

(Part 1 – A Summary of Lincolnshire County Council Constitution)

- Fire & Rescue, Emergency Planning, Trading Standards, Equality and Diversity
- Waste, Recycling
- NHS Liaison, Community Engagement
- Libraries, Heritage, Culture, Registration and Coroners Service
- Crime Reduction, People Management, Legal

3c The Executive takes decisions as a group, though individual Executive Councillors also have powers to take decisions on behalf of the Executive.

4 The Forward Plan

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

5 Calling in Executive Decisions

5a 'Calling in' is the process which allows Non-Executive Councillors to challenge Executive, Executive Councillor and Chief Officer decisions.

6 Overview and Scrutiny

6a Overview and Scrutiny means reviewing and questioning decisions. Our Overview and Scrutiny Management ~~Committee-Board~~ is supported by the following Overview and Scrutiny Committees.

- Adults ~~Care and Public Health~~ Scrutiny Committee
- Children and Young People Scrutiny Committee
- Communit~~iesy~~ & Public ~~Safety-Protection~~ Scrutiny Committee
- ~~Economic Scrutiny Committee~~
- Environmental, ~~Economy and Transport~~ Scrutiny Committee
- Flood and ~~Drainage Water~~ Management Scrutiny Committee
- Health Scrutiny Committee for Lincolnshire
- ~~Highways and Transport Scrutiny Committee~~
- ~~Value for Money Scrutiny Committee~~

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

7 Non-Executive Committees

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

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~~ Board
- Adults ~~Care and Public Health~~ Scrutiny Committee
- Children and Young People Scrutiny Committee
- Communities and Public Protection Scrutiny Committee
- ~~Economic Scrutiny Committee~~
- Environment, ~~Economy and Transport~~ Scrutiny Committee
- Flood and ~~Drainage~~ Water 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. Executive Support Councillors may not be members of an Overview and Scrutiny Committee relating to their portfolio area.

There will be two standing Scrutiny Panels (Scrutiny Panel A and Scrutiny Panel B) whose role will be to conduct in-depth scrutiny reviews on behalf of Overview and Scrutiny Committees. Each Scrutiny Panel will have a Chairman and Vice Chairman appointed by the Council. Membership of each Scrutiny Panel (apart from the Chairman and Vice Chairman) will be appointed by the Overview and Scrutiny Management Board as and when the Scrutiny Panel is convened in respect of a particular review. All Councillors except Executive Councillors may be members of a Scrutiny Panel. No Councillor may be involved in scrutinising a decision in which he/she has been directly involved. Executive Support Councillors may not be members of a Scrutiny Panel when it is conducting a review relating to their portfolio area.

In addition to the Overview and Scrutiny Committees and Scrutiny Panels, the following sub groups will be appointed to complement the activities of the overview and scrutiny committees:

- Corporate Parenting Sub Group

- Safeguarding Boards Scrutiny Sub Group

The Scrutiny Panels and Sub-Groups, while being part of the Council's Overview and Scrutiny arrangements are not committees of the Council.

6.02 Overview and Scrutiny Management ~~Committee~~Board

Membership

The County Council will determine the number of members of the Council who will serve on the Overview and Scrutiny Management ~~Committee~~Board. The Overview and Scrutiny Management ~~Committee-Board~~ 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~~Board, but may only vote when an education matter is to be determined.

Terms of Reference

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

To review and scrutinise the following services and their outcomes:

- information management and technology;
 - corporate property;
 - people management;
 - legal services;
 - commercial services including procurement and contract management
 - business support to the Council's activities
 - finance, treasury management and audit
- 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 Board.
 - ~~To review and scrutinise the Council's overall budget (including revenue budget and capital programme) and overall performance against the Council's Business Plan.) (including revenue budget and capital programme) to include quarterly performance indicators, priority activities and customer satisfaction information across all Council services that fall outside expectations.~~
 - To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
 - To consider and respond to any proposals from the Executive as part of the development of the budget and policy framework.
 - To approve the Overview and Scrutiny Annual Report, prior to its submission to the County Council
 - To prepare the Overview and Scrutiny Annual Work Programme for submission to full Council for approval

- To agree and monitor the ongoing Overview and Scrutiny work programme, in particular holding the Chairmen and/or Vice Chairmen to account for their Committee's work programme, on a quarterly basis.
- 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 is to be or 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, consider any proposals for Scrutiny Reviews from the Overview and Scrutiny Committees and determine the work programme of the Scrutiny Panels by utilising the Prioritisation Toolkit.
- To approve any changes to the focus or duration of the Scrutiny Reviews undertaken by the Scrutiny Panels.
- 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 and to approve any extension to the duration of a Working Group.
- 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 Adult Care and Public Healths Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who will serve on the Adult Care and Public Healths Scrutiny Committee.

Terms of Reference

The Adult Care and Public Healths Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - adult care services for frailty, people with long term conditions; for older people; social care for people with physical disabilities and for people with sensory impairment;
 - adult care services for people with learning disabilities; for people with autism; and for people with mental health needs, including dementia;
 - adult care services for carers;
 - adult safeguarding and the protection of adults at risk including observance of the Mental Capacity Act;
 - statutory public health services;
 - wellbeing services, including health improvement, prevention and self-management; mental health; sexual health; housing-related support; and the prevention, treatment and recovery elements of the substance misuse services: -
 - ~~other services for vulnerable adults.~~
- To review and scrutinise activities arising from integration and joint agreements with the NHS, which support or are incidental to the provision of services related to adult care and public health.
- To review and scrutinise any joint funding arrangements or agreements developed in partnership with the local NHS.
- To consider the Annual Report of the Director of Public Health on the Health of the People in Lincolnshire, using the report to inform the Committee's work programme.
- To review and scrutinise publications such as the market position statement or local account and the provision of information and advice by Adult Care and Public Health
- To review and scrutinise quality and contract compliance in the care market
- 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 consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or 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~~ To submit requests to the Overview and Scrutiny Management ~~Committee~~Board for in-depth scrutiny reviews, ~~to establish time limited task and finish groups~~ in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission

to the Executive, Executive Councillor or the County Council, or other decision maker.

- 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 appoint working groups in accordance with the provisions in the Overview and Scrutiny Procedure Rules.
- 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.
- To have oversight of contemporary challenges which affect the Adult Care and Public Health functions under the remit of the 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.~~
 - children centres
 - early education
 - school support services
 - school improvement
 - Special Educational Needs and Disabilities
 - home to school/college transport
 - 14-19 education, training and apprenticeship
 - careers service
 - positive activities for young people
 - teenage pregnancy
 - supported accommodation and lodgings

- supported employment for young people
 - Lincolnshire Secure Unit
 - Youth Offending Service
 - leaving care service
 - school nursing
 - healthy schools and healthy child
 - child protection
 - looked after children
 - targeted support - young people
 - fostering and adoption
 - residential homes for children
 - Child and Adolescent Mental Health Services (CAMHS)
 - family support
- 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 consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
 - To review and scrutinise any decision that is to be or 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~~ To submit requests to the Overview and Scrutiny Management ~~Committee~~Board for in-depth scrutiny reviews to establish time limited task and finish groups, in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
 - To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
 - 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~~Sub Group.
 - To manage the work of the Lincolnshire Safeguarding Boards Scrutiny Sub-Group in co-ordination with the Adults ~~Care and Public Health~~ Care and Public Health Scrutiny Committee.

