

Open report on behalf of Monitoring Officer Richard Wills

Report to:	Overview and Scrutiny Management Committee
Date:	26 June 2014
Subject:	Review of Constitution – Update Report

Summary:

This report updates the Overview and Scrutiny Management Committee on progress with the review of the Council's Constitution.

Actions required:

The Committee is invited to consider the recommendations of the Constitution Review Group with a view to them being incorporated in a final submission to Council on 26 September 2014.

1. Background

- 1.1 Following the County Council election in May 2013 Group Leaders requested that there be a review carried out to consider the role of non-executive councillors and added members in relation to policy development and scrutiny. The then Monitoring Officer, David O'Connor, was asked to lead on this as the officer with responsibility for monitoring and reviewing the Constitution.
- 1.2 At the meeting of the Overview and Scrutiny Management Committee on 27 June, 2013 it was agreed that a Working Group should be established to support the Monitoring Officer in the Review of the Constitution. The following councillors are members of that Group;

Councillor C J T H Brewis
Councillor Mrs J Brockway
Councillor A Jesson
Councillor Mrs M J Overton MBE
Councillor R B Parker
Councillor T M Trollope-Bellew

- 1.3 At its meeting on 30 August 2013 this Committee considered proposals for amendments to the Constitution, which focused on the opportunities and mechanisms for policy development and scrutiny. These proposals were approved by Council on 13 September 2013 and were then reflected in amendments to the relevant sections of Part 2 – Articles of the Constitution and Part 4 – Rules of Procedure which were agreed by this Committee at its meeting on 28 November 2013.
- 1.4 It was agreed that the Review of the Constitution Working Group should continue to meet to review the other parts of the Constitution. The Group has met on several occasions and it was agreed by the Group and by this Committee that updates would be brought to this Committee periodically for agreement to avoid the presentation and consideration of the entire document at just one meeting.
- 1.5 The intention today is to consider amendments to Part 2 – Articles of the Constitution and Part 3 – Responsibility for Functions. These amendments are attached as Appendices A and B to this report. Further meetings of the Review Group, led by Monitoring Officer Richard Wills, have been scheduled for 11 and 22 July when other sections of the Constitution will be considered.
- 1.6 Depending on progress made, a further report could be brought to the 24 July meeting of this Committee with the next set of amendments. It may also be necessary to consider holding an extra meeting of the Committee at the end of August / beginning of September in order to allow consideration of any final amendments prior to adoption by the meeting of the County Council on 26 September.

2. Conclusion

The Committee is invited to consider and comment on this report and the proposed amendments, which appear as red and blue tracked changes in the attached Appendices A and B.

3. Appendices

These are listed below and attached at the back of the report	
Appendix A	Proposed amendments to Part 2 – Articles of the Constitution
Appendix B	Proposed amendments to Part 3 – Responsibility for Functions

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Nigel West, who can be contacted on 01522 552840 or nigel.west@lincolnshire.gov.uk.

Part 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 – THE CONSTITUTION

The Articles of the Constitution explain how the Council works.

1.01 Powers and duties of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.02 The Constitution

The Council's Constitution consists of Parts 1 to 7 of this document.

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with members of the public, businesses and other organisations;
2. support the active involvement of members of the public in the process of local authority decision-making;
3. help Councillors represent their constituents more effectively;
4. enable decisions to be taken efficiently and effectively;
5. create a powerful and effective means of holding decision-makers to public account;
6. ensure that no one will review or scrutinise a decision in which they were directly involved;
7. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
8. provide a means of improving the delivery of services to the community.

1.04 Suspension of the Constitution

(a) Limit to suspension

The Articles of this Constitution may not be suspended. The Rules of Procedure may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend**

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article this 1.

1.05 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect and to ensure that appropriate amendments are recommended as and when necessary for the purpose of updating or improving the Constitution. The Monitoring Officer shall review the Constitution annually with a view to recommending any such amendments to the Annual Meeting of the Council.

Protocol for monitoring and review of Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out in this Article 1. In undertaking this task the Monitoring Officer may:

1. observe meetings of different parts of the Councillor and non-elected member and Officer structure;
2. undertake an audit trail of a sample of decisions;
3. record and analyse issues raised with them/him/her by Councillors, non-elected members, Officers, the public and other relevant stakeholders; and
4. compare practices in this authority with those in other comparable authorities, or national examples of best practice.

In formulating recommendations for amendments to the Constitution the Monitoring Officer ~~shall~~ may convene a group of Councillors and where in the Monitoring Officer's opinion it is appropriate other stakeholders to advise him or her on any amendments.

1.06 Approval of changes to the Constitution

Other than changes to the Constitution which are matters of fact, update or amend references to statutory provisions or correct typographical errors in which case the amendments can be made by the Monitoring Officer, changes to the Constitution will only be approved by the full Council after consideration of the proposal by the Monitoring Officer.

However, if either

- (a) the Head of Paid Service makes changes to the organisation of the Council's staff or the way in which the delivery of functions is organised at officer level which impact on the specific powers of the Chief Executive, Chief Officers and other officers contained in section C (Delegations to Chief Executive and All Chief Officers) in Part 3 of the Constitution (Responsibility for Functions); or
- (b) the officer appointed from time to time under section 151 of the Local Government Act 1972 determines that changes are necessary to the Financial Regulations contained in Part 4 of the Constitution for the proper administration of the Council's financial affairs

and the said officers determine that in the interests of the Council the said changes should be implemented in advance of the next available opportunity for the Constitution to be formally amended by full Council, then the said officers may make such minimum amendments to those parts of the Constitution referred to above as shall be necessary to reflect the proposed changes PROVIDED ALWAYS that before making such changes such officers obtain the Agreement of the Monitoring Officer, the Leader of the Council, the Leader of the Opposition, the Chairman of the Overview and Scrutiny Management Committee and the Chairman of the Audit Committee.

The changes shall be submitted to the next available meeting of the Council to consider formal approval. Regardless of whether the changes are formally approved by the Council, decisions and actions taken in reliance on changes to the Constitution duly made under this paragraph between implementation of the changes and the decision whether or not to approve those changes shall be treated as having been taken in accordance with the Constitution.

1.07 Interpretation of the Constitution

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in this Article 1.

For the purpose of this Constitution "a working day" is defined as a day on which the County Offices is open for its normal working hours. In calculating a period of "clear working days" between two events the day on which the first event occurs and the day on which the second event occurs shall be ignored.

1.08 Publication

- (a) The Monitoring Officer will ensure access to an electronic copy of this Constitution to each Councillor upon delivery to him/her of that

individual's declaration of acceptance of office on the Councillor first being elected to the Council.

(b) The Monitoring Officer will ensure that ~~printed electronic~~ copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.

(c) The Monitoring Officer will ensure that an electronic copy of the Constitution is available on the Council's website.

1.09 Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

1. Article 5 (The Executive) and the Executive Procedure Rules.
2. Article 6 (Overview and Scrutiny Committees) and the Overview and Scrutiny Procedure Rules.
3. Article 8 (Joint arrangements).
4. Article 10 (Decision making) and the Access to Information Procedure Rules.
5. Part 3 (Responsibility for Functions).

ARTICLE 2 – MEMBERS OF THE PUBLIC AND THE COUNCIL

2.01 Rights of Members of the Public

Members of the Public have the following rights.

(a) **Voting and referendum petitions**

Members of the Public on the electoral roll for the area have the right to vote, and sign a petition to request a referendum for an elected mayor form of Constitution. ~~They also have a right to sign a petition.~~ Further information regarding voting can be found on the Electoral Commission website www.electoralcommission.org.uk.

(b) **Information**

Members of the Public have the right to have access to information as set out in the Access to Information Procedure Rules at Part 4 of this Constitution.

They also have the right under the Freedom of Information Act 2000 to request information in the possession of the Council and to receive such information subject to certain defined exceptions.

They have a right to make representations about why a meeting of the Executive or its Committees or part of such a meeting, should be open to the public when a notice of an intention to meet in private is published.

They have the right to access their own data through a Subject Access Request under the Data Protection Act 1998.

(c) **Attendance at Meetings**

Members of the Public have the right to attend meetings of the Council as set out in the Access to Information Procedure Rules at Part 4 of this Constitution

(d) **Inspection of the Accounts**

Members of the Public have the right to inspect the Council's accounts and make their views known to the external auditor.

(e) **Complaints**

Members of the Public have the right to complain to:

- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Council's Monitoring Officer about a breach of the Code of Conduct for Members; and
- (iv) the Information Commissioner about a breach of the Council's obligations under the Data Protection Act 1989, the Freedom of Information Act 2000, or the Environmental Information Act 2004.

(f) **Petitions**

Members of the Public have the right to petition the Council. The Petition Scheme at Part 5 of this Constitution shall apply to petitions presented to the Council.

2.02 Consultation

The Council will consult with Members of the Public and its partner organisations in accordance with its legal obligations and such community engagement and/or consultation strategies as it may adopt from time to time. ~~Community Engagement and Empowerment Strategy.~~

2.03 Communication

The Council will adopt a communication strategy from time to time governing how it will communicate with the public.

2.04 Responsibilities of Members of the Public

Members of the Public must not be violent, abusive or threatening to Councillors or Officers and must not intentionally damage property owned or controlled by the Council, Councillors or Officers.

ARTICLE 3 – MEMBERS OF THE COUNCIL

3.01 Composition and eligibility

(a) **Composition**

The Council will comprise 77 Members, otherwise called Councillors. One Councillor will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government [Boundary Commission for England](#) and approved by the Secretary of State.

(b) **Eligibility**

Only registered voters of the county or those living or working there will be eligible to hold the office of Councillor. [Further information can be found on the Electoral Commission website www.electoralcommission.org.uk](#).

3.02 Election and terms of Councillors

Election and terms

The regular election of Councillors will usually be held on the first Thursday in May every four years beginning in 2001. The terms of office of Councillors will start on the fourth working day after being elected and will finish on the fourth working day after the date of the next regular election.

3.03 Roles and functions of all Councillors

(a) **Key roles**

All Councillors will:

- (i) effectively represent the interests of their division and individual constituents;
- (ii) actively encourage community participation and bring community views into the Council's decision making process;
- (iii) respond to constituents' enquiries and representations, fairly and with impartiality;
- (iv) participate in the governance and management of the Council;
- (v) be involved in decision making;

- (vi) contribute collectively to strategic and policy issues;
- (vii) be available to represent the Council on other bodies;
- (viii) balance different, often conflicting interests;
- (ix) maintain the highest standards of conduct and ethics.

(b) **Rights and duties**

- (i) Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- (ii) Councillors will not make public information, which is confidential or exempt without the consent of the Council, or divulge information given in confidence to anyone other than a Councillor or Officer entitled to know it.
- (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 4 of this Constitution.

3.04 Conduct

Councillors will at all times observe the Members' Code of Conduct and all Protocols in Part 5 of this Constitution as approved by the Council from time to time.

3.05 Political Groups

Most if not all Councillors will be members of political groups and membership of the main Committees of the Council will be allocated to the groups in proportion to their representation on the Council as a whole.

The Council will recognise the following categories of political groups

(i) The Ruling Group

This will usually be the political group with the greatest number of seats on the Council.

The Leader of the Council and the members of the Executive will normally be drawn from the Ruling Group.

(ii) The Opposition Group

This will usually be the political group with the second greatest number of seats on the Council.

The leader of this political group will be the Leader of the Opposition.

The Leader of the Opposition may appoint members of his or her political group to shadow the areas of responsibility of Executive Councillors. If so such members of the Opposition Group will be known individually as Shadow Executive Councillors and collectively as the Shadow Executive.

(iii) The Minority Groups

These are the other political groups on the Council.

The position of the leaders of these groups is acknowledged under the Constitution but not any shadow executive they may choose to form.

~~3.06 Special Interest Councillors~~

~~The County Council may appoint "Special Interest Councillors" from among the Councillors of the Council. The role of the Special Interest Councillors includes support and advice to the Executive, Overview and Scrutiny Committees, Executive Councillors, individual Councillors and other public and local groups in relation to those matters within the defined special interest.~~

~~3.076 Allowances~~

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme as detailed at Part 6 of this Constitution.

ARTICLE 4 – THE FULL COUNCIL

4.01 Meanings

(a) **Policy Framework**

The policy framework means the following plans and strategies:

(i) Those required by law to be adopted by the Council

- ~~• Annual Library Plan~~
- ~~• Annual Review of Pay Policy~~
- ~~• Council Business Plan and Annual Report~~
- Local Transport Plan
- The Youth Justice Plan
- ~~• Adult Learning Plan~~
- ~~• Quality Protects Management Action Plan~~
- Waste Local Plan
- Mineral Local Plan
- Joint Municipal Waste Strategy
- ~~• Asset Management Plan~~
- Financial Strategy
- ~~• Children and Young Persons Plan~~
- ~~• Organisational Strategy~~

(ii) Those other plans and strategies which the Council has determined should be part of the Policy Framework:

- Adult Learning Plan
- Quality Protect Management Plan
- Asset Management Plan
- Children & Young Persons Plan

- [Financial Strategy](#)
- [Organisational Strategy](#)
- [Community Engagement Strategy 2013/18](#)

(b) **Budget**

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions' relating to the control of the Council's borrowing requirement, the control of its capital expenditure and the setting of virement limits.

4.02 **Functions of the full Council**

The Council and only the Council will exercise the following functions:

- (a) adopting and changing the Constitution;
- (b) approving or adopting the policy framework and the budget or changing the policy framework and the budget except those changes to the policy framework which are necessary to ensure compliance with the law, ministerial direction or government guidance which may be made by the Executive, a Committee of the Executive, an individual Executive Councillor or an Officer in accordance with rule 8 of the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
- (c) making any Executive decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget; except where such decision is subject to the urgency procedure contained in Rule 16 of the Access to Information Procedure Rules in Part 4.
- (d) electing and removing the Leader of the Council;
- (e) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them including appointment of Chairman and Vice Chairman, but excluding the Chairman and Vice Chairman of the Health Scrutiny Committee [for Lincolnshire and the Lincolnshire Health and Wellbeing Board](#) who will be appointed by the Committee/Board;
- (f) appointing representatives of the Council to outside bodies unless the appointment is an Executive function under Part 3 of this Constitution or has been delegated by the Council.;

- (g) ~~appointing Special Interest Councillors~~;
- (~~hg~~) adopting a Scheme of Members' Allowances;
- (~~ih~~) changing the name of the area;
- (~~ji~~) confirming the appointment and dismissal of Head of Paid Service;
- (~~ki~~) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills in Parliament;
- (~~lk~~) adopting or changing the Members' Code of Conduct, ~~subject to advice from the Standards Committee~~;
- (~~ml~~) appointing the Returning Officer for County Council elections;
- (~~am~~) submission of proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;
- (~~en~~) power to confer title of honorary alderman;
- (~~po~~) functions relating to sea fisheries;
- (~~qp~~) power to make standing orders;
- (~~rq~~) duty to make arrangements for proper administration of financial affairs, etc;
- (~~sr~~) power to appoint Officers for particular purposes (appointment of "Proper Officers");
- (~~ts~~) duty to designate Officer as the head of authority's paid service, Section 151 Officer, Monitoring Officer, Statutory Scrutiny Officer, Director Adult Social Services, Director of Children's Services, Traffic Manager, and a duty (acting jointly with the Secretary of State) to appoint a Director of Public Health, and to provide staff to them;
- (~~ut~~) consideration of a Report from a Local Commissioner under section 31 or a further Report under section 31A of the Local Government Act 1974 and of actions taken or proposed to be taken in response; and
- (~~vu~~) all other matters which, by law, must be reserved to Council.

