



County Offices  
Newland  
Lincoln  
LN1 1YL

15 February 2018

**Council**

A meeting of the Council will be held on **Friday, 23 February 2018 in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL, commencing at 10.00 am** for the transaction of the business set out on the attached Agenda. The attendance of all Councillors is requested.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tony McArdle', written over a horizontal line.

Tony McArdle  
Chief Executive

**Membership of the Council**  
**(70 Members of the Council)**

Councillors A G Hagues (Chairman), C R Oxby (Vice-Chairman), B Adams, W J Aron, T R Ashton, Mrs A M Austin, M D Boles, Mrs W Bowkett, Mrs P A Bradwell, D Brailsford, C J T H Brewis, T Bridges, Mrs J Brockway, M Brookes, R D Butroid, L A Cawrey, K J Clarke, Mrs K Cook, Mrs P Cooper, P E Coupland, G E Cullen, C J Davie, R G Davies, B M Dobson, S R Dodds, M T Fido, I G Fleetwood, R L Foulkes, M A Griggs, R Grocock, M J Hill OBE, R J Kendrick, P M Key, Mrs J E Killey, S R Kirk, Mrs C J Lawton, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, Mrs A M Newton, Mrs M J Overton MBE, R B Parker, N H Pepper, Mrs C L Perraton-Williams, E J Poll, Mrs S Rawlins, C E Reid, R P H Reid, R A Renshaw, S P Roe, P A Skinner, Mrs E J Sneath, A J Spencer, H Spratt, A N Stokes, M J Storer, C L Strange, E W Strengiel, Mrs C A Talbot, Dr M E Thompson, R H Trollope-Bellew, A H Turner MBE JP, M A Whittington, Mrs S Woolley, L Wootten, R Wootten, C N Worth and B Young



**COUNCIL AGENDA  
FRIDAY, 23 FEBRUARY 2018**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
<b>1</b>	<b>Apologies for Absence</b>	
<b>2</b>	<b>Declarations of Councillors' Interests</b>	
<b>3</b>	<b>Minutes of the meeting of the Council held on 15 December 2017</b>	<b>5 - 12</b>
<b>4</b>	<b>Chairman's Announcements</b>	
<b>5</b>	<b>Questions to the Chairman, the Leader, Executive Councillors, Chairman of Committees and Sub-Committees</b>	
<b>6</b>	<b>Council Budget 2018/19</b>	<b>13 - 20</b>
<b>7</b>	<b>Council Business Plan 2018-2020</b>	<b>21 - 62</b>
<b>8</b>	<b>Interim Arrangements following the Resignation of the Chief Executive</b>	<b>63 - 150</b>
<b>9</b>	<b>Lincolnshire Health and Wellbeing Board Membership Review</b>	<b>151 - 162</b>
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<b>11</b>	<b>Pay Policy Statement</b>	<b>185 - 204</b>
<b>12</b>	<b>Motions on Notice Submitted in accordance with the Council's Constitution</b>	

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**Please note:** for more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting

- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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[www.lincolnshire.gov.uk/committeerecords](http://www.lincolnshire.gov.uk/committeerecords)



**COUNCIL  
15 DECEMBER 2017**

**PRESENT: COUNCILLOR A G HAGUES (CHAIRMAN)**

Councillors C R Oxby (Vice-Chairman), B Adams, W J Aron, T R Ashton, Mrs A M Austin, M D Boles, Mrs P A Bradwell, D Brailsford, C J T H Brewis, T Bridges, Mrs J Brockway, R D Butroid, L A Cawrey, K J Clarke, Mrs K Cook, Mrs P Cooper, P E Coupland, C J Davie, R G Davies, B M Dobson, S R Dodds, M T Fido, I G Fleetwood, R L Foulkes, M A Griggs, R Grocock, M J Hill OBE, R J Kendrick, P M Key, Mrs J E Killey, Mrs C J Lawton, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, Mrs M J Overton MBE, R B Parker, N H Pepper, Mrs C L Perraton-Williams, E J Poll, Mrs S Rawlins, C E Reid, R P H Reid, R A Renshaw, S P Roe, P A Skinner, Mrs E J Sneath, A J Spencer, H Spratt, A N Stokes, M J Storer, C L Strange, E W Strengiel, Mrs C A Talbot, Dr M E Thompson, R H Trollope-Bellew, A H Turner MBE JP, M A Whittington, Mrs S Woolley, L Wootten, R Wootten, C N Worth and B Young

**41 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Mrs W Bowkett, M Brookes, G E Cullen, S R Kirk and Mrs A M Newton.

It was noted that Councillors M A Whittington, L Wootten and R Wootten would be late arriving at the meeting.

**42 DECLARATIONS OF COUNCILLORS' INTERESTS**

Councillor D McNally declared an interest in agenda item 9 – Lincolnshire Minerals and Waste Local Plan: Site Locations and advised that he would leave the Council Chamber during consideration of this item.

Councillor Mrs K Cook wished that it be noted in relation to the petition being submitted relating to Norton Disney, that she sat on the Planning Committee for North Kesteven District Council and had attended a pre-application meeting.

Councillor L A Cawrey wished that it be noted in relation to the petition being submitted relating to Norton Disney, that she was the Executive Member for Cultural Services and Development Management (Planning) on North Kesteven District Council and was the Chairman of the Pre-Application Forum.

Councillor M J Overton MBE wished that it be noted in relation to the petition being submitted relating to Norton Disney, that she had attended a pre-application meeting.

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43 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 15  
SEPTEMBER 2017

RESOLVED

That the minutes of the meeting held on 15 September 2017 be signed by the Chairman as a correct record.

44 SUBMISSION OF PETITIONS

Petition requesting that Lincolnshire County Council resurface St Bernard's Avenue, Louth

In accordance with the Petitions Scheme, Councillor Ros Jackson from East Lindsey District Council spoke in explanation of the petition requesting that Lincolnshire County Council resurface St Bernard's Avenue, Louth.

It was reported that the Chief Executive had determined that the petition be referred to the Executive Councillor for Highways, Transport and IT.

Petition requesting that Lincolnshire County Council take account of community concerns within the Witham Valley Park area regarding the proposal by Lincoln Proteins Ltd to build an animal rendering plant at Norton Disney

In accordance with the Petition Scheme, Ms Oli Husemeyer spoke in explanation of the petition requesting that Lincolnshire County Council take account of community concerns within the Witham Valley Park area regarding the proposal by Lincoln Proteins Ltd to build an animal rendering plant at Norton Disney.

It was reported that the Chief Executive had determined that the petition requesting that Lincolnshire County Council take account of community concerns within the Witham Valley Park area regarding the proposal by Lincoln Proteins Ltd to build an animal rendering plant at Norton Disney, be referred to the Planning and Regulation Committee, to be included for the Committee's consideration in the Head of Planning's report to the relevant meeting of the Planning and Regulation Committee, if the development was submitted as a formal planning application.

45 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that he had continued to carry out his civic engagements with pride representing this Council by meeting people and visiting places around the County.

The Chairman thanked his Lady for supporting him on these engagements and also the Vice-Chairman and Lady, Councillor Ron Oxby and Mrs Di Oxby, for representing them at civic functions when they had been unable to attend.

The Chairman reported that it had been an honour to be involved in the Remembrance Day commemorations in Lincoln Cathedral which was well supported and attended by hundreds of people.

Lincolnshire was delighted to welcome HRH The Princess Royal when she visited SENSE in Bourne, officially opened the Heckington Windmill Regeneration Project and the new premises of Lintran in Faldingworth.

The Chairman reported the death of Mr Tony Worth CVO, who served as Her Majesty's Lord-Lieutenant of Lincolnshire from 2008 – 2015. A memorial service was to be held in Lincoln Cathedral on Friday 12<sup>th</sup> January 2018, at 11.00am. The Chairman advised that he was intending to attend to represent the Council.

46     STATEMENTS/ANNOUNCEMENTS BY THE LEADER AND MEMBERS OF THE EXECUTIVE

Statements by the Leader and Members of the Executive had been circulated with the agenda. Members were requested to note the update in the Order of Proceedings to Councillor E J Poll's statement in relation to the following section:

Strategic Planning (page 38 of the agenda)

City of Lincoln, North Kesteven and West Lindsey Community Infrastructure Levy (CIL)

City of Lincoln did adopt the CIL at its meeting on 5 December 2017.

47     QUESTIONS TO THE CHAIRMAN, THE LEADER, EXECUTIVE COUNCILLORS, CHAIRMAN OF COMMITTEES AND SUB-COMMITTEES

Questions pursuant to Council Procedure Rule 10.3 were asked and answered as follows:

<u>Question by</u>	<u>Answered by</u>	<u>Subject</u>
a) Mrs J E Killey	C N Worth	Heritage services
b) C J T H Brewis	M J Hill OBE	Fairer funding update
c) A P Maughan	C J Davie	Tackling the skills gap
d) K J Clarke	R G Davies	Yellow lines and Traffic Regulation Orders
e) Mrs M J Overton MBE	R G Davies	Funding for highways projects

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f) S R Dodds	Mrs S Woolley	Recruitment of doctors
g) P M Key	R G Davies	Streetlights
h) E W Strengiel	M J Hill OBE	Support for Fairer Funding Campaign
i) Mrs A M Austin	C J Davie	Boston Barrier
j) R B Parker	M J Hill OBE	Council budget from April 2019 onwards
k) D McNally	Mrs S Woolley	Thames Ambulance Service Ltd

**48**     APPOINTMENT OF VICE-CHAIRMAN OF OVERVIEW AND SCRUTINY MANAGEMENT BOARD

A report by the Executive Director responsible for Democratic Services had been circulated.

It was moved, seconded and

RESOLVED

1. That Councillor R Wootten be appointed to the position of Vice-Chairman of the Overview and Scrutiny Management Board.
2. That the change of Executive Support Councillor for Culture and Emergency Services be noted.

**49**     LINCOLNSHIRE MINERALS AND WASTE LOCAL PLAN: SITE LOCATIONS

(NOTE: Councillor D McNally left the Chamber for consideration of this item)

A report by the Executive Director Environment and Economy had been circulated.

It was moved, seconded and unanimously

RESOLVED

That the Lincolnshire Minerals and Waste Local Plan: Site Location document, attached at Appendix C to the report, be adopted by the Council.

50     APPOINTMENTS TO LINCOLNSHIRE COUNTY COUNCIL'S  
INDEPENDENT REMUNERATION PANEL

A report by the Executive Director responsible for Democratic Services had been circulated.

It was moved, seconded and unanimously

RESOLVED

That Messrs Richard Quirk RVM and Phillip Knowles be appointed to the Lincolnshire County Council Independent Remuneration Panel.

51     AMENDMENTS TO THE CONSTITUTION

A report by the Monitoring Officer had been circulated.

It was moved, seconded and

RESOLVED

That the proposed amendments to the Constitution, as attached at Appendices A, B and C to the report, be approved.

52     MOTIONS SUBMITTED ON NOTICE IN ACCORDANCE WITH THE  
COUNCIL'S CONSTITUTION

(1) Motion by Councillor Mrs S Woolley

It was moved and seconded

The Office for National Statistics (ONS) is now planning what questions will be in the next UK census in 2021. The Royal British Legion (RBL) is currently leading a campaign to add questions to the Census regarding our Armed Forces Community.

It is estimated that one in ten of the population are, or have been, part of the Armed Forces Community, yet there is limited information about where they are or what their needs might be.

RBL suggest this is a once in a generation opportunity for change by adding armed forces related questions to the 2021 census, thereby improving understanding of the Armed Forces Community and their needs for politicians, charities and service providers.

To date, over a third of MPs have pledged their support, along with more than 100 local authorities and military charities. (See <http://www.britishlegion.org.uk/get-involved/campaign/count-them-in/>)

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Lincolnshire County Council has a proud tradition of supporting the Armed Forces in the county, reinforced by the recent resigning of the Lincolnshire Armed Forces Community Covenant.

**I therefore move that Lincolnshire County Council registers its support to the Royal British Legion Count Them In Campaign on the official website.**

Upon being put to the vote, the motion was unanimously carried.

(2) Motion by Councillor R B Parker

It was moved and seconded

The Social Mobility Commission is an independent statutory body first set up in 2010 and is responsible for 'promoting social mobility in England, for example, by challenging employers, the professions, universities and schools to play their part in promoting social mobility'.

On 28 November, the Commission published its annual report State of the Nation 2017: Social Mobility in Great Britain. The basis of the report is built around the Social Mobility Index, which ranks all 324 local authorities in England in terms of their social mobility prospects for someone from a disadvantaged background. It uses a range of indicators, 16 in total for every major life stage, from early years through to working lives, to map social mobility by local authority area.

The ranking of the 7 Lincolnshire councils, using the 16 indicators, is set out below.

Local Authority	Overall Ranking out of 324 councils
North Kesteven	29
South Holland	112
South Kesteven	128
Boston	141
West Lindsey	165
East Lindsey	227
Lincoln	259

To put these ranking into a national and regional context, London Boroughs filled the 13 highest rankings for social mobility whilst North Kesteven was the highest placed council in the East Midlands. The index shows that 'the worst performing areas for social mobility are no longer inner-city areas but remote rural and coastal areas, and former industrial areas...'

The commission makes a number of recommendations of which three are specific to local authorities of which two are related to councils with an education remit.

This report comes at an opportune time as Lincolnshire County Council pursues its Fairer Funding campaign to achieve a fairer distribution of government funding,

because it provides yet more evidence of the serious consequences of the present formulae. Indeed, the commission in its report 'calls on government to increase its proportion of spending on those parts of the country that most need it.'

Yet at the same time it is recognised in the report that 'local policies adopted by local authorities and employers can influence outcomes for disadvantaged residents'. In the light of this report and what it shows about the wide diversity in social mobility within our county, this council needs to respond positively.

**Accordingly, this council recognises the pressing need to enhance social mobility in our county and asks the Leader and Chief Executive to pursue a range of initiatives including**

- **examining our current policies to ensure that the council has in place 'an integrated strategy for improving disadvantaged children's outcomes',**
- **ensuring that within our own services, particularly for children and young people, that policies are in place which improve social mobility rather than reduce it,**
- **moving the council to become an accredited living wage employer and, as a policy, encourage other employers in Lincolnshire to do likewise,**
- **liaising with Districts Councils and the Lincolnshire Enterprise Partnership to take forward a county wide Social Mobility agenda,**
- **making recommendations for particular pieces of scrutiny work on Social Mobility to be undertaken within this council.**

Upon being put to the vote the motion was lost.

The meeting closed at 12.25 pm

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**Open Report on behalf of Pete Moore, Executive Director Finance and Public Protection**

Report to:	<b>County Council</b>
Date:	<b>23 February 2018</b>
Subject:	<b>Council Budget 2018/19</b>

**Summary:**

Council Budget 2018/19

The appended Budget Book - "Council Budget 2018/19" describes the budget and council tax proposals recommended to the full Council by the Executive.

Council's Revenue Budget 2017/18

A transfer of £1.500m from Readiness for Schools (Children's Centres) to Readiness for Adult Life (Supported Accommodation for Homeless Young People) is recommended by the Executive for approval by the Council.

**Recommendation(s):**

It is recommended that the Council:

1. has due regard to the responses to the consultation on the Council's budget proposals as contained in the appended Budget Book (**Appendix D** - Budget Consultation Feedback);
2. has due regard to the Section 151 Officer's Statement on the Robustness of the Budget and the Adequacy of Reserves as set out in the appended Budget Book (Section 11 - Section 151 Officer's Statement on the Robustness of the Budget and Adequacy of Reserves);
3. has due regard to the Impact Analysis relating to increasing the Council Tax by 4.95% in 2018/19 set out in the appended 'Budget Book' (**Appendix C** – Impact Analysis relating to increasing the Council Tax by 4.95% in 2018/19);
4. approves:
  - 4.1 the service revenue budgets for 2018/19 contained in the appended Budget Book, (Table 4 - Net Service Revenue Budget 2018/19);
  - 4.2 the capital programme and its funding contained in the appended Budget Book (Section 8 - Capital Programme) and (**Appendix N** - Capital Programme);

4.3 the County Council element of the council tax for a Band D property at £1,231.47 for 2018/19 contained in the appended Budget Book (**Appendix B** - County Precept 2018/19);

as together being the Council's Budget.

5. approves the Council's Financial Strategy contained in the appended Budget Book (**Appendix E** – Financial Strategy);

6. approves the Council's Flexible Use of Capital Receipts Strategy contained in the appended Budget Book (**Appendix G** - Flexible Use of Capital Receipts Strategy);

7. approves the prudential targets for capital finance and notes the prudential indicators contained in the appended Budget Book (**Appendix M** - Prudential Indicators);

8. approves that the minimum revenue provision (MRP) be based on the asset life method, charged on an annuity basis for major infrastructure projects and in equal instalments for all other assets, over the estimated life of the assets acquired through borrowing as set out in the appended Budget Book (Section 10 - Minimum Revenue Provision).

9. approves the change in the 2017/18 revenue budget as detailed at paragraph 1.6 to 1.7 of this report.

## **1. Background**

1.1 The final Local Government Finance Settlement, issued on Wednesday 7 February 2018, provided the Council with levels of funding for 2018/19 and indicative figures for 2019/20.

1.2 The recommended budget is based on a two year financial plan for revenue and capital budgets, taking the Council to the end of the four year funding deal. This is the first time in four years the Council has been able to develop budget plans for more than the next financial year. The Council continues to face significant reductions in government funding, growing cost pressures from demand led services such as adult and children's social care, waste disposal and the Council's responsibility to pay staff and some contractors the National Living Wage. Uncertainty around government funding beyond the four year funding deal (which runs from 2016/17 to 2019/20) means the Council doesn't consider it practicable, at present, to develop sustainable long term financial plans into the next decade.

1.3 The Council is recommended to set a Council Tax increase of 4.95%.

## Consultation

1.4 The Executive put forward a budget for consultation at its meeting on 19 December 2017. Since that time comments have been received from all Scrutiny Committees and the Overview and Scrutiny Management Board, Businesses, Public Organisations, Trade Unions and members of the public.

1.5 A summary of these comments is included within **APPENDIX D** of the appended 'Budget Book' and have been taken into account whilst finalising the budget proposals. The majority of the comments are supportive of the budget.

## Revenue Budget Change 2017/18

1.6 The Executive proposes the following budget change in the 2017/18 revenue budget. A transfer of £1.500m from Readiness for Schools (Children's Centres) to Readiness for Adult Life (Supported Accommodation for Homeless Young People).

1.7 There is no reduction in spending on Children's Centres in 2017/18 as the Council will utilise £1.500m from the public health grant reserve to meet these costs.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

These equality considerations do not preclude changes in services being made, but do require that these be fully appreciated. It is clear that the current and future financial challenges facing local authorities and the need for budget savings will result in changes to service provision and to some reduction in Council services. These will apply to services accessed by all people in Lincolnshire as well as services provided to specific groups. It is possible that there may be an adverse impact on some people and communities including those with a protected characteristic.

In order to meet its obligations equality impact analyses will be carried out in relation to any proposed changes to services on an individual basis. The specific impacts on people with a protected characteristic will be investigated and the potential mitigation if any will be made clear, so that the implications of decisions are fully understood as they affect specific groups and communities. These have been and will continue to be, regularly reported to the Executive as part of the decision making processes.

In the meantime consideration has been given as to whether there is any element of the current budget proposals that should be the subject of an equality impact analysis at this stage and as a result an assessment (attached at **APPENDIX C**) has been carried out on the proposal to increase Council Tax. That assessment identifies the potential for the proposal to impact on people with low income and therefore disproportionately on certain people with a protected characteristics including older and younger people, people with a disability and women with children. Overall, however, the increase is modest and each District Council operates a Council Tax Support Scheme which has been designed following consultation and individual impact analyses to mitigate the effects of Council Tax levels on vulnerable people and people with low incomes. 2.00% of the increase is specifically to fund adult social care services that support people with protected characteristics such as age or disability.

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals.

Individual proposals will only be implemented after due regard to the legal matters that must be considered including the public sector equality duty.

As part of its decision-making the Executive will need to consider whether any alternative approaches could alleviate or at least mitigate the impact of the decision such as making reductions in other areas which do not have the same impacts, including particularly equality impacts. The result could be to require additional resources to be used in certain areas than has been budgeted for. In this event the usual budget management processes such as virement would be followed and approval sought at the appropriate levels in accordance with Financial Regulations including full Council where necessary. In particular a contingency has been built into the budget proposals in the form of the Financial Volatility Reserve (the balance is estimated to be £54.765m after use to balance the 2018/19 and £31.267m after use to balance the 2019/20 budget) and the annual Contingency budget of £3.000m for 2018/19, for when additional funding cannot be found by way of virement from other service areas.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the Joint Strategic Needs Assessment and Joint Health and Well-being Strategy.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

Approval of the budget is not a final decision about what the Council's services will be or about how much money will be saved under any particular proposals. Individual proposals will only be implemented after due regard to the legal matters that must be considered including the duty under section 17 of the Crime and Disorder Act 1988.

### 3. Conclusion

3.1 The budget proposals aim to reflect the Council's priorities whilst operating within reduced resources and include funding essential cost pressures of £26.888m and making savings of £23.175m in 2018/19. They are based on a use of the Financial Volatility Reserve of £1.776m and a 4.95% increase in Council Tax.

#### 4. Legal Comments:

##### Council Budget 2018/19

Robust decision making requires that the results of the Council's budget consultation as well as the Section 151 Officer's Statement on the Robustness of the Budget and the Adequacy of the Reserves and the Impact Analysis on the 4.95% increase in Council Tax are taken into account by the County Council in coming to its decision. Compliance with recommendations 1, 2 and 3 ensures that this is done.

With regard to recommendation 4 under the law and the Constitution it is for the County Council to approve the Budget.

With regard to recommendation 5 approval of the Financial Strategy is within the remit of the Council.

With regard to recommendation 6, Statutory Guidance on the Flexible Use of Capital Receipts (updated) issued by the Department of Communities and Local Government in March 2016 states that the Council's Flexible Use of Capital Receipts Strategy should be approved by full Council.

With regard to recommendation 7, Section 3 of the Local Government Act 2003 requires a local authority to determine and keep under review how much money it can afford to borrow. The determination must be made by County Council. The prudential targets include the Council's borrowing limit and must therefore be approved by the County Council.

Regarding recommendation 8, the requirement to make a minimum revenue provision that is prudent is a requirement of the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003 and the statutory guidance that accompanies the regulations. Minimum revenue provision is relevant to the control of the Council's capital expenditure and must be referred to the County Council for approval.

The legal position in relation to the recommended level of Council Tax is set out in paragraph 3.12 of the Budget Book.

Revenue Budget Change 2017/18

Recommendation 9 – the recommendation is lawful, in accordance with the Constitution and within the remit of the County Council.

**5. Resource Comments:**

Council Budget 2018/19

The budget proposals are consistent with the Council's Financial Strategy.

The robustness of the budget proposals and the adequacy of the reserves held by the Council are considered in Section 10 of the appended Budget Book. This concludes that the budget is realistic and that the level of reserves is adequate.

Revenue Budget Change 2017/18

Virements in excess of £0.500m require the approval of full Council. This report allows the approval to be sought.

**6. Consultation**

**a) Has Local Member Been Consulted?**

n/a

**b) Has Executive Councillor Been Consulted?**

Yes

**c) Scrutiny Comments**

These are set out in the appended Budget Book (**APPENDIX D** - Budget Consultation Feedback)

**d) Have Risks and Impact Analysis been carried out?**

No

**e) Risks and Impact Analysis**

An Impact Analysis relating to the proposed increase in Council Tax has been carried out and is contained in the appended Budget Book at **APPENDIX C**.

Proposed service changes to give effect to the budget will be subject to their own policy proofing considerations.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Attached as a separate booklet with the agenda pack - "Council Budget 2018/19" - the budget book

## 8. Background Papers

Document title	Where the document can be viewed
Report to the Executive December 2017 "Council Budget 2018/19" & Report to the Executive 6 February 2018 "Council Budget 2018/19"	Democratic Services

This report was written by David Forbes, who can be contacted on 01522 553642 or [david.forbes@lincolnshire.gov.uk](mailto:david.forbes@lincolnshire.gov.uk).

**Open Report on behalf of Tony McArdle, Chief Executive**

<b>Report to:</b>	<b>Council</b>
<b>Date:</b>	<b>23 February 2018</b>
<b>Subject:</b>	<b>Council Business Plan 2018 – 2020</b>

**Summary:**

This report presents in Appendix A the outcomes and measures that are recommended by the Executive for adoption by the Council as the Council Business Plan 2018 - 2020. The Council Business Plan is part of the Budget and Policy Framework and must be approved by Council.

**Recommendation(s):**

Council approve the Council Business Plan 2018 - 2020 in the form attached at Appendix A.