6.05 Communities and Public Protection Scrutiny Committee

Membership

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

Terms of Reference

The Communities and Public Protection Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - volunteering support
 - adult education
 - financial inclusion
 - community engagement and development
 - community hubs
 - library services and archives
 - preventing and reducing crime
 - tackling domestic abuse
 - fire and rescue and emergency response
 - trading standards
 - emergency planning
 - road safety
 - reducing anti-social behaviour
 - registration, celebratory and coroner's services
 - ~~community cohesion;~~
 - ~~community safety;~~
 - ~~emergency planning~~
 - ~~fire and rescue~~
 - ~~culture~~
 - ~~heritage~~
 - ~~libraries;~~
 - ~~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 consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or 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.

- To submit requests to the Overview and Scrutiny Management Committee, for in-depth scrutiny reviews in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- 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.

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:

 - ~~economic regeneration;~~
 - ~~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 Environment, Economy and Transport Scrutiny Committee

Membership

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

Terms of Reference

The Environmental, Economy and Transport Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - transport services
 - highway network management and highways asset management
 - new transport investments including highways improvements
 - economic development projects including broadband
 - heritage services
 - environment and growth, including:
 - carbon management
 - the natural and built environment
 - sustainable planning and the historic environment
 - growth and access
 - waste management, including waste recovery and recycling
 - skills and employability
 - support to business and growth sectors
 - business investment
 - attracting funding for Lincolnshire, including the Greater Lincolnshire Local Enterprise Partnership.
 - ~~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 consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that **is to be or** 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~~To submit requests to the Overview and Scrutiny Management ~~Committee~~Board for in-depth scrutiny reviews, to establish time limited task and finish groups, in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- 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~~Water Management Scrutiny Committee

Membership

The Flood and ~~Drainage~~Water Management Scrutiny Committee will comprise of ~~11 the~~ members of the ~~appointed to the~~ Environment, Economy and Transport ~~at~~ 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~~below)

The Flood and Drainage Water Management Scrutiny Committee will sit-meet 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 Water 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, including the delivery of the Lincolnshire Common Works Programme.
- The effectiveness of the Lincolnshire Flood Risk and Drainage Management Partnership and related partnership developments.
- Lincolnshire County Council's delivery of its local leadership role in relation to flood and water management.
- 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 relating to all relevant plans and strategies, such as (but not exclusively)~~ Shoreline Management Plans and Catchment Flood Management Plans (main rivers).
- All major strategic initiatives relating to water management.
- The Greater Lincolnshire Local Enterprise Partnership's Water Management Board, including the development and implementation of its Water Management Plan.
- Any other matter with particular relevance to flood risk and water management within Lincolnshire or likely to affect Lincolnshire.

Scheme for the Co-option of Voting Members on the County Council's Flood and Drainage Water-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 Water 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~~Water 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~~Water 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~~Water Management Scrutiny Committee will have full voting rights at meetings of the Flood and ~~Drainage~~Water 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, appointed in accordance with the scheme adopted by the County Council in accordance with paragraphs 11-13 of Schedule A1 of the Local Government Act 2000; 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 funded health care; and
 - Health and Wellbeing Board, including in particular the Board's development of the Joint Strategic Needs Assessment, the Joint Health and Wellbeing Strategy, the Pharmaceutical Needs Assessment.
- 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 Adult Care and Public Safety Health Scrutiny Committee and the Children and Young People Scrutiny Committee.
- To consider the Annual Report of the Director of Public Health on the Health of the People in Lincolnshire, using the report to inform the Committee's work programme.
- 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, using the powers set out in the relevant health overview and scrutiny regulations and referring to any guidance issued by the Secretary of State for Health. Where there is a disagreement between the Committee and the responsible NHS commissioner which cannot be resolved after reasonable practicable steps and the Committee believe that
 - (a) the proposed substantial variation or development would not be in the interests of the health service in Lincolnshire; or
 - (b) 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;

the Committee may determine whether to refer the matter to the Secretary of State, in accordance with the relevant health overview and scrutiny regulations and any guidance issued by the Secretary of State for Health, taking account of any protocol agreed between the Committee and the responsible NHS commissioner.

- To consider and respond to any other health consultations, which affect the residents of Lincolnshire.
- With the approval of To submit requests to the Overview and Scrutiny Management Committee Board for in-depth scrutiny reviews, to establish time limited task and finish groups in relation to the above services. Where a request for a scrutiny review is approved by the Overview and

Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.

- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the relevant NHS organisation or other decision maker. 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 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.

Scheme for the Co-option of Voting Members on the County Council's Health Scrutiny Committee for Lincolnshire

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 Health Scrutiny Committee for Lincolnshire 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 Health Scrutiny Committee for Lincolnshire, 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 Health Scrutiny Committee for Lincolnshire. Each district council may at any time nominate a replacement member to serve in place of the nominated member.

3. Voting

The eight county councillors and the seven co-opted district councillors on the Council's Health Scrutiny Committee for Lincolnshire will have full voting rights at meetings of the Health Scrutiny Committee for Lincolnshire.

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.

~~6.09 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;~~
 - ~~➤ 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;—~~
 - ~~Culture;~~
 - ~~Heritage;~~
 - ~~Libraries;~~
 - ~~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 projects; and~~
 - ~~value for money overview.~~~~
- ~~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 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.~~

6.09 Scrutiny Panel A and Scrutiny Panel B

Scrutiny Panel A and Scrutiny Panel B will undertake in-depth scrutiny reviews in accordance with the terms of reference and timetable determined for each review by the Overview and Scrutiny Management Board.

Scrutiny Panel A and Scrutiny Panel B will conduct each review in accordance with the following principles:

- Meetings of Scrutiny Panels should generally be held in public, with decisions on whether meetings should be public or private being considered as part of the review process.
- Scrutiny Panels should aim to collect a broad range of evidence on the particular review, interviewing interested parties, and engaging local communities, where this is feasible.
- Scrutiny Panels should focus on developing realistic recommendations for improvement in relation to the topic under review.
- Scrutiny Panels will submit their draft reports to the relevant Overview and Scrutiny Committee for consideration, approval and onward referral as appropriate.

6.10 Corporate Parenting Sub Group

Membership

The County Councillor Membership of the Corporate Parenting Sub-Group will be determined by the County Council. Five additional members may also be appointed to the Sub Group in the following categories:

- one Representative of the V4C the Children in Care Council
- one Lincolnshire Community Health Services NHS Trust representative
- one Lincolnshire Partnership NHS Foundation Trust representative
- two Foster Carers

Chairman and Vice Chairman

At its first meeting in each municipal year, the Corporate Parenting Sub-Group will elect a Chairman and Vice Chairman from the County Councillor membership of the Sub Group.

Quorum

The quorum of the Corporate Parenting Sub-Group will be three, with at least one of the county council Corporate Parenting Sub-Group members in attendance.

Replacement

Replacement members will be permitted on the Corporate Parenting Sub-Group.

Meetings

The Corporate Parenting Sub-Group will meet in private on a quarterly basis and as otherwise required.