4.03 Council meetings

There are three types of Council meeting:

- (a) the annual meeting;

- (b) ordinary meetings;
- (c) extraordinary meetings;

and they will be governed by and conducted in accordance with the Council Procedure Rules in Part 4 of this Constitution.

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4.04 Responsibility for functions

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions.

4.05 Development of the Budget and Policy Framework

The Budget and Policy Framework will be developed in accordance with Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution.

4.06 Role and function of the Chairman of the Council

The Chairman will be elected by the Council annually. The Chairman's ~~will~~ **have** ~~the following~~ responsibilities **will include**:

1. to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
2. to preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community;
3. 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 Councillors who are not on the Executive are able to hold the Executive to account;
4. to promote public involvement in the Council's activities;
5. to be the conscience of the Council;
6. to attend such civic and ceremonial functions as the Council and he/she determines appropriate; and
7. to be consulted on any matter where consultation with the Chairman of the County Council is required under this Constitution.

4.07 The Chairman shall in the conduct of meetings and otherwise seek to protect the interests of all Councillors and ~~non-elected~~ **added** members of the County Council in contributing to and involvement in the work of the Council and particularly those Councillors who are not Executive Councillors.

4.08 To support the independence of the role, the Chairman of the Council will not hold other offices during his/her term.

ARTICLE 5 – THE EXECUTIVE

5.01 Role

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this Constitution.

5.02 Form and Composition

The Executive will consist of a minimum of two and a maximum of 10 Councillors being the Leader and up to 9 Councillors appointed to the Executive by the Leader.

The Leader will appoint at least one of the Executive Councillors as Deputy Leader with authority to act in the absence of the Leader. The Leader shall be entitled to remove a Deputy Leader from Office and shall give written notice thereof to the Chief Executive. The removal will take effect two clear working days after receipt of the Notice by the Chief Executive.

One of the Executive Councillors appointed by the Leader will have specific responsibility for the exercise of Executive functions in relation to the Council's responsibilities as fire authority.

5.03 Leader

The Leader will be a Councillor elected to the position of Leader by the Council at the beginning of each 4-year term. The Leader will hold office until the next election of all Councillors of the Council or (if earlier) until:

- (a) he/she resigns from the office; or
- (b) he/she is no longer a Councillor; or
- (c) he/she is removed from the office of Leader by resolution of the Council in which case a new Leader shall be elected by the Council at the meeting at which the Leader was removed from office or at a subsequent meeting.

5.04 Other Executive Councillors

Other Executive Councillors shall hold office until:

- (a) they resign from the office; or

- (b) they are no longer Councillors; or
- (c) they are removed from the office by the Leader who must give written notice of any removal to the Chief Executive. The removal will take effect two clear working days after receipt of the notice by the Chief Executive.

5.05 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

5.06 Responsibility for functions

The Leader will comply with the requirements of the Executive Procedure Rules requiring the maintenance of a scheme setting out which individual Executive Councillors, Committees of the Executive, Officers or joint arrangements are responsible for the exercise of particular Executive functions [as detailed in Part 3 of this Constitution](#).

5.07 Executive Support Councillors

The Leader will appoint Executive Support Councillors who can attend and speak at meetings in place of the Executive Councillor.

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

6.01 Appointment of Overview and Scrutiny Committees

The County Council will appoint the following Overview and Scrutiny Committees: -

- Overview and Scrutiny Management Committee
- Adults Scrutiny Committee
- Children and Young People Scrutiny Committee
- Economic Scrutiny Committee
- Environmental Scrutiny Committee
- Flood and Drainage Management Scrutiny Committee
- Health Scrutiny Committee for Lincolnshire
- Highways and Transport Scrutiny Committee
- Community and Public Safety Scrutiny Committee
- Value for Money Scrutiny Committee

Each Overview and Scrutiny Committee will undertake its role in accordance with the provisions in this Article, in addition to legislative requirements, relevant regulations, statutory guidance and the provisions specified throughout the Constitution.

All Councillors except Executive Councillors may be members of an Overview and Scrutiny Committee. No Councillor may be involved in scrutinising a decision in which he/she has been directly involved.

6.02 Overview and Scrutiny Management Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Overview and Scrutiny Management Committee. The Overview and Scrutiny Management Committee will also include the church and parent governor representatives as members as set out in Annex A to these Articles. Church and parent governor representatives are entitled to participate at meetings of the Committee, but may only vote when an education matter is to be determined.

Terms of Reference

The Overview and Scrutiny Management Committee may exercise the following functions: -

- To approve the Overview and Scrutiny Annual Report, prior to its submission to the County Council.
- To monitor and guide the activities of the other Overview and Scrutiny Committees.
- To consider and determine any decision which has been made by the

Executive or any Executive Councillor or any key decision made by an officer and which have been called in. (This will be undertaken in accordance with Overview and Scrutiny Procedure Rule 15)

- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To establish time limited task and finish groups.
- To consider and determine requests from Councillors submitted under the Councillor Call for Action procedure, except for requests submitted by Councillors relating to crime and disorder.
- To approve the establishment of any new time limited Task and Finish Group reviews requested by one of the Overview and Scrutiny Committees and to approve any change to the focus or duration of such reviews.
- To monitor any Working Group activity initiated by any of the Overview and Scrutiny Committees.
- To scrutinise any significant, cross cutting issue affecting more than one of the other scrutiny committees including performance or pre-decision scrutiny.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

6.03 Adults Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Adults Scrutiny Committee.

Terms of Reference

The Adults Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - adult social care; and
 - other services for vulnerable adults.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.

- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To liaise as required with Healthwatch Lincolnshire in relation to adult social care matters, to consider any referrals made to the Committee by Healthwatch Lincolnshire and to agree a protocol for working with Healthwatch Lincolnshire.
- To manage the work of the Lincolnshire Safeguarding Boards Scrutiny Sub-Group in co-ordination with the Children and Young People Scrutiny Committee.

6.04 Children and Young People Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Children and Young People Scrutiny Committee. The Children and Young People Scrutiny Committee will also include the church and parent governor representatives as members as set out in Annex A to these Articles. These members are entitled to participate at meetings of the Committee, but may only vote when education matters are to be determined.

Terms of Reference

The Children and Young People Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - education and schools; and
 - children's services.
- To maintain an overview of the activity of academy schools, colleges and universities in the County.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.

- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To monitor the activity of the Council's Corporate Parenting Panel.
- To manage the work of the Lincolnshire Safeguarding Boards Scrutiny Sub-Group in co-ordination with the Adults Scrutiny Committee.

6.05 Economic Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Economic Scrutiny Committee.

Terms of Reference

The Economy and Culture Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - culture;
 - economic regeneration;
 - heritage;
 - libraries;
 - lifelong-learning; and
 - relationships with higher education.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

6.06 Environmental Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Environmental Scrutiny Committee.

Terms of Reference

The Environmental Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - strategic planning;
 - climate change / carbon management;
 - waste; and
 - natural environment.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- The Environmental Scrutiny Committee will, as required, sit as Lincolnshire County Council's Flood and Drainage Management Scrutiny Committee.

6.07 Flood and Drainage Management Scrutiny Committee

Membership

The Flood and Drainage Management Scrutiny Committee will comprise of 11 members of the Environmental Scrutiny Committee and seven co-opted non-executive district councillors, one to be nominated by each of Lincolnshire's seven district councils.

The seven co-opted district councillors will have full voting rights on the Committee and replacement members will be permitted, as set out in the scheme adopted by the County Council in accordance with paragraphs 11-13

of Schedule A1 of the Local Government Act 2000. (See Appendix A at the end of Article 6)

The Flood and Drainage Management Scrutiny Committee will sit as frequently as is required to perform its role but will meet at least once every calendar year.

Terms of Reference

The Flood and Drainage Management Committee will be authorised to consider the following:

- How Lincolnshire County Council delivers its local leadership role in relation to flood and drainage management.
- The development and delivery of the Local Flood Risk Management Strategy.
- The work of all flood risk management authorities operating within Lincolnshire.
- The effectiveness of the partnership framework.
- The local implementation of the Environment Agency-led National Strategy for Flood Risk and Coastal Erosion.
- Action plans for Shoreline Management Plans and Catchment Flood Management Plans (main rivers).

Scheme for the Co-option of Voting Members on the County Council's Flood and Drainage Management Scrutiny Committee

1. Definitions

This scheme is made in accordance with Paragraphs 11-13 of Schedule A1 of the Local Government Act 2000.

The Council is Lincolnshire County Council.

The Flood and Drainage Management Scrutiny Committee is an overview and scrutiny committee appointed pursuant to Section 9FH of the Local Government Act 2000.

A Co-opted Member is a member of the Flood and Drainage Management Scrutiny Committee, who has been duly nominated and appointed by a district council in Lincolnshire in accordance with this scheme.

2. Nomination and Appointment

The County Council will allow each district council in Lincolnshire to nominate a non-executive councillor, to serve as a member of the Council's Flood and Drainage Management Scrutiny Committee. Each district council may at any time nominate a replacement member to serve in place of the nominated member.

3. Voting

The 11 county councillors and the seven co-opted district councillors on the Council's Flood and Drainage Management Scrutiny Committee will have full voting rights at meetings of the Flood and Drainage Management Scrutiny Committee.

4. Code of Conduct

Co-opted members, as district councillors, will be subject to the Member Code of Conduct.

5. Allowances

Co-opted members, as district councillors, will be entitled to allowances and expenses in accordance with the scheme adopted by the district council of which they are a member.

6.08 Health Scrutiny Committee for Lincolnshire

Membership

The Health Scrutiny Committee for Lincolnshire will comprise sixteen members appointed as follows: -

- eight members of the County Council, appointed in accordance with the political balance provisions of the Local Government and Housing Act 1989;
- one member appointed by each of the district councils in Lincolnshire; and
- one member (without voting rights) nominated by Healthwatch Lincolnshire.

Terms of Reference

The Health Scrutiny Committee for Lincolnshire is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - NHS Healthcare; and
 - Health and Well-Being Board
- To review and scrutinise any matters relating to the planning, provision and operation of health services which affect the residents of Lincolnshire except for those under the remit of the Community and Public Safety Scrutiny Committee.
- To consider and respond to any consultations by any responsible NHS commissioner which constitute a substantial development or substantial variation in the provision of health services in Lincolnshire and

where the substantial variation or development

- (a) would not be in the interests of the health service in Lincolnshire;
or
- (b) that the arrangements put in place by the responsible NHS commissioner for consultation have not been adequate in relation to content or time allowed; or
- (c) the reasons given for not consulting by the responsible NHS commissioner are not adequate;

to make a recommendation to the County Council to refer the matter to the Secretary of State.

- To consider and respond to any other health consultations, which affect the residents of Lincolnshire.
- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups in relation to the above services.
- To make reports and recommendations to any relevant NHS body, to any relevant health service provider, the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above. Such reports and recommendations to include:-
 - (a) an explanation of the matter reviewed or scrutinised;
 - (b) summary of the evidence considered;
 - (c) a list of participants involved in the review or scrutiny; and
 - (d) an explanation of any recommendations on the matter reviewed or scrutinised.
- To liaise with Healthwatch Lincolnshire in relation to the health care element of Healthwatch Lincolnshire's work programme and to consider referrals from Healthwatch Lincolnshire in relation to health care.

Appointment of Chairman and Vice Chairman

The Health Scrutiny Committee for Lincolnshire will appoint its own Chairman and Vice-Chairman.

6.09 Highways and Transport Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Highways and Transport Scrutiny Committee.

Terms of Reference

The Highways and Transport Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - highways;

2/25

- local transport policy;
- road safety; and
- public transport.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

6.10 Community and Public Safety Scrutiny Committee

Membership

The County Council will determine the numbers of members of the Council who will serve on the Community and Public Safety Scrutiny Committee.

Terms of Reference

The Community and Public Safety Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - community cohesion;
 - community safety;
 - emergency planning;
 - fire and rescue;
 - public health;
 - trading standards; and
 - youth offending.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any

officer, intending to make a decision or develop policy in relation to the above services.

- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To act as the Crime and Disorder Committee for the purposes of sections 19 and 20 of the Police and Justice Act 2006, including the power:
 - to co-opt additional members;
 - to make reports or recommendations to a responsible authority or co-operating person or body;
 - to consider and determine requests from Councillors submitted under the Councillor Call for Action procedure relating to Crime and Disorder.
 - to make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

6.11 Value for Money Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Value for Money Scrutiny Committee.

Terms of Reference

The Value for Money Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - capital programme;
 - customer satisfaction;
 - performance and governance;
 - resource management; and
 - value for money overview.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any quarterly performance indicators, priority activities or customer satisfaction information across all Council services that fall outside expectations.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.

- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

APPENDIX A

Scheme for the Co-option of Voting Members on the County Council's Flood and Drainage Management Scrutiny Committee

1. Definitions

This scheme is made in accordance with Paragraphs 11-13 of Schedule A1 of the Local Government Act 2000.

The Council is Lincolnshire County Council.

The Flood and Drainage Management Scrutiny Committee is an overview and scrutiny committee appointed pursuant to Section 9FH of the Local Government Act 2000.

A Co-opted Member is a member of the Flood and Drainage Management Scrutiny Committee, who has been duly nominated and appointed by a district council in Lincolnshire in accordance with this scheme.

2. Nomination and Appointment

The County Council will allow each district council in Lincolnshire to nominate a non-executive councillor, to serve as a member of the Council's Flood and Drainage Management Scrutiny Committee. Each district council may at any time nominate a replacement member to serve in place of the nominated member.

3. Voting

The 11 county councillors and the seven co-opted district councillors on the Council's Flood and Drainage Management Scrutiny Committee will have full voting rights at meetings of the Flood and Drainage Management Scrutiny Committee.

4. Code of Conduct

Co-opted members, as district councillors, will be subject to the Member Code of Conduct.