## **1. Background**

It is proposed to have a 2 year Council Business Plan to mirror a 2 year budget covering the period 2018 – 2020. The format and content of the Council Business Plan remains largely unchanged from 2017/18 (except of course for the inclusion of 2018/19 and 2019/20 targets). The draft Council Business Plan is attached in Appendix A and the changes to the content are detailed in Appendix B. The changes are reflected in the equalities objectives detailed in Appendix C. The equalities objectives have been proposed on the basis that these are the outcomes from the Commissioning Strategies and progress will be evidenced through the measures in the council business plan.

The targets in the final draft Council Business Plan, that is the outcomes and measures from the commissioning strategies are based on performance information as at mid-December 2017 and are subject to change once the 2017/18 out turn is known. Once approved the Council Business Plan may change to reflect changes in the wider economy, the nature of demand and the consequences of any service changes. A caveat to reflect this has been included in the draft CBP 2018 – 2020, see Appendix A. Any change will be in discussion with the Executive Councillor and approved by the Executive.

## 2. Legal Issues:

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The Report proposes the measures by which the Council will assess its performance of its key functions many of which relate to people with a protected characteristic including young people, older people and people with a disability. It is the responsibility of each service when it is considering making a change, stopping, or starting a new service to make sure equality considerations are taken into account and an equality impact analysis completed.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

The Report proposes the measures by which the Council will assess its performance of its key functions many of which relate directly to achievement of health and wellbeing objectives.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

The Report proposes the measures by which the Council will assess its performance of its key functions some of which relate to crime and disorder issues.

**3. Conclusion**

The outcomes and measures in Appendix A are recommended by the Executive for adoption as the Council Business Plan 2018 - 2020.

**4. Legal Comments:**

The decision to approve the Council Business Plan is within the remit of Full Council.

**5. Resource Comments:**

The financial resources required to deliver this plan are included in the Council budget which will also be considered by Council at its meeting on 23rd February.

**6. Consultation**

**a) Has Local Member Been Consulted?**

n/a

**b) Has Executive Councillor Been Consulted?**

n/a

### c) Scrutiny Comments

The Overview and Scrutiny Management Board met on 25 January 2018 and considered a report concerning the Final Draft Council Business Plan 2018 - 2020. The comments of the Committee were passed on to the Executive together with responses from Commissioning Leads and considered by them in recommending the Council Business Plan.

### d) Have Risks and Impact Analysis been carried out?

No

### e) Risks and Impact Analysis

It is the responsibility of each service when it is considering making a change, stopping, or starting a new service to make sure equality considerations and equality impact analysis are completed.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Council Business Plan 2018 – 2020
Appendix B	Changes to the Council Business Plan
Appendix C	Equalities Objectives

## 8. Background Papers

The following background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

Document Title	Where the Document can be viewed
Executive Report "Final Draft Council Business Plan 2017/18" dated 7 February 2017	Democratic Services
Comments of Scrutiny Committee on Final Draft Council Business Plan 2017/18	Democratic Services

This report was written by Jasmine Sodhi who can be contacted on [jasmine.sodhi@lincolnsnire.gov.uk](mailto:jasmine.sodhi@lincolnsnire.gov.uk) or 01522 552124.

**Appendix A - Council Business Plan 2018-2020**

<b>Commissioning Strategy</b>	<b>Outcomes</b> Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	<b>Measures</b> Measures are how we will monitor and report progress in achieving the outcome.	<b>Annual Target April 2017 – March 2018</b> Unless otherwise stated	<b>Latest Performance and Target April 2017 – Sept 2017</b> -at time of writing -Cumulative Unless otherwise stated	<b>Annual Target April 2018- March 2019</b>	<b>Annual Target April 2019- March 2020</b>	<b>Direction of Travel</b>	<b>April – Sept 2017</b>  - Achieved (within target range)  - Improving but not yet achieved  - Not achieved  - Measured
<b>Communities are Safe and Protected</b>								
<b>Protecting the public</b>  The purpose of this commissioning strategy is to create an environment that enables the people of Lincolnshire to succeed and prosper, to ensure the public feel protected and secure and that those that are most vulnerable are safeguarded.	The public are protected from unsafe and dangerous goods	<b>1. Illicit alcohol and tobacco seized</b> Number of illicit alcohol and tobacco products seized. Products include: Illicit alcohol and tobacco includes counterfeit, non-duty paid, unsafe, incorrectly labelled, and other illicit brands.	5000 products	Actual 4511 products  Target 3000 products	Target to be confirmed once Q3 2017/18 performance is analysed	Target to be confirmed once Q3 2018/19 performance is analysed	Higher number of products is better	
		<b>2. Unsafe and Counterfeit goods removed from the market</b> This measure is a count of the numbers of unsafe goods removed from the market in Lincolnshire, reducing the risk of any of these products causing harm to the end-user. This includes illicit goods (largely counterfeit) but not including alcohol and tobacco. An 'unsafe good' is any product that does not conform to European and/or UK safety standards and regulations or does not meet the definition of a safe product in the General Product Safety Regulations 2005. There are many types of product that could be unsafe and would be the responsibility of Trading Standards and this includes electrical items, cosmetics, clothing, furniture and toys. These figures are dependent on successful legal process, meaning forfeiture or surrendering of the products.	30,000	Actual 32,863 products  Target 24,000 products	Target to be confirmed once Q3 2017/18 performance is analysed	Target to be confirmed once Q3 2018/19 performance is analysed	Higher number of goods removed is better	
		<b>3. High risk premises inspected by Trading Standards</b> This is a count of the number of premises that are categorised as 'High risk' that have been inspected by Trading Standards. A 'High risk' premises is one that has been categorised as such by the Food Standards Agency, DEFRA, and the Better Regulation Delivery Office as requiring an annual compliance visit based upon an assessment of the risk posed to the public.	266 premises	Actual 66 premises  Target 62 premises	Target to be agreed in Q1 when 2017-18 national inspection requirements are agreed	Target to be agreed in Q1 when 2018-19 national inspection requirements are agreed	Higher number of premises inspected is better	
	Improve public safety by the reduction in drugs and alcohol misuse, focused on town centre alcohol fuelled violence and anti-social behaviour, young people and drug misuse	<b>107. Antisocial behaviour</b> This measure is a count of all Police recorded anti-social behaviour incidents. It is a contextual measure to be considered alongside the measure of alcohol related anti-social behaviour. It should be noted that this measure relates to Police recorded anti-social behaviour only and does not cover all anti-social behaviour occurring within Lincolnshire, for example, those incidents reported to District Councils or Housing providers are not included.	There is currently no active target set therefore this indicator is reported as measured.	12,047 incidents	This indicator is reported as measured	This indicator is reported as measured	Smaller number of incidents reported is better.	
		<b>5. Alcohol related anti-social behaviour incidents</b> This measure is a count of Police recorded Anti-Social Behaviour incidents. An Anti-Social Behaviour incident is classed as alcohol-related if it fulfils one these criteria: Where alcohol has been identified as contributing to the incident, the incident is classed as either 'street drinking' or 'drunken behaviour' or the caller's initial description of the incident contains the words 'drunk', 'drink', 'alcohol', 'intoxicated', or 'urinate'.	Decrease by 5% on 2016/17 year end outturn (2710 incidents)	Actual 1,677 incidents  Target 1,597 incidents	Decrease by 5% on 2017/18 year end outturn	TBC once 2018/19 year end outturn is confirmed	Lower number of incidents is better	Alcohol related anti-social behaviour is 10% lower in Q2 than in Q2 2016/2017. Alcohol related anti-social behaviour continues to fall and remains the lowest this quarter than it has been in Quarter 2 for the past six years. Alcohol related crime occurring at night has decreased particularly.

2018/19 and 2019/20 targets (where provided) in this document are informed by latest performance information (2017/2018 Q2) and are subject to change to reflect:- 2017/18 and 2018/19 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions; and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Appendix A - Council Business Plan 2018-2020

Commissioning Strategy	Outcomes Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	Measures Measures are how we will monitor and report progress in achieving the outcome.	Annual Target April 2017 – March 2018 Unless otherwise stated	Latest Performance and Target April 2017 – Sept 2017 -at time of writing -Cumulative Unless otherwise stated	Annual Target April 2018- March 2019	Annual Target April 2019- March 2020	Direction of Travel	April – Sept 2017  - Achieved (within target range)  - Improving but not yet achieved  - Not achieved  - Measured
								Although the target has not been achieved this quarter, the figure is closer to the target than in Q1 2017-18 
		<p><b>6. Alcohol related violent crime incidents</b> This measure is a count of all Home Office notifiable violence against the person offences (excluding 'no crimes') where alcohol is identified as contributing to the incident. Violence against the person offences includes all assaults apart from sexual offences.</p>	Decrease by 5% on 2016/17 year end outturn (1397 incidents)	Actual 926 incidents Target 695 incidents	Decrease by 5% on 2017/18 year end outturn	TBC once 2018/19 year end outturn is confirmed	Lower number of incidents is better	Alcohol related violence is up 38% compared to Q2 2016/2017 and is higher than last quarter. Overall, all types of alcohol related crime are continuing an upwards trend with alcohol related violence accounting for the largest proportion. An increase in overall violent crime is currently being experienced nationally. 
	Increase public confidence in how we tackle domestic abuse	<p><b>7. Reported incidents of domestic abuse</b> This measure is a count of all incidents reported to the Police where a Domestic Abuse Stalking and Harassment (DASH) risk assessment was completed. These risk assessments are performed in all incidents that meet the government's definition of domestic abuse.</p>	Increase by 3% on 2016/17 year end outturn (9824 incidents)	Actual 4850 reported incidents Target 5242 reported incidents	Increase by 2% on 2017/18 year end outturn	TBC once 2018/19 year end outturn is confirmed	Higher number of reported incidents is better	Domestic abuse incidents reported to the police are 8% lower in Quarter 2 than in Q2 2016/2017. In terms of locality, all districts except for Boston and North Kesteven have seen a decrease in reports compared to the same quarter last year. 
		<p><b>8. Domestic homicides</b> A Domestic Homicide is identified by the Police and refers to when someone has been killed as a result of domestic violence.</p>	It is not appropriate to set a target for this measure	1 incident(s)	It is not appropriate to set a target for this measure		Lower is better	
		<p><b>9. Repeat referrals of Domestic Abuse to MARAC</b> The MARAC (Multi-Agency Risk Assessment Conference) is a meeting where key agencies formulate action plans to help protect victims of domestic abuse who are at a high risk of murder or serious harm. Local agencies refer high risk victims to MARAC following completion of a Domestic Abuse Stalking and Harassment (DASH) risk assessment. Following being heard at MARAC, if within 12 months there is a further serious incident reported to the police or a disclosure received by any of the agencies the victim is to be</p>	It is not appropriate to set a target for this measure	23.5% (October 2016 – September 2017)	It is not appropriate to set a target for this measure		Maintain rate of repeat referrals	

2018/19 and 2019/20 targets (where provided) in this document are informed by latest performance information (2017/2018 Q2) and are subject to change to reflect:- 2017/18 and 2018/19 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions; and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Appendix A - Council Business Plan 2018-2020

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		referred back to the MARAC as a 'repeat'. This measure is a count of repeat referrals to MARAC expressed as a percentage of the total MARAC referrals on a rolling 12 month basis. Although this measure is used as a proxy for repeat victims of domestic abuse, it does not provide a full or accurate picture of repeat victimisation. MARAC covers high risk domestic abuse victims who account for less than 8% of all reported incidents of domestic abuse. This disproportion means that there are likely higher numbers of repeat victims than can be detected in the MARAC data.						
	Reduce the number of people killed and seriously injured on Lincolnshire's roads	<b>11. People killed and seriously injured in road traffic collisions</b> Data is reported by calendar year, with 3 month (1 quarter lag)	It is not appropriate to set a target for this measure	Actual 123 casualties April – June 2017	It is not appropriate to set a target for this measure		Lower is better	
		<b>12. Children killed or seriously injured in road traffic collisions</b> Data is reported by calendar year, with 3 month (1 quarter) lag	It is not appropriate to set a target for this measure	Actual 7 casualties April – June 2017	It is not appropriate to set a target for this measure		Lower is better	
	Reduce adult reoffending	<b>13. Satisfaction with responses to crime and anti-social behaviour</b> This measure helps demonstrate our achievement against Section 17 of the Crime and Disorder Act 1998 "Duty to consider crime and disorder implications" which sets out the requirement for Local Authorities to work in partnership with relevant agencies " ...to do all that it reasonably can to prevent crime and disorder in its area". Satisfaction that the Police and Local Council are dealing with anti-social behaviour and crime issues is a measure of successful multi-agency response in Lincolnshire. (Reported annually in Q1)	Exceed the national result for 2016/17 (61.3%)	Actual 59.9% satisfaction 2016/2017  Target 62% satisfaction 2016/2017  Data is reported with a 3month (1 Quarter lag) so 2017/18 data will be reported in Q1 2018/19.	Exceed the national result for 2017/18 (Available in Q1 2018/19)	Exceed the national result for 2018/19 (Available in Q1 2019/20)	Higher percentage of satisfaction is better	Satisfaction that police and local council are working in partnership to deal with community safety issues in Lincolnshire has increased by 4.3 percentage points in 2016/17 compared to 2015/16 results. Previous year's results have shown a downward trend in satisfaction for Lincolnshire however this now appears to be improving. 
		<b>14. Adults Reoffending</b> This is a measure of adult reoffending rates over a 12 month rolling period. Offenders who are formally informed by Lincolnshire Police that they will be recorded as being responsible for committing a crime over a 3 month period are included in the numerator. The denominator is then the number of those offenders who commit another offence in Lincolnshire during a 12 month follow-up period that leads to the offender being informed by the police that they will be recorded as being responsible for the crime. The data is reported cumulatively. This measurement is local to Lincolnshire, it does not replace the existing or forthcoming MOJ Reoffending Rate but is meant to compliment and allow more timely and practical analysis.	Decrease by 2% on 2016/17 year end outturn (27.5%)	Actual 29.3% April – June 2017  Target 31.2% April – June 2017	Decrease by 2% on 2017/18 year end outturn	TBC once 2018/19 year end outturn is confirmed	Lower percentage of adults reoffending is better	

2018/19 and 2019/20 targets (where provided) in this document are informed by latest performance information (2017/2018 Q2) and are subject to change to reflect:- 2017/18 and 2018/19 out turns; changes in the wider economy; the nature of demand; the consequences of any service reductions; and any changes in priorities. This Council Business Plan will be reviewed as part of quarterly performance reporting. Any proposed changes to reporting will be agreed by the Executive.

Appendix A - Council Business Plan 2018-2020

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		The methodology is intended to mirror the format of the revised MOJ Reoffending Rate which will be used nationally from October 2017 however the final figures will not be the same due to slightly different cohort compositions.						
	Reduce the number of young people committing a crime	<p><b>15. Juvenile first time offenders</b> The First Time Entrant (FTE) measure is a rate per 100,000 of 10-17 population in Lincolnshire. However, for this purpose we are reporting the actual number of young people, rather than the rate. A lower number is a sign of good performance. The target is set by Lincolnshire County Council, the Youth Justice Board monitor and challenge progress. (Data is reported with a 6 month lag.)</p>	203  Target based on Midlands Regional Average for the period July 2016-June 2017	Actual 283 April 2016 – March 2017  Target 203 April 2016 – March 2017	255  (10% decrease on April 2016-March 2017 performance. Target no longer based on Midlands Regional Average.)	230  (10% reduction on 2018/19 target)	Lower number of offenders is better	
		<p><b>125. Juvenile re-offending</b> The Ministry of Justice has changed the methodology for measuring reoffending. There has been a move to a three month cohort rather than a 12 month cohort. The cohort will still be tracked over 12 months. Changing from 12 month cohorts to the 3 month cohorts results in a greater proportion of prolific offenders and hence higher reoffending rates, though both measures show similar trends over time at a national level.</p>	New measure to the CBP 2018-2020	Actual 38.4% Cohort – 146 Reoffenders – 46 (July 2015 – September 2015)	To be in line with, or less than the Midlands Regional Average of 39.8% (January 2015– March 2015)	To be in line with, or less than the Midlands Regional Average (January 2016-March 2016) not yet published	Lower percentage is better	n/a as new measure in CBP 2018-2020
	Reduce fires and their consequences	<p><b>19. Primary fires</b> Primary fires are fires in buildings, vehicles and outdoor structures, fires including casualties or rescues, or fires attended by five or more fire engines.</p>	133.47 per 100,000 population  983 fires	Actual 80.84 per 100,000 population  601 fires  Target 73.13 per 100,000 population 539 fires	135.52 per 100,000 population  1,007 fires	132.97 per 100,000 population  988 fires	Lower is better	We are currently behind target having seen a 7% increase (41 incidents) over the 6 month period compared with last year. The increase can be attributed mainly to dwelling fires and vehicle fires. The increase seen at Q2 is less significant than that at Q1 and this has had the effect of bringing the measure closer to target. 
		<p><b>20. Fire fatalities in primary fires</b> This measure counts the number of fatalities from primary fires where the Fire Service attended (per 100,000 population).</p>	It is not appropriate to set a target for this measure	Actual 0.40 per 100,000 population  3 fatalities	It is not appropriate to set a target for this measure		Lower is better	

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<b>Commissioning Strategy</b>	<b>Outcomes</b> Outcomes are the results or benefits for individuals, families, groups, communities, organisations or systems. Outcomes reflect priorities and resources are allocated to achieve stated outcomes.	<b>Measures</b> Measures are how we will monitor and report progress in achieving the outcome.	<b>Annual Target April 2017 – March 2018</b> Unless otherwise stated	<b>Latest Performance and Target April 2017 – Sept 2017</b> -at time of writing -Cumulative Unless otherwise stated	<b>Annual Target April 2018- March 2019</b>	<b>Annual Target April 2019- March 2020</b>	<b>Direction of Travel</b>	<b>April – Sept 2017</b>  - Achieved (within target range)  - Improving but not yet achieved  - Not achieved  - Measured
		<b>21. Deliberate primary fires</b> This measure counts the number of incidents of fires involving property; and/or casualties, fatalities or rescues; and/or five or more pumping appliances where the Fire Service attended & determined that the cause of the fire was deliberate/malicious intent (per 10,000 population).	3.27 per 10,000 population  243 fires	Actual 1.96 per 10,000 population  146 fires  Target 1.64 per 10,000 population 121 fires	3.08 per 10,000 population  229 fires	3.08 per 10,000 population  229 fires	Lower is better	We are currently behind target having seen an increase of 35 deliberate primary fires compared to Q2 last year. This is mainly due to an increase in deliberate vehicle fires; however the increase seen at Q2 is less significant than that at Q1 and this has had the effect of bringing the measure closer to target. 
		<b>22. Deliberate secondary fires</b> This measure counts the number of incidents of fires:- not involving property; were not chimney fires in buildings; did not involve casualties, fatalities or rescues; were attended by four or fewer pumping appliances where the Fire Service attended and determined that the cause of the fire was deliberate/malicious intent (per 10,000 population).	3.35 per 10,000 population  247 fires	Actual 2.52 per 10,000 population  187 fires  Target 2.19 per 10,000 population 161 fires	3.27 per 10,000 population  243 fires	3.27 per 10,000 population  243 fires	Lower is better	We are currently behind target having seen a 26% increase (39 incidents) in deliberate secondary fires compared to this time last year. The increase can be attributed mainly to deliberate fires involving refuse/refuse containers. The increase seen at Q2 is less significant than that at Q1 and this has had the effect of bringing the measure closer to target. 
<b>Children are safe and healthy</b>  The purpose of this commissioning strategy is that children growing up in Lincolnshire are safe and healthy. We think this can be achieved by children growing up in homes where they feel safe and are supported to make decisions to	Children are safe and healthy	<b>23. Looked after children</b> This measure counts the number of looked after children per 10,000 population aged under 18. This measure is reported taking a snapshot in time.	680 children  48 per 10,000 population under 18  (confirmation of 'number of children' required due to revised target from Q1)	Actual as at 30 <sup>th</sup> September 2017 690 children  47.9 per 10,000 population under 18  Target as at 30 <sup>th</sup> September 2017 680 children 48 per 10,000 population under 18	680 children  48 per 10,000 population under 18	680 children  48 per 10,000 population under 18	Lower number of looked after children is better	

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live a healthier life.		<p><b>24. Children who are subject to a child protection plan</b> A child protection plan is a plan drawn up by the local authority. It sets out how the child can be kept safe, how things can be made better for the family and what support they will need. This measure is reported taking a snapshot in time.</p>	340 children 24 per 10,000 population under 18	Actual as at 30 <sup>th</sup> September 2017 362 children 25.5 per 10,000 population under 18  Target as at 30 <sup>th</sup> September 2017 340 children 24 per 10,000 population under 18	340 children 24 per 10,000 population under 18	340 children 24 per 10,000 population under 18	Lower is better	
		<p><b>25. Average time taken to move a child from care to an adoptive family</b> This measure counts the average number of days between the child entering care and moving in with their adoptive family. This measure is reported as a three year rolling average.</p>	430 days	Actual average July 2017 – Sept 2017 374 days  Target average July 2017 – Sept 2017 430 days	400 days	400 days	Lower number of days is better	
		<p><b>26. Average time taken to match a child to an adoptive family</b> This measure counts the average number of days between the local authority receiving the court order to place a child and the local authority deciding on a match to an adoptive family. This measure is reported as a three year rolling average.</p>	200 days	Actual average July 2017 – Sept 2017 167 days  Target average July 2017 – Sep 2017 200 days	175 days	175 days	Lower number of days is better	
Safeguarding adults  The purpose of this commissioning strategy is that vulnerable adults' rights are protected so that everyone can live safely and	Safeguarding adults whose circumstances make them vulnerable, protecting them from avoidable harm and acting in their best interests where they lack capacity	<p><b>28. Safeguarding cases supported by an advocate</b> This measure identifies the proportion of concluded safeguarding enquiries, where the person at risk lacks capacity and support was provided by an advocate, family or friend.</p>	100%	Actual 100%  Target 100%	100%	100%	Higher percentage is better	
		<p><b>114. Percentage of completed safeguarding</b></p>	n/a	Actual	31%	31%	Lower	n/a

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free from abuse and neglect.		<b>enquiries where risk was identified, where the 'Source of Risk' is a service provider.</b> Change to existing measure definition, hence 'New', to monitor the source of risk for S42 enquiries where a risk has been identified. This enables benchmarking from the Safeguarding Collection with other authorities.		29%			percentage is better	
		<b>115. Percentage of outstanding Deprivation of Liberty Safeguards (DoLS) applications completed</b> A national issue post 'Cheshire West' judgement, which impacted all authorities who received a significant increase in DOLS applications.	New measure to the CBP 2018-2020	950 applications	750 applications	500 applications	Lower number of applications is better	n/a as New measure to the CBP 2018-2020
	Making safeguarding personal	<b>116. Percentage of concluded enquiries where the desired outcomes were fully or partially achieved</b> New measure to track the progress on Making Safeguarding Personal (MSP). This will be derived from the new mandatory reporting table in the Safeguarding Adults Collection (SAC). Targets are based on incomplete voluntary submissions from 16/17 using the comparator group average.	New measure to the CBP 2018-2020	Actual 95% 2016/17	95%	95%	Higher percentage is better	n/a New measure to the CBP 2018-2020
<b>Health and Wellbeing is improved</b>								
Wellbeing The purpose of this commissioning strategy is to improve the health and wellbeing of people in Lincolnshire. We think this can be best achieved when people are supported to be independent, make healthier choices and live healthier lives.	People are supported to live healthier lifestyles	<b>31. Percentage of alcohol users that left drug treatment successfully who do not re-present to treatment within 6 months</b>  This measures the percentage of alcohol users that leave drug treatment successfully. Individuals achieving this outcome demonstrate a significant improvement in health and well-being in terms of: - increased longevity; reduced alcohol related illnesses and hospital admissions; improved parenting skills; and improved psychological health. It will also reduce the harms to others caused by dependent drinking.  Alongside this, it aligns with the ambition of both public health and the Government's strategy of increasing the number of individuals recovering from addiction and also aligns well with the outcome of reducing re-offending rates, given that offending behaviour is often closely linked to dependent alcohol use.	40% (as of Q2 2016/17 due to revised definition of measure)	Actual 34.9% Apr – June 2017  Target 40% Apr – June 2017	40%	40%	Higher percentage is better	Following the new contracts commencing in October 2016 it was anticipated that performance would dip, this has been realised with a reduction in outcomes to 34.9% compared with a target of 40%. Local data now shows performance starting to improve but this has yet to be reflected in the verified data from the Department of Health. 
		<b>111. People successfully supported to quit smoking</b> Supports a number of areas of the JSNA and aligns to the PHOF which measures a number of population level outcomes regarding smoking. Target is aligned to the KPI within the contract which is considerably higher than baseline performance level.	2,300 (2017/18 year end projection)	Actual 2,300 2016/2017  (Not previously reported in CBP)	3,200	3,200	Higher number is better	n/a as new measure to CBP 2018-2020
	Peoples' health and	<b>33. People aged 40 to 74 offered and</b>	55%	Actual	55%	55%	Higher	