Terms of Reference

The Corporate Parenting Sub-Group is authorised to undertake the following activities:-

- Ensure that all councillors and Lincolnshire County Council Directorates are fulfilling their roles and responsibilities as corporate parents proactively. This will involve the Corporate Parenting Sub-Group organising specific education and training events for all councillors to ensure they are equipped with the knowledge and skills to be corporate parents.
- Provide clear strategic and political direction in relation to corporate parenting.
- Investigate on behalf of all councillors ways in which the role of corporate parenting can be improved, using examples from other local authorities and countries.
- Ensure that councillors undertake their annual programme of visits to children's homes.
- Ensure that the needs of children and young people in public care and their carers are prioritised by councillors and officers.
- Receive quarterly reporting of key performance indicators relating to children and young people in public care.
- Receive regular and/or annual reports on the level and quality of services to children and young people in public care from the Children's Services Directorate, other Directorates and organisations.
- Monitor the performance, quality and outcomes of the Council's services in relation to children and young people in public care and identify any areas for improvement.
- Engage with children and young people who are in public care or have left care by inviting them to act as advisers to the Corporate Parenting Sub-Group.
- Listen to the views of children, young people and their carers and to involve them in the assessment and development of services.
- Champion the provision of Council based work placements and Apprenticeships for looked after young people.
- Promote achievement and acknowledge the aspirations of children and young people in public care by supporting celebration events.
- Meet with Ofsted inspectors where appropriate for their input into inspections.
- Participate as members of the adoption and fostering panels.
- Agree a work plan, reviewing progress, membership of the Panel and attainment of its role and terms of reference.
- Report back formally on these matters in writing to the Children and Young People Scrutiny Committee after each meeting of the Corporate Parenting Sub-Group.

6.11 Safeguarding Boards Scrutiny Sub Group

Membership

The County Councillor Membership of the Scrutiny Sub-Group will be determined by the County Council. Five additional members may also be appointed to the Sub Group in the following categories:

- one district councillor representative, representing the district councils in Lincolnshire;
- one parent governor representative;
- one foster carer representative;
- one representative appointed by local NHS organisations; and
- one representative appointed by the Police and Crime Commissioner.

Chairman and Vice Chairman

At its first meeting in each municipal year, the Scrutiny Sub-Group will elect a Chairman and Vice Chairman from the County Councillor membership of the Sub Group.

Quorum

The quorum of the Scrutiny Sub-Group will be three, with at least one of the county council Scrutiny Sub-Group members in attendance.

Substitutions Replacement Members

Replacement members will be permitted on the Scrutiny Sub-Group.

Meetings

The Scrutiny Sub-Group will meet in private on a quarterly basis and as otherwise required.

Terms of Reference

The Scrutiny Sub-Group is authorised to undertake the following activities:-

- To scrutinise the effectiveness of the Lincolnshire Safeguarding Adults Board's arrangements for ensuring agencies work together:
 - to protect adults at risk from abuse
 - to promote the wellbeing and safety of adults at risk and to reduce the risk of abuse occurring
 - to promote a community involvement in safeguarding adults and promoting their welfare by raising awareness through publicity and training
 - to develop and review policies and procedures

- to ensure systems are in place to monitor the implementation of the lessons learnt from safeguarding adult reviews
- to ensure the multi-agency and independent sector workforce is trained to safeguard adults and improve safety.
- To review and scrutinise the Lincolnshire Safeguarding Adults Board's strategy, business plan and annual report including any updates on progress with the implementation of the priorities in the business plan.
- To review and scrutinise the outcomes of any external inspection or peer review of the Lincolnshire Safeguarding Adults Board including any action plans arising from the inspection or peer review
- To scrutinise the effectiveness of the Lincolnshire Safeguarding Children Board's arrangements for ensuring agencies work together:
 - protect children from maltreatment and prevent impairment of children's health or development
 - to ensure that children grow up in circumstances consistent with the provision of safe effective care
 - to promote a community involvement in safeguarding children and promoting their welfare by raising awareness through publicity and training
 - to develop and review policies and procedures
 - to have the safest possible practices in relation to the recruitment and selection of all those who work with children in a statutory and voluntary capacity
 - to ensure systems are in place to monitor the implementation of the lessons learnt from serious case reviews
 - to ensure the multi-agency and independent sector workforce is trained to safeguard adults and improve safety
- To review and scrutinise the Lincolnshire Safeguarding Children Board's strategy, business plan and annual report including any updates on progress with the implementation of the priorities in the business plan.
- To review and scrutinise the outcomes of any external inspection or peer review of the Lincolnshire Safeguarding Children Board including any action plans arising from the inspection or peer review
- To scrutinise and review reports on matters relating to activities of the objectives of the Lincolnshire Safeguarding Adults Board and the Lincolnshire Safeguarding Children Board.
- To assist in the publication of materials which highlight issues relating to the wellbeing and safety of vulnerable adults and to the protection and safety of children.
- To refer matters of concern to the Lincolnshire Safeguarding Adults Board or the Lincolnshire Safeguarding Children Board.
- To report to the Adult Care and Public Health Scrutiny Committee and Children and Young People Scrutiny Committee after each meeting of the Scrutiny Sub-Group
- To nominate one member of the Sub Group to attend as an observer each meeting of the Lincolnshire Safeguarding Adults Board and each meeting of the Safeguarding Children Board Strategic Management Group

ARTICLE 9 – OFFICERS

On page 2/45, insert the following amendment in the table under the Section "Executive Director for Environment and Economy"

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• Community Development• Libraries and Heritage• Information Management and Technology• Communications• Senior Information Risk Owner
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ANNEX A

COMPOSITION OF COUNTY COUNCIL COMMITTEES AND SUB-COMMITTEES

Committees	Composition
Overview and Scrutiny Management Committee <u>Board</u>	1518 Councillors (+ 4 added non-elected members for education matters) Politically balanced
Adults Care and Public Health Scrutiny Committee	914 Councillors – Politically balanced
Children and Young People Scrutiny Committee	1318 Councillors (+ 4 added non-elected members for education matters) Politically balanced
Economic Scrutiny Committee	11 Councillors – Politically balanced
Environmental, Economy and Transport Scrutiny Committee	914 Councillors – Politically balanced
Flood and Drainage <u>Water</u> Management Scrutiny Committee	914 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
Communit ies y and Public Safety <u>Protection</u> Scrutiny Committee	914 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

Bourne Town Hall Trust Management Committee	See Article 7.07
Relevant Officers Dismissals Advisory Panel	See Article 7.08

COMPOSITION OF OTHER GROUPS

<u>Corporate Parenting Sub-Group</u>	<u>7 Councillors – Politically inclusive (+ 5 non-voting members as set out in Article 6.10)</u>
<u>Safeguarding Boards Scrutiny Sub-Group</u>	<u>7 Councillors – Politically inclusive (+ 5 non-voting members as set out in Article 6.11)</u>
<u>Scrutiny Panel A</u>	<u>2 Councillors as Chairman and Vice Chairman</u> <u>A maximum of 6 additional members to be appointed by the Overview and Scrutiny Management Board</u>
<u>Scrutiny Panel B</u>	<u>2 Councillors as Chairman and Vice Chairman</u> <u>A maximum of 6 additional members to be appointed by the Overview and Scrutiny Management Board</u>

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 progress the strategic development of the Council.
7.	On appointment, to undertake all the functions of the Returning Officer.
8.	To undertake appropriate and necessary action when vacancy in office occurs.
9.	To develop the Council's corporate business plan.
10.	To advise the Council on its Equality and Diversity obligations.
11.	To develop the Corporate IT Policy including digital channel shift and provide general advice thereon.
12.	To operate and deliver IT infrastructure, services, systems and software.
13.	To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.
14.	To provide corporate communications functions.
15.	To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.
16. <u>11</u>	To manage and develop the Council's Strategic contract with Serco.
17. <u>12</u>	To deliver the Council's corporate procurement function including the

shared service with the Districts.

[18.13](#) Provide commercial advice and support to Commissioners.