5. Allowances

Co-opted members, as district councillors, will be entitled to allowances and expenses in accordance with the scheme adopted by the district council of which they are a member.

ARTICLE 7 – REGULATORY AND OTHER COMMITTEES AND BODIES OF THE COUNCIL

7.01 Regulatory and Other Committees

The Council will appoint the Committees set out in paragraphs 7.02 to 7.05 inclusive below to discharge the functions listed under each by reference to Part 3 of this Constitution and with the delegated powers shown.

- Each of the said Committees will conduct its business in accordance with the Council Procedure Rules and Access to Information Rules in Part 4 and will meet in public unless the nature of the business is such that the press and public must be excluded or the Committee determine that the press and public should be excluded in accordance with the Access to Information Procedure Rules.

Each of the Committees referred to shall be entitled to appoint such sub-Committees or panels or joint panels as each body considers appropriate to fulfil its functions.

Please see Annex A for composition.

7.02 Pensions Committee

There will be a Pensions Committee having 11 members. 8 shall be Councillors representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989, ~~together with~~ three co-optees representing both the non County Council employers in the Fund and individual Fund participants.

All members of the Committee including co-opted members shall be entitled to vote.

Functions:

- To set investment policies for the Fund, including the establishment and maintenance of a strategic benchmark for asset allocation, drawing upon appropriate professional advice.
- To appoint and review the performance of all Fund Managers and associated professional service providers.
- To approve the annual Report and Statement of accounts of the fund.
- To consider any other matters relevant to the operation and management of the fund.
- To respond to any relevant consultations impacting upon the benefit

provisions of the Local Government Pension Scheme

7.03 Planning and Regulation Committee

There will be a Planning and Regulation Committee. The Committee shall comprise 15 Councillors representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

Functions:

- To exercise those functions of the Council which cannot be exercised by the Executive and are not reserved to the Council or delegated to any other Committee of Council in this Constitution and those functions allocated to the Committee in Part 3 of this Constitution including to:
 - exercise powers in relation to Traffic Regulation Orders and the management of traffic within Lincolnshire;
 - determine provision of pedestrian crossings that do not meet policy criteria;
 - deal with Planning development control matters;
 - implement the County Council's Speed Limit Policy;
 - give full consideration to the Council's overall environmental policies;
 - exercise various powers and duties in relation to the management, maintenance and enforcement of the public rights of way network and the continuous review of the Definitive Map and Statement of Public Rights of Way.

7.03.01 Definitive Map and Statement of Public Rights of Way Sub-Committee

There will be a Definitive Map and Statement of Public Rights of Way Sub-Committee. The Sub-Committee shall comprise seven Councillors who are members of the Planning and Regulation Committee who shall represent the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

Functions:

- To consider appeals, by applicants who have applied to the County Council to modify the Definitive Rights of Way Map and Statement for Public Rights of Way, in relation to the priority order in which officers will deal with such applications for Orders.

7.04 Appointments Committee

There will be an Appointments Committee. The Committee shall comprise 12 Councillors representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

At least one member of the Appointments Committee shall be an Executive Councillor.

Functions:

- To discharge on behalf of the Council the function of the appointment and dismissal of
 - the Chief Executive as Head of Paid Service (subject to approval by the Council) and
 - Chief Officers as defined in Article 9

in accordance with provisions of the Local Authorities (Standing Orders) Regulations 1993 and thereby to act as appointor for the purposes of the said Regulations and the Officer Employment Procedure Rules at Part 4 of this Constitution in relation to such appointments.

- To suspend the Chief Executive, Monitoring Officer and Section 151 Officer whilst an investigation takes place into allegations against them.
- To appoint when requested by the Council, a designated independent person to investigate a complaint of misconduct by the Council's Head of Paid Service, Monitoring Officer and Section 151 Officer and to consider and make recommendations to the Council on receipt of a report from such designated independent person.

7.04.01 Pay Policy Sub-Committee

There shall be a Pay Policy Sub-Committee of the Appointments Committee. The Sub-Committee shall comprise of seven Councillors from the Appointments Committee representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

Functions:

- To undertake an annual review of Chief Officers' salaries
- To exercise oversight of Pay Policy
- To recommend the annual Pay Policy Statement and any amendments to Council

7.05 The Members Appeal Hearing Panel

In certain circumstances, employees who are dismissed from the Council have a right of appeal. Appeals against dismissal for all dismissals except those relating to dismissals during an employees probationary period are heard by Elected Members. Full details of the procedure are available in the Appeals Policy.

There will be a Members Appeal hearing Panel of three elected Members, one of whom will chair the meeting.

No member of the Executive can be nominated to sit on a Panel.

Group Leaders to nominate members to sit on Appeals Panels (A list is compiled, which is administered by Democratic Services). All nominated members will receive training prior to sitting. The Panel will reflect the political balance of the Council whenever possible.

Democratic Services make all the necessary arrangements for the hearings.

Democratic Services will ensure that Members receive all the relevant paperwork at least five working days before the hearing.

7.05 Audit Committee

There will be an Audit Committee consisting of eight members. -Seven of the members will be Non-Executive Councillors and reflect the political balance overall, 1 member shall be an independent person who is not a Councillor or Officer of the Council.

Role:

- To fulfil the role of an Audit Committee in respect of the work of the Council

Functions:

Audit Activity

- to consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- to consider summaries of specific internal audit reports of significance or as requested
- to consider reports dealing with the management and performance of internal audit
- to consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale

- to consider the external auditor's annual letter, relevant reports, and the report to those charged with governance
- to consider specific reports as agreed with the external auditor
- to comment on the scope and depth of external audit work and to ensure it gives value for money
- to liaise with the Audit Commission over the appointment of the Council's external auditor

Regulatory Framework

- to maintain an overview of the Council's Constitution.
- to review any issues referred to it by the Chief Executive, Director, or any Council body
- to monitor the effective development and operation of risk management and corporate governance in the Council
- to monitor Council policies on confidential reporting code, anti-fraud and anti-corruption policy and Council's complaint process
- to oversee the production of the Council's Annual Governance Statement and to recommend its adoption
- to consider the Council's arrangements for corporate governance and agreeing necessary actions to ensure compliance with best practice
- to consider the council's compliance with its own and other published standards and controls

Accounts

- to review the annual statement of accounts. Specifically to consider whether appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council
- to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts
- duty to approve the authority's statement of accounts, income and expenditure and balance sheet

Standards

- promoting and maintaining high ethical standards by Councillors and non-elected members;

- assisting the Councillors and ~~non-elected~~ added members to observe the Members' Code of Conduct;
- advising the Council on the adoption or revision of the Members' Code of Conduct;
- monitoring the operation of the Members' Code of Conduct;
- advising, training or arranging to train Councillors and ~~non-elected~~ added members on matters relating to the Members' Code of Conduct;
- determining complaints of breaches of the Code of Conduct for Members referred for hearing by the Monitoring Officer ;

7.06 Health and Wellbeing Board

There will be a Health and Wellbeing Board. The Board will comprise:

The Executive Councillor for NHS Liaison, Community Engagement
 The Executive Councillor for Adult Care and Health Services, Children's Services
 The Executive Councillor for Libraries, Heritage, Culture, Registration and Coroners Service
 Five further County Councillors
 The Director of Public Health
 The Director of Children's Services
 The Director of Adult Social Services
 A designated representative from each clinical commissioning group in Lincolnshire
 A designated representative from the NHS Commissioning Board
 One designated District Council representative
 A designated representative of Healthwatch

Functions

- To encourage persons who arrange for the provision of any health and social care services in the area to work in an integrated manner
- To provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging joint commissioning
- To prepare and publish a Joint Strategic Needs Assessment
- To prepare and publish a Joint Health and Wellbeing Strategy

Quorum

One third of the membership of the Board to include a representative from the clinical commissioning groups, a Lincolnshire County Council Executive Councillor and either the Chairman or the Vice-Chairman.

Frequency of Meetings

The Board shall meet no less than four times each year including an AGM.

Chairman and Vice-Chairman

The Board shall elect its Chairman and Vice Chairman at ~~the~~ its AGM.

Voting

Each member of the Board shall have one vote and decisions will be made by a simple majority. The Chairman will have a casting vote.

Substitutes

Each member of the Board can nominate a named substitute. Two working days advance notice that a substitute member can attend a meeting of the Board will be given to the Democratic Services Manager. Substitute members will have the same powers as Board members.

ARTICLE 8 – JOINT ARRANGEMENTS

8.01 Arrangements to promote well-being

The Executive in order to promote the economic, social or environmental well-being of its area, may:

- (a) enter into arrangements or agreements with any person or body;
- (b) co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- (c) exercise on behalf of that person or body any functions of that person or body.

The Executive will at all times in its decision making and deliberations have regard to the purpose of this Constitution to enable the Council to provide clear leadership to the community in partnership with members of the public, businesses and other organisations and pursue opportunities for joint working with other organisations.

8.02 Joint Arrangements

- (a) The Council may establish joint arrangements with one or more local authorities and/or their Executive to exercise functions, which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a joint Committee with these other local authorities.
- (b) The Executive may establish joint arrangements with one or more local authorities to exercise functions, which are Executive functions. Such arrangements may involve the appointment of joint Committees with these other local authorities.
- (c) Except as set out below, the Executive may only appoint Executive Councillors to a joint Committee and those Councillors need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint Councillors to a joint Committee from outside the Executive in the following circumstances:
 - The joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint Committee any Councillor who is a Councillor for an electoral division, which is wholly or partly contained within the area.

- The joint Committee is between a County Council and a single District Council and relates to functions of the Executive of the County Council. In such cases, the Executive of the County Council may appoint to the joint Committee any Councillor who is a Councillor for an electoral division which is wholly or partly contained within the area.

In both of these cases the political balance requirements do not apply to such appointments.

- (e) Details of any joint arrangements including any delegations to joint Committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

8.03 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint Committee are Executive Councillors in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint Committee contains Councillors who are not on the Executive of any participating authority, then the access to information rules in Part VA of the Local Government Act 1972 will apply.

8.04 Delegation to and from other local authorities

- (a) The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the Executive of another local authority.
- (b) The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept such a delegation from another local authority shall be reserved to the Council meeting.

8.05 Contracting out

The Executive may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

ARTICLE 9 – OFFICERS

9.01 Engagement of Staff

(a) **General**

The ~~full~~ Council through its Head of Paid Service may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

The recruitment selection and dismissal of employees will comply with the Officer Employment Procedure Rules, Officer Employment Protocol and Councillor Role in Part 4 of this Constitution.

The Council will from time to time determine and publicise a description of the overall departmental structure of the Council showing the management structure. This is set out at Part 7 of this Constitution.

(b) **Chief Officers.**

All Chief Officers will:

- contribute to the corporate management of the County Council;
- represent and promote the County Council as a Local Authority concerned to secure high quality services in line with the Council's Business Plan for the people of Lincolnshire;
- develop partnership working.

The persons engaged to fill the following posts will be designated Chief Officers:

Post	Functions and areas of responsibility
Chief Executive	<ul style="list-style-type: none"> • Overall corporate management • Overall operational responsibility (including overall management responsibility for all Officers) • Strategic development and performance of the organisation • Provision of professional advice to all parties in the decision making process • Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions • Representing the Council on partnership and external bodies (as required by statute or the Council) • Corporate Policy • Information, Media Communications & Commissioning Support
Executive Director of Children's Services	<ul style="list-style-type: none"> • Education • Children's Safeguarding • Early years • Children with Disabilities • Families • Support for Children with SEN • School Support Services • Regulated Services (Children Looked After, secure unit, residential homes, respite homes. adoption and fostering) • People Services (HR)
Executive Director for Environment & Economy	<ul style="list-style-type: none"> • Economy (including commissioning of heritage services) • Lead Local Flood Authority • Environmental Protection and Wellbeing • Transport, Highways & Traffic Management • Waste Management • Spatial Planning • Legal Services Lincolnshire • Democratic Services

Executive Director of Finance and Public Protection	<ul style="list-style-type: none"> • Fire & Rescue • Safer Communities (Including Civil Protection and Trading Standards) • Business Support • Emergency Planning • Youth Offending Services • Corporate Audit & Risk Assurance • Property • Finance
Executive Director of Community Wellbeing and Public Health	<ul style="list-style-type: none"> • Community Development • Customer Services • Libraries and Heritage Operations • Registrar and Coroners • Public Health
Director of Adult Care	<ul style="list-style-type: none"> • Support to Hospitals • Independent Living • Learning Disabilities • Mental Health • Carers • Adults Safeguarding • Older People/Physical Disability

(c) **Statutory Officers** - Head of Paid Service, Monitoring Officer and Section 151 Officer

The Council will designate the following posts as Statutory Officers:

Post	Designation
Chief Executive	Head of Paid Service under section 4 of the Local Government and Housing Act 1989
Executive Director for Environment & Economy	Monitoring Officer under section 5 of the Local Government and Housing Act 1989
Executive Director Finance and Public Protection	Chief Finance Officer with responsibility for the administration of the financial affairs of the Council under section 151 of the Local Government Act 1972

Executive Director of Children's Services	Director of Children's Services under section 18 of the Children Act 2004
Executive Director of Community Wellbeing and Public Health	Director of Public Health under Section 73A of the National Health Service Act 2006
Director of Adult Care	Director of Adult Social Services under Section 6 of the Local Authorities and Social Services Act 1970

The Head of Paid Service, Monitoring Officer and Chief Finance Officer have functions set out in 9.02 – 9.04 below.

(d) **Structure**

The Council will publicise a description of the overall departmental structure of the Council showing the management structure and deployment of Officers. This is set out at Part 7 of this Constitution.

9.02 Functions of the Head of Paid Service

(a) **Discharge of functions by the Council**

The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.

(b) **Restrictions on functions**

The Head of Paid Service may not be the Monitoring Officer but may hold the post of s151 Officer, if a qualified accountant.

9.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Councillors, Officers and the public.

(b) **Ensuring lawfulness and fairness of decision making**

After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the full Council or to the Executive in relation to an Executive function if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

(c) **Standards**

The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Audit Committee. The Monitoring Officer will process complaints about breaches of the code of conduct in accordance with the local arrangements. The Monitoring Officer will consider applications in relating to the granting of dispensations in relation to disclosable pecuniary interests

(d) **Proper Officer for access to information**

The Monitoring Officer will ensure that Executive decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available as soon as possible.

(e) **Advising whether Executive decisions are within the Budget and Policy Framework**

The Monitoring Officer will advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.

(f) **Providing advice**

The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.

(g) **Restrictions on posts**

The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

9.04 Functions of the Chief Finance Officer

(a) **Ensuring lawfulness and financial prudence of decision making**

After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council or to the Executive in relation to an Executive function and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.

(b) **Administration of financial affairs**

The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council and ensure maintenance of an efficient and effective internal audit function.

