**

- 7a By law, the Executive cannot deal with some matters (mainly planning, licensing and regulatory matters and issues the full council deals with).

- 7b We currently run the following non-Executive committees

- Pensions Committee
- Planning and Regulation Committee
- Definitive Map and Statement of Public Rights of Way Sub-Committee
- Appointments Committee
- Chief Officers' Salaries Review Sub-Committee
- Audit Committee
- Standards Committee

- 7c The Pensions Committee is responsible for overseeing the Local Government Pension Scheme.

- 7d The Planning and Regulation Committee is responsible for determining all the planning applications that cannot be decided under delegated powers (decisions which officers can take) and other matters to do with highways, transportation and rights of way.

- 7e The Definitive Map and Statement of Public Rights of Way Sub-Committee is responsible for any changes made to the definitive map.
- 7f The Appointments Committee is responsible for recruitment and employment relating to chief officers.
- 7g The Chief Officers' Salaries Review Sub-Committee is responsible for carrying out a yearly review of chief officer salaries.
- 7h The Audit Committee is responsible for approving the annual statement of accounts, monitoring our financial methods of working (including risk management), reviewing all audit activity and promoting financial best practice.
- 7i The Standards Committee is responsible for monitoring and reviewing our ethical framework, including the members' code of conduct. The committee considers the result of any investigations referred to the Monitoring Officer and is in charge of misconduct hearings.

## **8 The Scheme of Delegation – Officers**

- 8a We ask our officers to make sure our services are provided effectively each day. Part 3 of the constitution includes the details of the various officers and their area of responsibility.

## **9 Monitoring what we do**

- 9a We must appoint a Head of Paid Service, Chief Financial Officer, a Monitoring Officer, a Statutory Scrutiny Officer and an Executive Director of Children's Services and of Adult Social Care. Each of these officers has specific responsibilities but together they are responsible for making sure we put in place effective, efficient and well-designed arrangements for overseeing what we do.

### **9b Head of Paid Service**

- 9b1 The Chief Executive is our appointed Head of Paid Service. He or she is responsible for managing the workforce and has overall responsibility for how we carry out our services.
- 9b2 The Head of Paid Service may not be the Monitoring Officer but may hold the position of Section 151 Officer (see 9d).

### **9c Monitoring Officer**

- 9c1 The Monitoring Officer is responsible for:
  - advising us about our powers and responsibilities;
  - making sure our decisions are fair and keep to the law;

- updating and advising us on the constitution;
- supporting and promoting high standards of behaviour among our councillors and officers; and
- making sure we know Executive decisions are kept within our Budget and Policy Framework.

## 9d **Section 151 Officer**

9d1 The 151 Officer is responsible for:

- looking after our financial affairs;
- making sure (with the Monitoring Officer) our financial dealings keep to the law;
- providing professional financial advice; and
- supporting and advising our councillors on the budgetary framework.

## 10 **Access to Information**

10a All full council, Executive and overview and scrutiny meetings and the non-Executive committees are open to the public unless private or sensitive matters are being discussed. The Access to Information Procedure Rules are set out in part 4 of the constitution and list the rights of elected members and members of the public to see our agenda, reports and minutes.

## 11 **Our Ethical Framework**

11a Code of conduct for members

11a1 All our members must keep to a code of conduct. The code includes specific responsibilities, for example, to do with:

- declaring interests at meetings;
- registering financial and other interests;
- declaring gifts and hospitality; and
- general standards of conduct and behaviour.

## 12 **Member and Officer Rules**

12a We have rules in place for members and officers. These rules set out the roles and responsibilities of elected members and officers.

12b The rules include guidance on:

- the general responsibilities of elected members;
- the relationship between members and officers;
- officer relationships with political groups;
- members' information access rights;

- complaints about officers;
- member roles; and
- media relations.

### 13 **Petitions**

- 13a By law, we have to have adopted a petitions scheme, which is set out in part 5, section D6 of the constitution.
- 13b We have an 'e-petition' scheme, where anyone who lives, works or studies in the local authority area can sign or organise a petition which they can then send to us by e-mail.

### 14 **Contract Regulations**

- 14a The contract regulations form the framework within which we can buy goods, works and services.

### 15 **The Financial Framework**

- 15a We must put in place a financial framework that makes sure we use public money properly. The financial procedure rules, the contract procedure rules and the scheme of delegation are all part of the financial framework.