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	wellbeing is improved	<p><b>received an NHS health check</b> Cumulative percentage of eligible population aged 40-74 offered an NHS health check who received an NHS health check between 2013/14 to 2017/18) Currently being recommissioned to be in place for April 2018.</p>		<p>April – June 2016 59.9%</p> <p>114,469 people</p> <p>Target April – June 2016 55%</p> <p>105,200 people</p>			percentage is better	
		<p><b>34. Chlamydia diagnoses (per 100,000 15-24 year olds)</b> Crude rate of chlamydia diagnoses per 100,000 young adults aged 15-24 based on their area of residence. This measure is reported with a 6 month (2 Q lag)</p>	<p>2,045 (for data relating to April 2017 - March 18)</p>	<p>Actual Jan – Mar 2017 1869</p> <p>Target Jan – March 2017 2045</p>	<p>2,045 (for data relating to April 2018 – Mar 2019)</p>	<p>2,045 (for data relating to April 2019 – Mar 2020)</p>	Higher number of diagnoses is better	<p>Service Credits are now in place from June 2017 due to continuing non achievement of the chlamydia target. The positivity rate remains high at 8.8% (target 8 percent) ranked Lincolnshire 1st out of 9 Local Authorities. The Public Health England Regional Advisor for Sexual Health has advised that the focus should be on the positivity rate as the main quality indicator. Lincolnshire Integrated Sexual Health Services have now set targets for their sub-contracted outreach team The Terrence Higgins Trust and are renewing relationships with their contracted General Practitioner's and Pharmacies to improve the offer and promote community based testing and treatment services.</p> 
	Work with others to promote community wellbeing	<p><b>109. Number of frontline staff and volunteers trained in Making Every Contact Count (MECC)</b> Whilst not a PHOF indicator this meets needs identified in the JSNA. Proposed descriptor change to reflect the wider workforce to which the programme is being rolled out.</p>	<p>800 (2017/18 year end projection)</p>	<p>n/a as there is a revised definition for this measure in 2018/2019</p>	<p>1000</p>	<p>1000</p>	Higher number is better	<p>n/a as not previously reported in CBP</p>

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	People are able to live life to the full and maximise their independence	<b>110. Percentage of people supported by the Wellbeing Service to improve their outcomes</b> Supports a number of areas of the JSNA and the Council to meet its Care Act responsibilities regarding prevention. Proposed measure is a change to align to the KPI in the newly commissioned Wellbeing Service. New target to be agreed in October 2018.	89% (2017/18 year end projection)	Actual 88% 2016/2017  (Not previously reported in CBP)	New target to be agreed in October 2018	TBC once 2018/2019 outturn is known	Higher number is better	n/a as not previously reported in CBP
		<b>112. Percentage of people accessing housing-related support services that are successfully 'supported to access and maintain their settled accommodation'.</b> Supports the Council to meet its Care Act responsibilities regarding prevention and also supports wider PHOF outcomes regarding housing. The target is aligned to the KPI in the contract.	93% (2017/18 year end projection)	Actual 90% 2016/17  (not previously reported in CBP)	90%	90%	Higher percentage is better	n/a as not previously reported in CBP
		<b>113. Percentage of emergency and urgent deliveries and collections completed on time within Integrated Community Equipment Services</b> This is a core commissioned service in the Community Wellbeing Commissioning Strategy and supports the Council to meet its Care Act responsibilities. The target is aligned to the KPI in the contract.	99% (2017/18 year end projection)	Actual 99% 2016/17  (not previously reported in CBP)	98%	98%	Higher percentage is better	n/a as not previously reported in CBP
<b>Community resilience and assets</b>  The purpose of this commissioning strategy is for communities in Lincolnshire to be resilient. We think this can be best achieved when people and communities have the information they need to come together, solve the problems they face and build the county they want.	Enable and encourage people to participate in Lincolnshire's culture	<b>35. Contact with the heritage service either in person, on the phone, by email or via the website</b> Contact with the heritage service either in person, on the phone, by email or via the website.	4,800,000 contacts	Actual 3,148,064  Target 2,648,832	4,800,000 contacts (subject to changes due to change in service.)	To be determined when impacts of service changes are known.	Higher number is better	
		<b>36. Number of visits to Core Libraries and Mobile Library services</b> Number of physical visits to: Boston; Lincoln; Stamford; Grantham; Gainsborough; Mablethorpe; Skegness; Sleaford; Spalding and Louth libraries which are open from between 45 to 58 hours per week and Bourne; Horncastle; Market Rasen; Woodhall Spa; Long Sutton libraries which are open from between 18 to 45 hours per week. A visit is a physical visit by an individual to a library premise as per the Chartered Institute of Public Finance and Accountancy (CIPFA) guidance.	1,594,838 visits	Actual 826,953  Target 795,590	1,665,481 visits	1,723,919 visits	Higher number of visits is better	
		<b>37. Number of visits to library website</b> The definition of a visit, as per the Chartered Institute of Public Finance and Accountancy (CIPFA), is defined as a session of activity/series of one or more page impressions, served to one User to the library website (or relevant library-service-related directories of the authority website as defined by the authority).	390,873 visits	Actual 219,767  Target 196,413	405,086 visits to website	418,083 visits	Higher number of visits is better	

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Communities and residents are supported to be involved in local decision making and have their views taken into account		<b>38. Number of hours of community use</b> This measures the number of community spaces booked in libraries; the number of activities offered in libraries and the number of people attending activities and scheduled events for Tier 1 and Tier 2 libraries and Community Hubs.	1779.80 hours	3108.5 hours	1844.52 hours (target aligned to GLL contract)	1894.44 hours (target aligned to GLL contract)	Higher number of hours is better	
		<b>39. Voluntary and community groups/organisations actively supported in Lincolnshire</b> A Non-governmental organisation refers to civil society organisations (i.e. voluntary organisations and community led organisations).	800 groups/ organisations	Actual 584 groups/ organisations  Target 400 groups/ organisations	800 groups/ organisations	TBC once 2018/19 outturn is known	Higher number of groups/ organisations is better	
		<b>105. People supported who have accessed volunteer opportunities through Lincolnshire County Council supported projects</b> This measure aims to track the number of people supported to access volunteer opportunities through Lincolnshire County Council supported projects.	1,400 people supported	Actual 1,093 people supported  Target 700 people supported	1,400 people supported	TBC once 2018/19 outturn is known	Higher number of people supported is better	
	Make a positive difference for our communities	<b>40. We want to make a positive difference for our communities. When we review or introduce a new policy or activity, commission, begin a new project, decommission or help communities to do things for themselves, we will always assess the impact on people with protected characteristics. This analysis helps us to make informed decisions.</b> This is an activity and progress will be published on LCC connects as part of publishing our equalities objectives such as our community engagement strategy and volunteer strategy	N/A as activities	n/a	n/a	n/a	n/a	n/a as activities
Readiness for adult life  The purpose of this commissioning strategy is for all young people to be prepared and ready	Young people are supported to reach their potential	<b>42. Achievement gap between disadvantaged pupils and their peers at key Stage 4</b> Disadvantaged pupils that achieve at least 5+ A*- C GCSEs including English and Maths compared to all the other pupils. Disadvantaged pupils are defined as Looked After Children and children eligible for free school meals. Results are reported in arrears so for example, Summer 2016 results are validated and reported in Q4 2017. (Reported annually in Q4)	4 percentage points below the national all authorities benchmark. National Benchmarking data is expected	Actual Summer 2016 results 32%  Target Summer 2015 results	26%	24%	Smaller percentage is better	Although not achieved, performance in 2016/17 has improved compared with the previous year. Children's Services in partnership with the Lincolnshire Learning Partnership have agreed a range of actions to support schools to

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for adult life.			January 2018. Target will be confirmed once figures have been received.	28%  (Summer 2016 results will be validated and reported in Q4)				reduce the achievement gap. 
		<p><b>45. 16-17 year old Looked After Children participating in Learning</b></p> <p>This measures young people recorded as being Looked After Children at the end of the reporting period and will not take into consideration the length of time that they have been in local authority care. This measure is reported as a snap shot in time.</p>	87%	Actual as at 30 <sup>th</sup> September 2016 61.07%  Target as at 30 <sup>th</sup> September 2016 70%	88%	89%	Higher percentage is better	The Virtual School Team have identified all of those 16-17 year olds not participating in learning and have been successful in finding appropriate placements for the majority of students in the period September to October 2017. This has brought performance within the tolerance range for this indicator as of 23rd October 2017, which although outside of Q 2 reporting parameters, shows a positive increase. 
		<p><b>46. Care Leavers in Suitable Accommodation</b></p> <p>A care leaver is a young person who reaches the age of 18 who had been in local authority care. This measure is reported as a snap shot in time.</p>	92%	Actual as at 30 <sup>th</sup> September 2016 92.6%  Target as at 30 <sup>th</sup> September 2016 92%	92%	92%	Higher percentage is better	
<p><b>Readiness for school</b></p> <p>The purpose of this commissioning strategy is for all children to get the best possible start in life so that they are ready to learn when they start school.</p>	There is a secure foundation for all children to progress through school and life	<p><b>47. Achievement at a good level of development in the Early Years Foundation Stage</b></p> <p>Children achieving at least the expected level in the Early Learning Goals in the prime areas of learning and in specific areas of literacy and maths. (Reported annually in Q4.)</p>	1% point above the national all authorities benchmark. National Benchmarking data is expected January 2018. Target will be confirmed once figures have been received.	Actual 2016/2017 70.5%  Target 2016/2017 70%	71%	72%	Higher percentage is better	

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		<p><b>48. Achievement gap between disadvantaged pupils and their peers at Foundation stage</b> Achievement gap between the free school meals eligible pupils and their peers at Foundation stage' reports all disadvantaged pupils. This measure was previously titled 'Achievement gap between the lowest 20% of pupils and their peers at Foundation Stage'. (Reported annually in Q4)</p>	2% points above the national all authorities benchmark. National Benchmarking data is expected January 2018. Target will be confirmed once figures have been received.	Not applicable as new definition of the measure to be reported in Q4 2017/18	19%	18%	Lower percentage is better	n/a as new definition of the measure to be reported in Q4 2017/18
Specialist Adult Services	Enhanced quality of life and care for people with learning disability, autism and or mental illness	<p><b>49. Adults with learning disabilities who live in their own home or with family</b> The measure shows the proportion of all adults with a learning disability who are known to the council, who are recorded as living in their own home or with their family.</p>	76%	Actual 78% Target 76%	79%	80%	Higher percentage is better	
		<p><b>51. Adults who receive a direct payment (Learning Disability or Mental Health)</b> Proportion of adults supported in the community who receive a direct payment (for adults receiving learning disability or mental health services provided or commissioned by LCC). Is measure is reported as a snapshot in time.</p>	50%	Actual 47.0% Target 48.8%	48%	49%	Higher percentage is better	
		<p><b>117. Percentage of adults aged 18-64 with a mental health problem living independently</b> LPFT measure, which is a subset of the national ASCOF measure just looking at social care service recipients. It is expected to be reported from Q1 2018/19. Targets based on the setting of current clients (residential/community).</p>	n/a as new measure in CBP 2018-2020	n/a	75%	75%	Higher percentage is better	n/a as not previously reported in CBP
	People have a positive experience of care	<p><b>118. Percentage of adults with a learning disability in receipt of long term support for 12 months or more who have been reviewed in the period</b> This measure was combined previously, with two new measures created to monitor (internal) learning disability and (S75 commissioned) LPFT mental health activity separately.</p>	95%	Actual 44% Target 47.5%	95%	95%	Higher percentage is better	n/a as not previously reported in CBP

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		<p><b>119. Percentage of adults aged 18-64 with a mental health need in receipt of long term support for 12 months or more who have been reviewed in the period</b></p> <p>This measure was combined previously, with two new measures created to monitor (internal) learning disability and (S75 commissioned) LPFT mental health activity separately.</p>	95%	Actual 40% Target 47.5%	95%	95%	Higher percentage is better	n/a as new measure for CBP 2018-2020
<p><b>Carers</b></p> <p>The purpose of this commissioning strategy is to help carers build resilience in their caring role and to prevent young carers from taking on inappropriate caring roles, protecting them from harm. Carers should have appropriate access to support which enables them to improve their quality of life and help prevent crisis.</p>	<p>Carers feel valued and respected and able to maintain their caring roles</p>	<p><b>56. Carers included or consulted in discussions about the person they care for</b></p> <p>This measures responses to the question in the Carers Survey "In the last 12 months, do you feel you have been involved or consulted as much as you wanted to be, in discussions about the support or services provided to the person you care for?" (Statutory Survey every 2 years; LCC will be conducting the survey every year. Reported in Q4.)</p>	71.4% Target Apr 16 –Mar 17	Actual Apr 16 –Mar 17 64.4%  Target Apr 16 –Mar 17 71.4%	71% Target Apr 18- Mar 19	71% Target Apr 19 -Mar 20	Higher is better	The Care Act and the Lincolnshire Carers service champion 'Whole Family Approaches' and it therefore remains an aspiration for the Lincolnshire Health and Care community that these figures should improve with the next survey in 2018/19. 
		<p><b>59. Carers supported in the last 12 months per 100,000</b></p> <p>The total number of carers supported over the last 12 months with direct and indirect care (personal budgets, commissioned services, information and advice to the carer and respite for the person cared for).</p>	1,440 per 100,000  8,500 carers	Actual 1,417 per 100,000 8,431 carers  Target 1,440 per 100,000 8,500 carers	1,540 per 100,000  9,180 carers	1,630 per 100,000  9,680	Higher amount of carers supported is better	
		<p><b>120. Percentage of carers who reported that they had as much social contact as they would like</b></p> <p>Identified from the last survey as significantly impacting on a carers' quality of life. Linked to social isolation project in Community Wellbeing and with employment project with the Lincolnshire carers Service. Target set above Lincolnshire's CIPFA comparator group average.</p>	n/a as new measure in CBP 2018-2020	Actual 32% 2016/2017	35%	35%	Higher percentage is better	n/a as new measure for CBP 2018-2020
		<p><b>121. Percentage of eligible carers (caring for adults) who have received a review of their needs in the period</b></p> <p>New measure to ensure LCC's responsibilities under the Care Act are met to review carers who meet the national threshold for support.</p>	n/a as new measure in CBP 2018-2020	Actual 70% 2016/17	85%	85%	Higher percentage is better	n/a as new measure in CBP 2018-2020

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<b>Adult frailty and long term conditions</b> The purpose of this commissioning strategy is to outline the local authority's intentions in Adult Care Frailty and Long Term Conditions across Lincolnshire. The key commissioning intentions focus on supporting people to live in their own homes for as long as they wish by developing high quality, personalised services that are flexible, responsive and give people choice and control over how their care and support is provided.	Enhance the quality of life for people with care and support needs	<b>63. Adults who receive a direct payment (Adult Frailty and Long Term Conditions)</b> This measure reflects the proportion of all adults supported in the community under this strategy who receive a direct payment. (This is a revised definition for 2017/2018 and excludes Learning Disability and Mental Health). Performance is reported as a snapshot in time.	28%	Actual as at 30 <sup>th</sup> Sept 2016 36%  Target as at 30 <sup>th</sup> September 2016 28%	40%	40%	Higher percentage is better	
		<b>123. Percentage of people who report that services help them to have control over their daily life (Survey measure)</b> Alternative measure from the annual client survey that focuses on whether the services and support help people to have control - over which we have influence - rather than reporting on a general feeling of control.	n/a as new measure in CBP 2018-2020	Actual 90% 2016/17	95%	95%	Higher percentage is better	n/a as new measure in CBP 2018-2020
	Delay and reduce the need for care and support	<b>60. Permanent admissions to residential and nursing care homes aged 65+</b> The number of admissions of older people to residential and nursing care homes relative to the population size (65+). This is a national Adult Social Care Outcomes Framework measure 2Aii	1,129 admissions 688 per 100,000	Actual 388 admissions  Target 565	1,150 admissions	1,150 admissions	Lower number of admissions is better	
		<b>122. Percentage of requests for support for new clients , aged 65 or over, where the outcome was long term support services</b> Replaces the previous requests measures which looked at the % leading to info & advice. This did not reflect the extent of the preventative work in Adult care and Community Wellbeing which ultimately aims to reduce the number of new clients requiring long term funded care.	n/a as new measure in CBP 2018-2020	Actual 7% 2016/17	7%	7%	Lower percentage is better	n/a as new measure in CBP 2018-2020
		<b>124. Percentage of completed episodes of Reablement where the outcome was either no ongoing support or support of a lower level</b> New measure to monitor the effectiveness of the Reablement service, which is a key preventative activity for delaying or reducing need for longer term support services.	n/a as new measure in CBP 2018-2020	Actual 98% 2016/17	95%	95%	Higher percentage is better	n/a as new measure in CBP 2018-2020

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	Ensure that people have a positive experience of care and support	<b>65. People in receipt of long term support who have been reviewed</b> Lincolnshire County Council has a statutory duty to assess people with an eligible need and once the person has a support plan there is a duty to reassess their needs annually. This measure ensures people currently in receipt of long term support or in a residential / nursing placement are reassessed annually.	89%	Actual 44%  Target 44.5%	90%	90%	Higher percentage is better	
<b>Businesses are supported to grow</b>								
Learn and achieve	Improve educational attainment for all pupil	<b>67. Permanent exclusions</b> This measures the number of permanent term exclusions in all schools (primary, secondary, special schools, academies and maintained schools), divided by the school population and is measured annually by academic year. This measure is reported with a 2 year lag. This means data for the academic year (September 2015- July 2016) is reported in 2017/18.	Academic year September 2015– July 2016 0.14% (this equates to around 140 exclusions. This is expressed as exclusions rather than children as a child could have more than one exclusion)	Academic year September 2014- July 2015 (reported in Q4 2016/17) 0.18%  which equates to around 180 children.	Academic year September 2016– July 2017 0.12% (this equates to around 120 exclusions. This is expressed as exclusions rather than children as a child could have more than one exclusion)	Academic year September 2017– July 2018 0.10% (this equates to around 100 exclusions. This is expressed as exclusions rather than children as a child could have more than one exclusion)	Lower percentage is better	The Inclusive Lincolnshire Strategy only became available to schools in Sept 2016 in its complete form – before then, there was no Behaviour Outreach Support Service (BOSS) and no pre-exclusion places available in the Pupil Referral Unit. It is reasonable to expect progress to be made in academic year Sept 16- Jul 17, which will be reported in March 2019. Secondary schools represent the ongoing challenge going forward.  
		<b>104. Percentage of pupils achieving the threshold in English and mathematics at Key Stage 4</b> This is the first year this new national measure is being introduced and will allow reporting of performance against the national threshold. (Reported annually in Q4.)	In line with national all authorities benchmark. National Benchmarking data is expected January 2018. Target will be confirmed once figures have been received. New measure in 2017/2018	New measure in 2017/2018 (reported in Q4)	43%	43%	Higher percentage is better	n/a New measure in 2017/2018 (reported in Q4)

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<b>Sustaining and growing business and the economy</b>  The purpose of this commissioning strategy is for businesses in our most important sectors to be developed, to encourage investment in Lincolnshire and help to train people so that there is a skilled workforce to whom businesses can offer quality jobs.	Jobs created as a result of the Council's support	<b>68. Jobs created and safeguarded</b> The purpose of this commissioning strategy is for businesses in our most important sectors to be developed, to encourage investment in Lincolnshire and help to train people so that there is a skilled workforce to whom businesses can offer quality jobs.	202	Actual 281 Target 101	360	241	Higher percentage is better	
		<b>69. Businesses supported by the Council</b> Number of businesses who receive direct support and advice from services the Council commission.	750	Actual 544 Target 375	797	542	Higher number of businesses supported is better	
		<b>70. Qualifications achieved by Adults</b> Number of qualifications achieved (Skills programmes, vocational training programmes, adult and community learning) through programme support by the council.	630	Actual 801 Target 500	525	525	Higher amount of qualifications achieved is better.	
		<b>71. External funding attracted to Lincolnshire</b> Amount of external funding attracted to Lincolnshire (including Greater Lincolnshire Local Enterprise Partnership and European Union funding programmes) by the council. The 2017/18 target is made up of £30m LEP funding and £5m EU funding. The timetable for LEP funding meant that none could be included in 2016/2017.	£35,000,000	Actual £33,152,321 Target £32,500,000	£18,891,735	£21,391,735	Higher amount of external funding is better	
<b>Protecting and sustaining the environment</b> The purpose of this commissioning strategy is an environment that supports economic growth. We think this can be best achieved when the environmental opportunities for investment are emphasised whilst still making sure that the natural	Reduce the risk of flooding	<b>72. Flooding incidents within a property</b> This measure is calculated on the basis of the number of formal investigations undertaken by the County Council under section 19 of the Flood and Water Management Act 2010 where the incident involves flooding within a property from any source, although under the Act the County Council only has a responsibility for local flood risk i.e. from surface water, groundwater or ordinary watercourses. Lincolnshire County Council has interpreted a flooding incident to be any in which one or more domestic properties are flooded internally.	This measure is included for context and so It is not appropriate to set a target for this measure	2	This measure is included for context and so It is not appropriate to set a target for this measure	Lower number of incidents is better		
		<b>73. Properties protected from flooding</b> It is estimated that in Lincolnshire there are about 28,000 properties which have either been flooded in the past or are thought to be at risk from surface water flooding. As outlined in the Lincolnshire Joint Flood Risk Management Strategy, in accordance with its duty to undertake improvement works to protect communities, the County Council as Lead Local Flood Authority has developed an ongoing programme of surface water flood risk management schemes. (Reported annually in Q4.)	50 properties protected	Reported annually in Q4	50 properties protected	TBC once 2018/19 outturn is known	Higher number of properties protected is better	

Appendix A - Council Business Plan 2018-2020

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environment is protected.	Reduce carbon emissions	<p><b>74. CO2 emissions from county council activity</b></p> <p>Carbon dioxide (CO<sub>2</sub>) is a greenhouse gas which contributes, along with other gasses, to global warming and the resulting climate change. The County Council is no different to any other organisation in that its activities use energy and emit significant amounts of these gasses. (Reported annually in Q1) New baseline to be agreed for renewal of measure in 2018/19.</p>	22% as at March 2018	<p>Actual as at March 2017 17.47%</p> <p>Target as at March 2017 18%</p>	TBC in Quarter 1 2018/19 when new baseline for the measure is agreed.	TBC once 2018/19 outturn is known.	Lower amount of emissions is better	
		<p><b>75. Lincolnshire CO2 reductions</b></p> <p>This is a nationally collected (by the Department for Communities and Local Government) set of data that shows the amount of greenhouse gas emissions (CO<sub>2</sub>) from all sectors within the UK. The emissions for Lincolnshire are expressed as the amount of CO<sub>2</sub> emitted per person (capita). (Reported annually in Q1.)</p>	This measure is included for context and so It is not appropriate to set a target for this measure	<p>Actual 5.9 tonnes emitted per person 2015</p> <p>This is the latest data available from the Department of Energy and Climate Change</p>	This measure is included for context and so It is not appropriate to set a target for this measure	Lower number of emissions is better		
Increase Recycling		<p><b>76. Recycling at County Council owned Household Waste Recycling Centres (HWRC)</b></p> <p>This measure excludes all sites which are not owned by Lincolnshire County Council as the Council has limited control and influence over what streams are recycled. Performance includes some estimates where actual figures are not yet available. Officially approved data is available four months after the end of the Quarter to which it applies.</p>	75%	<p>Actual 73.8%</p> <p>Target 75%</p>	73%	74%	Higher percentage is better	<p>We are seeing an overall reduction in the HWRCs recycling rate; a contributing factor will be the processing of some materials has been moved down the waste hierarchy from recycling to recovery.</p> 
		<p><b>77. Tonnage of recycling material collected at the kerbside</b></p> <p>The tonnage of recycling material collected at the kerbside depends on how much is presented by the public in kerbside recycling collections and on how much of that material has to be excluded due to it being non- recyclable. This measure excludes waste that has been 'rejected' so that we can see how much recyclable material was collected. Performance includes some estimates where actual figures are not yet available. Officially approved data is available four months after</p>	This measure is included for context and so It is not appropriate to set a target for this measure	Actual 26,176 tonnes	This measure is included for context and so It is not appropriate to set a target for this measure	Higher tonnage of recyclable material collected is better		

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Appendix A - Council Business Plan 2018-2020