(c) **Contributing to corporate management**

The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.

(d) **Providing advice**

The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and Officers in their respective roles.

(e) **Give financial information**

The Chief Finance Officer will provide financial information to the media, members of the public and the community.

9.05 Duty to provide sufficient resources to the Monitoring Officer and Section 151 Officer

The Council will provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in accordance with the provisions of the Local Government and Housing Act 1989 and the Local Government Finance Act 1988.

9.06 Other Statutory Posts

The Council is also required to appoint a Statutory Scrutiny Officer. This enables the Council to comply with its obligation under Section 9FB of the Local Government Act 2000 as inserted by Section 21 of the Localism Act 2011.

The Council is also required under Section 17 of the Traffic Management Act 2004 to appoint a Traffic Manager.

ARTICLE 10 – DECISION MAKING

10.01 Responsibility for decision making

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

10.02 Principles of decision making

In order that decision making is efficient, transparent and accountable, all decisions of the Council (whether taken by the full Council, the Executive, Committees, Councillors or Officers) will be based on the following principles:

- proportionality (ie: the action must be proportionate to the desired outcome);
- due consultation (including professional advice from Officers when appropriate or necessary);
- respect for human rights;
- a presumption in favour of openness;
- clarity of aims and desired outcomes.

In addition, there will be effective access for the public to both the Council's decision making process and to its decision makers. To ensure ~~this, the Council's~~ the new arrangements for decision making will mean that:

- it is publicly known who is responsible for decisions;
- it is publicly known as soon as practicable what decisions the Council is planning to take;
- the public know how they can have an input into decisions, and at what point in the process, in order to best influence them;
- the public have access, whenever possible, to the information on which decisions are based;
- the public know what decisions have been taken and the reasons for them;
- significant decisions should not come as a surprise to those whom they affect;
- prior to taking decisions, Councillors and non-elected members will have full advice and recommendations from the appropriate professional experts within the County Council. It is improper for Councillors and non-elected members to seek to influence Officer recommendations by subjecting Officers to undue pressure.

Further guidance on decision making by the Executive is given in the Executive Procedure Rules in Part 4 of this Constitution. Further guidance on Officer Decision making is given in the Officer Delegation section of the “Responsibility for Functions”, Part 3 of this Constitution.

Key decisions (i.e: those decisions which have significant effects on the income and/or expenditure of the Council, and/or on the community (or parts of the community) served by the Council), will need to be particularly identified and consulted on within clear timescales. Such key decisions may be delegated to various parts of the Council (including Committees and Officers). Even so, the principles and guidelines set out above would still apply.

10.03 Types of decision

(a) Decisions reserved to full Council

Decisions relating to the functions listed in Article 4.02 will be made by the full Council and not delegated.

(b) Key decisions

(i) A Key decision, as set out in ‘The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012’ is a decision of the Executive which is likely:

- to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more electoral divisions in the area of the local authority.

(ii) Without prejudice to the generality of the statutory definition but subject always to paragraph (iii) below the following decisions shall be treated as Key Decisions for the purposes of this Constitution

- a decision which is likely to result in expenditure of £500k and for the purposes of the statutory definition of a key decision expenditure below the said figure of £500k shall not be taken to be significant
- a decision which will have a material effect on Council services such as where
 - an existing service or access to an existing service will be substantially expanded or reduced or will cease altogether or a new service is proposed

- a service which is currently provided in-house by the Council may be outsourced
 - a partnership will be entered into with a third party which involves an element of risk share or transfer
 - a decision that involves any new policy or strategy or which forms part of the development of or a change to the Policy Framework or the Budget
 - a decision to exercise the Council's power to trade or charge for discretionary services
 - a decision to apply for funding from any external body which if successful would require Council match funding of £250,000 or more or entail a revenue commitment of at least £250,000 in total
 - consideration of any matter which will result in a recommendation to full Council
- (iii) The following shall not be Key Decisions notwithstanding that they may fall within paragraph (b)(i) above
- routine money market transactions and
 - in relation to the letting of contracts, the key decision is the proposal to let the contract and subsequent decisions in relation to any procurement process from inviting tenders up to an including awarding the contract to a particular contractor are not Key Decisions;

10.04 Decision making by the full Council

Subject to Article 11.08, the Council meeting will follow the Council Procedures Rules set out in Part 4 of this Constitution when considering any matter.

10.05 Decision making by the Executive

Subject to Article 11.08, the Executive will follow the Executive Procedures Rules set out in Part 4 of this Constitution when considering any matter.

10.06 Decision making by Role of Overview and Scrutiny Committees

Overview and Scrutiny Committees will follow the Overview and Scrutiny Procedures Rules set out in Part 4 of this Constitution when considering any matter.

10.07 Decision making by other Committees and Sub-Committees established by the Council

Other Council Committees and Sub-Committees will follow those parts of the Council Procedures Rules set out in Part 4 of this Constitution as apply to them.

10.08 Decision making by Council bodies acting as tribunals

The Council, a Councillor or an Officer acting as a tribunal or in a quasi-judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

ARTICLE 11 – FINANCE, CONTRACTS AND LEGAL MATTERS

11.01 Financial management

The management of the Council's financial affairs will be conducted in accordance with the Financial Regulations set out in Part 4 of this Constitution.

11.02 Contracts

Every contract made by the Council will comply with the Contract Regulations set out in Part 4 of this Constitution.

11.03 Legal proceedings

The Assistant Practice Director for Shared Services is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Assistant Practice Director for Shared Services considers that such action is necessary to protect the Council's interests.

11.04 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Assistant Practice Director for Shared Services or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

11.05 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Practice Director for Shared Services. A decision of the Council, or of 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 Assistant Practice Director for Shared Services should be sealed. The affixing of the Common Seal will be attested by the Assistant Practice Director for Shared Services or some other person authorised by him/her.

ANNEX A

COMPOSITION OF COUNTY COUNCIL COMMITTEES AND SUB-COMMITTEES

Committees	Composition
Overview and Scrutiny Management Committee	18 Councillors (+ 5 added non-elected members for education matters) Politically balanced
Adults Scrutiny Committee	11 Councillors – Politically balanced
Children and Young People Scrutiny Committee	18 Councillors (+ 5 added non-elected members for education matters) Politically balanced
Economic Scrutiny Committee	11 Councillors – Politically balanced
Environmental Scrutiny Committee	11 Councillors – Politically balanced
Flood and Drainage Management Scrutiny Committee	11 Councillors - Politically balanced (+7 other voting members each appointed by a District Council)
Health Scrutiny Committee for Lincolnshire	8 Councillors – Politically balanced (+ 7 other voting members each appointed by a District Council and a member of Healthwatch Lincolnshire (non-voting))
Highways and Transport Scrutiny Committee	11 Councillors – Politically balanced
Community and Public Safety Scrutiny Committee	11 Councillors – Politically balanced
Value for Money Scrutiny Committee	11 Councillors – Politically balanced
Audit Committee	7 Councillors – Politically balanced (+ 1 independent person who is not a Councillor or an officer of the Council)
Pensions Committee	8 Councillors – Politically balanced (+ 3 non-elected members)
Planning and Regulation Committee	15 Councillors – Politically balanced
Definitive Map and Statement of Public Rights of Way Sub-Committee	7 Councillors – Politically balanced
Appointments Committee	12 Councillors - Politically balanced
Pay Policy Sub-Committee	7 Councillors – Politically balanced
Health and Wellbeing Board	See Article 7.06

Part 3

RESPONSIBILITY FOR FUNCTIONS

RESPONSIBILITY FOR FUNCTIONS

INTRODUCTION

Section 13 of the Local Government Act 2000 provides for determining which functions of a local authority are the responsibilities of the Executive under Executive arrangements. All functions of a local authority must be the responsibility of the Executive unless specified otherwise in Regulations or there are express provisions to the contrary in other legislation.

In accordance with the requirements of the regulations Part 3 of this Constitution sets out the extent to which the Council's functions other than overview and scrutiny functions

- Are the responsibility of the full Council
- Are the responsibility of Committees of the Council
- Are the responsibility of the Executive
- Have been delegated to Officers
- Are the subject of joint arrangements

The allocation of responsibilities reflects the Secretary of State's approach to the division of functions between the Executive and the Council, namely

- Determination of the policy framework and budget and other constitutional and quasi legislative functions are to be the responsibility of the full Council
- Functions which involve determining an application from a person for a licence approval consent permission or registration (including particular planning permissions and consents) or direct regulation of a person (except in cases where there is only limited discretion in the discharge of the function) together with any related enforcement actions (including prosecutions) are not to be the responsibility of the Executive and
- All other functions not being overview and scrutiny functions are to be the responsibility of the Executive.

Within this framework all political groups on the County Council have agreed that it is the role of Councillors to concentrate upon broad strategy and policy decisions and that it is essential that managers have clear managerial control and authority to implement those decisions.

It is part of the role of Councillors to raise concerns, particularly those of constituents, and bring to the attention of Chief Officers matters of concern on any element of a service. Councillors agree that their involvement in day to day management beyond this is unlikely to produce the most effective services. In exercising their delegated powers, Chief Officers will consider the concerns and comments of Councillors whilst recognising their responsibility to manage service delivery in accordance with the Council's policy framework.

TABLE 1**MATTERS WHICH IT IS THE RESPONSIBILITY OF THE FULL COUNCIL TO DISCHARGE**

Function	
1.	Adopting and Changing the Constitution.
2.	Approving or adopting the Budget and the Policy Framework.
3.	Changing the Budget or the Policy Framework except those changes to the Policy Framework which are necessary to ensure compliance with the law, ministerial direction or government guidance which may be made by the Executive, a Committee of the Executive, an individual Executive Councillor or an Officer in accordance with rule 8 of the Budget and Policy Framework Procedure Rules in Part 4 of this Constitution.
4.	Subject to the urgency procedure contained in Rule 16 of the Access to Information Procedure Rules in Part 4 of this Constitution, making any Executive decisions about any matter in the discharge of an Executive function where the decision maker is minded to make it in a manner which would be contrary to the Policy Framework or contrary to/not wholly in accordance with, the Budget.
5.	Electing and removing the Leader of the Council.
6.	Agreeing and/or amending the terms of reference for Committees, Sub-Committees Groups and Panels, deciding on their composition and making appointments to them including appointment of Chairmen and Vice Chairmen but excluding the Chairman and Vice Chairman of Health Scrutiny Committee who will be appointed by that Committee.
7.	Appointing representatives of the Council to outside bodies unless the appointment is an Executive function under this Part 3 of this Constitution or has been delegated by the Council.
8.	Appointing Special Interest Councillors
9.	Adopting a Scheme of Members Allowances.
10.	Changing the name of the area.
11.	Confirming the appointment and dismissal of the Head of Paid Service.
12.	Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal Bills in Parliament.
13.	Adopting or changing the Members' Code of Conduct, subject to advice from the Audit Committee.
14.	Appointing the Returning Officer for County Council elections.

Function	
15.	Submission of proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.
16.	Power to confer title of honorary alderman.
17.	Functions relating to sea fisheries.
18.	Power to make standing orders.
19.	Duty to make arrangements for proper administration of financial affairs, etc.
20.	Power to appoint Officers for particular purposes (appointment of "Proper Officers").
21.	Duty to designate Officer as the head of authority's paid service, Section 151 Officer, Monitoring Officer and to provide staff to them.
22.	Consideration of a Report from a Local Commissioner under Section 31 or a further Report under Section 31A of the Local Government Act 1974 and of actions taken or proposed to be taken in response.
23.	The making of arrangements under section 20 (questions on police matters at Council meetings) of the Police Act 1996 for enabling questions to be put on the discharge of the functions of the Lincolnshire Police Authority.
24.	All other matters which, by law, must be reserved to Council.

TABLE 2

**MATTERS WHICH ARE THE RESPONSIBILITY OF THE
PLANNING AND REGULATION COMMITTEE**

Function	Provision of Act or Statutory Instrument
A. Functions relating to town and country planning and development control	
1. Power to determine applications for planning permission.	Sections 70(1)(a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).
2. Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3. Power to grant planning permission for development already carried out.	Section 73A[13] of the Town and Country Planning Act 1990.
4. Power to decline to determine applications for planning permission.	Section 70A of the Town and Country Planning Act 1990[14].
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made there under.
6. Power to determine applications for planning permission made by a local authority, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492)[15].
7. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.	Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreement regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Section 191(4) and 192(2) of the Town and Country Planning Act 1990[16].

Function	Provision of Act or Statutory Instrument
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
12. Power to serve a planning contravention notice, breach of condition notice or stop notice.	Sections 171C, 187A and 183(1) of the Town and Country Planning Act 1990[19].
13. Power to issue or withdraw an enforcement notice and to waive or relax any requirement of the notice.	Section 172 of the Town and Country Planning Act 1990[20].
14. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990[21].
15. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990 (c.10).
16. Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.	Paragraph 2(6)(a) of Schedule 2 to the Planning and Compensation Act 1991, paragraph 9(6) of Schedule 13 to the Environment Act 1995 (c.25) and paragraph 6(5) of Schedule 14 to that Act.
17. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
18. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.
19. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990, and the Trees Regulations 1999 (S.I. 1999/1892).
20. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).

Function	Provision of Act or Statutory Instrument
B. Licensing and registration functions (insofar as not covered by any other paragraph in this table)	
1. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1)(b)(ii), 5, 6 and 11 of the Poisons Act 1972 (c.66)[33].
2. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975 (c.52)[34].
3. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987 (c.27).
4. Power to enforce the various provisions of the Regulatory Reform (Fire Safety) Order 2005.	The Regulatory Reform (Fire Safety) Order 2005 (No. 1541).
5. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) act 1925 (c.38[39].
6. Power to licence the employment of children.	Part II of the Children and Young Persons Act 1933 (c.33), byelaws made under that Part, and Part II of the Children and Young Persons Act 1963 (c.37).
7. Power to approve premises for the solemnisation of marriages.	Section 46A of the Marriage Act 1949 (c.76) and the Marriages (Approved Premises) Regulations 1995 (S.I. 1995/510)[41].
<p>8. Power to register common land or town or village greens, except where the power is exercisable solely for the purpose of giving effect to:</p> <p>(a) an exchange of lands effected by an order under Section 19(3) of, or Paragraph 6(4) of Schedule 3 to, the Acquisition of Land Act 1981 (c.67); or</p> <p>(b) an order under Section 147 of the Inclosure Act 1845 (c. 8 & 9 Vict. C 118).</p>	Regulation 6 of the Commons Registration (New Land) Regulations 1969 (S.I. 1969/1843).