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~~ [Overview and Scrutiny Management Board](#), 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;

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 Overview and Scrutiny Management Board .
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 FOR ENVIRONMENT & ECONOMY

Insert the following provisions at the end of the section under the heading Executive Director for Environment and Economy (immediately following the previous heading of Community Assets and Resilience)

Information Management and Technology

1. To develop the Corporate IT Policy including digital channel shift and provide general advice thereon.
2. To operate and deliver IT infrastructure, services, systems and software.
3. To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.
4. To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.

Communications

1. To provide corporate communications functions.

OVERVIEW AND SCRUTINY PROCEDURE RULES

1. SCOPE

These procedure rules shall apply to the Overview and Scrutiny Committees.

2. MEMBERSHIP OF OVERVIEW AND SCRUTINY COMMITTEES

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. Executive Support Councillors may not be members of an Overview and Scrutiny Committee relating to their portfolio area.

3. MEETINGS OF THE OVERVIEW AND SCRUTINY COMMITTEES

The County Council will determine an annual programme of meetings for Overview and Scrutiny Committees. Any variation to the published dates and times for meetings shall be agreed by the Chairman or by the Committee itself.

A special meeting of the Overview and Scrutiny Management ~~Committee~~ Board may take place if there is any matter called-in for the ~~Committee~~ Board to consider.

Extraordinary meetings of any of the Overview and Scrutiny Committees may be called from time to time as and when appropriate by the Chairman, by any five Members of the Committee or by the Proper Officer, if the Proper Officer considers it necessary or appropriate.

4. QUORUM

The quorum for the Overview and Scrutiny Committees is set out in the Council Procedure Rules in Part 4 of this Constitution.

5. CHAIRMEN OF OVERVIEW AND SCRUTINY COMMITTEES, SCRUTINY PANELS AND SCRUTINY SUB GROUPS

(A) The County Council will appoint the Chairmen and the Vice-Chairmen of the Overview and Scrutiny Committees from amongst the Councillors sitting on the relevant Committee, except for the Health Scrutiny Committee for Lincolnshire.

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

(C) The County Council will appoint the Chairmen and the Vice Chairmen of the Scrutiny Panels.

(D) The Chairmen and the Vice Chairmen of the Corporate Parenting Sub Group and the Safeguarding Boards Scrutiny Sub Group will be appointed by the respective Sub Group at its first meeting in each municipal year.

6. WORK PROGRAMME

(A) Annual Work Programme / Annual Report

The Overview and Scrutiny Management ~~Committee~~ Board will submit an annual work programme for the other Overview and Scrutiny Committees for approval by the County Council at its annual meeting, except for the years when elections are held. In years when elections are held, the Overview and Scrutiny Management ~~Committee~~ Board will submit an annual work programme to the first appropriate meeting after the County Council's annual meeting.

The Overview and Scrutiny Management ~~Committee~~ Board may submit an annual report on overview and scrutiny to the County Council at its annual meeting, except for the years when elections are held, which will cover the work of the preceding year and an outline of work for the forthcoming year. In years when elections are held, the Overview and Scrutiny Management Board may submit an annual report to the first appropriate meeting after the annual meeting.

(B) Content of the Annual Work Programme

The annual work programme will set out for each Committee the principal activities to be undertaken by each Overview and Scrutiny Committee in the forthcoming year and will include topics for scrutiny review and report.

(C) Developing the Annual Work Programme

In developing the annual work programme, the Overview and Scrutiny Management ~~Committee~~ Board will need to take account the views of the following: -

- Overview and Scrutiny Committees, with a view to taking account the views of members who are not County Councillors;
- an Annual Overview and Scrutiny Workshop;
- the Executive; and
- partner organisations (where these are relevant).

7. AGENDA ITEMS

(A) General Provision

Any member of an Overview and Scrutiny Committee is entitled to give notice that he/she wishes an item relevant to the functions of the Committee to be

included on the agenda for the next available meeting of the Committee. On receipt of such a request, the item will be included on the next available agenda.

To support the effective conduct of business at meetings, before putting forward an item for an agenda, a member should:

- research background information;
- consult relevant officers;
- consult the relevant Executive Councillor(s);
- consult the Chairman of the Overview and Scrutiny Committee; and
- produce a written report or note.

Items put forward should have broad community interest or significance or raise issues of policy. Matters of individual complaint should generally be pursued through the Council's complaints system prior to considering whether they raise issues for an Overview and Scrutiny Committee.

(B) Councillor Call for Action (General Matters)

(a) Any councillor may submit a request for a Councillor Call for Action in accordance with the provisions set out in these paragraphs. A Councillor Call for Action may be included on the agenda of the Overview and Scrutiny Management ~~Committee~~Board, if all the following conditions are met:

- (1) The Councillor Call for Action must relate to a local government matter, which is defined as a function for which the County Council is responsible. Where the Councillor Call for Action relates to a crime and disorder matter, the provisions of Part (C) apply. The Councillor Call for Action cannot relate to an excluded matter, ie not a crime or disorder matter or anything specified in an order by the Secretary of State.
- (2) The Councillor Call for Action must relate to an issue of neighbourhood concern and be limited to all or part of the electoral division which the Councillor submitting the request represents.
- (3) The Councillor Call for Action request cannot relate to a matter which could be subject to the County Council's complaint process. The Councillor Call for Action request cannot relate to a licensing or planning appeal, where alternative means of resolution are available.
- (4) The Councillor submitting the Councillor Call for Action must submit evidence that all other means of resolving the matter have been explored, in accordance with guidance issued by the Overview and Scrutiny Management ~~Committee~~Board.
- (5) The Councillor Call for Action should not have been considered under the Councillor Call for Action procedure in the previous six months prior to the date of the submission of the Councillor Call for Action request.

Taking account of the above provisions in paragraphs (1) – (5) above, the Chief Executive will determine whether the Councillor Call for Action is to be included on the agenda of the next available meeting of the Overview and Scrutiny Management CommitteeBoard. If the Chief Executive rejects the Councillor Call for Action request, this will be reported to the next meeting of the Overview and Scrutiny Management CommitteeBoard.

- (b) Where the Overview and Scrutiny Management CommitteeBoard considers a request, it will provide advice to the relevant Overview and Scrutiny Committee, in terms of what further action should be taken on the request. The relevant Overview and Scrutiny Committee will then consider the request and the advice from the Overview and Scrutiny Management CommitteeBoard, prior to making a determination on the request. The relevant Overview and Scrutiny Committee will determine what action to take and notify the Councillor of its decision and the reasons for it.

(C) Councillor Call for Action (Local Crime and Disorder Matters)

- (a) Any councillor may submit a request for a Councillor Call for Action relating to a local crime and disorder matter in accordance with the provisions set out in these paragraphs. A Councillor Call for Action may be included on the agenda of the CommunityCommunities and Public SafetyProtection Scrutiny Committee, if all the following conditions are met:

- (1) The Councillor Call for Action must relate to a local crime and disorder matter, which is defined in paragraph (c) below.
- (2) The Councillor Call for Action request cannot relate to a matter which could be subject to the County Council's or another public authority's complaint process. The Councillor Call for Action request cannot relate to a licensing or planning appeal, where alternative means of resolution are available.
- (3) The Councillor submitting the Councillor Call for Action must submit evidence that all other means of resolving the matter have been explored, in accordance with guidance issued by the Overview and Scrutiny Management CommitteeBoard.
- (4) The Councillor Call for Action should not have been considered under the Councillor Call for Action procedure in the previous six months prior to the date of the submission of the Councillor Call for Action request.