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		the end of the Quarter to which it applies.						
		<p><b>78. Household waste recycled and composted</b> The percentage of waste collected by either the County or District Councils which was reused, recycled or composted.</p>	55% Joint Municipal Waste Management Strategy	Actual 50.1%  Target 55%	47%  48.5%  In line with our draft Joint Municipal Waste Management Strategy objective "To contribute to the UK recycling target of 50% by 2020", the targets reflect steady progress towards 50%.	Higher amount of household waste recycled is better	Our year-end forecast is less than the previous year due to an increase in the reported level of contamination (non-recyclables) in the mixed dry recyclable material collected at the kerbside and the actual overall waste tonnage presented has reduced slightly. The aspirational target of 55% was set in our Joint Municipal Waste Strategy and need to be addressed. The Strategy is being refreshed in partnership with the District Councils. 	
		<p><b>79. Garden waste composted</b> The tonnage of green waste collected by either the County or District Councils which was sent for composting.</p>	This measure is included for context and so It is not appropriate to set a target for this measure	Actual 53,294 tonnes	This measure is included for context and so It is not appropriate to set a target for this measure	Higher amount of green waste composted is better		
<p><b>Sustaining and developing prosperity through infrastructure</b></p> <p>The purpose of this commissioning strategy is for infrastructure that supports economic growth and prosperity. We want to encourage investment and enhance the economic potential of Lincolnshire. We think this can be</p>	Reduce barriers to business growth	<p><b>81. Lincoln Eastern Bypass</b> Contract awarded December 2016 and a start on site June 2017 with completion December 2019. Under a separate contract Network Rail are due to hand over the Spalding Rail bridge to LCC in March 2018 to enable access under the railway.</p> <p><b>127. Grantham Southern Relief Road</b> Phase 1 commenced in September 2015 with completion in June 2016. Phase 2 expected to commence in April 2018 with completion in December 2019. Phase 3 expected to commence in April 2019 with completion in May 2022 subject to no Public Inquiry.</p> <p><b>82. Spalding Western Relief Road</b> Phase 1 (Southern section known as Holland Park). Following the EIP adoption LCC will submit a planning application for the road only with an aspiration works commencement in Autumn 2021. Section 5 (Northern Connection) – SHDC in collaboration with LCC have submitted a bid to HCA through the Housing Infrastructure Fund Marginal Viability option for approximately £12m. If successful this will result in unlocking the opportunity to progress the project with a similar timescale as Section 1, only if the local plan is adopted and planning is granted.</p>			Activities			

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achieved by encouraging new investment in transport, supporting business, managing and maintaining a high quality highway network and encouraging a reliable and accessible transport service.		<b>83. Progress in preparation of the Lincoln Southern Relief Road</b> Preparing an Outline Business Case for submission. Aiming to submit a Department for Transport Majors Fund bid in June 2018 with three options using the corridor in Local Plan based in previous consultation.	Activity						
		<b>84. Condition of Principal roads</b> Principal classified roads where maintenance should be considered as measured by SCANNER (Surface Condition Assessment for the National Network of Roads). Principal roads are A class roads e.g. A15, A158. Non-Principal classified roads are B and C class roads. (Reported annually in Q4.)	3% 2016/17	Actual 2% based on condition surveys done during 2016/17	3%	TBC once latest condition surveys are completed	Lower percentage is better		
		<b>85. Condition of Non Principal roads</b> Non Principal classified roads where maintenance should be considered as measured by SCANNER (Surface Condition Assessment for the National Network of Roads). Principal roads are A class roads e.g. A15, A158. Non-Principal classified roads are B and C class roads. (Reported annually in Q4.)	9% 2016/17	Actual 5% based on condition surveys done during 2016/17	7%	TBC once latest condition surveys are completed	Lower percentage is better		
		<b>86. Condition of Unclassified roads</b> Unclassified roads where maintenance should be considered as measured by SCANNER (Surface Condition Assessment for the National Network of Roads). Principal roads are A class roads e.g. A15, A158. Non-Principal classified roads are B and C class roads. (Reported annually in Q4.)	30% 2016/17	Actual 29% 2016/17 data	30%	TBC once latest condition surveys are completed	Lower percentage is better		
		<b>108. Public Satisfaction with Highways and Transport services</b> The National Highways and Transport (NHT) Network Public Satisfaction Survey collect public perspectives on, and satisfaction with, Highway and Transport Services in Local Authority areas. It is a unique, standardised, collaboration between Highway Authorities across the UK enabling comparison, knowledge sharing, and the potential to improve efficiencies by the sharing of good practice. The survey targets a balanced demographic of Lincolnshire's residents and provides detailed and summary results based on themes such as Highways Maintenance, Public Transport, Walking and Cycling, Tackling Congestion, Accessibility and Road Safety. The result for overall satisfaction is produced from a combination of these themes.	New measure for the CBP in 2018/2019		52%	To be in line with, or less than 2018/19 outturn	Higher percentage is better	n/a as new measure for the CBP in 2018/2019	

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<b>We effectively target our resources</b>									
<b>How we do our business</b>	Effective financial and management accounting arrangements	<b>88. Unqualified annual external audit opinion on the financial statements</b> The external auditor's report is a formal opinion as a result of an external audit. An auditor's report is considered an essential tool when reporting financial information. (Annual Measure)	Unqualified 2016/2017	Unqualified 2016/2017	Unqualified 2017/2018	Unqualified 2018/2019	n/a		
<b>Enablers to the business</b>	General reserves maintained within parameters set by the financial strategy	<b>89. General reserves are 2.5% to 3.5% of the annual budget requirement net of dedicated schools grant</b> General reserves are usually used for strengthening the financial position and meeting future contingencies or to offset potential future losses	3.5%	3.5%	3.5%	3.5%	n/a		
<b>Partnership engagement and support</b>  These three commissioning strategies have been grouped together as they provide the corporate framework within which the Council works, supports other commissioning strategies and carries out its business.	Maintenance of an adequate governance, risk internal control, regime	<b>90. Unqualified annual external audit opinion on the Council's Value for Money</b> (Annual Measure)	Unqualified 2016/2017	Unqualified 2016/2017, except for the availability of information for informed decision making	Unqualified 2017/2018	Unqualified 2018/19	n/a		
		<b>91. Annual governance statement by the Audit Committee</b> (Review of Council's governance, risk and control framework and assurance arrangements) (Effective or ineffective) (Reported annually in Q1.)	Effective with governance issues	Effective with governance issues	Effective with governance issues	Effective with governance issues	n/a		
		<b>92. Employee turnover</b>	It is not appropriate to set a target for this measure as turnover is provided for context only.	Data not yet available	Data not yet available	It is not appropriate to set a target for this measure as turnover is provided for context only.	n/a		
		<b>93. Sickness absence</b>	To be confirmed after 2017/2018 Q1 data has been analysed	Data not yet available	Data not yet available	TBC once 2017/18 outturn is confirmed	TBC once 2018/19 outturn is confirmed	Lower number of days is better	n/a
		<b>106. Growth in apprenticeships and the knock on effect of the employment of young people</b> Through the introduction of the new Apprenticeship Reforms, plans are being put in place to implement a long term goal to increase the	This is a new measure in 2017/18 (reported annually in Q4)	Reported annually in Q4	Reported annually in Q4	To be agreed once the implications of the Apprenticeship Reforms (which covers all ages) are understood.	n/a	n/a	n/a

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	young people aged 16 - 24 within Lincolnshire County Council	number of apprentices employed in substantive roles year on year. This will be monitored and measured by workforce data.						
	Get better value from our use of land and buildings by assessing performance	<p><b>94. Revenue savings</b> Savings made by rationalising the property portfolio. Progression is made towards the proposed plan of identified savings. (Reported annually in Q4.)</p>	<p>£1 million by March 2019 The target represents what will be achieved if the programme of rationalisation is completed to schedule</p>	<p>Actual £2,224,757 April 2015-March 2017  Target £1million by March 2019</p>	<p>£1 million by March 2019 The target represents what will be achieved if the programme of rationalisation is completed to schedule</p>	n/a	Higher number of savings is better	
		<p><b>95. Capital receipts</b> Progression through property disposal towards a triennial set capital receipts target</p>	<p>£20million by April 2019 It is not appropriate to set an annual target</p>	<p>Actual Jul 17 – Sept 17 £1,361,633  Cumulative actual April 2016 – September 2017 £5,358,560</p>	<p>£20million by April 2019 It is not appropriate to set an annual target</p>	<p>£20million by April 2019 It is not appropriate to set an annual target</p>	Higher number is better	<p>A further £1.7m of receipts has been generated – final contract documents are not yet signed therefore this figure is not included in the total</p> 
	Staff are made aware of their information assurance responsibilities	<p><b>96. Information governance training</b> This measure relates to the percentage of employees that undertake Information Governance training over a 12 month period. The subjects covered in the training include data protection, information security, freedom of information and records management. (Reported annually in Q4.)</p>	80% 2016/2017	<p>Actual 2016/2017 85% Target 2016/2017 80%</p>	80%	80%	Higher percentage is better	
		<p><b>97. Information assurance policies reviewed and updated within a 12 month period</b> This measure relates to the number of information assurance policies that have been subject to review and update within the last 12 months. The process of review and update ensures that policies remain relevant, accurate, and reflect any changes as dictated by changes in legislation, best practice or other external compliance requirements. (Reported annually in Q4.)</p>	100% 2016/2017	<p>Actual 2016/2017 100%</p>	100%	100%	Higher percentage is better	
	Record and investigate all reported security incidents in a timely manner to ensure	<p><b>98. Reported security incidents</b> The measure relates to the number of security incidents relating to council assets reported to the council's Information Assurance Team over the previous 12 months. A security incident is any fact or event which results in the compromise, misuse, or loss of council information. Where the cause of a security incident is identified, for</p>	It is not appropriate to set a target for this measure	<p>Actual 2016/2017 92</p>	It is not appropriate to set a target for this measure		Lower number of incidents is better	

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	impact is minimised and effective remedial action undertaken to reduce the likelihood of reoccurrence	example human error or malicious activity, corrective action is recommended in order to reduce the risk of an incident reoccurring. (Reported annually in Q4.)						
	Meet external information assurance compliance requirements	<b>99. Public Services Network connection Compliance</b> PSN (Public Services Network) is a network operated by a number of suppliers for government that provides a trusted, reliable, solution to departments, agencies, local authorities and other bodies that work in the public sector. Maintaining compliance requires the council to meet a number of information assurance requirements designed to provide an achievable and sensible baseline for security. (Reported annually in Q4.)	Compliant	Compliant	Compliant	Compliant	n/a	
	New support services partnership contracts perform effectively and efficiently to allow the Council to achieve its commissioning outcomes	<b>101. Achievement of key performance indicators within the VINCI Mouchel contract (Property Services)</b> An overall score of over 75% is required for the contractor to benefit from financial incentives gained by performing lower than their target costs.	75%	Actual 90.7% Target 75%	75%	75%	Higher percentage is better	
	Meet external information assurance compliance requirements	<b>102. Department of Health Information Governance Toolkit</b> The Information Governance Toolkit is an online system which allows NHS organisations and partners to assess themselves against Department of Health Information Governance policies and standards. The measure is successful annual submission of the Department of Health Information Governance toolkit. (Reported annually in Q1.)	Compliant	Compliant	Compliant	Compliant	n/a	
	New support services partnership contracts perform effectively and efficiently to allow the Council to achieve its commissioning outcomes	<b>100. Achievement of key performance indicators within the SERCO contract for Information Management Technology; People Management; Finance and Customer Service Centre</b>	Meet targets within the contract Please note the range of measures wef 1 Dec 2016 have been amended following change control	Of the 41 measures, performance for November 2017: 38 met contract Target Service Levels; 1 met contract Minimum Service Levels; 0 were below contract Minimum Service Level; 2 had an excusing cause/mitigation factor associated with it.	Meet targets within the contract	Meet targets within the contract	n/a	n/a

## Appendix B Changes from Council Business Plan 2017/2018 to 2018/2020

### Measures removed

Commissioning Strategy	Measure	Ref No	Reason	Executive Director
<b>Sustaining and developing prosperity through infrastructure</b>	Lincoln East West Link Road	80	Scheme completed in January 2017	Richard Wills
<b>Adult Safeguarding</b>	People report they feel safe	27	Doesn't relate to safeguarding intervention, Adult Social Care Outcomes Framework (ASCOF) measure too general and doesn't give any insight.	Glen Garrod
<b>Specialist Adult Services</b>	Overall satisfaction with care and support	53	Low response rates from survey for this group gives rise to too big a confidence interval and more volatility.	Glen Garrod
<b>Carers</b>	Carers who receive a direct payment	54	No longer appropriate as does not reflect an increase in 'Whole Family Approach' to monitoring.	Glen Garrod
	Carer reported quality of life	55	This indicator is made up of the answers to 6 questions in the Carers biennial survey. Performance in this indicator cannot be traced back to a specific question or theme nor is it realistic to improve the outcomes for carers in up to 6 areas.	Glen Garrod
	Carers supported to delay the care and support for the person they care for	57	Indicator no longer serving as an effective prevention measure, as the priority is collaboration.	Glen Garrod
	Carers who find it easy to find information about services	58	Reporting from the biennial survey is too infrequent.	Glen Garrod
<b>Protecting the Public</b>	Youth Offending Victim Engagement	16	No longer a priority measure.	Debbie Barnes

## Measures added

Commissioning Strategy	Measure	Ref No	Reason	Executive Director/Director
<b>Sustaining and developing prosperity through infrastructure</b>	Public satisfaction with Highways and Transport Services	108	To provide a view of the public perspective on Highways and Transport Services.	Richard Wills
	People supported to successfully quit smoking	111	Supports a number of areas of the Joint Strategic Needs Assessment and aligns to the Public Health Outcomes Framework which measures a number of population level outcomes regarding smoking.	Glen Garrod
<b>Community Wellbeing</b>	Percentage of people accessing housing-related support services that are successfully supported to access and maintain their settled accommodation	112	Supports the Council to meet its Care Act responsibilities regarding prevention and also supports wider Public Health Outcomes Framework outcomes regarding housing. The target is aligned to the KPI in the contract.	Glen Garrod
	Percentage of emergency and urgent deliveries and collections completed on time within Integrated Community Equipment Services	113	This is a core commissioned service in the Community Wellbeing Commissioning Strategy and supports the Council to meet its Care Act responsibilities. The target is aligned to the KPI in the contract.	Glen Garrod
<b>Adult Safeguarding</b>	Percentage of concluded Section 42 enquiries where the desired outcomes were fully or partially achieved	116	New measure to track the progress on Making Safeguarding Personal (MSP). This will be derived from the new mandatory reporting table in the Safeguarding Adults Collection (SAC).	Glen Garrod
	Percentage of adults aged 18-64 with a mental health problem living independently	117	LPFT measure, expected to be reported from Q1 2018/19.	Glen Garrod

<b>Specialist Adult Services</b>	Percentage of carers who reported that they had as much social contact as they would like	120	Identified from the last survey as significantly impacting on a carers' quality of life. Linked to social isolation project in Community Wellbeing and with employment project with the Lincolnshire carers Service.	Glen Garrod
<b>Carers</b>	Percentage of eligible carers (caring for adults) who have received a review of their needs in the period	121	New measure to ensure LCC's responsibilities under the Care Act are met to review carers who meet the national threshold for support.	Glen Garrod
	Percentage of completed episodes of Reablement where the outcome was either no ongoing support or support of a lower level	124	Monitor the effectiveness of the Reablement service. Lincolnshire are the best performing authority in this respect compared to our CIPFA comparator group.	Glen Garrod

### Changes to measures

Commissioning Strategy	Measure changed from	Ref	Measure changed to	Reason	Director
Community Wellbeing	Number of Health and Social Care Staff trained in Making Every Contact Count (MECC)	103/ 109	Number of frontline staff and volunteers trained in making Every Contact Count (MECC) (measure 109)	Proposed descriptor change to reflect the wider workforce to which the programme is being rolled out. Whilst the proposed measure is not a Public Health Outcomes Framework indicator the measure meets needs identified in the Joint Strategic Needs Assessment.	Glen Garrod

Community Wellbeing	Older people supported by the Wellbeing service to maintain their independence	32/ 110	People supported by the Wellbeing Service to improve their outcomes	The proposed measure supports a number of areas of the Joint Strategic Needs Assessment and the Council to meet its Care Act responsibilities regarding prevention. The proposed measure is also aligns to the KPI in the newly commissioned Wellbeing Service.	Glen Garrod
<b>Adult Safeguarding</b>	Safeguarding referrals where the 'source of risk' is a service provider	29/ 114	Percentage of completed Section 42 safeguarding enquiries where risk was identified where the 'source of risk' is a service provider.	Previous measure doesn't relate to safeguarding intervention, Adult Social Care Outcomes Framework (ASCOF) measure too general and doesn't give any insight. This enables benchmarking from the Safeguarding Collection with other authorities.	Glen Garrod
	Adult safeguarding reviews where risk was reduced or removed	30/ 115	Percentage of 'Deprivation of Liberty Safeguards' (DoLS) applications completed	LCC not able to always remove or reduce risk as person can make own decisions to accept risk. Superseded by new measure which will be a more accurate measure of success of safeguarding intervention. A national	Glen Garrod

				issue post 'Cheshire West' judgement, which impacted all authorities.	
<b>Specialist Adult Services</b>	Adults in contact with secondary mental health services living independently	50/ 117	Percentage of adults aged 18-64 with a mental health problem living independently	Low ability to influence outturns on performance. Superseded by new LPFT measure which reflects S75 MH clients where independence can be influenced.	Glen Garrod
	Adults who have received a review of their need (Learning Disability or Mental Health)	52/ 118/ 119	118 - Percentage of adults with a learning disability in receipt of long term support for 12 months or more who have been reviewed in the period 119 - Percentage of adults aged 18-64 with a mental health need in receipt of long term support for 12 months or more who have been reviewed in the period	This indicator is now split into 2 new review measures one for LD (118) and one for MH (119). The measure was combined previously, with two new measures created to monitor (internal) learning disability and (S75 commissioned) LPFT mental health activity separately.	Glen Garrod
<b>Adult Frailty</b>	Requests for support from new clients, where the outcome was universal services/signposting	61/ 122	Percentage of requests for support for new clients, aged 65 or over, where the outcome was long term support services	The previous measure did not reflect the extent of the preventative work in Adult Care and Community Wellbeing which ultimately aims to reduce the number of new clients requiring long term funded care.	Glen Garrod
	People using the service with control over their daily life	62/ 123	Percentage of people who report that services help them to	The original measure has been replaced by	Glen Garrod

				have control over their daily life (Survey measure)	the survey which will more closely measure the 'impact' of the social care service in helping the person to have control over their daily life, rather than a client's general feeling of control (similar to generally feeling safe that was also removed)	
<b>Protecting the Public</b>	Juvenile re-offending	18/125	Juvenile re-offending		The Ministry of Justice has changed the methodology for measuring reoffending. There has been a move to a three month cohort rather than a 12 month cohort. The cohort will still be tracked over 12 months. Changing from 12 month cohorts to the 3 month cohorts results in a greater proportion of prolific offenders and hence higher reoffending rates, though both measures show similar trends over time at a national level.	Debbie Barnes
<b>How we do our business</b>	Information Governance Policies	97	Information Assurance Policies		Reflect change in terminology	Richard Wills
<b>Enablers to the business</b>						

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**Partnership  
engagement and  
support**

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**Changes to wording of outcomes**

Commissioning Strategy	Outcome changed from	Outcome changed to	Director
<b>How we do our business</b>	Staff are made aware of their information	Staff are made aware of their information assurance responsibilities	Tony McArdle
<b>Enablers to the business</b>	governance responsibilities		
<b>Partnership engagement and support</b>			

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## Appendix C - Equalities Objectives in the Council Business Plan 2018 - 2020

The Equality Act 2010 brought together all previous equality legislation in England, Scotland and Wales. The Act includes the public sector equality duty (the equality duty), which replaced the former duties relating to race, disability and gender equality. The equality duty came into force on 5 April 2011. The duty requires public bodies to publish at least one equality objective to achieve any one of the things mentioned in the aims of the general duty:-

- Advance equality of opportunity between people who share a protected characteristic and people who do not share it.
- Foster good relations between people who share a protected characteristic and people who do not share it.
- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.

Equalities objectives had to be published for the first time by 6 April 2012 and then at least every 4 years. We first published our equalities objectives in the council business plan approved by Council in February 2012. Our equalities objectives were reviewed and published in the council business plan approved by Council in February 2016.

The Equality and Human Rights Commission guidance is that equality objectives are seen as part of the business plan. The equalities objectives have been updated to reflect the changes in the council business plan.

As well as these equality considerations, the measures within the Council Business Plan have also been developed taking into account a number of other relevant considerations including the Joint Strategic Needs Assessment, the Joint Health and Wellbeing Strategy, the Child Poverty Strategy and the Council's duty under section 17 of the Crime and Disorder Act 1998.

<b>Commissioning Strategy</b>	<b>Proposed equality objective</b> (Commissioning strategy outcome)	<b>Measures</b>	<b>Protected characteristics</b>	<b>Aims of the Public Sector Equality Duty</b>
<b>Protecting the public</b>	Increase public confidence in how we tackle domestic abuse	<p>Reported incidents of domestic abuse (Measure 7)</p> <p>Domestic homicides (Measure 8)</p> <p>Repeat victims of domestic abuse to MARAC (Measure 9)</p>	<ul style="list-style-type: none"> <li>- Race</li> <li>- Sex</li> <li>- Sexual orientation</li> </ul>	<p>Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.</p> <p>Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.</p>
	Reduce the number of young people committing a crime	<p>Juvenile First Time Offenders (Measure 15)</p> <p>Juvenile Re-offending (Measure 125)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Race</li> <li>- Sex</li> </ul>	<p>Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.</p> <p>Foster good relations between people who share a protected characteristic and people who do not share it.</p>
<b>Children are safe and healthy</b>	Children are safe and healthy	<p>Looked After Children (Measure 23)</p> <p>Children who are subject to a child protection plan (Measure 24)</p> <p>Average time taken to move a child from care to an adoptive family (Measure 25)</p> <p>Average time taken to match a child to an adoptive family (Measure 26)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> <li>- Sex</li> </ul>	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

<b>Safeguarding adults</b>	Safeguarding adults whose circumstances make them vulnerable, protecting them from avoidable harm and acting in their best interests where they lack capacity	<p>Safeguarding cases supported by an advocate (Measure 28)</p> <p>Percentage of completed safeguarding enquiries where risk was identified, where the 'source of risk' is a service provider (Measure 114)</p> <p>Percentage of outstanding Deprivation of Liberty (DoL's) applications completed (Measure 115)</p>	<ul style="list-style-type: none"> <li>- Disability</li> <li>- Age</li> <li>- Sex</li> <li>- Race</li> </ul>	<p>Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.</p> <p>Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.</p>
<b>Wellbeing</b>	People are able to live life to the full and maximise their independence	<p>Percentage of people supported by the Wellbeing Service to improve their outcomes (Measure 110)</p> <p>Percentage of people accessing housing-related support services that are successfully 'supported to access and maintain their settled accommodation' (Measure 112)</p> <p>Percentage of emergency and urgent deliveries and collections completed on time within Integrated Community Equipment Services (Measure 113)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> <li>- Sex</li> </ul>	Advance equality of opportunity between people who share a relevant characteristic and people who do not share it.
<b>Community resilience and</b>	Make a positive difference for our	We want to make a positive difference for our	All protected characteristics	Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited

<b>assets</b>	communities. When we review or introduce a new policy or activity, commission, begin a new project, decommission or help communities to do things for themselves, we will always assess the impact on people with protected characteristics. This analysis helps us to make informed decisions.	communities. When we review or introduce a new policy or activity, commission, begin a new project, decommission or help communities to do things for themselves, we will always assess the impact on people with protected characteristics. This analysis helps us to make informed decisions (Measure 40)	will be considered as part of EIAs.	by or under the Act.  Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
	Communities and residents are supported to be involved in local decision making and have their views taken into account	People supported who have accessed volunteer opportunities through Lincolnshire County Council (Measure 105)	- Age - Disability	Advance equality of opportunity between people who share a relevant characteristic and people who do not share it.  Foster good relations between people who share a relevant protected characteristic and people who do not share it.
<b>Readiness for adult life</b>	Young people are supported to reach their potential	Achievement gap between disadvantaged pupils and their peers at Key Stage 4 (Measure 42)  16-17 year old Looked After Children participating in Learning (Measure 45)  Care Leavers in suitable accommodation (Measure 46)	- Disability - Age - Sex - Race	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
<b>Readiness for</b>	There is a secure	Achievement at a good level	- Age	Advance equality of opportunity between people who

<b>school</b>	foundation for all children to progress through school and life	of development in the Early Years Foundation Stage (Measure 47)  Achievement gap between disadvantaged pupils and their peers at Foundation stage (Measure 48)	- Disability - Sex - Race	share a relevant protected characteristic and people who do not share it.
<b>Learn and Achieve</b>	Improve educational attainment for all pupils	Permanent exclusions (Measure 67)  Percentage of pupils achieving the threshold in English and mathematics at Key Stage 4 (Measure 104)	- Age - Disability - Sex	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
<b>Specialist Adult Services</b>	Enhanced quality of life and care for people with learning disability, autism and or mental health	Adults with learning disabilities who live in their own home or with family (Measure 49)  Adults who receive a direct payment (Learning Disability or Mental Health) (Measure 51)  Percentage of adults aged 18-64 with a mental health problem living independently (Measure 117)	- Disability - Age - Sex	Advance equality of opportunity between people who share a protected characteristic and people who do not share it
	People have a positive experience of care	Percentage of adults with a learning disability in receipt of long term support for 12 months or more who have been reviewed in the period (Measure 118)	- Disability	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

		Percentage of adults aged 18-64 with a mental health need in receipt of long term support for 12 months or more who have been reviewed in the period (Measure 119)		
<b>Carers</b>	Carers feel valued and respected and able to maintain their caring roles	<p>Carers included or consulted in discussions about the person they care for (Measure 56)</p> <p>Carers supported in the last 12 months per 100,000 (Measure 59)</p> <p>Percentage of carers who reported that they had as much social contact as they would like (Measure 120)</p> <p>Percentage of eligible carers (caring for adults) who have received a review of their needs in the period (Measure 121)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Sex</li> <li>- Disability</li> </ul>	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
<b>Adult Frailty and long Term Conditions</b>	Enhance the quality of life for people with care and support needs	<p>Adults who receive a direct payment (Adult Frailty and Long Term conditions) (Measure 63)</p> <p>Percentage of people who report that services help them to have control over their daily</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> <li>- Sex</li> </ul>	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

		life (Measure 123)		
	Delay and reduce the need for care and support	<p>Permanent admissions to residential and nursing care homes aged 65+ (Measure 60)</p> <p>Percentage of requests for support for new clients, aged 65 and over, where the outcome was long term support services (Measure 122)</p> <p>Percentage of completed episodes of Reablement where the outcome was either no ongoing support or support of a lower level (Measure 124)</p> <p>People in receipt of long term support who have been reviewed (Measure 65)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> <li>- Sex</li> </ul>	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
<b>Learn and Achieve</b>	Improve educational attainment for all pupils	<p>Permanent exclusions (67)</p> <p>Percentage of pupils achieving the threshold in English and mathematics at Key Stage 4 (Measure 104)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> <li>- Sex</li> </ul>	Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it.