Function	Provision of Act or Statutory Instrument
9. Power to register variation of rights of common.	Regulation 29 of the Commons Registration (General) Regulations 1966 (S.I. 1966/1471)[42].
10. Power to grant a street works licence.	Section 50 of the New Roads and Street Works Act 1991 (c.22).
11. Power to issue licences for the movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995 (S.I. 1995/11).
12. Power to licence the sale of pigs.	Article 13 of the Pigs (Records, Identification and Movement) Order 1995.
13. Power to licence collecting centres for the movement of pigs.	Article 14 of the Pigs (Records, Identification and Movement) Order 1995.
14. Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998 (S.I. 1998/871).
15. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways act 1980 (c.66).
16. Power to licence planting, retention and maintenance of trees, etc, in part of highway.	Section 142 of the Highways act 1980.
17. Power to authorise erection of stiles, etc, on footpaths or bridleways.	Section 147 of the Highways Act 1980.
18. Power to licence works in relation to buildings, etc, which obstruct the highway.	Section 169 of the Highways Act 1980.
19. Power to consent to temporary deposits or excavations in streets.	Section 171 of the Highways Act 1980.
20. Power to dispense with obligation to erect hoarding or fence.	Section 172 of the Highways act 1980.
21. Power to restrict the placing of rails, beams, etc, over highways.	Section 178 of the Highways Act 1980.

Function	Provision of Act or Statutory Instrument
22. Power to consent to construction of cellars, etc, under streets.	Section 179 of the Highways Act 1980[44].
23. Power to consent to the making of openings into cellars, etc, under streets, and pavement lights and ventilators.	Section 180 of the Highways Act 1980.
24. Power to sanction use of parts of buildings for storage of celluloid.	Section 1 of the Celluloid and Cinematograph Film Act 1922 (c.35).
C. Miscellaneous functions	
<i>Functions relating to public rights of way</i>	
1. Power to create footpath or bridleway or restricted byway by agreement.	Section 25 of the Highways Act 1980 (c.66).
2. Power to make an order to create footpath, bridleway or restricted byway.	Section 26 of the Highways Act 1980.
3. Duty to keep register of information with respect to maps, statements and declarations.	Section 31A of the Highways Act 1980.
4. Power to make an application to the Magistrates' court to authorise the stopping up or diversion of a highway.	Section 116 of the Highways Act 1980
5. Power to make an Order to extinguish footpaths, bridleways or restricted byways.	Section 118 of the Highways Act 1980.
6. Power to make a rail crossing extinguishment order.	Section 118A of the Highways act 1980.
7. Power to make a special extinguishments order for the purposes of crime prevention.	Section 118B of the Highways Act 1980.
8. Power to make an Order to divert footpaths, bridleways or restricted byways.	Section 119 of the Highways Act 1980.
9. Power to make a rail crossing diversion order for the purposes of crime prevention.	Section 119A of the Highways Act 1980.

10.	Power to make a special diversion order.	Section 119B of the Highways Act 1980.
11.	Power to apply for an Order for an applicant to enter into an agreement to defray costs in relation to rail crossing diversion orders.	Section 119A(8) of the Highways Act 1980.
12.	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980.
13.	Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980.
14.	Power to apply for variation of order under Section 130B of the Highways Act 1980.	Section 130B(7) of the Highways Act 1980.
15.	Power to remove items painted, inscribed or affixed to the surface of a tree, structure or works on or in the highway.	Section 132 of the Highways Act 1980.
16.	Duty to enforce provisions in relation to ploughing in connection with a footpath or bridleway.	Section 134(6) of the Highways Act 1980.
17.	Power to grant an extension to the relevant period in relation to ploughing in connection with a footpath or bridleway.	Section 134(8) of the Highways Act 1980.
18.	Power to authorise and make a Diversion Order allowing for the temporary disturbance of a footpath, bridleway or restricted byway.	Section 135 of the Highways Act 1980.
19.	Duty to enforce the provisions in relation to interference by crops.	Section 137A(5) of the Highways Act 1980.
20.	Power to remove structures from highways and to recover costs from the person having control or possession of the structure.	Section 143 of the Highways Act 1980.
21.	Power to enforce minimum widths for gates across highways.	Section 145 of the Highways Act 1980.

Function	Provision of Act or Statutory Instrument
22. Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980.
23. Power to require the removal of overhanging trees or shrubs.	Section 154 of the Highways Act 1980.
24. Power to require the removal of barbed wire.	Section 164 of the Highways Act 1980
25. Power to require information as to ownership of land.	Section 297 of the Highways Act 1980
26. Right to use appliances and vehicles on footpaths, bridleways and restricted byways.	Section 300 of the Highways Act 1980
27. Power to carry out works in relation to interference with highways.	Schedule 12A of the Highways Act 1980.
28. Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981 (c.67).
29. Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981 (c.69).
30. Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981.
31. Duty to keep register of prescribed information with respect to applications under Section 53(5) of the Wildlife and Countryside Act 1981.	Section 53B of the Wildlife and Countryside Act 1981.
32. Power to prepare map and statement by way of consolidation of definitive map and statement.	Section 57A of the Wildlife and Countryside Act 1981.
33. Power to designate footpath as cycle track.	Section 3 of the Cycle Tracks Act 1984 (c.38).
34. Power to extinguish public right of way over land acquired for clearance.	Section 294 of the Housing Act 1981 (c.68).

Function	Provision of Act or Statutory Instrument
35. Power to authorise stopping-up or diversion of footpath or bridleway	Section 257 of the Town and Country Planning Act 1990.
36. Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town and Country Planning Act 1990.
37. Temporary stopping up of footpaths and bridleways for mineral workings.	Section 261 of the Town and Country Planning Act 1990.
38. Power to enter into agreements with respect to means of access.	Section 35 of the Countryside and Rights of Way Act 2000 (c.37).
39. Power to provide access in absence of agreement.	Section 37 of the Countryside and Rights of Way Act 2000.
40. Power to make closing order with respect to take-away food shops.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
41. Power to make bylaws as respects access to land.	Section 17 of the Countryside and Rights of Way Act 2000.
42. Power to erect and maintain notices as respects access to land.	Section 19 of the Countryside and Rights of Way Act 2000.
43. Power to apply to the court for an Order to remove an obstruction to access.	Section 39 of the Countryside and Rights of Way Act 2000.
44. Power to make observations and lodge formal objections to District Councils in respect of Public Path Orders proposed to be made by them.	Sections 26, 118, 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990.

The above functions cannot be exercised by the Executive

The above is subject to the delegation of specific powers to the Chief Executive and Chief Officers. Those with delegated powers may always refer the matter back to the Committee if considered appropriate

TABLE 3

MATTERS WHICH ARE THE RESPONSIBILITY OF VARIOUS COMMITTEES TO DISCHARGE

1.	Functions relating to Local Government pensions etc (except for pensions benefits).	<i>Pensions Committee</i>
2.	The determination of an appeal against a decision made by or on behalf of the authority.	<i>Appeals Panel</i>
3.	The conducting of service reviews in accordance with identified Scrutiny Work Programmes.	<i>Overview and Scrutiny Committees</i>
4.	Functions relating to health and wellbeing as set out in the Health and Social Care Act 2012.	<i>Health and Wellbeing Board</i>

The above is subject to the delegation of specific powers to the Chief Executive and Chief Officers. Those with delegated powers may always refer the matter back to the Committee if considered appropriate.

TABLE 4

COUNTY COUNCIL FUNCTIONS WHICH ARE THE RESPONSIBILITY OF THE EXECUTIVE

- (i) The Executive will be responsible for the implementation of decisions within the policy framework set by the Council in relation to all of the Council's functions which are not the responsibility of any other part of the Council whether by law or under this Constitution.
- (ii) Decisions will be taken in accordance with the Executive Procedure Rules.
- (iii) Executive Councillors are permitted to commission work from officers on policy initiatives.
- (iv) Without prejudice to the generality of the foregoing the Executive shall be responsible for the exercise of the following specific functions

Function	
1.	Any function under a local Act other than a function specified elsewhere in this Part 3.
2.	The making of arrangements pursuant to subsection (1) of section 67 of, and Schedule 18 to, the School Standards and Framework Act 1998 (appeals against exclusion of pupils).
3.	The making of arrangements pursuant to section 94(1) and (4) of, and Schedule 24 to, the School Standards and Framework Act 1998 (admission appeals).
4.	The making of arrangements pursuant to section 95(2) of, and Schedule 25 to, the School Standards and Framework Act 1998 (children to whom Section 87 applies: appeals by governing bodies).
5.	The making of appointments to the Joint Appointments Committee under Paragraphs 2 to 4 (appointment of Members by relevant Councils) of Schedule 2 (Police Authorities established under Section 3) to the Police Act 1996.
6.	Any function relating to contaminated land.

Function	
7.	The discharge of any function relating to the control of pollution or the management of air quality.
8.	The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.
9.	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
10.	The making of agreements for the execution of highways works.
11.	The appointment of any individual: <ul style="list-style-type: none"> (a) to any office other than an office in which he is employed by the authority; (b) to any body other than – <ul style="list-style-type: none"> (i) the authority; (ii) a joint Committee of two or more authorities; (iii) a politically balanced body; or (c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.
12.	The making of agreements with other local authorities for the placing of staff at the disposal of those other authorities.

The above is subject to the delegation of specific powers to the Chief Executive and Chief Officers. Those with delegated powers may always refer the matter back to the Executive if considered appropriate.

DELEGATIONS TO CHIEF EXECUTIVE AND ALL CHIEF OFFICERS

A General

- 1 The Chief Officers referred to in this section are those set out in Article 9 of the Constitution.
- 2 The Chief Executive and all Chief Officers have the general powers set out in section B (General Powers of the Chief Executive and All Chief Officers).
- 3 Chief Officers are authorised to carry out the specific functions of the Council delegated to them in Section C below (Specific Powers of the Chief Executive and All Chief Officers).
- 4 In addition to the general and specific powers referred to in this Part 3 Chief Officers may also be delegated authority to exercise Executive functions by the Leader of the Council, the Executive, a Committee of the Executive or an individual Executive Councillor pursuant to the Executive Procedure Rules in Part 4 of this Constitution.
- 5 All Chief Officers must exercise both their general and specific powers and authority delegated under the Executive Procedure Rules in accordance with the Conditions set out in Section D below (Conditions applying to all Chief Officer Powers).
- 6 Section C also contains specific delegations to officers who are not Chief Officers to aid the efficient and effective discharge of the Council functions. The conditions in Section D below apply to the exercise of such delegated powers.

B General Powers of the Chief Executive and all Chief Officers

1. Subject to the powers of the Appointments Committee, to undertake the day-to-day management and control of their Directorate/Office, the functions administered by their Directorate/Office and the services for which they are responsible including:
 - (a) the appointment, discipline, termination and management of employees;
 - (b) the management, furnishing and equipping of premises for which they are responsible; and
 - (c) taking and implementing decisions including, in particular, any decision which is concerned with maintaining the operation or effectiveness of those services or with a matter incidental to the discharge of the

Council's functions or which falls within the scope of a policy decision taken by the Executive or the Council's policy framework

This general power is in addition to any specific powers which may be given to them.

2. In connection with the functions administered by their Directorate/Office,
 - 2.1 In pursuance of section 222 of the Local Government Act 1972:
 - (a) to prosecute or defend or appear in any legal proceedings and, in the case of civil proceedings, to institute them in the name of the Council; and
 - (b) in the name of the Council to make representations in the interests of the inhabitants at any public inquiry, local inquiry or written representation procedure or hearing held by or on behalf of any Minister or public body under any enactment.
 - 2.2. to exercise the Council's statutory powers to enter upon land and premises for the purposes of inspection, survey, carrying out of any works, investigation of any matter, the taking of samples or for any other purpose for which the Council are so authorised, and to give such notices as may be required in relation thereto.
 - 2.3. to fix fees for services and the use of premises for which fees have not otherwise been fixed.
 - 2.4. to give or refuse consents, issue determinations, apply for permissions, make orders and grant, rescind or refuse all licences, certificates, permits and registrations under any legislation
 - 2.5 to approve redundancies and early retirements in consultation with the Portfolio Holder.
 - 2.6 to obtain particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
 - 2.7 to make arrangements for the provisions of supplies and services by and for other local authorities and public bodies (as defined) under the Local Authorities (Goods and Services) Act 1970 or other enabling legislation.
 - 2.8 to issue, serve, receive and act upon notices, and to impose requirements under any legislation.
 - 2.9 to declare land and premises surplus to requirements, after consultation with appropriate Executive Councillor(s) and local Councillor(s).

- 2.10 to accept tenders, place contracts and procure other resources or services within or outside the Council subject to compliance with the Financial Regulations and Contract Regulations
 - 2.11 exercise virement within the financial limits contained in the Financial Regulations
 - 2.12 to sign on behalf of the Council any document to give effect to any decision made by the Council
 - 2.13 to make a formal response on behalf of the County Council to any White Paper, Green Paper, Government Consultation Paper or draft European Union Directive after reference first to the relevant Executive Councillor, or the Leader of the Council or the Chairman of the Regulatory Committee concerned.
- 3 Nothing contained in paragraphs 1 or 2 shall affect or detract from the exercise by a Chief Officer of any function conferred directly on the Chief Officer by any provision of this Constitution.
 4. All Chief Officers may authorise in writing any other named Officer or Officers of the Council, either generally or specifically for the purpose, to exercise any or all of the powers authorised to be exercised by them, except for this power. Chief Officers must prepare in writing a scheme authorising any other officers to exercise such powers. Chief Officers shall remain accountable for any action or decisions taken under such authority.
 - 5 In the event of a Chief Officer post being vacant then subject to any arrangements provided for in any scheme of delegation prepared by a Chief Officer under paragraph 3 above that Chief Officer's delegated powers may be exercised by the relevant Assistant Directors within that Directorate so far as permitted by law.

C SPECIFIC POWERS OF THE CHIEF EXECUTIVE, CHIEF OFFICERS AND OTHER OFFICERS

CHIEF EXECUTIVE

1. To Act as the Head of Paid Service in pursuance of the Local Government and Housing Act 1989. To have overall Corporate Management and operational responsibility (including overall management responsibility for all staff).
2. To grant or refuse permission for the display of the Coat of Arms and/or Badge of the County.
3. To fix fees for copies of documents and extracts of documents requested by the public under the provisions of the Local Government (Access to Information) Act 1985 and Freedom of Information Act 2000.
4. To exercise the functions of the Council under charities legislation.
5. To appoint Councillors to Committees and Panels and Sub-Committees and Sub-Panels in accordance with the wishes of Group Leaders, Deputy Group Leaders and Group Whips in accordance with Rule 5 of the Council Procedure Rules in Part 4 of this Constitution and the duty arising under Section 16 of the Local Government and Housing Act 1989.
6. To fill vacancies in the County Council membership of the Lincolnshire Police Authority in accordance with the nominations of Group Leaders.
7. To progress the strategic development of the Council.
8. On appointment, to undertake all the functions of the Returning Officer.
9. To undertake appropriate and necessary action when vacancy in office occurs.
10. To be responsible for the development of the Council's corporate business plan.
11. To be responsible for the development of Corporate IT Policy and the provision of general advice thereon.
12. To provide corporate communications functions.
13. To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.