Taking account of the above provisions in paragraphs (1) – (4) above, the Chief Executive will determine whether the Councillor Call for Action is to be included on the agenda of the next available meeting of the Committee. If the Chief Executive rejects the Councillor Call for

Action, this will be reported to the next meeting of the Communityies and Public ~~Safety Protection~~ Scrutiny Committee for information.

- (b) Where the Communityiesy and Public ~~Safety Protection~~ Scrutiny Committee considers a request, it will determine what action to take and notify the Councillor of its decision and the reasons for it.
- (c) A Local Crime and Disorder Matter is defined as
 - (i) crime and disorder (including particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) or
 - (ii) the misuse of drugs, alcohol and other substances,which affects all or part of the Councillor's electoral division or any person who lives or works in the electoral division.

8. POLICY REVIEW AND DEVELOPMENT

- (A) The role of the Overview and Scrutiny Committees in relation to the development of the Council's Budget and Policy Framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- (B) In relation to matters not forming part of its policy and budget framework, Overview and Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (C) Overview and Scrutiny Committees may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask contributors to attend to address them on any matter under consideration and may pay any advisers, assessors and contributors a reasonable fee and expenses for doing so. Any expenditure must be properly budgeted for and approved by the ~~Executive~~ Director of ~~Resources~~Finance and Public Protection.

9. ~~TASK AND FINISH GROUPS AND SCRUTINY REVIEWS~~

- (A) Each Overview and Scrutiny Committee may propose ~~up to two time limited Task and Finish Group~~topics for detailed scrutiny review, with reference to any approved scrutiny prioritisation toolkit. The Overview and Scrutiny Management Board will consider and determine whether a scrutiny review will proceed. Where the Overview and Scrutiny Management Board determines that a scrutiny review will proceed, it will refer the review to a Scrutiny Panel.

~~which will~~ ~~The purpose of each Task and Finish Group is to~~ ~~conduct the an in~~ ~~depth review~~ on behalf of the relevant Overview and Scrutiny Committee. ~~on~~ ~~a particular matter contained within the Committee's work programme, which~~ ~~has been approved by the Overview and Scrutiny Management Committee.~~

- (B) ~~Task and Finish Groups~~Scrutiny Panels will normally consist of ~~between no~~ ~~more than eight members (including the Chairman and the Vice-Chairman,~~ ~~and any representatives appointed pursuant to paragraphs (D) and (E)~~ ~~below).~~ ~~five and nine members depending on the nature and complexity of the~~ ~~review topic.~~ Replacement members will be permitted at meetings of Scrutiny Panels, with the exception of meetings of Scrutiny Panels at the concluding stages of a scrutiny review, where replacement members should only be permitted under the guidance of the Chairman.
- (C) A Non-Executive Councillor who is not a member of the ~~appointing relevant~~ Overview and Scrutiny Committee may serve on a Scrutiny Panel. ~~a Task and Finish Group.~~ ~~Except for the Chairmen and the Vice Chairmen of each~~ ~~Scrutiny Panel, who are appointed by the County Council, the size and~~ ~~membership of each Scrutiny Panel conducting a specific review will be~~ ~~determined by Chairman and the Vice Chairman of the Overview and Scrutiny~~ ~~Management Board, in consultation with the Chairman and the Vice Chairman~~ ~~of the relevant Overview and Scrutiny Committee.~~ To facilitate this approach, each group leader may nominate ~~a non-executive councillors~~ from their group to serve on the ~~Task and Finish Group~~Scrutiny Panel for each review.
- (D) As far as possible, the membership of ~~Task and Finish Groups~~Scrutiny Panels should ~~reflect be inclusive of each political group~~ ~~the overall political balance~~ of the County Council.
- (E) Where a Scrutiny Panel is conducting a scrutiny review on behalf of the Health Scrutiny Committee for Lincolnshire, one or more district council representatives from the Committee may be appointed to the Scrutiny Panel, provided that the overall membership of the Panel should not exceed eight members. ~~Task and Finish Groups appointed by the Health Scrutiny Committee for Lincolnshire may include one or more of the district councillor representatives on that Committee.~~
- (F) Where a Scrutiny Panel is conducting a scrutiny review on behalf of the Children and Young People Scrutiny Committee, one or more parent governor or church representatives from the Committee may be appointed to the Scrutiny Panel, provided that the overall membership of the Panel should not exceed eight members. ~~Task and Finish Groups appointed by the Children and Young People Scrutiny Committee may include one or more of the parent governor and church representatives on that Committee.~~
- (G) ~~Each Task and Finish Group will appoint a Lead Member (or Chairman), who~~ ~~must be a member of the appointing Overview and Scrutiny Committee.~~
- (GH) Each ~~Task and Finish Group~~Scrutiny Panel, on completion of their review ~~activity~~, will compile a draft report, which will be submitted to the ~~appointing~~

relevant Overview and Scrutiny Committee for approval and onward referral, as appropriate.

10. **SCRUTINY REVIEW** REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES

- ~~(a) — Once it has formed recommendations on proposals for development, the relevant Overview and Scrutiny Committee has approved a scrutiny review will prepare a formal report, with recommendations, and it will submit it with formal notice requiring consideration of the report or and its recommendations to the relevant decision maker or decision makers. by the Executive or relevant Executive Councillor (if the proposals are consistent with the existing budgetary and policy framework. (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework or where the decision is one which is by law reserved to Council and to external organisations as appropriate.~~
- ~~(b) — If an Overview and Scrutiny Committee cannot agree on one final report to the Council, Executive or relevant Executive Councillor, up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.~~

11. **CONSIDERATION OF SCRUTINY REPORTS BY THE EXECUTIVE**

- (a) Once an Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Proper Officer who will allocate it to either or both the Executive or the relevant Executive Councillor and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Proper Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council.
- (b) ~~Where reports are referred to t~~The Executive, Executive Councillor or the Council, they must, within two months of the date notice is received from the Overview and Scrutiny committee, consider the report or recommendations and respond to the Overview and Scrutiny committee indicating what, if any, action the Executive or Council proposed to take.
- (c) ~~where~~ Where the Overview and Scrutiny Committee has published their report, the Executive, Executive Councillor or the Council must publish their response, ~~and~~
- (d) If the Overview and Scrutiny Committee provide a copy of their report or recommendations to any member of the Council a copy of the response must also be provided to that member.
- (e) ~~As set out in rule 10 above, the~~ The Council, Executive or Executive Councillor must respond within two months of receipt of the report.
- (f) Overview and Scrutiny Committees will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to

respond in the course of the Executive's consultation process in relation to any key decision.

12. RIGHTS OF OVERVIEW AND SCRUTINY COMMITTEE MEMBERS TO DOCUMENTS

- (a) In addition to their rights as Councillors, members of an Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- (b) Nothing in this paragraph prevents more detailed liaison between the Executive and the Overview and Scrutiny Committees as appropriate depending on the particular matter under consideration.

13. COUNCILLORS AND OFFICERS GIVING ACCOUNT

- (a) Any Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions in accordance with the role and function of each Overview and Scrutiny Committee as set out in Article 6 of this Constitution. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any Executive Councillor, the Head of Paid Service and/or any Officer to attend before it to explain in relation to matters within their remit:
 - (i) any particular decision or series of decisions;
 - (ii) the extent to which the actions taken implement Council policy; and/or
 - (iii) their performance;

and it is the duty of those persons to attend if so required.

Overview and Scrutiny Committees are encouraged to invite attendance of Executive Councillors for appropriate items, ~~eg, when they are considering Best Value reviews.~~

- (b) Where any Councillor or Officer is required to attend an Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Proper Officer. The Proper Officer shall inform the Councillor or Officer in writing giving at least five clear working days' notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee will require the production of a report, then the Councillor or Officer concerned will be given sufficient notice to allow for preparation of that documentation.