<p><b>How we do our business</b></p> <p><b>Enablers to the business</b></p> <p><b>Partnership engagement and support</b></p>	<p>Impact and increase employment and apprenticeship opportunities currently offered to young people aged 16 - 24 within Lincolnshire County Council.</p>	<p>Growth in apprenticeships and the knock on effect of the employment of young people (Measure 106)</p>	<ul style="list-style-type: none"> <li>- Age</li> <li>- Disability</li> </ul>	<p>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</p>
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**Open Report on behalf of Tony McArdle, Chief Executive**

Report to:	<b>County Council</b>
Date:	<b>23 February 2018</b>
Subject:	<b>Interim Arrangements following the Resignation of the Chief Executive</b>

**Summary:**

This Report seeks approval for interim arrangements to take effect between the resignation of the existing Chief Executive and Head of Paid Service on 28 February 2018 and the appointment of a new Chief Executive and Head of Paid Service including changes to the designated Head of Paid Service, Returning Officer and Monitoring Officer and changes to the Constitution

**Recommendation(s):**

That the Council with effect from and including 1 March 2018

1. Designates the Executive Director for Environment and Economy as the Council's Head of Paid Service;
2. Designates the Chief Legal Officer as the Council's Monitoring Officer
3. Appoints Richard Wills, the Executive Director for Environment and Economy as the Returning Officer for County Council by-elections
4. Approves the amendments to the Constitution attached at Appendix A

**1. Background**

On 28 February 2018, Tony McArdle will leave his employment with the Council as the Council's Chief Executive and Head of Paid Service.

The position of Chief Executive is a post within the Council's officer structure. This is not a position that the Council is under any obligation to have or immediately to recruit to. When the current chief executive leaves, the post of Chief Executive will become vacant and remain so until a permanent replacement chief executive is appointed.

The role of Head of Paid Service is not a separate post within the structure. The Council has a statutory obligation under section 4 of the Local Government and

Housing Act 1989 to designate one of its officers as the Head of Paid Service. At present the post of Chief Executive is designated as also being the Council's Head of Paid Service. The role of the Head of Paid Service is to determine the size, structure and organisation of the officer paid service and to manage that paid service including taking responsibility for the employment rights and responsibilities of the Council including recruitment and dismissal.

Therefore although the post of Chief Executive can remain vacant the Council must, in the absence of a Chief Executive, take steps to designate one of its other officers as the Head of Paid Service. It is proposed that Richard Wills, the Executive Director for Environment and Economy is designated as the Head of Paid Service.

The Council also has an obligation under section 5 of the Local Government and Housing Act 1989 to designate one of its officers as the Council's Monitoring Officer to fulfil the responsibilities under section 5 and 5A of that Act to report unlawfulness or maladministration in the exercise of the Council's functions. The Monitoring Officer also has a role both in law and under the Council's Constitution in supporting the Council in maintaining high standards of conduct and in managing complaints against Councillors under the Council's Code of Member Conduct.

Under clause 5(1A) of the 1989 Act the person designated as the Monitoring Officer cannot be the same individual as is designated as the Council's Head of Paid Service.

The Executive Director for Environment and Economy is currently designated as the Monitoring Officer. Therefore, if the Executive Director for Environment and Economy is designated as the Head of Paid Service, the Council will need to designate another of its officers as the Monitoring Officer. It is proposed that the Chief Legal Officer be designated as the Monitoring Officer.

Section 35 of the Representation of the People Act 1983 requires the Council to appoint one of its officers as the Returning Officer for County Council elections including by-elections. At its meeting on 19 May 2017 the Council appointed Tony McArdle the Chief Executive as the Returning Officer for County Council by-elections that arise during the Council term (2017-2021).

This decision now needs to be revisited and it is proposed that Richard Wills, Executive Director for Environment and Economy is appointed as Returning Officer for County Council by-elections that arise during the Council's term.

The County Council's Constitution contains a number of provisions that relate to the designation of the Head of Paid Service and Monitoring Officer and there are a number of Constitutional delegations, processes and procedures that are exercisable or require action to be taken by the Chief Executive. Whilst the Chief Executive post remains vacant it is necessary to ensure the smooth operation of the Council's business that these delegations and actions are allocated to other Chief Officers.

Appendix A therefore sets out a number of amendments to the Constitution to give effect to such re-allocations. The main substantive change is in Part 3 of the Constitution. The general strategic management delegations previously given to the Chief Executive have been allocated to the Executive Director for Environment and Economy to support his designation as the Head of Paid Service. Operational responsibilities for such areas as business planning, equalities, commissioning, procurement and the Serco contract have been transferred to the Executive Director of Finance and Public Protection.

The opportunity has also been taken to identify the Head of Democratic Services as the Council's statutory Scrutiny Officer and the Executive Director for Environment and Economy as the Council's Traffic Manager.

The required changes to the Constitution are quite extensive and range widely across the document. In order to make the presentation of the changes manageable Appendix A consists only of the pages to which amendments have been made and those surrounding pages that are reasonably necessary to understand the context of the changes.

The recommendations in this Report are proposed to ensure the continued smooth running of the Council following the resignation of the Chief Executive and to comply with the Council's legal obligations. It is intended that the new permanent Chief Executive will also be the Head of Paid Service and Returning Officer. At this point the designation of Monitoring Officer will also be reviewed.

At that point a further report will be brought to Council to give effect to any changes.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it

\* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

There are not considered to be any equalities implications of the recommendations set out in the Report.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are not considered to be any JSNA or JHWS implications of the recommendations set out in the Report.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are not considered to be any crime and disorder implications of the recommendations set out in the Report.

**3. Conclusion**

This Report sets out proposals to ensure the smooth running of the Council following the resignation of the Chief Executive and to ensure compliance with the

Council's legal obligations in terms of designating one of its officers to the statutory posts of Head of Paid Service and Monitoring Officer and appointing one of its officers as Returning Officer.

#### **4. Legal Comments:**

The Council is required to designate one of its officers as Head of Paid Service and one of its officers as Monitoring Officer. One officer cannot be designated to both roles. The Council must also appoint one of its officers as Returning Officer.

This Report enables the Council to comply with these legal obligations.

The proposed changes to the Constitution will enable the Council's decision-making and scrutiny functions to continue to be administered in accordance with the Constitution and procedural propriety whilst the Chief Executive post is vacant.

The decisions set out in the recommendations are all reserved to the full Council and are within the remit of the full Council

#### **5. Resource Comments:**

The proposals within this report can be met from within the existing budgets of the Council.

#### **6. Consultation**

##### **a) Has Local Member Been Consulted?**

N/A

##### **b) Has Executive Councillor Been Consulted?**

N/A

##### **c) Scrutiny Comments**

The proposals in the Report have not been considered by a Scrutiny Committee

##### **d) Have Risks and Impact Analysis been carried out??**

Yes

##### **e) Risks and Impact Analysis**

See the body of the Report

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Amendments to the Constitution

## 8. Background Papers

Document title	Where the document can be viewed
Council Report "Appointment of Returning Officer for By-Elections 2017-2021" 19 May 2017	Democratic Services
The Council's Constitution	Democratic Services

This report was written by Tony McArdle, who can be contacted on 01522 552000 or [tony.mcardle@lincolnshire.gov.uk](mailto:tony.mcardle@lincolnshire.gov.uk).

# **Lincolnshire County Council**

# **CONSTITUTION**

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## Part 1

# A SUMMARY OF THE LINCOLNSHIRE COUNTY COUNCIL CONSTITUTION

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9 **Monitoring what we do**

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

9b **Head of Paid Service**

9b1 The ~~Chief Executive~~ Executive Director for Environment and Economy is our ~~appointed~~ designated Head of Paid Service. He or she is responsible for managing the workforce and has overall responsibility for how we carry out our services.

9b2 The Head of Paid Service may not be the Monitoring Officer but may hold the position of Section 151 Officer (see 9d).

9c **Monitoring Officer**

9c1 The Monitoring Officer is responsible for:

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

9d **Section 151 Officer**

9d1 The 151 Officer is responsible for:

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

10 **Access to Information**

10a All Full Council, Executive and Overview and Scrutiny meetings and the Non-Executive committees are open to the public unless private or



## **Part 2**

# **ARTICLES OF THE CONSTITUTION**



## ARTICLE 5 – THE EXECUTIVE

### 5.01 Role

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

### 5.02 Form and Composition

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

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

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

### 5.03 Leader

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

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

### 5.04 Other Executive Councillors

Other Executive Councillors shall hold office until:

- (a) they resign from the office; or

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

#### **5.05 Proceedings of the Executive**

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

#### **5.06 Responsibility for functions**

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

#### **5.07 Executive Support Councillors**

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

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

### 7.01 Regulatory and Other Committees

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

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

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

Please see Annex A for composition.

### 7.02 Pensions Committee

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

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

#### Functions:

- Drawing upon appropriate professional advice, to set investment policies for the Fund, including the establishment and maintenance of a strategic benchmark for asset allocation, and approval of the Investment Strategy Statement.
- To review the performance of Border to Coast Pensions Partnership Limited and its sub-funds, legacy fund managers and associated professional service providers.
- To approve the annual Report and Statement of accounts of the fund.

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

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

#### **Functions:**

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

### **7.04 Appointments Committee**

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

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

#### **Functions:**

- To discharge on behalf of the Council the function of the appointment of
  - the ~~Chief Executive~~ post for the time being designated as the County Council's Head of Paid Service (subject to approval by the Council) and
  - Chief Officers as defined in Article 9

in accordance with provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 and thereby to act as appointor for the purposes of the said Regulations and the Officer Employment Procedure Rules at Part 4 of this Constitution in relation to such appointments.

- To suspend the ~~Chief Executive~~ person designated as the County Council's Head of Paid Service Monitoring Officer and Section 151 Officer whilst an investigation takes place into allegations against them.
- To discharge on behalf of the Council the function of taking disciplinary action against or (subject to approval by the Council) the dismissal of the ~~Chief Executive~~ person designated as the County Council's Head of Paid Service, the

- Section 151 Officer and the Monitoring Officer in accordance with provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 and thereby to act as dismissor for the purposes of the said Regulations and the Officer Employment Procedure Rules at Part 4 of this Constitution in relation to such dismissals.
- To fulfil the function of constituting and convening the Statutory Officers' Employment Advisory Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 and the Officer Employment Procedure Rules at Part 4 of this Constitution to advise the Council on any proposal to dismiss the person designated~~Chief Executive~~ as the County Council's Head of Paid Service, the Section 151 Officer or the Monitoring Officer.

#### **7.04.01 Pay Policy Sub-Committee**

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

##### **Functions:**

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

#### **7.05 The Members Appeal Hearing Panel**

An employee dismissed from their employment with the Council has a right of appeal against that decision. Appeals against dismissal except those relating to dismissals during an employee's probationary period and dismissals of the Chief Executive-person designated as Head of Paid Service, Statutory Officers and Chief Officers as defined in Article 9 shall be heard by Elected Members. Full details of the procedure are available in the Appeals Policy.

The Panel will consist of a Panel of three Elected Members, one of whom will chair the meeting. The Group Leaders will nominate Members to be eligible to sit on Appeals Panels. Any Member nominated will receive training prior to sitting as a Member of the Panel. There is no requirement for training to be provided following an election unless a member nominated has not received training previously. The Panel will reflect the political balance of the Council

## ARTICLE 9 – OFFICERS

### 9.01 Engagement of Staff

#### (a) **General**

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

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

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

#### (b) **Chief Officers.**

All Chief Officers will:

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

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

<b>Post</b>	<b>Functions and areas of responsibility</b>
Chief Executive	<ul style="list-style-type: none"> <li>• Overall corporate management</li> <li>• Overall operational responsibility (including overall management responsibility for all Officers)</li> <li>• Strategic development and performance of the organisation</li> <li>• Provision of professional advice to all parties in the decision making process</li> <li>• Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council's decisions</li> <li>• Representing the Council on partnership and external bodies (as required by statute or the Council)</li> <li>• <del>Corporate Policy, business planning and equalities</del></li> <li>• <del>Information governance and technology, Media Communications, procurement and Commissioning Support</del></li> <li>• <del>Management and development of the Council's strategic contract with Serco</del></li> </ul>
Executive Director of Children's Services	<ul style="list-style-type: none"> <li>• Education</li> <li>• Children's Safeguarding</li> <li>• Early years</li> <li>• Children with Disabilities</li> <li>• Families</li> <li>• Support for Children with SEN</li> <li>• School Support Services</li> <li>• Regulated Services (Children Looked After, secure unit, residential homes, respite homes, adoption and fostering)</li> <li>• People Services (HR)</li> <li>• Youth Offending Services</li> </ul>

<p>Executive Director for Environment &amp; Economy</p>	<ul style="list-style-type: none"> <li>• Economy (including commissioning of heritage services)</li> <li>• Lead Local Flood Authority</li> <li>• Environmental Protection and Wellbeing</li> <li>• Transport, Highways &amp; Traffic Management</li> <li>• Waste Management</li> <li>• Spatial Planning</li> <li>• Legal Services Lincolnshire</li> <li>• Democratic Services</li> <li>• Community Development</li> <li>• Libraries and Heritage</li> <li>• Information Management and Technology</li> <li>• Communications</li> <li>• Senior Information Risk Owner</li> </ul>
<p>Executive Director of Finance and Public Protection</p>	<ul style="list-style-type: none"> <li>• Fire &amp; Rescue</li> <li>• Safer Communities (Including Civil Protection and Trading Standards)</li> <li>• Business Support</li> <li>• Emergency Planning</li> <li>• Corporate Audit &amp; Risk Assurance</li> <li>• Property</li> <li>• Finance</li> <li>• Registrar and Coroners</li> <li>• <u>Business planning and equalities</u></li> <li>• <u>Procurement and Commissioning Support</u></li> <li>• <u>Management and development of the Council's strategic contract with Serco</u></li> </ul>
<p>Executive Director of Adult Care and Community Wellbeing</p>	<ul style="list-style-type: none"> <li>• Support to Hospitals</li> <li>• Independent Living</li> <li>• Learning Disabilities</li> <li>• Mental Health</li> <li>• Carers</li> <li>• Adults Safeguarding</li> <li>• Older People/Physical Disability</li> <li>• Health and Wellbeing</li> </ul>

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

The Council will designate the following posts as Statutory Officers:

<i>Post</i>	<i>Designation</i>
<del>Chief Executive</del> <u>Executive Director for Environment &amp; Economy</u>	Head of Paid Service under section 4 of the Local Government and Housing Act 1989
<del>Executive Director for Environment &amp; Economy</del> <u>Chief Legal Officer</u>	Monitoring Officer under section 5 of the Local Government and Housing Act 1989
Executive Director Finance and Public Protection	Chief Finance Officer with responsibility for the administration of the financial affairs of the Council under section 151 of the Local Government Act 1972
Executive Director of Children's Services	Director of Children's Services under section 18 of the Children Act 2004
Executive Director of Adult Care and Community Wellbeing	Director of Adult Social Services under Section 6 of the Local Authorities and Social Services Act 1970
<u>Executive Director for Environment &amp; Economy</u>	<u>Traffic Manager under section 17 of the Traffic Management Act 2004</u>
<u>Head of Democratic Services</u>	<u>Scrutiny Officer under section 9FB of the Local Government Act 2000</u>

The statutory post of Director of Public Health under Section 73A of the National Health Service Act 2006 shall be fulfilled by the Director of Public Health, being a post line managed by the Executive Director of Adult Care and Community Wellbeing with direct responsibility to the Head of Paid Services ~~Chief Executive~~ in relation to fulfilment of the statutory role of Director of Public Health.

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

- (d) **Structure**

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

### **9.02 Functions of the Head of Paid Service**

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

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

#### **(b) Restrictions on functions**

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

### **9.03 Functions of the Monitoring Officer**

#### **(a) Maintaining the Constitution**

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

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

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

#### **(c) Standards**

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

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

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

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

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

(f) **Providing advice**

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

(g) **Restrictions on posts**

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

**9.04 Functions of the Chief Finance Officer**

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

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

(b) **Administration of financial affairs**

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

(c) **Contributing to corporate management**

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

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(d) **Providing advice**

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

(e) **Give financial information**

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

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

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

**9.06 Other Statutory Posts**

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

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

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**Part 3**

**RESPONSIBILITY FOR FUNCTIONS**

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**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 manage and develop the Council's Strategic contract with Serco.
12.	To deliver the Council's corporate procurement function including the shared service with the Districts.
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 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;
  - (e) to manage and let County Farms holdings as may be deemed necessary or appropriate in accordance with the Management Plan approved by the Executive following consultation with the appropriate Overview and Scrutiny Committee or Panel and (except in cases where the Council's seal must be affixed thereto) to sign agreements to give effect to such acquisitions, disposals, acceptances, grants or lettings, provided that the form of any such agreement has been approved by the Solicitor(s) to the Council.

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12. To seek permission for any development referred to in regulation 3 of the Town and Country Planning General Regulations 1992.
13. To determine and serve notices under the terms of any agreement for the use of land or premises.
14. To undertake the role of Travellers Liaison Officer in consultation with other Directorates in matters of illegal camping and site provision.
15. To agree appropriate means of securing external representation on the Pension Committee, in consultation with relevant external bodies.
16. To maintain an adequate and effective internal audit service.
17. To effect all insurance cover in respect of County Council activities and responsibilities, including making appropriate arrangements for the investigation and settlement of claims.
18. To approve allocations from the corporate contingency revenue budget in consultation with the Executive Councillor with responsibility for finance and any other appropriate Executive Councillors.
19. To arrange appropriate banking and related services on behalf of the Council including opening and closing bank accounts.
20. To exercise the function of the Council in relation to the use of badges for display on disabled persons' motor vehicles.
<u>21. To develop the Council's corporate business plan.</u>
<u>22. To advise the Council on its Equality and Diversity obligations.</u>
<u>23. To manage and develop the Council's Strategic contract with Serco.</u>
<u>24. To deliver the Council's corporate procurement function including the shared service with the Districts.</u>
<u>25. Provide commercial advice and support to Commissioners.</u>
<b>Fire and Rescue Service</b>
1. To make appropriate arrangements for dealing with matters relating to the discipline and dismissal of uniformed Fire Officers pursuant to the relevant legislation
2. To reduce retaining fees in cases in which attendance is required only during limited periods, and in cases of failure to attend for training, fires and other duties.
3. To review from time to time risk categories and pre-determined attendances.
4. To waive or make nominal charges in respect of special services.
5. To approve or refuse applications from members of the Lincolnshire Fire and Rescue Service ("the Service") to engage in outside employment.
6. To measure the provision of water for firefighting purposes.
7. To make, vary or revoke reinforcement schemes and other arrangements with other Fire and Rescue Authorities for the discharge of the Council's functions as Fire and Rescue Authority.
8. To be directly responsible to the relevant Executive Councillor acting on behalf of the Council in its capacity as Fire and Rescue Authority for the Service as maintained under the Fire and Rescue Service Act 2004 having regard to the Fire and Rescue National Framework.
9. Powers to issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act

## EXECUTIVE DIRECTOR FOR ENVIRONMENT & ECONOMY

### **Monitoring Officer & Democratic Services**

~~1. To act as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. As Monitoring Officer to consider applications for dispensations in respect of disclosable pecuniary interests.~~

1. To manage support for the Leader and Chairman's Office.

2. To operate Members' Allowances in line with the resolution of the County Council on this matter.

3. 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).

4. To grant or refuse permission for the display of the Coat of Arms and/or Badge of the County.

5. 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.

6. To exercise the functions of the Council under charities legislation.

7. 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.

8. To progress the strategic development of the Council.

9. On appointment, to undertake all the functions of the Returning Officer.

10. To undertake appropriate and necessary action when vacancy in office occurs.

### **Complaints**

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

### **Highways, Construction and Maintenance**

1. To act as Engineer in Civil Engineering Contracts where the County Council, Highways Agency, or Lincolnshire's Partners are the Employer.

2. To take the role of Employer in Civil Engineering Contracts where the County

4. To contribute to the development of the Joint Strategic Needs Assessment.
5. To administer the Health and Wellbeing Fund.
6. To facilitate the Health and Wellbeing Board.
<b>Director of Public Health</b>
1. To act as Director of Public Health in accordance with Section 73A of the National Health Services Act 2006 and to carry out the functions as set out in that section and Regulations thereunder.
2. To produce the Annual Health Report.
3. To carry out and publish health needs and health impact assessments.

#### CHIEF LEGAL OFFICER

1. To act as solicitor to the Council for any purposes and subject to consultation with such of the Executive, Executive Councillor, Committee or Chief Officer as may be appropriate, to exercise discretion whether to issue or defend proceedings on behalf of the County Council in any Court or Tribunal or before any other body with jurisdiction, including arbitration or adjudication, to enter into mediation or other alternative dispute resolution processes or otherwise to settle claims disputes and proceedings and to take such other actions as are appropriate for the solicitor to the Council and which are necessary to protect, maintain and fulfil the interests, rights and duties of the Council.
2. To act as Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. As Monitoring Officer to consider applications for dispensations in respect of disclosable pecuniary interests.

## “PROPER OFFICER” PROVISION

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

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

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

Column 1  
Proper Officer

Executive Director of  
~~Community Wellbeing  
and Public  
Health~~Finance and  
Public Protection

Column 2  
Section of  
1972 Act

Schedule 29 Para  
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Column 3  
Proper Officers'  
Functions

Exercise of functions under  
Sections 9(1) and (2), 13(2)(h) and  
(3)(b) and 20(b) of Registration  
Services Act 1953 and any  
Regulations or Scheme made  
thereunder.

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

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

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

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

Column 1

Column 2

~~Head of Paid Service~~ Chief Executive

Clerk of the Council or Town Clerk of a Borough

Executive Director of Finance and Public Protection

Treasurer of a Council

Executive Director for Environment & Economy

County Surveyor or Surveyor of a Council

~~Executive Director of Finance and Public Protection~~ Chief Executive

Clerk to the Fire Authority

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

Column 1

Column 2

~~Chief Executive~~ Head of Paid Service

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

Executive Director of Finance and Public Protection

Assistant Director (Finance and Resources)

Executive Director for Environment & Economy

Assistant Director Highways and Transportation

4. The Executive Director of Finance and Public Protection is to have responsibility for the proper administration of the Council's financial affairs in accordance with S151 Local Government Act 1972. The Executive Director of Finance and Public Protection may elect to delegate the day to day responsibilities to the Assistant Director Finance and Resources.
5. The Executive Director of Finance and Public Protection is, under the nomination at 4 above, the Officer responsible under S114 of the Local Government (Finance) Act 1988. Executive Director of Finance and Public Protection may elect to delegate the day to day responsibilities to the Assistant Director Finance and Resources.