EXECUTIVE DIRECTOR OF FINANCE AND PUBLIC PROTECTION

1. To undertake all money market transactions associated with the cash flow functions of the Council including the raising and repayment of all loans within the limits determined by the Council from time to time.
2. To authorise the payment of statutory pensions and allowances, gratuities and compensation.
3. To make ex-gratia payments for loss or damage to property and to settle claims where there is no legal liability up to the authorised limit of £1,000.
4. To pay national pay awards.
5. To effect appropriate insurance cover in respect of Members and Officers of the Council appointed in an official capacity to represent the interests of the Council on the Boards of Limited Companies.
6. To make loans and advances to outside bodies in accordance with the policies and limits determined by the Council. Details of current policies are shown in Annex A.
7. To undertake or arrange for all necessary transactions associated with the management of the assets of the Pension Fund.
8. Subject to subsequent report to the Value for Money Scrutiny Committee, to authorise an increase in the target area budget of that Committee to fund any shortfall in expenditure necessary towards the realisation of a capital receipt and which cannot be capitalised.
9. To determine a current maximum annual rental for contract hire cars under the modified contract hire car scheme for the Chief Executive, Executive Directors, Director, Heads of Function and other qualifying Officers of the Council.
10. To act as Chief Finance Officer in pursuance of the Local Government Finance Act 1988.
11. In connection with the estate management of the County Council's land and premises, in consultation with the local Councillor:
(a) to acquire land and premises;
(b) to dispose of land and premises surplus to requirement;
(c) to dispose of surplus County Farms land and property surplus to requirements subject to discount, in accordance with the County Farms Management Plan and policies approved by the Executive and following consultation with the appropriate Executive Councillor;
(d) to accept and grant leases of land and premises and such other rights over land and premises as may be deemed necessary or appropriate;
(e) to manage and let County Farms holdings as may be deemed necessary or appropriate in accordance with the Management Plan approved by the Executive following consultation with the appropriate Overview and Scrutiny Committee or Panel and (except in cases where the Council's seal must be affixed thereto) to sign agreements to give effect to such acquisitions, disposals, acceptances, grants or lettings, provided that the form of any such agreement has been approved by the Solicitor(s) to the Council.
12. To seek permission for any development referred to in regulation 3 of the Town and Country Planning General Regulations 1992.
13. To determine and serve notices under the terms of any agreement for

the use of land or premises.
14. To agree appropriate means of securing external representation on the Pension Committee, in consultation with relevant external bodies.
15. To maintain an adequate and effective internal audit service.
16. To effect all insurance cover in respect of County Council activities and responsibilities, including making appropriate arrangements for the investigation and settlement of claims.
17. To approve allocations from the corporate contingency revenue budget in consultation with the Executive Councillor with responsibility for finance and any other appropriate Executive Councillors.
18. To arrange appropriate banking and related services on behalf of the Council including opening and closing bank accounts.
Fire and Rescue Service
1. To make appropriate arrangements for dealing with matters relating to the discipline and dismissal of uniformed Fire Officers pursuant to the relevant legislation
2. To reduce retaining fees in cases in which attendance is required only during limited periods, and in cases of failure to attend for training, fires and other duties.
3. To review from time to time risk categories and pre-determined attendances.
4. To waive or make nominal charges in respect of special services.
5. To approve or refuse applications from members of the Lincolnshire Fire and Rescue Service (“the Service”) to engage in outside employment.
6. To measure the provision of water for firefighting purposes.
7. To make, vary or revoke reinforcement schemes and other arrangements with other Fire and Rescue Authorities for the discharge of the Council’s functions as Fire and Rescue Authority.
8. To be directly responsible to the relevant Executive Councillor acting on behalf of the Council in its capacity as Fire and Rescue Authority for the Service as maintained under the Fire and Rescue Service Act 2004 having regard to the Fire and Rescue National Framework.
9. Powers to issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.
10. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987.
11. Power to enter into an agreement under Section 39 of the Fire and Rescue Services Act 2004 with a water undertaker for securing that an adequate supply of water will be available for use in the event of fire.
12. Power to enter into an agreement under Section 41 of the Fire and Rescue Services Act 2004 (a) to secure the use of water under the control of a person other than a water undertaker; (b) to improve access to any such water; or (c) to lay and maintain pipes and to carry out other works in connection with the use of such water.
13. Power to authorise in writing named employees to carry out those

actions provided for in sections 44 (Powers of fire-fighters etc in an emergency etc), 45 (Obtaining information and investigating fires) and 46 (Supplementary powers) of the Fire and Rescue Services Act 2004.
<p>14. Power, in consultation with the Assistant Practice Director for Shared Services, to prosecute:</p> <p>(i) those offences falling under the following provisions of the Fire and Rescue Services Act 2004 namely:</p> <ul style="list-style-type: none"> • Section 40 (water undertaker's failure to comply with request regarding emergency supply of water); • Section 42 (improper use of, or damage to, a fire hydrant); • Section 43 (failure to give notice of intended works to a fire hydrant); • Section 44 (obstruction of or interference with officers exercising Section 44 powers); • Section 46 (obstruction of officers exercising section 45 powers or failure to provide information in response to exercise of section 46 powers); and • Section 49 (false alarms of fire); and <p>(ii) the various offences falling within the provisions of Article 32 of the Regulatory Reform (Fire Safety) Order 2005.</p>
15. To appoint in writing a named Inspector or Inspectors for the purpose of enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005.
16. Power to issue and serve an alterations notice pursuant to Article 29 of the Regulatory Reform (Fire Safety) Order 2005.
17. Power to issue and serve an enforcement notice pursuant to Article 30 of the Regulatory Reform (Fire Safety) Order 2005.
18. Power to issue and serve a prohibition notice pursuant to Article 31 of the Regulatory Reform (Fire Safety) Order 2005.
Civil Protection
1. To implement any legislation pertinent to Emergency Planning.
2. To act in pursuance of all statutory and other powers relating to services for which the Service is responsible.
3. To implement the Control of Major Accident Hazard Regulations 1999.
Crime and Disorder
1. To lead the County Councils efforts to fulfil its obligations and duties under Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended and extended by Schedule 9 of the Police and Justice Act 2006) by actively engaging as a County Council and Fire Authority at all levels in the Community Safety Partnerships of Lincolnshire.
2. To establish and lead the county-wide Community Safety Board. To develop and implement the County Community Safety Agreement encompassing the priorities for Lincolnshire, as required by the Police and Justice Act 2006.
3. To lead the County Council's efforts to embed the principles of Section 17 of the Crime and Disorder Act 1998 in every aspect of policy development, budget setting and service delivery in line with the

statutory duty that the Act imposes.
4. To drive the County Council's commitment to sharing information with partners as allowed by Section 115 of the Crime and Disorder Act 1998.
5. To exercise the functions of the County Council in relation to the Youth Offending Service.
Safer Communities Service – Trading Standards
1. Without prejudice to General Powers, to exercise the functions and duties of the Council as local weights and measures authority, food authority, in connection with legislation relating to standards of trade in the county and for the purposes of the enforcement of animal health and welfare legislation, as part of which, for the correct discharge of these functions, the following direct delegations are made:
Head of Safer Communities
1. To institute legal proceedings in the relevant Court for the prosecution of offences and the enforcement and administration of legislation relevant to standards of trade, community safety, food and animal health and welfare in the County which the Council has either a statutory duty to enforce or may enforce by virtue of Section 222 of the Local Government Act 1972.
2. Responsibility to ensure that the duties associated with Section 72(1) (a) of the Weights and Measures Act 1985 is discharged within the service.
3. To issue notices with the effect of requiring the marking of, requiring warnings to be issued in respect of, suspending the supply of, requiring the withdrawal from the market of and requiring the recall from the market of products as provided for under legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare.
4. To act as "Inspector", "Superior Officer", "Authorised Officer" or "Sampling Officer" as the case may be for the purposes of enforcement of legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare and to authorise in writing officers to act in these capacities.
5. To appoint public analysts and agricultural analysts for the County Council for the purposes of the Food Act 1984, the Food Act 1990 and the Agriculture Act 1970.
6. To nominate in writing Officers for the purposes of enforcing the Food and Environment Protection Act 1985.
7. To enter into appropriate arrangements with Officers of District Councils where it is expedient to do so for the purpose of enforcing the Food Safety Act 1990.
8. To appoint suitable persons under the Health and Safety at Work Act 1974 for the purposes of enforcing the Explosives Acts 1875 to 1976.
9. To initiate appeals against the decisions of the relevant Court where, in the Head of Safer Communities professional opinion, it is proper so to do.
10. To initiate and co-ordinate all activities necessary for the Council to

discharge its responsibilities under the Animal Health Act 1981 in order to prevent, control or deal with an outbreak of rabies or other animal disease in the county.
11.To conduct hearings and to give assent or otherwise under the Explosives Act 1875 in relation to applications for the establishment of new factories or magazines.
12.To discharge the functions of the County Council as a responsible authority under the licensing Act 2003 and to appoint other officers of the authority to do so.
Service Manager – Safer Communities
1.In the absence of the Head of Safer Communities, the Service Managers Safer Communities are authorised to exercise the powers delegated to the Head of Safer Communities under 1, 3, 6, 7, 8, 10, 11 and 12 above.
Duly Appointed Officers
1. At all times the duly appointed Officers of the service are, for the purpose of enforcing the relevant legislation, authorised to exercise the powers delegated to the Head of Safer Communities under 1 and 3 above after having, in each case, obtained the permission of the Head of Safer Communities, or, in his absence, a Service Manager – Safer Communities.

ANNEX A

LOANS AND ADVANCES TO OUTSIDE BODIES
In the event that an organisation from outside the County Council seeks temporary funding from the Council which is repayable to the Council and is for a short period of time, the following rules apply:
1. Where:
(i) the need for the money is related to an established County Council Policy or initiative; and
(ii) the money is expected to be recovered within a 6 month period;
then:
(a) Where the money is less than £20,000 Executive Director of Finance and Public Protection shall have the power to approve such cases;
(b) Where the money lent is greater than £20,000 but less than £50,000, the Executive Director of Finance and Public Protection shall have the power to approve such cases but shall report such instances in writing to the Executive Councillor responsible for finance.
(c) Where the money lent is £50,000 or more, then the Executive Director of Finance and Public Protection shall consult with the appropriate Executive Councillors before approving and shall report the arrangements made to the first available meeting of the Value for Money Scrutiny Committee.
2. In all cases it is expected that interest at appropriate market rates would be charged. There may, however, be instances where an interest charge would be inappropriate. In that case Executive Director of Finance and Public Protection be given the power to waive the interest element where in his opinion it would be inappropriate. Where the interest involved is significant (over £10,000) then such waiver would be after consultation with the appropriate Executive Councillor

responsible for finance.

EXECUTIVE DIRECTOR OF CHILDREN'S SERVICES

To act as Director of Children's Services in accordance with Section 18 Children Act 2004 and in particular in relation to the following functions:-

Education

1. To make grants within a framework approved by the Council including:
 - (a) for the establishment, maintenance, staffing or equipment of youth clubs and groups;
 - (b) to support the provision made by voluntary and other organisations where there are educational benefits to the people of Lincolnshire;
2. To make, suspend and reinstate grants and pay tuition or ancillary fees and/or grants to, or in respect of:
 - (a) students attending establishments of higher or further education or taking other approved courses of education and/or training and to authorise transfer between courses;
 - (b) pupils attending boarding schools and independent or direct grant schools and schools not maintained or assisted by the County Council;
 - (c) maintenance, uniform or free school meals;
 - (d) other young people of particular merit.
3. To authorise the attendance of pupils and teachers on courses or activities outside of school.
4. To discharge the statutory duties of the County Council as schools admission authority and to arrange for the admission and allocation of pupils to schools and in the case of grant-maintained schools to direct the admission of a pupil to such schools.
5. To exercise the functions of the Council in relation to home to school and college transport, school attendance, the employment of children and young persons, cleanliness of pupils and the ascertainment of need and provision for special educational treatment.
6. To appoint lay Members and Local Authority Members to School Admission Appeal Committees, under Section 43 and Schedule 33 of the Education Act 1996.
7. To approve, in circumstances which the Executive Director considers to be exceptional, any change to the admission policy of County and Controlled schools, excluding any change which would constitute a change in character of the school.
8. To make all necessary arrangements to implement the approved Scheme for the Local Management of Schools.
9. To make minor alterations to the "designated areas" associated with County primary and secondary schools.
10. To make all appropriate arrangements to secure the assessment of any pupil's special educational needs as may be required under the terms of the Education Acts.
11. In relation to schools identified as "needing special measures" consequent upon OFSTED inspections to submit to the Secretary of State and HM Chief Inspector, the comments of the County Council as the local education

3/26

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authority on governors' action plans together with a statement of action which the County Council intends to take.
12. Following consultation with the relevant Committee, to issue warning notices under the School Standards and Framework Act 1998, and to appoint such additional governors as seen fit following a governing body's failure to comply with the terms of the notice issued by the Authority.
13. To set the yearly indicative targets for permanent exclusions and unauthorised absence from schools for Lincolnshire, to be included in the Education Development Plan.
14. To take and implement decisions and to exercise statutory powers relating to the health and welfare or school attendance of individual children, and to take all steps in any related statutory process.
Services for Children in Need
1. To exercise the functions of the Council in relation to:
(a) adoption and fostering
(b) admission to all forms of accommodation including secure accommodation;
(c) promotion of the welfare, protection, supervision, care and after care of children and young persons;
(d) Children in need.
2. To act as guarantor in the matter of hire purchase agreements on behalf of children in care.
3. To make grants or incur expenditure:
(a) to prevent or diminish the need to bring children into care or to keep them in care;
(b) in respect of rent and damage guarantees;
(c) to provide any child or young person in care with such equipment considered necessary for their well-being;
(d) in respect of any child or young person in care participating in a holiday either through a school or with foster parents;
(e) in respect of special clothing grants to children in care;
(f) in respect of extra grants to children for special purposes;
(g) in respect of payments to children formerly in care;
(h) in respect of adoption allowances;
(i) in respect of playgroups (Capital and Revenue);
(j) in respect of children in need.
4. To pay enhanced boarding out allowances in exceptional circumstances.
5. To take decisions in respect of the Council's functions acting as Accountable Body in connection with Sure Start.
6. To take decisions in the exercise of the power to licence the employment of children.
7. To approve variations of fees so far as they have been agreed by the "Examining Authority" and for which the Council have accepted responsibility for children, young persons or adults attending or residing in establishments not maintained or assisted by the Council and to approve alterations in charges for the maintenance of such residents.
8. To authorise payment for maintenance of people for whom the Council is financially responsible in homes provided by other local authorities and bodies.
9. To approve, following consultation with the appropriate Executive Councillor,

the appointment of replacement visiting members of Social Services establishments.
10. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Children's Social Services and the services for which the Director is responsible.
People Management
1. To be responsible for Human Resources and Organisational Development.