- (c) Where, in exceptional circumstances, the Councillor or Officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the Councillor or Officer, arrange an alternative date for attendance.

14. ATTENDANCE BY OTHERS

An Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and Councillors and Officers in other parts of the public sector and shall invite such people to attend.

15. CALL IN

- (a) This paragraph applies to decisions made by the Executive, an Executive Councillor or a Committee of the Executive, or a key decision made by an Officer with delegated authority from the Executive or under joint arrangements except such decisions as are referred to in paragraph (i) below (“a relevant decision”). A relevant decision shall be published, where possible, by electronic means and shall be available at the main offices of the Council normally within two clear working days of being made. Chairmen of all Overview and Scrutiny Committees and opposition spokesmen will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.
- (b) A notice of a relevant decision will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented at any time after 5.00 pm on the third clear working day after the date of publication of the decision, unless it is called in in accordance with these procedure rules. The period between publication and 5.00 pm on the third clear working day after the date of publication is called “the call-in period”.
- (c) During the call-in period a relevant decision may be called in for scrutiny by the Overview and Scrutiny Management ~~Committee-Board~~ if requested by
 - (i) The Chairman or Vice-Chairman of the Overview and Scrutiny Management ~~Committee-Board~~ provided the provisions of paragraph (d) below have been complied with; or
 - (ii) Three Councillors whose requests have each met the requirements in paragraph (e)

provided in either case that the request complies with the requirements of paragraph (e) below. In the case of education matters the non-Councillor voting members of the Children and Young People Scrutiny Committee shall be counted as Councillors for the purpose of sub-paragraph (ii) above.

- (d) The Chairman and Vice-Chairman of the Overview and Scrutiny Management ~~Committee-Board~~ can call-in any decision by the full Executive if and only if the Chairman and/or Vice-Chairman give notice to the Proper Officer by 5.00 pm on the day before the Executive meeting that they are minded to call-in a decision of the Executive under this paragraph. The Proper Officer shall notify the Leader of the Council that the Chairman and/or Vice-Chairman are minded to call-in a proposed Executive decision as soon as is practicable and in any event no later than at the start of the meeting of the Executive at which the relevant item of business is to be considered.
- (e) The call-in requests shall be sent or delivered to the Proper Officer and shall comply with the following requirements:
- (i) The requests must be in such form as the Chief Executive shall from time to time require;
 - (ii) The forms must specify the decision to be called-in;
 - (iii) The forms must state the reasons for the call-in and the reasons must not be invalid in accordance with paragraph (f) below;
 - (iv) There must be at least two other valid call-in requests from other Councillors specifying the same reason for the call-in; and
 - (v) The forms must be received prior to the expiration of the call-in period.
- (f) A reason for call-in shall not be valid if:-
- (i) the reason for call-in does not relate directly to the decision;
 - (ii) the reason for call-in is answered by information already to be found in the Report relating to the decision;
 - (iii) the reason for call-in is to obtain information which does not directly relate to the reasons for taking the decision which is being called in;
 - (iv) the reason for call-in relates to a decision which is yet to go to statutory consultation. However, the reason for call-in may be valid if it relates to the basis of or criteria for the consultation;
 - (v) the reason for call-in relates to a previous policy or strategy decision which has been subject to the call-in process within the previous six months.
- (g) The Chief Executive shall only permit the call-in if in consultation with the Chairman and Vice-Chairman of the Overview and Scrutiny Management ~~Committee-Board~~ shall determine whether the request meets the requirements of paragraphs (e) and (f). The Chief Executive

shall not call-in any decision if the request does not so comply. If a call-in is rejected as inappropriate the signatories will be advised of the decision and the reason for it. The ~~Committee Board~~ will be informed at its next meeting. Where the Chief Executive is satisfied that a request complies with paragraphs (e) and (f) he shall certify the decision as being called-in for scrutiny by the Overview and Scrutiny Management ~~Committee Board~~ and notify the decision taker of the call-in. The date of the Chief Executive's certification shall be the date of call-in for the purposes of paragraph (m).

- (h) Any decision called in under paragraph (g) above will be referred by the Proper Officer to a meeting of the Overview and Scrutiny Management ~~Committee Board~~ on such date as shall enable the ~~Committee Board~~ to consider the call-in within the period specified in paragraph (m). If the next scheduled meeting of the Overview and Scrutiny Management ~~Committee Board~~ does not meet this requirement a special meeting shall be called. The Access to Information Procedure Rules shall apply to such meeting.
- (i) The following decisions shall not be relevant decisions and are therefore not subject to call in:
 - (i) Matters to be determined by the Council.
 - (ii) Recommendations from the Executive to Council.
 - (iii) Urgent decisions taken pursuant to Rule 16 of the Access to Information Procedure Rules and any other item without a decision reference.
 - (iv) Decisions made by the Regulatory and other Committees in Article 7 and the Standards Committee.
 - (v) Decisions made on the recommendation of a Best Value Review.
 - (vi) Decisions which have been considered by the Overview and Scrutiny Committees within the preceding six months.
 - (vii) Where a decision, in order to take effect, must be implemented by such a date ("the deadline date") that a call-in could not reasonably be considered by the Overview and Scrutiny Management ~~Committee Board~~ and the decision be reconsidered by the decision-maker prior to the deadline date.

The Chief Executive or his nominee in consultation with the Chairman or Vice Chairman of the Overview and Scrutiny Management ~~Committee Board~~ and the Leader of the Opposition or the relevant Shadow Executive Councillor or in their absence their nominees shall determine whether a decision falls outside the remit of call-in under

paragraph 15(i)(vii) above and where he determines that a decision does fall outside the remit of call-in under that paragraph shall certify to that effect in writing prior to the decision being taken.

- (j) Recommendations from the Executive to Council, any urgent decision taken pursuant to Rule 17 of the Access to Information Procedure Rules and any other item without a decision reference are not subject to call in under sub-paragraph (c) above.
- (k) The Leader, the Deputy Leader, relevant Executive Councillor and those members who instigated the call-in may attend and participate in the Overview and Scrutiny Management ~~Committee-Board~~ for an item called in.
- (l) If, having considered the decision, the Overview and Scrutiny Management ~~Committee-Board~~ is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council if considered not to be in accordance with the budget or policy framework. If referred to the decision maker, they shall then reconsider within a further ten clear working days, amending the decision or not, before adopting a final decision.
- (m) If, following a call-in of a decision, the Overview and Scrutiny Management ~~Committee-Board~~ either:
 - (i) meets to consider the call-in within 18 clear working days of the date of call-in and resolves not to object to the decision; or
 - (ii) does not meet within 18 clear working days of the date of call-in or otherwise does not resolve to object to the decision within 18 clear working days of the date of call-in

the decision shall take effect.

- (n) If the matter was referred to full Council and the Council does not object to a decision, which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, then
 - (i) if the decision was contrary to the policy framework, or contrary to or not wholly consistent with the budget the decision will not be implemented; or
 - (ii) if the decision was not contrary to the policy framework, or contrary to or not wholly consistent with the budget the Council will refer the decision to which it objects back to the decision-making person or body, together with the Council's views on the decision.

Where the Council refers a decision back to the decision-making person or body, that decision-making body or person shall choose whether to amend the

decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole or a Committee of it, a meeting will be convened to reconsider within 15 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 10 clear working days of the Council request.