## D GENERAL CONDITIONS APPLYING TO ALL OFFICER DELEGATED POWERS

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

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

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**Part 4**

**RULES OF PROCEDURE**

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## COUNCIL PROCEDURE RULES

### 1. SCOPE OF THESE PROCEDURE RULES

- 1.1 All of the rules set out in these Council Procedure Rules apply to all meetings of the full Council.
- 1.2 None of the rules set out in these Council Procedure Rules apply to meetings of the Executive or Committees of the Executive.
- 1.3 Rules 5–9 inclusive and Rules 12-20 inclusive (but not Rule 19.1) of these Council Procedure Rules apply to meetings of all
  - Overview and Scrutiny Committees as referred to in Article 6
  - Regulatory and Other Committees referred to in Article 7 (but Rules 5 and 9 do not apply to the Health and Wellbeing Board) and
  - Sub-Committees or joint committees or joint panels of any Overview and Scrutiny Committee or Regulatory or other Committee referred to above
- 1.4 Where these Council Procedure rules apply to any other body other than the full Council then in their application to that body the term “Councillor” shall be taken to include any non-elected member of that body.

### 2. ANNUAL MEETING OF THE COUNCIL

- 2.1 In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 clear working days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the Chairman of Council is not present;
- (b) elect the Chairman of Council;
- (c) elect the Vice Chairman of Council;
- (d) approve the minutes of the last meeting;
- (e) receive any announcements from the Chairman;
- (f) elect the Leader in accordance with paragraph 5.03 of Article 5;

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*approved version 19.05.17*

## 4. EXTRAORDINARY MEETINGS

### 4.1 Calling extraordinary meetings

Those listed below may request the Proper Officer to call Council meetings in addition to ordinary meetings:

- (a) the Council by resolution;
- (b) the Chairman of the Council;
- (c) the Monitoring Officer; and
- (d) any five Members of the Council if they have signed a requisition presented to the Chairman of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition.

### 4.2 Business

The only business to be conducted at an extraordinary meeting of the Council shall be the business specified in the summons to the meeting.

## 5. APPOINTMENT OF FIXED TERM MEMBERS OF COMMITTEES AND SUB-COMMITTEES

The ~~Head of Paid Service Chief Executive~~ (or an Officer authorised by the ~~Head of Paid Service Chief Executive~~ to act on his or her behalf) will appoint Councillors to Overview and Scrutiny, Regulatory and other Committees and Sub-Committees in accordance with nominations made to him or her in writing by the appropriate Group Leader, Deputy Group Leader or Group Whip.

The nomination must state that it is the Group's wish that the nominated Councillor sit on the Committee or Sub-Committee

- for that meeting only after which the original member will automatically be re-appointed to the committee or sub-committee or
- for a specified period after which the original member will automatically be re-appointed to the committee or sub-committee or
- until further notice in which case if the originally appointed Councillor is to return to the committee or, sub-committee, he/she will be reappointed by nomination to the ~~Head of Paid Service Chief Executive~~ in accordance with this Rule

To be valid a nomination in accordance with this paragraph 5 must be in the possession of the ~~Head of Paid Service Chief Executive~~, or an officer authorised by the ~~Head of Paid Service Chief Executive~~ to act on his/her behalf, before the start of the meeting to which the nomination relates.

There cannot be "replacement Members" for Executive Councillors

The Head of Paid Service Chief Executive will not be required to and shall not appoint to the Planning and Regulation Committee, Definitive Map and Statement of Public Rights of Way Sub-Committee or Pensions Committee or Audit Committee any Councillor nominated in accordance with this rule unless that Councillor has undergone the relevant training. Earlier training will be considered to have expired two months after the quadrennial election to the County Council, and only members who have received training after the said election may be appointed to the above bodies.

## **6. TIME AND PLACE OF MEETINGS**

Subject to any other provision of this Constitution, the time and place of meetings will be determined by the Head of Paid Service Chief Executive and notified in the summons.

## **7. NOTICE OF AND SUMMONS TO MEETINGS**

The Head of Paid Service Chief Executive will give notice to the public of the time and place of any meeting of a body to whom these Council Procedure Rules apply in accordance with the Access to Information Rules.

At least five clear working days before any such meeting, Head of Paid Service Chief Executive will send a summons signed by him or her by post to every Councillor and also to any non-elected member of the Council who is a member of the body in question or leave it at their usual place of residence.

The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

## **8. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and Sub-Committee meetings, references to the Chairman also include the Chairman of Committees and Sub-Committees.

## **9. QUORUM**

The quorum of a meeting (except for that of the Executive) will be one quarter of the whole number of members of the body concerned (including non-elected members of that body) rounded up to the nearest whole number. For example, the quorum of Lincolnshire County Council while it has 70 seats is 18.

During any meeting if the Chairman counts the number of members (including non-elected members) of the body present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will

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## **ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, Overview and Scrutiny Committees and Sub-Committees, Regulatory and other committees and public meetings of the Executive (together called meetings).

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.

### **3. RIGHTS TO ATTEND MEETINGS**

Members of the public may attend all meetings subject only to the exceptions in these rules.

### **4. NOTICES OF MEETING**

The Council will give at least five clear working days' notice of any meeting by posting details of the meeting at County Offices, Newland, Lincoln LN1 1YL - and on the Council's Web-site.

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

At least 5 clear working days before the meeting the Council will make copies of the following documents available for inspection by members of the public at County Offices, Newland, Lincoln and publish these documents on the Council's website

- a) the agenda for the meeting; and
- b) any reports which are to be made available to the public in accordance with these procedure rules.

Where the meeting is convened at less than 5 clear working days' notice in accordance with Rule 16 or 17, a copy of the agenda and associated reports will be made available for inspection at the time the meeting is convened.

If an item is added to an agenda after it has been made publicly available, the revised agenda and any report relating to the item for consideration will be made available for inspection from the time the item was added to the agenda.

- (b) The Proper Officer has made a copy of that notice available for inspection by the public at County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website; and
- (c) at least five clear days have elapsed since the Proper Officer complied with (b).

## **17. SPECIAL URGENCY**

17.1 Where the date by which a key decision must be made, makes compliance with Rule 16 (general exception) impracticable, the decision may only be made where the decision maker has obtained agreement from:-

- (a) the Chairman of the relevant Overview and Scrutiny Committee; or
- (b) if there is no such person, or if the Chairman of the relevant Overview and Scrutiny Committee is unable to act, the Chairman of the Council; or
- (c) where there is no Chairman of either the relevant Overview and Scrutiny Committee or of the Council, the Vice-Chairman of the Council

that the making of the decision is urgent and cannot reasonably be deferred.

The relevant Chairman or Vice-Chairman must consult with the Leader of the Council or if he cannot act, a Deputy Leader, the relevant Chief Officer or his nominee and the Leader of the Opposition or relevant Shadow Executive Councillor or as many of the above as are available.

The ~~Head of Paid Service Chief Executive~~ or his nominee shall determine which is the relevant Overview and Scrutiny Committee for these purposes. The relevant Chairman or the Vice-Chairman shall consider the advice of the Monitoring Officer and Director of Finance and Public Protection in resolving their view on urgency.

17.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 17.1 that the making of the decision is urgent and cannot be reasonably deferred, the decision maker must make available at County Offices, Newland, Lincoln on weekdays during office hours and on the Council's website a notice setting out the reasons that the making of the decision is urgent and cannot reasonably be deferred.

## **18. REPORT TO COUNCIL**

### **18.1 When an Overview and Scrutiny Committee can require a report**

If an Overview and Scrutiny Committee thinks that an Executive decision has been taken which was not treated as being a key decision and the Committee are of the opinion that the decision should have been treated as a key

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## 20. NOTICE OF MEETINGS OF THE EXECUTIVE

All Members of the Executive or its Committees will be entitled to receive five clear working days' notice of a meeting to which they are summoned unless the meeting is convened at shorter notice as a matter of urgency.

## 21. ATTENDANCE AT MEETINGS

Any Councillor may attend any meeting of the Executive, Committees and Sub Committees. That Councillor may speak (but not vote) with the consent which will usually be given by the Chairman of the meeting, except local Councillors who have a right to speak on a matter affecting their division and adjoining divisions.

A Councillor who is not a member of the Committee or Sub Committee may be temporarily excluded from any meeting or part while any particular items of business are dealt with.

- (a) All Executive Councillors will be served notice of all meetings of a Committee of the Executive to consider exempt or confidential items, whether or not they are members of that Committee.
- (b) All Executive Councillors are entitled to attend a meeting of any Committee of the Executive.

### Overview and Scrutiny Committee Members

- (a) Notice of meetings of the Executive to consider "confidential" or "exempt" items and its Committees will be served on the Chairmen of all Overview and Scrutiny Committees, at the same time as notice is served on members of the Executive. Where an Overview and Scrutiny Committee does not have a Chairman, the notice will be served on all the members of that Committee.
- (b) Where a matter under consideration is "confidential" or "exempt" at a meeting of the Executive, or a Committee of it and is within the remit of an Overview and Scrutiny Committee, the Chairman of that Committee or in his/her absence the Vice-Chairman may attend that meeting with the consent of the person presiding, and speak if those present agree.

### Officers

- (a) The ~~Chief Executive~~Head of Paid Service, the Executive Director of Finance and Public Protection, the Monitoring Officer and the relevant Chief Officer, and their nominees are entitled to attend any meeting of the Executive and its Committees. The Executive may not meet unless the Proper Officer has been given reasonable notice that a meeting is to take place.

## **BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**

### **1. THE FRAMEWORK FOR EXECUTIVE DECISIONS**

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

### **2. PROCESS FOR DEVELOPING THE BUDGET**

- (a) Details of the Executive's consultation process in relation to the Budget is included in the forward plan and published at the Council's main offices and on the Council's website.
- (b) The Executive carries out consultation in accordance with its published process.
- (c) The Executive publishes initial proposals for the Budget Framework taking into account:-
  - (i) any representations made to the Executive as a result of its consultation; and
  - (ii) the outcome of any relevant review of policy conducted by an Overview and Scrutiny Committee
- (d) The Executive's initial proposals are referred to the relevant Overview and Scrutiny Committee for further advice and consideration taking into account such canvassing of the views of local stakeholders as the relevant Overview and Scrutiny Committee considers appropriate.
- (e) The relevant Overview and Scrutiny Committees respond to the initial proposals of the Executive reporting the outcome of their deliberations.
- (f) The Executive considers the reports of the relevant Overview and Scrutiny Committees and, if it considers it appropriate, amends its proposals.
- (g) The Executive submits its final proposals to the full Council meeting for consideration and in doing so reports to Council on how it has taken into account any recommendations from the relevant Overview and Scrutiny Committees.

### **3. PROCESS FOR DEVELOPING THE POLICY FRAMEWORK**

- (a) The Executive publicise by including in the Forward Plan published at the Council's offices and on its website, a timetable in accordance with

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which it will make proposals to the Council for the adoption or amendment of any plan or strategy that forms part of the Policy Framework.

- (b) Within this timetable the relevant Overview and Scrutiny Committees will conduct such research, consultation with stakeholders and investigations as are necessary to enable it to develop proposals for the content or amended content of the relevant Plan or Strategy.
- (c) The relevant Overview and Scrutiny Committee will present recommendations as to the content or amended content of the relevant plan or strategy to the Executive in accordance with the timetable.
- (d) The Executive will finalise its proposals for the Council to consider having taken into account the proposals from the relevant Overview and Scrutiny Committees. The Executive's report to Council will show its response to those proposals.

#### **4. APPROVAL OF THE BUDGET AND THE POLICY FRAMEWORK**

- (a) The Council will consider the proposals of the Executive for the Budget and Policy Framework and may adopt them, amend them, refer them back to the Executive for further consideration, or substitute its own proposals in their place. In considering the matter, the Council shall have before it the Executive's proposals and any report from any relevant Overview and Scrutiny Committee.
- (b) The Council's decision will be publicised and a copy shall be given to the Leader.
- (c) The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposals without amendment) or (if the Executive's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of 5 clear working days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (d) If the Leader objects to the decision of the Council, he/she shall give written notice to the Head of Paid Service Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notification must state the reasons for the objection. Where such notification is received, the Head of Paid Service Chief Executive shall convene a further meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting.
- (e) The Council meeting must take place within 20 clear working days of the receipt of the Leader's written objection. At that Council meeting, the decision of the Council shall be reconsidered in the light of the objection, which shall be available in writing for the Council.

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- (f) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public and shall be implemented immediately.

#### **5. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Subject to the provisions of paragraph 7 (virement) the Executive, Committees of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions may only take decisions which are in line with the Budget and the Policy Framework.
- (b) If the Executive, Committees of the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions want to make a decision which is contrary to the Policy Framework or is contrary to or not wholly in accordance with the Budget approved by full Council, then
  - (i) they shall take advice from the Monitoring Officer and/or the Chief Financial Officer as to whether the decision they want to make would be contrary to the Policy Framework, or contrary to or not wholly in accordance with the Budget.
  - (ii) if the advice of either of those Officers is that the decision would be contrary to the Policy Framework or contrary to or not wholly in accordance with the Budget then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 6 (urgent decisions outside the Budget or Policy Framework) shall apply.
- (c) In determining whether a decision is or would be contrary to or not wholly in accordance with the Budget, regard will be had to the rules as to virement specified from time to time in the Council's Financial Regulations.

#### **6. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) The Executive, a Committee of the Executive, an individual Executive Councillor or Officers or joint arrangements discharging Executive functions may take a decision which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by full Council if the decision is a matter of urgency and:
  - (i) it is not practical to convene a quorate meeting of the full Council; and
  - (ii) the ~~Head of Paid Service Chief Executive~~ or his nominee, in consultation with

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the Leader of the Council or if he cannot act, a Deputy Leader, the Chairman of a relevant Overview and Scrutiny Committee or, if the Chairman cannot act, the Vice-Chairman of a relevant Overview and Scrutiny Committee or if neither can act, a nominee of the Chairman or if he cannot nominate, a nominee of the Vice-Chairman and the relevant Chief Officer or his/her nominee, or

if there is no Chairman or Vice-Chairman of a relevant Overview and Scrutiny Committee, or if the Chairman or Vice-Chairman of each relevant Overview and Scrutiny Committee is unable to act or nominate, then in consultation with as many of the above as are available

considers that the taking of the decision cannot be reasonably deferred.

- (b) The reasons why it is not practical to convene a quorate meeting of full Council and the Head of Paid Service Chief Executive's consent to the decision being taken as a matter of urgency must be noted on the record of the decision.
- (c) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

## **7. VIREMENT**

- (a) The Council's Financial Regulations set out the rules for the operation of virement across the budgets allocated for particular functions of the Council.
- (b) Virement in excess of the limits from time to time prescribed for the purposes of the Financial Regulations shall require the prior approval of full Council.

## **8. IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Executive, a Committee of the Executive, an individual Executive Councillor or Officers or joint arrangements discharging Executive functions must be in line with it. No changes to any policy and strategy, which make up the policy framework, may be made by those bodies or individuals except those changes which are necessary to ensure compliance with the law, ministerial direction or government guidance.

## **9. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

## EXECUTIVE PROCEDURE RULES

### 1. HOW THE EXECUTIVE OPERATES

#### 1.1 Who may make Executive decisions

The nature, composition and role of the Executive is set out in Article 5. The arrangements for the discharge of Executive functions are set out in Part 3 of this Constitution. The Leader may decide how any functions which fall within the remit of the Executive under the said arrangements are to be exercised. In either case, the arrangements or the Leader may provide for Executive functions to be discharged by:

- (a) the Executive as a whole;
- (b) a Committee of the Executive;
- (c) an individual Member of the Executive;
- (d) an Officer;
- (e) joint arrangements; or
- (f) another local authority.

#### 1.2 Delegation by the Leader

At the annual meeting of the Council, the Leader will present to the Council a written record of the appointments and delegations made by him/her for inclusion in the Council's Scheme of Responsibility for Functions at Part 3 to this Constitution. The document presented by the Leader will contain the following information about Executive functions in relation to the coming year:

- (i) the names, addresses and electoral divisions of the people appointed to the Executive by the Leader and their areas of responsibility for the purposes of paragraph 1.3 below;
- (ii) the extent of any limitation on the authority otherwise given to those persons as Executive Councillors under paragraph 1.3 below;
- (iii) the terms of reference and constitution of such Executive Committees as the Leader appoints and the names of Executive Councillors appointed to them (to be published within five clear working days of the decision to establish the Committee);

- (e) If an Executive Councillor wishes to take a decision against Officer advice, the Executive Councillor must make their recommendations to the full Executive for confirmation or otherwise.
- (f) An Executive Councillor may refer any matter within their delegated authority to the full Executive for decision.
- (g) Decisions taken by an individual Executive Councillor will comply with Rule 21 of the Access to Information Procedure Rules.
- (h) Decisions by Executive Councillors will only be taken after confirmation by the appropriate Chief Officer that the Chief Officer had received appropriate advice from the Monitoring Officer, the Executive Director of Finance and Public Protection and the ~~Chief Executive~~Head of Paid Service.
- (i) Nothing in the preceding sub-paragraphs in this paragraph 1.3 shall affect or detract from the authority of an individual Executive Councillor to exercise any function which is conferred directly on that Executive Councillor by any provision of this Constitution and any such authority shall not require any delegation from the Leader.

#### 1.4 **Sub-delegation of Executive functions**

- (a) Where the Executive, a Committee of the Executive or an individual Executive Councillor is responsible for an Executive function, they may delegate further to joint arrangements or an Officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a Committee of the Executive, an individual Executive Councillor or to an Officer.
- (c) Unless the Leader directs otherwise, a Committee of the Executive to whom functions have been delegated by the Leader may delegate further to an Officer.
- (d) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

#### 1.5 **The Council's scheme of Responsibility for Functions and Executive functions**

- (a) Subject to (b) below the Council's Scheme of Responsibility for Functions will be subject to adoption by the Council and may only be amended by the Council who will review it annually in the annual Council Meeting. It will contain the details required in Article 5 and set out in Part 3 of this Constitution.

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## **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 Board may take place if there is any matter called-in for the 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 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 Board will submit an annual work programme to the first appropriate meeting after the County Council's annual meeting.

The Overview and Scrutiny Management 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 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 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 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 Head of Paid Service 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 Board. If the Head of Paid Service Chief Executive rejects the Councillor Call for Action request, this will be reported to the next meeting of the Overview and Scrutiny Management Board.

- (b) Where the Overview and Scrutiny Management Board 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 Board, 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 Communities and Public Protection 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 Board.
- (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 Head of Paid Service 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 Head of Paid Service Chief Executive rejects the Councillor Call for Action, this will be reported to

- (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.

- (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 Board if requested by
  - (i) The Chairman or Vice-Chairman of the Overview and Scrutiny Management 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 subparagraph (ii) above.

- (d) The Chairman and Vice-Chairman of the Overview and Scrutiny Management 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 Head of Paid Service 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 Head of Paid Service Chief Executive shall only permit the call-in if in consultation with the Chairman and Vice-Chairman of the Overview and Scrutiny Management Board shall determine whether the request meets the requirements of paragraphs (e) and (f). The Head of Paid Service 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 Board will be informed at its next meeting. Where the Head of Paid Service 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 Board and notify the decision taker of the call-in. The date of the Head of Paid Service 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 Board on such date as shall enable the Board to consider the call-in within the period specified in paragraph (m). If the next scheduled meeting of the Overview and Scrutiny Management 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 Board and the decision be reconsidered by the decision-maker prior to the deadline date.

The ~~Head of Paid Service Chief Executive~~ or his nominee in consultation with the Chairman or Vice Chairman of the Overview and Scrutiny Management 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 Board for an item called in.
- (l) If, having considered the decision, the Overview and Scrutiny Management 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 10 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 Board either:

# FINANCIAL REGULATIONS AND PROCEDURES

## Financial Regulations for Lincolnshire County Council

### Background

- A: Financial Management
- B: Financial Planning
- C: Risk Management and Control of Resources
- D: Systems and Procedures
- E: External Arrangements
- F: Revisions and amendments

### Appendix A: Index of Financial Procedures

## 1. BACKGROUND

- 1.1 Lincolnshire County Council is one of the largest local authorities in England. It provides a diverse range of services to its residents. It works in partnership with district, parish and town councils, police, probation and health providers and a number of other organisations.
- 1.2 Lincolnshire County Council's governance structure is laid down in its Constitution, which sets out how the Council operates, how decisions are made and the procedures that are followed. This document forms part of the Constitution and should be read in conjunction with it.
- 1.3 The Authority has adopted a Leader and cabinet form of Executive.

## 2. FINANCIAL REGULATIONS

- 2.1 Financial Regulations provide the framework for managing the financial affairs of Lincolnshire County Council. They apply to every Councillor and Officer of the Council and anyone acting on its behalf. Financial Regulations must be adhered to at all times. All Chief Officers are accountable to the Executive Director of Finance and Public Protection for compliance with these rules. The Executive Director of Finance and Public Protection is accountable to the Council. All Officers with delegated responsibility for undertaking financial responsibility are accountable to their Chief Officer for compliance with the Financial Regulations.
- 2.2 The regulations identify the financial responsibilities of the full Council, Executive and Overview and Scrutiny Councillors, the Head of Paid Service, ~~the~~ (Chief Executive), the Monitoring Officer, the Executive Director of Finance and Public Protection, other Chief Officers and other Officers. Executive Councillors and Chief Officers should maintain a written record where decision making has been delegated to Members of their staff, including seconded staff. Where decisions have been delegated or devolved to other responsible Officers, such as school governors, references to the Chief Officer in the regulations should be read as referring to them.
- 2.3 All Councillors and officers have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and contributes to the achievement of Best Value.
- 2.4 Should a material unauthorised breach of the Financial Regulations come to light then it must be reported immediately to the Executive Director of Finance and Public Protection. The Executive Director of Finance and Public Protection is responsible for maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to the full Council for approval. The Executive Director of Finance and Public Protection is also responsible for reporting material breaches of the Financial Regulations to Chief Officers, the Executive or the full Council as appropriate according to the severity of the breach.

The 'Head of Internal Audit' is required to provide an annual opinion on the effectiveness of the Council's governance, risk and internal control environment (including financial control) to the Audit Committee. This helps inform the Council's Annual Governance Statement – which is a self-assessment on how well the Council has been run.

## **THE STATUTORY OFFICERS**

The Statutory Officers have responsibilities that lie within the Financial Regulations. These are set out below. The full scope of responsibilities for these Officers are contained within Article 10 of the Constitution.

### **Head of Paid Service (Chief Executive)**

- A.10** The Head of Paid Service is responsible for the corporate and overall strategic management of the Council as a whole. He/she must report to and provide information for the Executive, the full Council, the Overview and Scrutiny Committees and Panels, other Committees and Groups and is responsible for supporting all Councillors and non-elected members of the Council. He/she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions.

### **Monitoring Officer**

- A.11** The Monitoring Officer is responsible for advising all Councillors and non-elected members and Officers about who has authority to take a particular decision.
- A.12** The Monitoring Officer together with the Executive Director of Finance and Public Protection is responsible for advising the Executive or full Council about whether a decision is likely to be considered contrary to or not wholly in accordance with the Budget and Policy Framework. Actions that may be contrary include:
- initiating a new policy;
  - committing expenditure above the budget level;
  - causing the total expenditure financed from Council Tax, grants, borrowing and general reserves to increase.

### **Executive Director of Finance and Public Protection**

- A.13** The Executive Director of Finance and Public Protection has statutory duties in relation to the financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from:

- C.10** The Executive Director of Finance and Public Protection is responsible for the development and maintenance of a Counter Fraud Policy and Whistleblowing Policy – which should be endorsed and approved by the Audit Committee.

The Head of Paid Service (~~Chief Executive~~) is ultimately accountable for the effectiveness of the Council's arrangements for countering fraud and corruption.

Chief Officers should ensure that they assess the risk of fraud, corruption and theft in their service areas and reduce these risks by implementing strong internal controls.

Chief Officers are responsible for reporting all suspected fraud or financial irregularity in their service areas to the Internal Audit function.

Public bodies, such as this Authority, are required to have a Whistleblowing policy and to ensure that employees are not victimised or dismissed for raising their concerns internally.

The Executive Director of Finance and Public Protection is responsible for overseeing the effectiveness of the Council's governance arrangements – this includes the Council's whistleblowing arrangements. The Internal Audit function is responsible for maintaining the whistleblowing reporting arrangements.

The Executive Audit Committee will scrutinise the effectiveness of the Authority's Counter Fraud and Whistleblowing arrangements.

## **ASSETS**

- C.11** Chief Officers should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.
- C.12** Responsibility for disposal of unwanted and obsolete items rests jointly with the Executive Director of Finance and Public Protection and Chief Officers up to a value of £20,000 at the point of disposal and with individual Chief Officers below £5,000 at the point of disposal. Items above the specified limit require the approval of the relevant Executive Councillor. Disposals should be in accordance with Financial Procedures.
- C.13** The Executive Director of Finance and Public Protection is responsible for the estate management, including all property acquisition and disposal, of the County Council and the overall objectives for this are contained in the Property Management Strategy held in the Executive Director of Finance and Public Protection's Office. Where such acquisition and disposal forms part of a wider project or initiative then that wider project or initiative will still require approval in accordance with the Constitution.