EXECUTIVE DIRECTOR FOR ENVIRONMENT & ECONOMY

Monitoring Officer & Democratic Services

1. To act as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. As Monitoring Officer to consider applications for dispensations in respect of disclosable pecuniary interests.
2. To manage support for the Leader and Chairman's Office.
3. To operate Members' Allowances in line with the resolution of the County Council on this matter.

Complaints

1. To act as the complaints manager under Regulation 22 of the NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 and to make arrangements for dealing with complaints under Regulation 21 of the said Regulations.

Highways, Construction and Maintenance

1. To act as Engineer in Civil Engineering Contracts where the County Council, Highways Agency, or Lincolnshire's Partners are the Employer.
2. To take the role of Employer in Civil Engineering Contracts where the County Council is the employer in respect of:
 - (i) deduction of liquidated damages;
 - (ii) other matters within the limits imposed by the Financial Regulations.
3. To accept appointments to prepare and supervise civil engineering works on behalf of the Highways Agency and other public bodies, private individuals, firms and other bodies.
4. To provide and maintain cattle grids, fences, boundary posts and road footway lighting systems.
5. To carry out minor maintenance activities under the Highways Act 1980 and the Countryside Act 1968 and make decisions on related payments, land exchanges, gifts, rents, speed regulations and similar accommodations.
6. To determine, after consultation with the local Councillor and Chairman and Vice-Chairman of the Planning and Regulation Committee, applications for pedestrian crossings falling within defined criteria.
7. To object to other authorities' formal traffic proposals where they adversely affect highways in Lincolnshire.
8. To convert lengths of footway into combined footway and cycle tracks, subject to no objections being received.
9. To make changes to the Road Hierarchy.
10. To submit proposals for road classification, re-classification or re-numbering, to the Government Office for the East Midlands.

3/28

11. To incur capital expenditure on highway improvement and maintenance schemes subject to:
(i) a maximum scheme cost of £100,000, additional expenditure to be contained within the approved total Highways Capital Programme;
(ii) prior consultation with the Executive Director of Finance and Public Protection and the appropriate Executive Councillor.
12. In connection with the New Roads and Street Works Act 1991 and any other relevant enabling legislation:
(a) to approve the declaration of an existing highway to be a new street;
(b) to settle payments to be made by owners of new buildings in respect of street works;
(c) to make up, vary the width of and adopt after the execution of street works.
13. Following consultation as appropriate, to designate County roads as protected Streets and/or Streets with Special Engineering Difficulty under the New Roads and Street Works Act 1991, and to withdraw such designations as appropriate.
14. To agree with, and for exercise by, the Secretary of State certain functions of the Council in respect of highways affected by the construction, etc, of a trunk road.
15. To comment to the Highways Agency on their proposed Orders, except where formal objection is to be made.
16. Following consultation with the appropriate Executive Councillor, to determine future percentage rates and/or thresholds at which the development road fee could be reduced for certain developments.
17. To carry out the statutory requirements acting on behalf of Lincolnshire County Council as the Enforcement Authority for all aspects of Civil Parking Enforcement and appeals processes as specified in the Traffic Management Act 2004 part 6, the Road Traffic and Regulation Act 1984, the Road Traffic Act 1991, Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
Management of Highways
1. To advertise proposals for Road Traffic Regulation Orders and to pursue and progress proposals for the stopping-up of highways which are in accordance with Council policy and which, at preliminary consultation stage, are supported by the Chief Constable and the relevant local Council, and to confirm orders to which no objections are received.
2. To advertise and consult concurrently on all Traffic Regulation Order proposals other than those relating to speed limits.
3. Following consultation with the appropriate Executive Councillor, to proceed to public advertising and consultation of speed limit proposals where the Executive Director considers that appropriate.
4. To make representations to the Highways Agency on draft orders for the stopping-up or diversions of Highways to enable development to be carried out in accordance with planning permission.
5. Under any legislation relating to the functions administered by the Executive Director for Environment & Economy:
(i) to serve or display notices;
(ii) to grant or refuse consents, approvals, licences, authorisations and

permissions;
(iii) to impose requirements;
(iv) to exercise any powers preliminary to or subsequent upon (i) to (iii).
Note: Powers under 5(ii) above in respect of the siting of tables and chairs on highways and in pedestrian areas within the highway, are subject to the Planning and Regulation Committee considering adverse comments and objections.
6. To make temporary orders regulating traffic and diverting highways.
7. To assert and protect the rights of the public on highways including the removal of anything that represents an obstruction, nuisance, danger or interference to any highway.
8. To make observations and lodge formal objections to District Councils in respect of Public Path Orders proposed to be made by them under sections 26, 118 and 119 of the Highways Act 1980 or section 257 of the Town and Country Planning Act 1990.
9. To make and to authorise the making of Orders under the following statutory provisions:
(i) Highways Act 1980, Section 25 (creation of footpaths, bridleways and restricted byways by agreement).
(ii) Highways Act 1980, Section 26 (creation of footpaths, bridleways and restricted byways by order).
(iii) Highways Act 1980, Section 118 (extinguishment of footpaths and bridleways and restricted byways).
(iv) Highways Act 1980, Section 118A (power to make a rail crossing extinguishment order).
(v) Highways Act 1980, Section 118B (power to make special extinguishment orders).
(vi) Highways Act 1980, Section 119 (diversion of footpaths and bridleways).
(vii) Highways Act 1980, Section 119A (power to make a rail crossing diversion order).
(viii) Highways Act 1980, Section 119B (power to make special diversion order).
(ix) Highways Act 1980, Section 135 (power to authorise and make a Diversion Order allowing for the temporary disturbance of a footpath, bridleway or restricted byway).
(x) Highways Act 1980, Section 132 (power to remove items painted, inscribed or affixed to the surface of or tree structure or works on or in the highway).
(xi) Highways Act 1980, Section 134(6) (power to enforce provisions regarding inter alia ploughing).
(xii) Highways Act 1980, Section 134(8) (power to grant an extension).
(xiii) Highways Act 1980, Section 137A (power to enforce the provisions in relation to interference by crops).
(xiv) Highways Act 1980, Section 143 (power to remove structures from highways and to recover costs from the person having control or possession of the structure).
(xv) Highways Act 1980, Section 145 (power to enforce minimum widths for gates across highways).
(xvi) Highways Act 1980, Section 154 (power to require removal of overhanging trees or shrubs).
(xvii) Highways Act 1980, Section 164 (power to require removal of barbed wire).

(xviii) Highways Act 1980, Section 297 (power to require information as to ownership of land).
(xix) Highways Act 1980, Section 300 (right to use appliances and vehicles on footpaths, bridleways and restricted byways).
(xx) Highways Act 1980, Schedule 12A (power to carry out works in relation to interference with highways).
(xxi) Cycle Tracks Act 1984, Section 3 (power to designate footpath as cycle path).
(xxii) Housing Act 1981, Section 294 (power to extinguish public right of way over land acquired for clearance).
(xxiii) Countryside and Rights of Way Act 2000, Section 35 (power to enter into agreements with respect to means of access).
(xxiv) Countryside and Rights of Way Act 2000, Section 37 (power to provide access in absence of agreement).
(xxv) Wildlife and Countryside Act 1981, Section 57A (power to prepare map and statement by way of consolidation of Definitive Map and Statement).
(xxvi) Town and Country Planning Act 1990, Section 257 (stopping up and diversion of footpaths and bridleways).
(xxvii) Town and Country Planning Act 1980, Section 258 (power to extinguish public rights of way over land held for planning purposes).
(xxviii) Town and Country Planning Act 1990, Section 261 (temporary stopping up of footpaths and bridleways for mineral workings).
and, where appropriate, in the event of no objections being made or any objections made being withdrawn, to confirm the same.
10. To enter into agreements in respect of permissive (or concessionary) paths.
11. To take prosecution action under National Parks and Access to the Countryside Act 1949, Section 57 and to serve notices, to take appropriate default action and/or prosecution action and reclaim full costs under the Highways Act 1980 as amended.
12. Power to act in accordance with any court order made under Section 130B of the Highways Act 1980 including any application to the Court to vary or appeal any order made.
13. To make and authorise the making of Modification Orders to keep the Definitive Map and Statement up-to-date in respect of changes resulting from the events specified in sections 53 and 54 of the Wildlife and Countryside Act 1981 and to determine the relevant date for such Orders pursuant to Section 56(3) of the 1982 Act and in the event of no objections being made or objections being made and being withdrawn, to confirm the same. On the receipt of an objection to submit the Order to the Secretary of State.
14. To make and, where appropriate, waive charges in respect of Public Path Orders.
15. Power to make an application to the Magistrates' Court to authorise the stopping up or diversion of a highway under Section 116 of the Highways Act 1980.
16. For the purpose of assessing priority for Public Rights of Way maintenance, to set, upgrade and downgrade Public Rights of Way within priorities determined.
17. To nominate members of the public to carry out site inspections in relation to non-statutory stages in the implementation of the Highways Act 1980 as

amended and the Wildlife and Countryside Act 1981.
18. Power to make byelaws as respects access to land under Countryside and Rights of Way Act 2000, Section 17.
19. Power to appoint wardens as respects access to land under the Countryside and Rights of Way Act 2000, Section 18.
20. Power to erect and maintain notices as respects access to land under the Countryside and Rights of Way Act 2000, Section 19.
21. Power to apply to the Magistrates' Court for an Order to remove an obstruction to access under the Countryside and Rights of Way Act 2000, Section 39.
22. Duty to establish Local Access Forum including power to establish new forums withdraw from joint forums and merge forums and to publish annual Local Access Forum Report under the Countryside and Rights of Way Act 2000, Section 94 and statutory regulations.
23. To act as Traffic Manager as referred to in the Traffic Management Act 2004 generally through authorisation to the Assistant Director for Highways and Traffic.
Spatial Planning, Conservation and Environment
1. To make grants towards landscape schemes.
2. To maintain the Historic Environment Record.
3. To take the appropriate action in respect of certain functions of the County Council as local planning authority (after consultation with the Chairmen of the appropriate Committees where considered necessary), those functions being:
<ul style="list-style-type: none"> • Tree Preservations Orders and Trees in Conservation Areas; • Forestry Commission Matters; • Regulation 3 of the Town and Country Planning General Regulations 1992; • Plan Briefs and Similar Documents; • Certificate of Lawfulness of Existing Use or Development (CLEUD) (Planning and Compensation Act 1991 (S.191)); • Certificate of Lawfulness and Proposed Use or Development (CLOPUD) (Planning and Compensation Act 1991 (S.192)); • Planning applications affecting the interests of the County.
4. To initiate appropriate enforcement action in respect of development carried out without the grant of planning permission or in breach of a condition of planning permission. Also, to take such actions as may be considered appropriate including, if necessary, the issue of enforcement and/or stop-notices under the Town and Country Planning Act 1990 as amended by Planning and Compulsory Purchase Act 2004.
5. To approve matters reserved by a condition of any planning permission in respect of County Council, waste or minerals development.
6. To issue any Direction pursuant to any requirement under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995.
7. To issue any Opinion or Direction pursuant to the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1999.
8. To issue Certificates of Conformity/Non-Conformity in respect of local plans under Section 46 of the Town and Country Planning Act 1990.
9. To prescribe improvement building frontage and sight lines.

10. To make grants in respect of Historic Buildings and premises included in Enhancement Schemes.
11. To make observations and recommendations on behalf of the Council as highway authority in reply to consultation by district planning authorities on planning applications of the description in paragraphs (f), (g) and (h) of the table to article 18(1) of the Town and Country Planning General Development Order 1988.
12. To enter into agreements under section 278 of the Highways Act 1980 relative to highway improvement works provided the costs of the works are secured by the agreement and to execute the works.
13. To adopt highways.
14. To comment to the Department for Transport on applications made to Department for grants under S.36 of the Transport Act 1981.
15. To approve planning permission for:-
(a) mobile classrooms, siting and retention
(b) re-roofing of County Council buildings
(c) erection of fire escapes
(d) erection of flag-poles
(e) erection of fencing and means of enclosure
(f) the provision of school/education building where the floor space to be created by the development is up to and including 1,000 square metres of floor space
(g) external alterations to buildings arising from internal modifications
(h) comments on Listed Building and Conservation Area Consent Applications which are to be determined by the Secretary of State
(i) the erection of minor buildings up to 15 metres in height and 1,000 square metres in area on established sewage treatment works (plant and machinery can already be erected within these limits without planning permission)
(j) construction of car parks, all weather pitches and play areas
(k) non-material changes to planning permission in accordance with section 190, Planning Act 2008
Provided no objections are received after appropriate consideration.
16. To negotiate section 106 agreements in connection with planning applications relating to applications dealt with by district councils concerning infrastructure which the County Council would be responsible for providing.
17. To act under any powers or duties under legislation imposed on the County Council with respect to flood risk management.
Transport Services
1. To enter into agreements providing for subsidies of public passenger transport services under Section 88 of the Transport Act 1985.
2. To make grants to provide, maintain or improve any passenger carrying vehicles, equipment or facilities provided for the purpose of facilitating travel by disabled persons under Section 106 of the Transport Act 1985.
3. To enter into agreements with local bus operators to make quality bus partnerships, quality contract schemes or ticketing schemes under the Transport Act 2000.
4. To enter into agreements with local bus operators for non-statutory quality bus partnerships.

5. To enter into agreements providing for the supply of passenger transport services including those for: <ul style="list-style-type: none"> • mainstream education pupils; • special educational needs pupils; • social services clients.
6. To make grants to Parish Councils for improvement of bus shelters.
7. To enter into agreements for car contract hire scheme for employees of the Authority fleet services and contract hire arrangements for Specialist vehicles.
8. To take such decisions on the withdrawal of local bus services to remain within budget, subject to consultation with the appropriate Executive Councillor.
Other
1. To determine, following consultation with the appropriate Executive Councillor and Overview and Scrutiny Committee or Panel and the Executive Director of Finance & Public Protection, where there is an immediate threat to a site, requests to the County Council for support towards habitat and environmental site acquisitions.
Economic Development
1. To make grants and loans within a framework approved by the Council including <ul style="list-style-type: none"> (a) Lincolnshire Loan Fund for Business Development (b) Lincolnshire Community Business Development Finance Initiative and (c) Specific initiatives to support rural communities
2. To develop sites and premises for economic development purposes <ul style="list-style-type: none"> (a) to procure services in accordance with the regulations and established policies and principles of Lincolnshire County Council (b) to work together with public and private sector partners to bring forward new capital projects (c) to agree the sale and letting of sites within the economic development portfolio
3. To deliver the tourism policy and function for Lincolnshire County Council and to manage any contracts for the delivery of tourism services
4. To ensure that external funding programmes are delivered in accordance with the guidelines set out in offer letters.
5. To implement capital projects which will bring about an improvement in the economic wellbeing of the County and its population
6. To lead an integrated policy and service delivery operation.