- (o) If the Council does not meet within 20 clear working days of the referral of a decision to it by the Overview and Scrutiny Management ~~Committee~~Board, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- (p) The call in procedure set out above shall not apply where the decision being taken by the Executive is urgent under Rule 16 of the Access to Information Procedure Rules. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call in. The provisions of the Access to Information Rules must be complied with in relation to any urgency decisions. The decision as to whether an item is urgent should be taken following consideration of advice from the Monitoring Officer and Section 151 Officer. Decisions taken as a matter of urgency must be reported to the next available meeting of the relevant Overview and Scrutiny ~~Committee~~Board, together with the reasons for urgency.
- (q) The operation of the provisions relating to call in and urgency shall be monitored annually, and a report submitted by the Monitoring Officer to Council with proposals for review if necessary.

16. PROCEDURE AT OVERVIEW AND SCRUTINY COMMITTEE MEETINGS

- (a) Overview and Scrutiny Committees shall consider the following business:
 - (i) minutes of the last meeting;
 - (ii) declarations of interests (when each item is under consideration);
 - (iii) responses of the Committee to reports to the Committee; and
 - (iv) the business otherwise set out on the agenda for the meeting.
- (b) Where an Overview and Scrutiny Committee conducts investigations (for example, to review the Council's performance with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

- (i) ~~that~~ ~~T~~the investigation be conducted fairly and all members of the Committee will be given the opportunity to ask questions of attendees, and to contribute and speak.;
 - (ii) ~~that~~ ~~T~~those assisting the Committee by giving evidence will be treated with respect and courtesy.;
 - (iii) ~~that~~ ~~T~~the investigation will be conducted so as to maximise the efficiency of the investigation or analysis.
- (c) Following any investigation or review, the Committee ~~shall~~ may prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.
- (d) Overview and Scrutiny Committees will conduct their business and act in accordance with the expectations of Overview and Scrutiny set out in Part 5 of the Constitution.

17. WORKING GROUPS AND WORKSHOPS

- (A) Overview and Scrutiny Committees may ~~develop new and informal ways of working including~~ appointing time limited ~~task and finish~~ working groups to undertake specific tasks in relation to a ~~scrutiny~~ matter within the remit of the Committee, provided that each Overview and Scrutiny Committee has no more than two working groups in operation at any one time. Where a working group proposes to meet on more than three occasions, the Committee will seek approval from the Overview and Scrutiny Management Board. The working group may include other members of the County Council, who are not members of the appointing Committee. These ~~T~~tasks undertaken by working groups could include research, analysis, supporting officers writing reports, information gathering, drafting responses to consultations, informal meetings and/or including interviewing experts or witnesses. An Overview and Scrutiny Committee must have regard to the level of officer support and other resources required when ~~planning or developing new ways of working or the appointing a working~~ ment of such groups. The outcomes of each working group will be reported to the relevant Overview and Scrutiny Committee for consideration and approval, where approval is required.
- (B) Overview and Scrutiny Committees may make arrangements to hold workshop meetings to support the activities of the Overview and Scrutiny Committee. Workshop meetings would be open to all members of the Overview and Scrutiny Committee, and also be open to other members of the County Council.

1718. OVERVIEW AND SCRUTINY ~~PROTOCOL~~- ATTENDANCE OF OFFICERS

Overview and Scrutiny Committees have the power to require Officers to attend meetings to provide information, advice and to answer questions. In some cases this may require Junior Officers to attend. Members of Committees should recognise that such Officers may not be experienced in dealing with Committees and should treat the Officer accordingly.

1819. THE CHIEF WHIP

The Council will appoint a non-Executive Councillor¹ to be designated Chief Whip for the Council ~~whose functions will be~~. The main purpose of the role is to work with:

- i. the Leader of the Council and leaders of political groups as defined in the Local Government and Housing Act 1989; and
- ii. the political groups generally

to facilitate effective conduct of business in the Council.

The main functions are:-

- ~~(a) — To liaise and consult with the Whip or other nominated Councillor in each of the political groups as defined in the Local Government and Housing Act 1989 and with the Proper Officer in order to carry out these functions~~
- (a) To ensure ~~that the Overview and Scrutiny members~~ all members are aware of the requirements of the ~~Members~~ Councillors' Code of Conduct in relation, in particular,
 - i. ~~to the declarations of interest in relation to overview and scrutiny functions, and that they take whatever steps are necessary to ensure that the requirements of the Code of Conduct are adhered to.~~
 - ii. to notify Group Leaders or political groups and individual Councillors where the Chief Whip considers that a conflict of interest may exist²;and
 - iii. to take whatever steps are necessary to ensure that the requirements of the Code of Conduct are adhered to.
- (b) To support, when required, Chairman of Committees facilitate in the effective conduct of the Overview and Scrutiny activities ~~by the Overview and Scrutiny Committees.~~

¹ This is a facilitating, non-executive role. This role description does not confer the post holder with any executive function.

² Ultimately, the Councillors' Code of Conduct places the responsibility for declaring an interest on each individual councillor

- (c) In consultation with relevant Group Leaders, group whips or other relevant Group Councillors, to facilitate the replacement of members on Overview and Scrutiny Committees ~~and to notify Group Leaders or their nominees and individual Councillors where a conflict of interest may exist.~~
- (d) To liaise and consult with the Whip or other nominated Councillor in each of the political groups as defined in the Local Government and Housing Act 1989 and with the Monitoring Officer in order to carry out these functions.
- (e) To support the welfare of councillors:
 - i. by monitoring systems and processes designed to support members;
and
 - ii. acting as an advocate for individual councillors who ask for assistance.
- (f) To promote good officer-councillor relationships in co-operation with the Monitoring Officer and the Head of the Paid Service.

(Part 4 – Financial Regulations)

Budget preparation

- B.5** The Executive Director of Finance and Public Protection is responsible for ensuring that the revenue budget and capital programme is prepared typically on a three-yearly basis and with close regard to the current programme of comprehensive spending reviews undertaken by the incumbent Government. These will be updated annually for consideration by the Executive, before submission to the full Council in accordance with the Budget and Policy Framework Procedure Rules. The full Council may amend the Budget or ask the Executive to reconsider it before approving it.
- B.6** The Executive is responsible for issuing the guidelines within which the Budget should be prepared.
- B.7** It is the responsibility of Chief Officers to prepare budget estimates reflecting agreed service plans for the Executive and that these estimates are prepared in line with the guidelines determined by the Executive in B6 above.

Capital programme and schemes

- B.8** The Executive Director of Finance and Public Protection is responsible for ensuring that the capital programme is updated annually for consideration by the Executive before submission to full Council for approval. The Director is also responsible for ensuring regular monitoring reports are received by the Executive and the [Value for Money Scrutiny Committee Overview and Scrutiny Management Board](#) in relation to the delivery of the capital programme.
- B.9** Scheme appraisals are required where a scheme is over £500k in value and forms part of the already approved capital programme. These will normally be approved by the relevant Executive Councillor with responsibility for financial matters, who may also refer significant schemes to the [Value for Money relevant Overview and Scrutiny Committee](#) for pre-decision scrutiny.
- B.10** The [Overview and Scrutiny Management Board Value for Money Scrutiny Committee](#) will monitor the delivery and outcomes of the overall capital programme. The [relevant Overview and Scrutiny Committee](#) may also review or scrutinise specific schemes including the achievement of value for money and utilisation of best practice.

Budget monitoring and control

- B.11** The Executive Director of Finance and Public Protection is responsible for ensuring the provision of appropriate financial information to enable budgets to be monitored effectively. Chief Officers must monitor and control expenditure against budget allocations and report to the Executive and the [Overview and Scrutiny Management Board Value for Money Overview and Scrutiny Committee](#) on the overall position on a regular basis.