# OFFICER EMPLOYMENT PROCEDURE RULES, OFFICER EMPLOYMENT PROTOCOL AND THE COUNCILLOR'S ROLE

## OFFICER EMPLOYMENT PROCEDURE RULES

(These rules cover statutory requirements and form the Council's standing orders in respect of employment.)

### 1. DEFINITIONS

In this Order the following words have the following meanings:

The 1989 Act	The Local Government and Housing Act 1989.
The 2000 Act	The Local Government Act 2000.
The 2011 Act	The Localism Act 2011.
Chief Finance Officer	The officer having responsibility for the purposes of section 151 of the Local Government Act 1972.
Disciplinary Action	In relation to a member of staff of the County Council, any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the County Council, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the County Council has undertaken to renew such a contract.
Employee	Person appointed to or holding a paid office or employment under the authority.

- 2.2 Paragraph 2.1 shall not apply to the appointment or dismissal of, or disciplinary action against employees within the description of paragraph 3 of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001 (SI 3384 of 2002), which may be summarised as:
- (a) ~~Chief Executive as~~ Head of Paid Service;
  - (b) Chief Officers;
  - (c) Officers (other than clerical and administrative staff) who report directly to the ~~Chief Executive~~Head of Paid Service;
  - (d) Officers who directly advise the Council;
  - (e) Officers who report directly to the above officers;
  - (f) Political assistants.
- 2.3 Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the appointment of an officer designated as the Head of the County Council's Paid Service, the full Council must approve that appointment before an offer of appointment is made to that person.
- 2.3A Where a committee, sub-committee or officer is discharging, on behalf of the Council, the function of the dismissal of an officer designated as the Head of the County Council's Paid Service, as the Council's Chief Finance Officer or as the Council's Monitoring Officer, the full Council must approve that dismissal before notice of dismissal is given to that person.
- 2.4 Where a committee or a sub-committee of the Council is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in paragraph 2.2 other than in relation to political assistants, at least one member of the Executive must be a member of that committee or sub-committee.
- 2.5 In paragraphs 2.5 and 2.6 "appointor" means, in relation to the appointment of a person as an officer of the County Council, the Council or where a committee, sub-committee or officer is discharging the function of appointment on behalf of the County Council, that committee, sub-committee or officer, as the case may be.
- 2.6 An offer of an appointment as an officer referred to in paragraph 2.2 other than in relation to political assistants, must not be made by the appointor until:
- (a) The appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;

## **OFFICER EMPLOYMENT PROTOCOL INCLUDING THE COUNCILLOR'S ROLE**

### **1. INTRODUCTION**

The County Council is a very substantial employer and, from time to time, Councillors may be required to get involved in employee matters in the areas of appointment or appeals against dismissal as described at paragraph 7.05 of Article 7, of Part 2. It is important that any involvement in staffing matters by Councillors is within the spirit and the constraints of the Council's existing employee relation procedures. Councillors need to be aware that inappropriate actions may prejudice a Councillor's ability to be involved in officer appointments or disciplinary appeals.

Although Councillors are in the position of employer in relation to all the officers of the County Council, it is the senior officers of the Council who are responsible for the day-to-day line management control, appointment, development and disciplinary arrangements for staff. Councillors should therefore not seek to involve themselves in day-to-day staffing matters.

### **2. A COUNCILLOR'S ROLE IN STAFFING MATTERS**

Councillors should conduct their business with the County Council and any of its officers in a way which enhances good relationships between Councillors, the managers employed by the County Council and the officers generally. The County Council has established sound personnel functions and effective machinery to facilitate good relationships with its employees and with those trade unions which are recognised as the employees' representatives. Various joint Committees exist in which joint discussions take place between Councillors, Senior Officers and representatives of the employees. The involvement and advice of the Executive Director with responsibility for People Management in such consultations ensures a professional and consistent approach to this key aspect of employer relations.

In addition, every employee has available for use a grievance procedure which may be exercised in relation to employment, provided it is not a matter concerning the grading of a post. As far as grading is concerned, this is a matter for the application of the National and/or Local Conditions of Service on the advice of the Executive Director with responsibility for People Management and in accordance with the Council's Rules and Procedures. In this area too, there are established arrangements for consultation with recognised trade unions as appropriate.

In the light of all of the above, Councillors should ensure that they only become involved in staffing matters within the established arrangements and procedures. If Councillors are:

- (a) concerned about the conduct of an officer or group of officers;
- (b) concerned about the working arrangements of an officer or group of officers;
- (c) approached by an officer, even as one of their constituents, regarding any matter affecting employment or working conditions; or
- (d) approached by a trade union official on behalf of a trade union or an individual officer;

they should make no comment or commitment and refer the matter in writing or by discussion to the Chief Officer who is responsible for the day-to-day management of the service in which the officer is employed.

It is then the Chief Officer's responsibility, in consultation with other professional advisers as appropriate, to investigate and resolve matters.

Exceptionally, there may be matters of such delicacy or seriousness that Councillors should report them directly to the ~~Chief Executive~~Head of Paid Service.

In all cases Councillors must ensure that they take no action and should make it clear to those officers or others who approached them that the matter will be referred to the appropriate Chief Officer for resolution in accordance with the Council's normal procedures. Likewise officers should not raise any employment matters with Councillors or seek to lobby Councillors on matters such as staff appointments, gradings or promotion.

Mutual respect between Councillors and Officers is essential to good local government. Close personal familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers.

### **3. RECRUITMENT AND APPOINTMENT**

The law and the Employment Procedure Rules of this Constitution lay down rules for the appointment, discipline and dismissal of officers. These must be observed scrupulously at all times. If a Councillor is called upon to take part in appointing an Officer, the only question he/she should consider is which candidate would best serve the whole Council. Councillors should not let their political or personal prejudices influence their judgement. They should not canvass the support of colleagues for any candidate and they should resist any attempt by others to canvass their support.

#### **3.1 Declarations**

- 4.1 Where the Council intends to appoint the Head of Paid Service or a Chief Officer and it is not proposed that the appointment will be made exclusively from among its existing Officers, the Council will:
- (a) draw up a statement specifying:
    - (i) the duties of the Officer concerned; and
    - (ii) any qualifications or qualities sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way that it is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph (a) to be sent to any person on request.
- 4.2 For the purpose of these Rules, the term "Chief Officer" means the holder of posts of Chief Officer within the meaning of these terms in the Local Government and Housing Act 1989 and therefore includes the holder of the post of Monitoring Officer to the Council.
- 4.3 For posts of Chief Officer, the Chief Executive/Head of Paid Service will draw up a shortlist of suitably qualified applicants for consideration and interview by the Appointments Committee.
- 4.4 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by the Appointments Committee.
- 4.5 The full Council may only approve the appointment of the Head of Paid Service where no well-founded objection has been made from any member of the Executive.
- 4.6 The Appointments Committee shall make appointments to the posts of Chief Officer.
- 4.7 An offer of employment as a Chief Officer shall only be confirmed where no well-founded objection has been made by any member of the Executive.

## **5. APPOINTMENTS OTHER THAN CHIEF OFFICERS**

- 5.1 Appointments of Officers below Chief Officer are the responsibility of the Head of Paid Service and his nominees, and shall not be made by the Appointments Committee.
- 5.2 Appointments to posts of Deputy Chief Officer as defined in Section 2 of the Local Government and Housing Act 1989 are delegated to the Head of Paid Service and his nominees. The Head of Paid Service will normally nominate

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the relevant Chief Officer who shall establish a suitable selection process within which the appropriate Executive Councillor, opposition spokesmen and Chief Executive Head of Paid Service shall be consulted. Such appointments are subject to Executive referral as set out in paragraph 2 of the Employment Procedure Rules of this Constitution.

## **6. DEPUTY CHIEF FINANCE OFFICER AND DEPUTY MONITORING OFFICER**

These appointments are reserved by law to be made by the Chief Finance Officer and Monitoring Officer respectively.

## **7. POWERS OF CHIEF OFFICERS IN RELATION TO EMPLOYMENT MATTERS**

- 7.1 Subject to the Employment Procedure Rules of this Constitution, the Chief Executive Head of Paid Service and his nominees have delegated authority to take decisions relating to staffing and personnel matters. Decisions related to the early retirement or redundancy of one or more officers, must be made in accordance with the arrangements set out in 'Early Retirement and Redundancy Policy - Notes of Guidance' issued by the Executive Director of Finance and Public Protection .
- 7.2 Before exercising delegated authority in respect of the following, the Officer must consult as indicated:
- (a) With the relevant Executive Councillor and any other Councillors he may consider appropriate where an employment matter may be sensitive or controversial e.g. redundancy.
  - (b) Decisions taken by the Chief Executive Head of Paid Service and his nominees, using the powers delegated to them, must be consistent with County Council staffing policy and the relevant legislation. Where an Officer is unclear on policy or on the interpretation or application of legislation, or is concerned that a particular course of action may have implications for other Departments or attract public comment, then before taking a decision he must consult the Executive Director with responsibility for People Management. This applies whether or not the decision relates to one of the areas listed (c) to (g) below.
  - (c) Before including in fixed term contracts clauses requiring the waiver of the right to claim unfair dismissal and/or entitlement to redundancy pay/compensation lump sum, Chief Officers should consult the Executive Director with responsibility for People Management as to the efficacy of this course of action and, as appropriate, the form of wording to be used.
  - (d) The Executive Director of Finance and Public Protection shall be consulted where it is proposed to pay honoraria/ex-gratia payments to

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## **Part 5**

**SECTION A – STANDARDS AND VALUES**  
**SECTION B – MEMBERS CODE OF CONDUCT**  
**SECTION C – OFFICERS CODE OF CONDUCT**  
**SECTION D – OFFICER/MEMBER PROTOCOLS**

**SECTION D1 – Protocol on Officer/Member Relationships**  
**SECTION D2 – Councillor Involvement in Commercial Transactions**  
**SECTION D3 – Harassment, Intimidation and Unacceptable  
Behaviour**  
**SECTION D4 – Planning Development Control Process**  
**SECTION D5 – Confidential Reporting Code**  
**SECTION D6 – Petitions Scheme**

## PROTOCOL ON MEMBER/OFFICER RELATIONS

### 1. GENERAL

#### 1.1 Rationale

The purpose of this Protocol is to enhance working relationships between Members and Officers of the Council. Whilst the Protocol cannot be comprehensive, it sets out guidance on some of the key issues that arise in those relationships. The Protocol also seeks to reflect both the principles underlying the respective Codes of Conduct for Members and for Officers and the seven General Principles of Conduct in Public Life.

#### 1.2 Remit

For the purposes of this Protocol, and unless stated otherwise, the term "Member" includes both elected members (i.e.- councillors) and added members (i.e.- non elected appointed or co-opted, voting or non-voting).

#### 1.3 Fundamental Principles

- Members and Officers of the Council are obliged to act within the law and in compliance with relevant standards and codes of conduct.
- The role of a Member is defined in Statute. In law all Members are equal and have the responsibilities of trustees.
- The over-riding duty of a Member is to the whole community, with a special duty (if a councillor) to their constituents.
- Officers serve the whole Council as a single statutory corporate body.
- Officers advise the Executive, the Council and its Committees and are responsible for ensuring that the decisions of the Council are effectively implemented.
- Officers are required to be politically neutral and, for some employees, this is enforced through the political restrictions imposed by the Local Government and Housing Act 1989.
- The interests of the Council are best served where there is mutual confidence and trust between all Members and Officers.
- Both Members and Officers have responsibility for decision making within the schemes of delegation for both Council and Executive functions as set out in the Council's Constitution
- Members should understand and respect the roles of the Council's main statutory officers (namely, the ~~Chief Executive as the~~ Head of Paid Service, ~~the Executive Director for Environment and Economy as~~ the Monitoring Officer, and the ~~Executive Director of Finance and Public Protection as the~~ Section 151 Officer).
- The Chief Executive and Chief Officers (and Senior Officers working to them) should work closely with members of the ruling group to ensure effective policy development and efficient executive decision making
- Officers will provide adequate support to all Members in their local or representational role

#### 1.4 Provision of Advice

- (a) Members should recognise that Officers have the duty and right to provide appropriate professional advice, and the right to have that advice recorded, so that all Members are fully aware of the implications of their decisions.
- (b) Officers should recognise that it is the right of the Members to take the final decisions in the light of their advice.
- (c) The provision of that advice is the principal means by which Members can gain assurance that their decisions comply with the law and relevant standards or codes of conduct and are in accordance with Council policies and procedures.
- (d) The advice provided by the Officers should be factual, honest, objective and politically neutral and based on professional experience and expertise.
- (e) The advice should be sensitive to the political aspirations and constraints of Members but should not reflect, or be influenced by, those aspirations and constraints.
- (f) The advice given by Officers will have the ultimate aim of serving the interests of the Council as a whole, irrespective of whether the current emphasis of an Officer's role is Executive, Overview & Scrutiny or Regulatory.
- (g) It is improper for any Member to seek to influence Officer advice and /or recommendations by subjecting any Officer to undue pressure (see Paragraph 1.5 below). Such advice and recommendations must be those of the officer only.

#### 1.5 Respect and Courtesy

- (a) For the effective conduct of Council business there must be mutual respect and courtesy in all meetings and contacts, both formal and informal, between Members and Officers. It is very important that both Members and Officers remember their respective obligations to enhance the Council's reputation and to do what they can to avoid criticism of Members or Officers.
- (b) If an officer is in breach of this requirement, some form of disciplinary action may result as a consequence of investigation by the Chief Officer ~~or Chief Executive~~.
- (c) If a Member is in breach, then the matter will be discussed, if appropriate, with the ~~Chief Executive~~ Head of Paid Service and/or Monitoring Officer, and will then be dealt with within their political group.

#### 1.6 Undue pressure

- (a) In their dealings with Chief Officers and, more particularly, other Officers, Members must remain aware at all times that Officers have no discretion to act outside Council policies.
- (b) A Member should not apply undue pressure on an officer either to do anything that they are not empowered to do, or to undertake work outside normal duties, or

to respond positively to any requests from Overview & Scrutiny for appropriate information and advice relevant to the issue being considered by Overview & Scrutiny.

- 6.2 When an Officer requests it, the Executive will provide an appropriate Lead Member to attend an Overview & Scrutiny meeting to explain an Executive decision and the reasons for it.

## **7. OFFICERS AND INDIVIDUAL MEMBERS**

- 7.1 Any Group Leader, Executive Member, Group Spokesman, Committee Chairman or Chief Whip/Group Whip or their nominated representative may request a private and confidential briefing from a Chief Officer on matters of policy which have already been or may be discussed by the Council or which are within its decision-making or advisory process. Briefings shall remain strictly confidential and are not to be shared with other Members without the express permission of the relevant Member(s).
- 7.2 Except for the confidential policy advice referred to above, where possible information will be shared among political group representatives. In particular, scrutiny is a cross party process involving all political groups represented on the Council. Information supplied to Scrutiny Chairmen will therefore be shared as a matter of course with each of the political groups.
- 7.3 Individual Members may request any Chief Officer (or another senior Officer of the Directorate concerned) to provide them with information. Where the Member has a right to information and can demonstrate his/her duties as a Member, such requests must be reasonable, and must recognise the need for Officers to maintain the distinction between Executive, Overview & Scrutiny and Regulatory processes.
- 7.4 If a Chief Officer considers the cost of providing the information requested - or the nature of the request - to be unreasonable, he/she shall seek guidance from the Chief Executive/Head of Paid Service as to whether the information should be provided.
- 7.5 Confidential information relating, for example, to casework, should not normally be sought by a Member from an Officer. If, in exceptional circumstances, a Member wishes to discuss confidential aspects of an individual case, they should seek advice from the appropriate Chief Officer and follow any relevant guidance.
- 7.6 Any Council information provided to a Member must only be used by the Member for the purpose for which it was provided (i.e.- the proper performance of the Member's duties).
- 7.7 There will be quarterly informal meetings of all Group Leaders and the ruling group's Deputy Leaders with the Chief Executive/Head of Paid Service. These meetings will be confidential and minuted. Their objective is to help ensure the political management of the Council and build effective relationships.
- 7.8 Any Group Leader can request additional meetings to discuss urgent matters.

## 8. LOCAL MEMBERS

- 8.1 It is essential for the proper running of the Council that Local Members (i.e. - councillors) should be fully informed about matters on which they may be required to make decisions or which affect their electoral divisions.
- 8.2 It is the duty of each Chief **Executive Officer** and Executive Member to ensure that all relevant staff are aware of the need to keep Local Members informed and that the timing of such information allows Local Members to contribute to those decisions.
- 8.3 Local Members shall also be kept informed about matters affecting their divisions during the formative stages of policy development and discussion.
- 8.4 Issues may affect a single electoral division but others may have a wider - even sub-regional - impact, in which case numerous Local Members will need to be kept informed.
- 8.5 Local Members have an important role to play in representing the County Council in their constituencies; responding to the concerns of their constituents; in meetings with partners and serving on outside organisations.
- 8.6 Whenever a public meeting is organised by the Council to consider a local issue, all the Local Members representing the electoral division(s) affected should as a matter of course be invited to attend the meeting.
- 8.7 Similarly, whenever the Council undertakes any form of consultative exercise, the Local Member(s) should be notified at the outset of the exercise.

## 9. OFFICERS AND NON-COUNTY COUNCIL ELECTED REPRESENTATIVES

- 9.1 Officers may be requested to meet with councillors or elected representatives from other Councils or organisations to provide briefings and/or policy advice.
- 9.2 Any Officer requested to attend such a meeting which is not held on a cross-political party basis must obtain the prior authorisation of the **Chief Executive/Head of Paid Service** who shall inform all Group Leaders of the arrangements.

## 10. MEDIA RELATIONS

- 10.1 Advice to the Executive and Executive Members in relation to the media will be provided on a confidential basis if requested.
- 10.2 Executive Members will (through the Communications Team) be able to publicise issues prior to decisions being taken.
- 10.3 Overview & Scrutiny and Regulatory Chairmen shall ensure that all media statements relating to the scrutiny and regulatory functions have the support of the relevant Committee. Any such statements must be consistent with the Council's intent that the scrutiny and regulatory functions shall help to achieve a culture of continuous improvement and good governance throughout the Council.

- 10.4 The Communications Team and other Officers will also assist non-Executive Members (particularly Chairmen and Vice-Chairmen) in their media relations (on a confidential basis if requested).
- 10.5 Any Officer assisting a Member with media relations must act at all times in the interests of the whole Council and in a politically impartial manner. Other than factual statements, Members should not seek assistance from an Officer with the preparation or issue of any media statement that will adversely affect the reputation of the Council.

## 11. REDRESS

- 11.1 If a Member considers that they have not been treated properly by an Officer, they should first try to resolve the matter through direct discussion with that Officer.
- 11.2 The Member may raise the matter with the officer's Line Manager or Chief Officer if the matter cannot be resolved through such discussion. A Member may raise the issue with the Chief Executive/Head of Paid Service if it remains unresolved. Where appropriate, disciplinary action may be taken against an Officer
- 11.3 Similarly, if an Officer feels that they have not been treated properly by a Member and they feel unable to resolve the matter directly with that Member, the Officer should raise the issue with the appropriate Chief Officer. In such circumstances the Chief Officer will take such action as is appropriate, including, if necessary, raising the matter with the relevant Group Leader.
- 11.4 The Chief Officer will inform the Chief Executive/Head of Paid Service if the Group Leader becomes involved, and, in other cases, where appropriate.
- 11.5 If any matter covered by 11.3 above involves an actual or potential breach of the Code of Conduct for Members, it should be referred to the Monitoring Officer.

## 12. ARBITRATION

- 12.1 When necessary or appropriate, the Chief Executive/Head of Paid Service will arbitrate on the interpretation of this Protocol.

**PROTOCOL ON COUNCILLOR INVOLVEMENT  
IN COMMERCIAL TRANSACTIONS****BACKGROUND**

This protocol is designed to support Councillors in their work within the community which is an invaluable part of explaining the intentions of the Council at a local level and which assists in maintaining the Council's responsiveness to legitimate interest groups.

**PRINCIPLES**

The protocol is based upon the following principles.-

- Protecting the personal integrity of Councillors and officers.
- Ensuring the financial and probity interests of the Council are protected.
- Ensuring decisions are based on complete and sound information and advice from appropriate professional staff.
- Ensuring decisions are in accordance with the Council's agreed processes and standards.
- Protecting the Council, its Councillors and officers from undue pressure or inappropriate contact from contractors and parties with a commercial interest in a transaction.

**PROTOCOL**

The Council is engaged at any one time in a large number of commercial transactions, which range from such matters as the procurement of goods, services and works, the purchase or sale of land or the disposal of surplus property to such matters as the provision of advice and/or grant aid to companies.

Councillors frequently have a constructive involvement in such commercial transactions. That involvement is not limited to taking the decision in Council, Committee or Executive as to whether to enter into such contracts and arrangements and in exercising their scrutiny functions to ensure that such arrangements complied with the Council's requirements in terms of propriety and are designed and managed so as to provide the Council with the best possible value for money. Such involvement also extends to their role within the community in making the public aware of the services which the Council can make available, and in effecting introductions between such interested parties and the officers who are responsible for administering and delivering those services.

officer might be swayed in the performance of his/her public duties by such an offer.

The simple ground rules are as follows:

- 2.1 Always declare to the Monitoring Officer at the earliest opportunity any offer or receipt of a gift or hospitality from any person or organisation which has, or seeks to have, any commercial relationship with the Council.
- 2.2 If you have any suspicion that the offer of a gift or hospitality might have been made from improper motive, to influence you in, or to reward you for the performance of, your public duties you should politely but firmly decline the offer and advise the Monitoring Officer, or the Chief Executive/Head of Paid Service in his absence, of your suspicions.
- 2.3 Any gift or hospitality offered should be appropriate in scale and nature to the occasion. In particular, any offer which is made at a time when an issue relating to the person offering the gift or hospitality is before the Council for determination should be viewed with particular care.
- 2.4 Where you accept a gift or hospitality has a commercial value, such as an invitation to a commercial sports event, you should always ensure that you pay the full commercial price (and not just the face value of the ticket) to the person providing the gift or hospitality, and that you declare this to the Monitoring Officer.
- 2.5 Whenever possible, you should put any invitation on an official footing by advising the Monitoring Officer of the offer and requesting an appropriate officer to accept or decline the offer on your behalf.

### **3. PROFESSIONAL ADVICE AND NEGOTIATIONS**

One area of special sensitivity relates to commercial negotiations, where the Council's public service objectives may conflict with the profit motivation of the other party to the negotiation, and where it is accordingly essential to ensure that the end result of the negotiation secures value for money for the Council and does not leave it exposed to excessive liability or risk.

There will be occasions when Councillors can play an invaluable part in such negotiations, not least in expressing to the other party the commitment of the Council to a particular project, or the political constraints within which the transaction occurs. However, given the risks to Councillors from involvement in such negotiations, Councillors should never undertake any commercial negotiation alone directly but limit their role to setting the policy and political framework for approving the final deal.

Council officers will conduct all commercial negotiations and will keep Councillors aware of the progress and implications of their actions. In the exceptional circumstances that the negotiations may benefit from Councillor involvement it will be in accord with the following protocol:

## PROTOCOL ON HARASSMENT, INTIMIDATION AND UNACCEPTABLE BEHAVIOUR

### 1. INTRODUCTION

Lincolnshire County Council expects the highest standard of behaviour from its Councillors and officers. It recognizes acceptable behaviour as the norm and any form of inappropriate behaviour, including harassment or intimidation is unacceptable. The County Council views any harassment or other inappropriate behaviour with the utmost seriousness and is committed to taking positive action to eradicate it.

Unacceptable behaviour by officers will be dealt with through the Council's grievance and disciplinary procedures. As Councillors and added members are not employees and therefore not subject to employee disciplinary procedures this protocol will apply where a Councillor or added member or officer feels that they are being treated in an unacceptable way by a Councillor or added member of the Council.

### 2. WHAT IS HARASSMENT AND INTIMIDATION?

Harassment and intimidation take many forms; therefore it is difficult to give a single definition. It may be directed at an individual or a group, and it may be unintentional. If you feel that you have been treated in a way that is detrimental to your dignity, then you may have been subjected to harassment. Essentially, harassment is unwanted, unreasonable, unwelcome and offensive treatment and includes bullying and threatening behaviour. It includes any treatment which the officer considers to be unreasonable and unwelcome and which causes intimidation or offence.

Councillors and added members are not employees of the County Council and are therefore not part of the usual management arrangements. It is easy for officers to be overawed by Councillors and added members and Councillors and added members need to be aware that they are not in the usual manager/subordinate relationship.