EXECUTIVE DIRECTOR OF COMMUNITY WELLBEING AND PUBLIC HEALTH

1. To support delivery of strategic and supported housing.
2. To promote general health and wellbeing.
3. To promote community engagement and development.
4. To exercise the functions of the County Council in relation to the Drug and Alcohol Action Team.
5. To produce the Annual Health Report.

6. To carry out and publish health needs and health impact assessments
7. To contribute to the development of the Joint Strategic Needs Assessment.
8. To commission health improvement services.
9. To administer the Health and Wellbeing Fund.
10. To facilitate the Health and Wellbeing Board.
11. To act as Director of Public Health in accordance with Section 73A of the National Health Services Act 2006 and to carry out the functions as set out in that section.
12. To take decisions in respect of the Council's functions as Administering Authority in connection with Supporting People.
Cultural Services
1. To make grants within a framework approved by the Council including:
(a) towards the cost of establishing, promoting or holding music, dance, arts or other cultural events and activities, as well as Lincolnshire Communities within the overall policies of the Council;
(b) to support the provision made by voluntary and other organisations where there are educational benefits to the people of Lincolnshire;
2. After consultation with the appropriate Executive Councillor, to approve use of Lincoln Castle for charity events and to determine financial arrangements.
3. To exercise the functions of the Council as library authority under the Public Libraries and Museums Act 1964 and as archive authority under the Local Government Act 1972, s. 224 and the Public Records Act 1958 and 1967.
General
1. In respect of the Registration Service:
(a) to approve payments to Registrars, Deputy Registrars of Births, Deaths and Marriages in circumstances justifying payments in excess of the normal allowances to registrars for their services;
(b) to arrange for premises to be leased for the use of Registrars of Births, Deaths and Marriages at rents approved by the Chief Property Officer;
(c) to issue a licence for the approval of premises for the solemnisation of marriages under the Marriage Act 1994 and civil partnerships under Civil Partnership Act 2004;
(d) to issue certificates and arrange citizenship ceremonies under British Nationality Act 1981.
2. To undertake the statutory role of "Proper Officer", ensuring that Registration of Births, Deaths and marriages service is provided in Lincolnshire, including the licensing of approved premises for the solemnisation of marriages, civil partnership and citizenship ceremonies.
3. To undertake the role of Travellers Liaison Officer in consultation with other Directorates in matters of illegal camping and site provision.
4. To exercise the function of the Council in relation to the use of badges for display on disabled persons' motor vehicles.

DIRECTOR OF ADULT SOCIAL SERVICES

Services for Adults and Older People

1. To accept Guardianship applications under Section 8 of the Mental Health Act 1983
2. To consent under Section 8(4) of the Mental Health Act 1983 to any amendment of any Guardianship application which has been accepted or any medical recommendation.
3. To designate Approved Social Workers as Officers for the purposes of the Mental Health Act 1983.
4. To maintain registers of sensory impaired and disabled persons.
5. To approve the disposal of assets belonging to deceased residents to persons entitled to them after payment of proper claims on account of funeral expenses and sums due to the Council.
6. To incur expenditure either directly or via provision of
 - (a) equipment to persons permanently and substantially disabled;
 - (b) for special purposes, e.g. recreational, educational and social facilities;
 - (c) of adaptations to property occupied by persons permanently and substantially disabled.
7. To approve augmentation for a person on a Blind Homeworker Scheme.
8. To authorise the admissions and payment of purchases of all forms of residential, day and domiciliary care.
9. To approve variations of fees so far as they have been agreed by the "Examining Authority" and for which the Council have accepted responsibility for children, young persons or adults attending or residing in establishments not maintained or assisted by the Council and to approve alterations in charges for the maintenance of such residents.
10. To authorise payment for maintenance of people for whom the Council is financially responsible in homes provided by other local authorities and bodies.
11. To approve expenditure incurred in the protection of movable property or persons and to recover such expenditure where applicable.
12. To make assessment of contributions by persons provided with services and to approve variation of assessed charges to avoid hardship.
13. To add additional persons to the list of Independent Chairmen of the Complaints Review Panel established under the National Health Service and Community Care Act 1990.
14. To approve, following consultation with the appropriate Executive Councillor, the appointment of replacement visiting members of Social Services establishments.
15. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Social Services Directorate and the services for which the Director is responsible.
16. To authorise under the provisions of the Human Tissue Act 1961 (where the Council is in lawful possession of the body) the removal of parts of the body of a deceased resident in accordance with the wish expressed by the resident during his/her lifetime.

17. To exercise the functions of the Council in relation to adult safeguarding and in particular to	
(i)	Maintain a clear organisational and operational focus on safeguarding vulnerable adults
(ii)	Ensure that relevant statutory requirements and other national standards are met
(iii)	Encourage a culture of vigilance against the possibility of adult abuse
(iv)	Ensure all services within the remit of the post remain focused appropriately on safeguarding adults; and
(v)	Promote equality of opportunity and eliminate discrimination in respect of adult care services

ASSISTANT PRACTICE DIRECTOR OF THE LEGAL SHARED SERVICE

1. To act as solicitor to the Council for any purposes and subject to consultation with such of the Executive, Executive Councillor, Committee or Chief Officer as may be appropriate, to exercise discretion whether to issue or defend proceedings on behalf of the County Council in any Court or Tribunal or before any other body with jurisdiction, including arbitration or adjudication, to enter into mediation or other alternative dispute resolution processes or otherwise to settle claims disputes and proceedings and to take such other actions as are appropriate for the solicitor to the Council and which are necessary to protect, maintain and fulfil the interests, rights and duties of the Council.

“PROPER OFFICER” PROVISION

1a Each of the Officers of the Council mentioned in column 1 is the Proper Officer of the Council in relation to the provisions of the Local Government Act 1972 specified against the Officers title in column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers’</u> <u>Functions</u>
Chief Executive	83(1) to (4)	Witness and receipt of declarations of acceptance of office.
Chief Executive	84	Receipt of declaration of resignation of office.
Chief Executive	88(2)	Convening of meeting of Council to fill casual vacancy in the office of the Chairman.
Chief Executive	89(1)(b)	Receipt of notice of casual vacancy from two local government electors.
Chief Executive	S100B	Determination of which reports or parts of reports should not be disclosed on the grounds that they include exempt information which is likely to be considered private.
Chief Executive	S100C	Minuting of meetings and preparing where necessary a written summary of such part of meetings at which the public are not present.
Chief Executive	S100F	Determination of which documents should not be disclosed to an elected Member on the grounds that they disclose confidential or exempt information.
Designated Corporate Officer	S100D	Preparation of list of background papers for reports.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u> <u>Section of</u> <u>1972 Act</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
Executive Director of Finance and Public Protection	115(2)	Receipt of money due from Officers.
Executive Director of Finance and Public Protection	146(1)(a) and (b)	Declarations and certificates with regard to securities.
Executive Director for Environment & Economy	191	Functions with respect to ordnance survey.
Chief Executive	210(6) and (7)	Charity functions of holders of offices with existing Authorities transferred to holders of equivalent office with new Authorities or, if there is no such office, to Proper Officers.
Executive Director for Environment & Economy	225(1)	Deposit of documents.
Executive Director for Environment & Economy	229(5)	Certification of photographic copies of documents.
Executive Director for Environment & Economy	234(1) and (2)	Authentication of documents.
Executive Director for Environment & Economy	236(10)	To send copies of byelaws to each District Council in the county.
Executive Director for Environment & Economy	238	Certification of byelaws.
Chief Executive	Schedule 12 Para 4(2)(b)	Signature of summonses to Council meetings.
Chief Executive	Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.
Executive Director for Environment & Economy	Schedule 16 Para 28	Receipt of deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971).

Column 1
Proper Officer

Executive Director of
Community Wellbeing
and Public Health

Column 2
Section of
1972 Act

Schedule 29 Para
41

Column 3
Proper Officers'
Functions

Exercise of functions under
Sections 9(1) and (2), 13(2)(h) and
(3)(b) and 20(b) of Registration
Services Act 1953.

1b Each of the Officers mentioned in Column 1 is the Proper Officer of the Council in relation to the provisions specified against the Officers title in Column 2.

<u>Column 1</u> <u>Proper Officer</u>	<u>Column 2</u>	<u>Column 3</u> <u>Proper Officers'</u> <u>Functions</u>
Executive Director for Environment & Economy	Local Government Act 2000 S81	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).
Executive Director for Environment & Economy	Local Government Act 2000 S81	Receipt of record of interest.
Executive Director for Environment & Economy	S41(1) and (3) of the Local Government (Miscellaneous Provisions) Act 1976	Certification of resolutions and minutes, etc, for evidential purposes.
Executive Director for Environment & Economy	S59 of the Highways Act 1980	Certification of extra-ordinary expenses.
Executive Director for Environment & Economy	S321 of the Highways Act 1980	Authentication of documents.
Executive Director for Environment & Economy	S295(1) of the Highways Act 1980	Service of notice requiring removal of materials in any street.
Executive Director for Environment & Economy	Schedule 9 Para 4 of the Highways Act 1980	Prescribing Improvement Lines or Building Lines.
Chief Executive	S15 and S16 Local Government and Housing Act 1989	For the purposes of the Local Government (Committee & Political Groups) Regulations 1990.
Executive Director for Environment & Economy	S18 of the Local Government and Housing Act 1989	For the purposes of the Members' Allowance Scheme.
Executive Director for Environment & Economy (as Monitoring Officer)	S19(1)(a) of the Local Government and Housing Act 1989	Receipt of notice of Councillors' interests.

Executive Director for Environment & Economy	S321 of the Local Government and Housing Act 1989	Deposit of lists of posts politically restricted by virtue of remuneration.
Statutory Scrutiny Officer	S31 of the Local Democracy, Economic and Construction Act 2009	Promotion of Overview and Scrutiny

2. Each of the Officers mentioned in Column 1 is the Proper Officer of the Council in relation to any reference in any legislation (other than the Local Government Act 1972) to the corresponding Officer of a Council (whether specified or not) mentioned in Column 2 which by virtue of any provision of the said Act or of any Order made thereunder is to be construed as a reference to the Proper Officer of the Council.

Column 1

Column 2

Chief Executive

Clerk of the Council or Town Clerk of a Borough

Executive Director of Finance and Public Protection

Treasurer of a Council

Executive Director for Environment & Economy

County Surveyor or Surveyor of a Council

Chief Executive

Clerk to the Fire Authority

3. The Officers mentioned in Column 2 are to act as Proper Officers of the Council in relation to the matters assigned to the corresponding Officer mentioned in Column 1 in the event of that Officer being absent or otherwise unable to act as Proper Officer.

Column 1

Column 2

Chief Executive

Such of the Executive Directors, as may be nominated by the Chief Executive

Executive Director of Finance and Public Protection

Assistant Director (Finance and Resources)

Executive Director for Environment & Economy

Assistant Director Highways and Transportation

4. The Executive Director of Finance and Public Protection is to have responsibility for the proper administration of the Council's financial affairs in accordance with S151 Local Government Act 1972. The Executive Director of

Finance and Public Protection may elect to delegate the day to day responsibilities to the Assistant Director Finance and Resources.

5. The Executive Director of Finance and Public Protection is, under the nomination at 4 above, the Officer responsible under S114 of the Local Government (Finance) Act 1988. Executive Director of Finance and Public Protection may elect to delegate the day to day responsibilities to the Assistant Director Finance and Resources.

D GENERAL CONDITIONS APPLYING TO ALL OFFICER DELEGATED POWERS

1. The powers delegated to Officers shall be exercised in accordance with the:
 - (ii) Rules of Procedure;
 - (iii) Financial Regulations;
 - (iv) Contract Regulations; and
 - (v) Established policies and principlesof the Council as current from time to time.
2. Any decision or action shall comply with all relevant resolutions, orders and directions of the Council, the Executive and of any Committee.
3. Where any matter involves professional or technical considerations within the sphere or competence of another Officer, the Officer taking the decision shall consult with that Officer before authorising action.
4. Delegation to an Officer does not include:
 - (i) any matter reserved to the full Council;
 - (ii) any matter which by law may not be delegated to an Officer;
 - (iii) any matter reserved to the Chief Executive or a Committee, Sub-Committee or Panel;
5. Without derogating from the discharge of functions under these arrangements Chief Officers shall:
 - (a) Maintain close liaison with the Executive Councillor(s) in whose scope the Chief Officer's functions exist particularly in respect of controversial and sensitive issues.
 - (b) Each Chief Officer shall also maintain close liaison with Councillors representing the political groups in relation to any matter which in the opinion of the Chief Officer may be regarded as sensitive or contentious by any such group. The Chief Officer shall also notify the Executive Councillor and/or Leader of such items and keep them informed of progress.
 - (c) Where a Councillor has made known to a Chief Officer his/her legitimate interest in a matter or where a matter relates to or affects the Councillor's electoral division, the Chief Officer shall consult with that Councillor and shall keep the Councillor informed of significant developments relating to that matter.

6. The existence of a delegation to an Officer shall not require the Officer to take a decision on that issue. Officers need to be aware of particularly controversial issues of concern to the Executive and Committees Panels and Groups of the Council. In such circumstances he/she may refer the matter for guidance or decision by members of the Executive or a Committee Panel or Group of the Council if he/she considers it is appropriate to do so. In so doing the Officer shall advise the Councillors concerned of the extent of his/her delegated powers relating to the matter.
7. The authority conferred upon a Chief Officer may be exercised in his/her absence or at other times by an Officer authorised by the Chief Officer.
8. The Chief Executive, in consultation with the Monitoring Officer, shall determine any case in which there is uncertainty whether a Chief Officer is authorised to act under these arrangements.
9. Reference in these arrangements to the discharge of functions of the Council include references to the doing of anything which is calculated to facilitate or is conducive or incidental to the discharge of any of those functions and each Chief Officer is authorised to act accordingly.
10. Chief Officers are responsible within their areas of responsibility for ensuring that in making decisions and delivering services they apply sound risk management principles and practices in accordance with the Council's corporate risk management strategy and that they comply with the obligations and principles of the Council in respect of equality and diversity.

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