- B.12** It is the responsibility of Chief Officers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Executive Director of Finance and Public Protection. They should report on variances within their own areas in accordance with the Financial Management Procedure. They should also take any action necessary to avoid exceeding their budget allocation and alert the Executive Director of Finance and Public Protection to any potential or anticipated problems.
- B.13** Monitoring of capital schemes is in accordance with the terms of reference set for the [Overview and Scrutiny Management Board Value for Money Scrutiny Committee](#) in Article 6 of the Constitution.

APPROVAL OF BUDGET CHANGES

In year changes to Budget

- B.14** Save as set out in paragraphs B16 and B17 below, all changes to the Budget must be made by full Council save for urgent changes to which paragraph 6 of the Budget and Policy Framework Procedure Rules applies.
- B.15** Changes to the Budget which increase the Council's total expenditure and require either the use of the Council's general reserves or increased borrowing must be referred by the Executive Director of Finance and Public Protection to the Executive for consideration before being referred to the full Council for approval.
- B.16** Subject to B12 money can be reallocated between service headings in accordance with the following rules:
- reallocations of up to £250,000 may be approved by the relevant Chief Officer/s and should be notified to the Executive Director of Finance and Public Protection.
 - reallocations of between £250,001-£500,000 shall be notified to the Executive Director of Finance and Public Protection by the relevant Chief Officer/s and such reallocations shall be referred to the relevant Executive Councillor/s for decision in consultation with the Executive Director of Finance and Public Protection and the relevant Chief Officer/s
 - reallocations over £500,000 shall be notified to the Executive Director Resources and Community Safety by the relevant Chief Officer/s. Such changes shall be referred to the Executive for consideration and to the full Council for approval
- B.17** Approval given in accordance with the Constitution to the attraction of external funding for any initiative of the Council (either alone or in partnership with others) shall constitute approval for any budget changes necessary to account for the receipt of that funding and the relevant Chief Officer shall notify the Executive Director of Finance and Public Protection of any such funding to be received. Where the Council receives additional monies within any year to

secure compliance with the law ministerial direction or mandatory government guidance any change to the budget necessary to account for the receipt of

(Part 4 – Financial Regulations)

C.15 The County Council may not lease property at less than full market rent without Secretary of State consent unless certain criteria are met. Approval for the grant of a lease at an undervalue must be obtained either through an appropriate resolution based on a report to the Executive Councillor or by the exercise of authority delegated for the purpose. Early advice must be sought from or via Corporate Property as to the full market rental value for inclusion in that report or delegated decision process, to demonstrate the scale of the benefit in kind embodied in a lower rent. Even where there is general consent from the Secretary of State issues may arise concerning state aid; therefore legal advice should be sought.

TREASURY AND INVESTMENT MANAGEMENT

C.16 Lincolnshire County Council adheres to the requirements of the CIPFA Code of Practice in Treasury Management in Public Services 2011 and in doing so has adopted the following clauses within these financial regulations.

C.17 The Council will create and maintain, as the cornerstones for effective treasury management:

- A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
- Suitable treasury management practices (TMPs) setting out the manner in which the Council will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

C.18 The content of the policy statement and TMPs will follow the recommendations contained in Sections 6 and 7 of the Code, subject only to amendment where necessary to reflect the particular circumstances of this Council. Such amendments will not result in the Council materially deviating from the Code's key principles.

C.19 The Executive Councillor for Finance will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual treasury management strategy and annual investment strategy in advance of the year, a mid-year review and an annual report after its close, in the form prescribed in its TMPs.

C.20 The Council delegates responsibility for the approval and regular monitoring of its treasury management policies and practices to the Executive Councillor for Finance, and for the execution and administration of treasury management decisions to the Executive Director of Finance and Public Protection, who will act in accordance with the Council's policy statement and TMPs and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.

- C.21** The Council nominates the Overview and Scrutiny Management Board Value for Money Scrutiny Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies, including the consideration of all reports as detailed in C.19 above and in addition, quarterly treasury monitoring reports.
- C.22** The full Council is responsible for determining how Officer support for Executive and non-Executive roles within the Council will be structured and funded.
- C.23** The Head of Paid Service is responsible for providing overall management to staff. They are also responsible for ensuring that there is proper use of evaluation or other agreed systems for determining the remuneration of a job.
- C.24** Chief Officers are responsible for controlling total staff numbers by:
- providing the Executive with a forecast of the budget necessary in any given year to cover estimated staffing levels;
 - adjusting the staffing to a level that can be funded within approved budget provision;
 - varying the provision of service as necessary within that constraint in order to meet changing operational needs; and
 - the proper use of appointment procedures.

FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES

INTRODUCTION

- D.1** Sound systems and procedures are essential to an effective framework of accountability and control.

GENERAL

- D.2** The Executive Director of Finance and Public Protection is responsible for the operation of the Council's accounting systems, the form of accounts and the supporting financial records. Any changes made by Chief Officers to the existing financial systems or the establishment of new systems must be approved in advance by the Executive Director of Finance and Public Protection. However, Chief Officers are responsible for the proper operation of financial processes in their own directorates.
- D.3** Any changes to agreed procedures by Chief Officers to meet their own specific service needs should be agreed in advance with the Executive Director of Finance and Public Protection.
- D.4** Chief Officers should ensure that their staff receive relevant financial training that has been approved by the Executive Director of Finance and Public Protection.

(Part 4 – Contract Regulations)

4. CONTRACT MANAGEMENT (All Contracts - Revenue and Capital)

All contracts should be in writing and in place prior to receiving goods or commencement of the works or service. Contracts shall be entered into based on the Council's relevant terms and conditions, which shall be included with each purchase order, invitation to tender or negotiation. In the case of medium and high value procurement where alternative terms and conditions are proposed, legal advice shall be sought.

All medium high value and high value contracts must be recorded on the Council's contract register and a copy stored electronically in the Council's contract database.

Contracts should be drawn up using the relevant professional advice and support. Contracts should be signed in accordance with the Directorates scheme of delegation. Where the value of the contract exceeds £75,000 legal advice should be obtained as to whether the contract is executed as a deed.

All variations to contracts shall be in writing.

When the total expenditure under any contract (as opposed to scheme) exceeds or is likely to exceed the original contract sum (adjusted for subsequent approved price increases) by 5% or more (except overspendings of less than £10,000) and the reasons for the excess have not been the subject of an earlier report, the responsible Chief Officer shall submit a written report to the relevant Executive Councillor. A report of all overspends will be submitted annually to the [Overview and Scrutiny Management Board](#)~~Value for Money Scrutiny Committee~~.

4.1 Contract Extension

Any contract may be extended in accordance with its terms. Approval for such extensions shall be sought at the relevant level in line with the Council's Constitution.

Where the terms do not expressly provide for extension, contracts subject to EU Regulations may be extended by negotiation in accordance with the rules set out in the EU Regulations. Such extensions and extensions of all other contracts should be treated the same as procuring with a single supplier and the requirements set out in the Exceptions to Normal Routes in these Contract Regulations should be applied.

4.2 Records of contracts, quotes and tenders

The officer with delegated authority in respect of a particular procurement shall maintain a list of all quotations and tenders received. In addition the officer shall follow the relevant opening procedures contained in Financial Procedure 5.

Each Corporate Director shall ensure that the Council's contract register is maintained at all times and reflects his/her own register of all medium high value and high value contracts entered into by his/her department.

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