Harassment may show itself in different ways, including the following:

- physical contact, from touching to serious assault;
- bullying, e.g. threatening behaviour, constant unwarranted criticism, belittling or exclusion by colleagues;
- intimidation including threats concerning job security or promotion;
- jokes, offensive language, suggestive remarks or gossip;

- visual display, e.g. pictures or posters which could cause offence;
- discrimination, e.g. on the grounds of race, religion, ethnic origin, disability, gender or sexual orientation, or age coercion;
- indecent, suggestive or over-familiar behaviour or obscene gestures;
- undue pressure to take or make a particular decision;
- misuse of powers in order to intimidate or undermine.

### 3. THE IMPLICATIONS OF HARASSMENT

There are many consequences for the Council if it accepts or tolerates intimidation, harassment, threatening and bullying and other forms of unacceptable behaviour. For example, it can result in a "blame culture" which hampers flair and innovation. Furthermore, such incidents could result in substantial employment claims against the Council for discrimination, stress or other matters. The Council is also mindful of the comments by the Society of Local Authority Chief Executives that they believe that:

"good local authorities are characterised by two things: clear political leadership and strong management competencies. We believe that these cannot exist in places where a climate of bullying and fear is seen as acceptable. We further believe that such behaviour provides a breeding ground for poor performance and may even contribute to corruption where Officers (and Members) feel unable to challenge decisions of overly powerful Councillors or colleagues."

### 4. MAKING A COMPLAINT

Any complaints by an officer about a Councillor or an added member should be referred in the first instance to their Chief Officer or the **Chief Executive/Head of Paid Service**.

Complaints by a Councillor or added member about another Councillor or added member should be referred in the first instance to the **Chief Executive/Head of Paid Service** or Group Leader.

The response to a complaint of harassment will be:

- the complaint will be treated seriously;
- the complaint will be dealt with in a sensitive and confidential way;
- help and support throughout the process of dealing with the issue will be provided;
- anyone subjected to harassment will not suffer or be victimised through making a complaint;
- The County Council will regard any such incidents as serious and they will be fully investigated and acted upon as appropriate.

Initially unacceptable behaviour relating to harassment or intimidation will be approached by mediation, by or within the political group concerned where

**LINCOLNSHIRE COUNTY COUNCIL****CONFIDENTIAL REPORTING CODE****INTRODUCTION**

People who work for or on behalf of the Council are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances, it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of conduct, openness, honesty and accountability. In line with that commitment, the Council will encourage those people with serious concerns about any aspect of the Council's work to come forward and voice those concerns. In return the Council will provide a structure which is safe and acceptable, recognising that certain cases will have to proceed on a confidential basis.

This Confidential Reporting Code has been agreed to maintain and improve standards across the Council as a corporate organisation through the modernising agenda for Local Government. It is an overarching document for other procedures on complaints, grievances and standards across the Council.

This policy document is intended to encourage and enable anyone who works for or on behalf of the Council to raise serious concerns within the Council rather than overlooking a problem and to make it clear that reporting will happen without fear of reprisal.

This Code applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example care homes. It has been discussed with the relevant trade unions and has their support.

The Council will require any existing or potential partner, contractor or supplier, either to have in place a confidential reporting code analogous to the Council's own code, or to be prepared to adopt the Council's own code as a pre-requisite for eligibility for working with or on behalf of the Council. The Council will determine the appropriateness of any analogous code.

## **Employee support and counselling**

The Council has trained counsellors who can offer discreet, confidential, and non-judgmental support and counselling to any employee. Contact details are widely publicised.

## **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At an appropriate time however you may need to come forward as a witness and this will be fully discussed with you.

## **Anonymous allegations**

This Code encourages you to put your name to your allegation, as concerns expressed anonymously can be less powerful. However, the absence of a name will not prevent an investigation taking place into the concern. The level of the investigation will be dependent on the seriousness of the issue raised, but it may be hindered if it is difficult to follow up the allegation or obtain more details.

## **Untrue allegations**

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations or are motivated by personal gain, disciplinary action may be taken against you.

## **HOW TO RAISE A CONCERN**

As a first step, you should normally raise concerns with your immediate manager or their superior. This depends, however, on the nature, seriousness and sensitivity of the issues involved and who is thought to be involved in the malpractice. For example, if you believe that senior management is involved, you should approach the ~~Chief Executive~~Head of Paid Service, the relevant Executive Director or the Monitoring Officer, or where there is a belief that resources have been misused contact the Assistant Director Finance and Resources.

Concerns are better raised in writing. You are invited to set out the background and history of the concern giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

If you do not feel able to put your concern in writing, or wish to talk to someone, there is a freephone number, which you can call. This is a dedicated line for reporting confidential concerns.

The earlier you express the concern, the easier it is to take action.

Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcome of any investigations and be advised of further channels if you are not satisfied with the outcome.

Where a case is investigated the detailed course of action will be determined by the ~~Chief Executive~~Head of Paid Service, Assistant Director Finance and Resources, Executive Director of Finance and Public Protection, or Monitoring Officer as appropriate in line with the steps set out above. They will decide whether to publish any details of the concern and any action plan. If details are published they will discuss this with you and seek to address any concerns you have about anonymity.

### **THE RESPONSIBLE OFFICER**

The Monitoring Officer has overall responsibility for the maintenance and review of this policy. The Assistant Director Finance and Resources, Executive Director of Finance and Public Protection will be advised of all notifications under the Code and will keep a record of concerns raised, action taken (i.e. nature of onward referral) and outcomes (in a form which does not endanger your confidentiality).

**PETITIONS SCHEME****PETITIONS AT LINCOLNSHIRE COUNTY COUNCIL**

Lincolnshire County Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. Anyone who lives, works or studies in Lincolnshire can organise or sign a petition which will be dealt with in accordance with this scheme. All petitions to Lincolnshire County Council are taken seriously, and will receive an appropriate response.

This Petition Scheme sets out how petitions should be presented to the Council and how the Council will deal with them.

**OTHER WAYS TO MAKE YOUR VIEWS KNOWN**

Before considering whether or not to raise a petition to the Council, the petition organiser should consider whether a petition is the best form of engagement with the Council on a particular issue.

There are a number of other ways to resolve an issue or to make your views known including:

- Contacting your Local County Councillor who may be able to help with the issue or explain how to make representations on a particular subject to the right person at the County Council (more details can be found on the website <http://lincolnshire.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>)
- Contacting the Customer Service Centre who may be able to offer advice on resolving the issue (Customer Service Centre can be contacted via:
  - Telephone: 01522 552222;
  - Email: [customer\\_services@lincolnshire.gov.uk](mailto:customer_services@lincolnshire.gov.uk);
  - Post: County Offices, Newland, Lincoln, LN1 1YL).
- Logging the issue through the website (<https://www.lincolnshire.gov.uk/>)

If you wish to make a complaint or tell us what you think about a Council service, then you should instead use the Compliments, Comments and Complaints process by completing the online feedback form at [www.lincolnshire.gov.uk/feedbackform](http://www.lincolnshire.gov.uk/feedbackform) or by contacting our Customer Service Centre.

## HOW TO SUBMIT A PETITION

Petitions can be submitted in the following ways:

- On paper via post to:

**The ~~Chief Executive~~Head of Paid Service**  
**Lincolnshire County Council**  
**County Offices**  
**Newland**  
**Lincoln**  
**LN1 1YL**

Or in person to: County Offices, Newland, Lincoln.

- Electronically through the council's ePetitions Portal at:  
<http://lincolnshire.moderngov.co.uk/mgepetitionlistdisplay.aspx>

Or by e-mail to: [DemocraticServices@lincolnshire.gov.uk](mailto:DemocraticServices@lincolnshire.gov.uk). Petitions submitted by email must be scanned in full as an exact replica of the original copy and will be treated as a paper copy.

## GUIDELINES FOR SUBMITTING A PETITION

For the purposes of this scheme, petitions are formal requests that:

- Ask the Council to either do something, or stop doing something;
- Relate to matters over which the Council has control or which it is able to influence;
- Are signed by at least 2 people who live, work or study in Lincolnshire;
- Are submitted either as a paper copy or via the Council's e-petition facility.

Petitions submitted to the County Council must include:

- A clear and concise statement covering the subject of the petition;
- A statement of what action the petitioners wish the County Council to take, which must be set out in full on each sheet where signatures are asked for;
- The name, address and signature of any person supporting the petition (signatures which do not include the name and address of the signatory will be deemed not valid);
- The contact details, including an address and/or e-mail address for the petition organiser.

Petitioners are encouraged to use the Lincolnshire County Council petition template form which is available on the website (<https://www.lincolnshire.gov.uk/local-democracy/finding-your-views/petitions/> website currently in development) or by contacting the Democratic Services Team on 01522 552107.





## **Part 6**

# **MEMBERS' ALLOWANCES SCHEME**



6/1

*approved version 19.05.17*

## Schedule 2 – Approved Duties

The 2003 Regulations specify the circumstances in which dependant's carer's allowance, travel and subsistence expenses may be paid. These are all encompassed in the definition of 'approved duties' below.

Approved duties are duties undertaken in exercise of the role of County Councillor

That includes, but is not limited to:

- Meetings of, and activities related to, the County Council, any of its Committees, Executive functions or any bodies of which the County Council is a Member or appoints members
- Any legislative requirement for Members to be present
- Any Standing Orders of the County Council
- The exercise of any function of the County Council
- Any meeting where two or more political groups are invited by an Officer
- Any meeting where one political group is invited by the **Chief Executive Head of Paid Service** or an Executive Director
- County Councillors' activities within their Division including surgeries, formal meetings of any relevant Parish Council, Residents Association or similar organisation

Meetings and other activities related to the management or operation of any political group or political party are not approved duties.

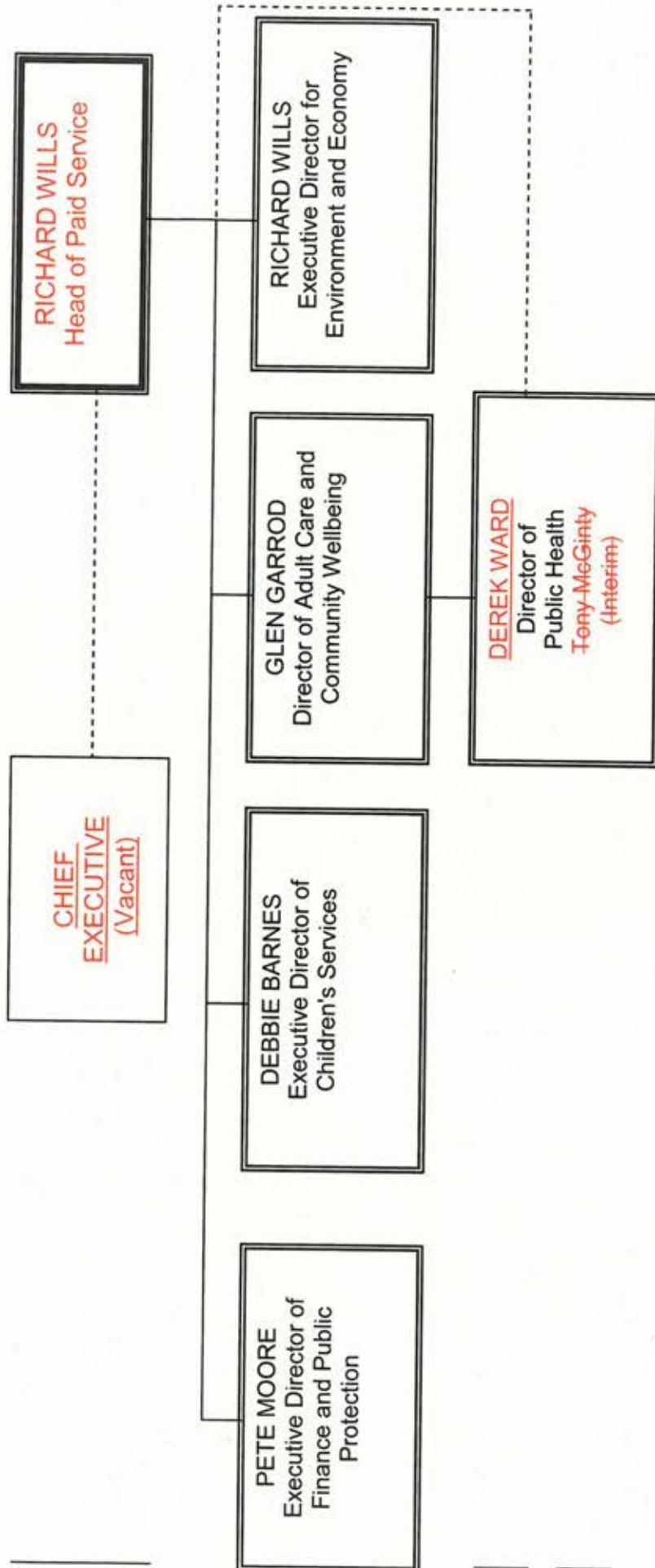
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**Part 7**

**MANAGEMENT STRUCTURE**

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**Senior Management Structure**



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**Open Report on behalf of Richard Wills, Monitoring Officer**

Report to:	<b>County Council</b>
Date:	<b>23 February 2018</b>
Subject:	<b>Lincolnshire Health and Wellbeing Board Membership Review</b>

**Summary:**

At the Lincolnshire Health and Wellbeing Board meeting in June 2017 it was agreed that a review of the Board's membership should be undertaken to ensure the right representation is in place to drive forward the new Joint Health and Wellbeing Strategy, and to take account of wider developments across the health and care system.

A paper setting out proposals to extend the membership of the Board to include the Police and Crime Commissioner and the Chairman of the Lincolnshire Coordination Group was presented to the Board in December 2017. Approval is now being sought from Council to make the proposed appointments and make the necessary changes to the Constitution.

**Recommendation(s):**

That the Council approves:-

1. The appointment of the Police and Crime Commissioner for Lincolnshire together with the Chairman of the Lincolnshire Co-ordination Board as members of the Lincolnshire Health and Wellbeing Board; and
2. The associated changes to the Constitution as detailed in Appendix A.

## **1. Background**

### **1.1 Statutory Context**

Under section 194 of the Health and Social Care Act 2012, all upper tier and unitary authorities are required to establish a Health and Wellbeing Board (HWB) for its area. In 2013, the Lincolnshire HWB was formally established as a committee of Lincolnshire County Council. The functions of the HWB are set out in Sections 195 and 196 of the Act as set out in Appendix A.

In addition to the statutory functions listed in Appendix A, the Act also makes provision for the local authority to delegate any powers or functions exercisable by the authority to the HWB.

The Act states the statutory core membership of the HWB is to consist of:

- at least one councillor of the local authority
- the Director of Adult Social Services for the local authority
- the Director of Children's Services for the local authority
- the Director of Public Health for the local authority
- a representative of the local Healthwatch organisation for the area of the local authority
- a representative of each relevant Clinical Commissioning Group (CCG)
- such other persons, or representatives of such other persons, as the local authority thinks appropriate

County Councillor members of the HWB are directly appointed by the Leader of the Council. Additional persons may be appointed by the County Council as members of the HWB as it thinks appropriate at any point. Before any new member is appointed to the HWB, however, the HWB must be consulted. The current membership of the HWB as detailed in the Council's Constitution is shown in Appendix A.

## **1.2 Membership Review**

At the HWB meeting in June 2017, the Board agreed to undertake a review of its membership to ensure engagement with the right key partners to enable the HWB to be the driving force for closer integration between health and care. Review was undertaken within the context of:

- National policy requiring closer integration
- the emerging priority areas for the next Joint Health and Wellbeing Strategy
- the relationships and linkages with the Sustainability and Transformation Plan (STP)
- the establishment of the Housing, Health and Care Delivery Group (a sub group of the HWB)

As part of the review, HWB members were asked to submit their views on whether the HWB membership should be extended or refreshed. In addition, desktop research was also undertaken into different membership models from elsewhere in England. A working group of the HWB, made up of representation from the County Council, CCGS and District Councils, met on 31 October 2017 to consider the findings of the review. A report, setting out the working group's proposals for extending the HWB membership was presented to the HWB on 5 December 2017, a copy of which is attached at Appendix B.

## **1.3 Proposed changes to HWB membership**

The HWB endorsed the proposals put forward by the working group to extend core membership to:

- the Police and Crime Commissioner for Lincolnshire to enable closer joint working on key areas such as mental health, and
- the Chairman of the Lincolnshire Coordination Board to strengthen the links with the STP.

The Council is therefore requested to exercise its power under Section 194(2)(g) of the Health and Social Care Act 2012 to appoint the Police and Crime Commissioner for Lincolnshire together with the Chairman of the Lincolnshire Co-ordination Board to the HWB with immediate effect.

The requirement that the Council consult with the HWB is met by reason of the changes being proposed by the HWB.

As a committee of the County Council, these additions to the HWB membership will require changes to be made to the Constitution. Council is therefore asked to approve the changes to Section 7.06 in Part 2 of the Constitution as set out in Appendix A.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having

due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

As a formal change to the Council's governance arrangements the proposals are not considered to have an adverse impact on people who share a protected characteristic compared with those who do not.

#### Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

As formal changes to the Council's governance arrangements there are not considered to be any implications of the proposals for the JSNA and JHWS. Although the inclusion of the additional HWB members will enable closer working on the wider determinants of health and wellbeing.

#### Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

As formal changes to the Council's governance arrangements there are not considered to be any implications of the proposals for crime and disorder. Although the inclusion of the additional HWB members will enable closer working on those wider determinants of health and wellbeing which also impact on crime and disorder.

### **3. Conclusion**

The HWB agreed to review its membership to ensure the right representation is in place to drive forward the emerging priorities in the new Joint Health and Wellbeing Strategy and to take account of wider developments across the local health and care system. In line with statutory requirements, the review has sought the views of current HWB members. The proposals put forward by the HWB require the

Council to exercise its powers to appoint additional members to the HWB and changes to the Constitution and therefore approval is required by Council.

#### **4. Legal Comments:**

The Council has the power to make the proposed appointments to the Health and Wellbeing Board

As the Health and Wellbeing Board is a Committee of the Council decisions on the membership of the Committee are reserved to the full Council

#### **5. Resource Comments:**

It can be confirmed that there are no financial implications regarding the proposed appointments to the Health and Wellbeing Board.

#### **6. Consultation**

##### **a) Has Local Member Been Consulted?**

n/a

##### **b) Has Executive Councillor Been Consulted?**

Yes

##### **c) Scrutiny Comments**

This decision has not been considered by the Scrutiny Committees

##### **d) Have Risks and Impact Analysis been carried out?**

No

##### **e) Risks and Impact Analysis**

Not applicable

#### **7. Appendices**

These are listed below and attached at the back of the report

Appendix A	Extract from Part 2 of the Constitution pages 2/44 - 2/46
Appendix B	Report to Health and Wellbeing Board

## 8. Background Papers

Document title	Where the document can be viewed
Health and Social Care Act 2012	<a href="http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted">http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted</a>

This report was written by Alison Christie, Programme Manager Health and Wellbeing, who can be contacted on 01522 552322 or [alison.christie@lincolnshire.gov.uk](mailto:alison.christie@lincolnshire.gov.uk).

## **7.06 Health and Wellbeing Board**

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

The Executive Councillor for NHS Liaison, Community Engagement  
The Executive Councillor for Adult Care, ~~and Health Services, and Children's Services~~  
The Executive Councillor for ~~Libraries, Heritage, Culture, Registration and Coroners Service~~  
~~and Emergency Services~~  
Five further County Councillors  
The Director of Public Health  
The ~~Executive~~ Director of Children's Services  
The ~~Executive~~ Director of Adult ~~Social Services Care~~

A designated representative from each clinical commissioning group in Lincolnshire  
A designated representative from the NHS Commissioning Board  
One designated District Council representative  
A designated representative of Healthwatch  
~~The Police and Crime Commissioner for Lincolnshire~~  
~~The Chairman of the Lincolnshire Coordination Board~~

### **Functions**

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

### **Quorum**

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

### **Chairman and Vice-Chairman**

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

### **Voting**

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

### **Substitutes**

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

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Report Reference: **0.0**

**LINCOLNSHIRE HEALTH AND WELLBEING BOARD**

Open Report on behalf of Tony McGinty, Interim Director of Public Health

Report to	<b>Lincolnshire Health and Wellbeing Board</b>
Date:	<b>5 December 2017</b>
Subject:	<b>Lincolnshire Health and Wellbeing Board Membership Review</b>

**Summary:**

At the Health and Wellbeing Board (HWB) meeting on 20 June 2017 it was agreed that a review of the Board's membership should be undertaken to ensure the right representation is in place to drive forward the new Joint Health and Wellbeing Strategy, and to take account of wider developments across the local health and care system.

It was agreed that a paper setting out the proposed changes arising from the review be brought to this meeting of the Board for approval, and that following this, any revisions to membership requiring a change to Lincolnshire County Council's Constitution should go forward to Full Council for approval in early 2018.

**Actions Required:**

The Health and Wellbeing Board is asked to:

1. Endorse the membership changes recommended by the Working Group in section 1.5 on page 4 of this report.
2. Agree the proposed recommendations are formally submitted to Full Council in early 2018 to enable the appropriate changes to be made to the County Council's Constitution.

## 1. Background

### 1.1 Statutory Context

Under the Health and Social Care Act 2012, all upper tier and unitary local authorities are required to establish a Health and Wellbeing Board (HWB) for its area. In 2013, the HWB was formally established as a committee of Lincolnshire County Council. The functions of the HWB are set out in Sections 195 and 196 of the Act as follows:

- to encourage persons who arrange for the provision of any health and social care services in the area to work in an integrated manner;
- to provide advice, assistance or other support, as it thinks appropriate, for the purpose of encouraging joint commissioning;
- to prepare and publish a Joint Strategic Needs Assessment (JSNA) on the local population;
- to prepare and publish a Joint Health and Wellbeing Strategy (JHWS);
- to receive the commissioning plans for the Clinical Commissioning Groups – this includes involvement in preparing the plans and ensuring that they take account of the Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy.

In addition to the statutory functions listed above, the Act also makes provision for the local authority to delegate any powers or functions exercisable by the authority to the Board.

The Health and Social Care Act 2012 states the statutory core membership of the HWB is to consist of:

- at least one Councillor of the local authority
- the Director of Adult Social Services for the local authority
- the Director of Children's Services for the local authority
- the Director of Public Health for the local authority
- a representative of the Local Healthwatch organisation for the area of the local authority
- a representative of each relevant Clinical Commissioning Group (CCG)
- such other persons, or representative of such other persons, as the local authority thinks appropriate

Non statutory members to the Board will be directly appointed to the HWB by the statutory elected member (Leader of the Council). Additional members may be appointed to the Board as it thinks appropriate at any point. Before any new member is appointed to the Board, however, the HWB must be consulted.

The current membership and functions of the HWB, as detailed in the Council's Constitution, is presented in Appendix A.

At the Board meeting in June 2017, the HWB agreed to undertake a review of its membership to ensure the Board is engaging the right stakeholders to enable it to be the key driving force for health and care integration. The context for the review is:

- national policy requiring closer integration
- the emerging Joint Health and Wellbeing Strategy
- the relationship and linkages with the Sustainability and Transformation Plan (STP)
- the establishment of the Housing, Health and Care Delivery Group

## **1.2 Review Process**

In consultation with the Chairman of the Board, a three stage approach to the review as adopted:

- |           |  |
|-----------|--|
| Aug 2017  | Desktop research to review different membership models from other HWBs. Consideration was given to work undertaken by the Local Government Association (LGA) into what makes a good HWB, with a specific focus on HWB areas that have completed a LGA Peer Review. |
| Sept 2017 | HWB members were asked to submit their views on whether the HWB membership should be extended or refreshed.  |
| Oct 2017  | Working group convened to consider the findings of the desktop research and the views of HWB members. Recommendations on a suggested way forward to be made to the HWB meeting in December 2017.   |

## **1.3 Desktop Research**

Nine HWB identified by the LGA as 'best practice' were reviewed, however, only two of examples were two tier areas therefore four neighbouring HWB areas in the East Midlands were also considered. Key themes from the research:

- Whilst each HWB's membership reflects local circumstances and priorities there are some commonalities, for example:
  - Many HWB memberships have developed beyond the statutory minimum to include organisations involved in the wider determinant aspects of health and wellbeing.
  - The majority of HWBs now include the Police and Crime Commissioner (PCC)/Police.
  - A number of HWBs have opted to extend membership by including non-voting representatives – the advantage of this approach is they are able to take part in the discussions to help shape the direction but are not part of the final decision making.
- The number of members sitting on the HWB varies from 29 to 9, but the average number is 19 members.

## **1.4 Feedback from HWB Members**

Five responses were received from HWB members and key themes from the feedback are:

- Refresh the membership rather than extend.
- Need to limit the number of board members so that the HWB does not become too big and unwieldy.
- Strong support for the inclusion of the PCC.
- Advantage having strong GP/Clinical representation although health representation on the HWB needs to be reconsidered to take account of a number of changes in the health system, most notably now having only one representative for both South and South West CCGs and the relationship with the STP.
- The number of County Councillors on the Board needs to be reviewed.
- A request from District Councils for an additional place on the HWB.

### **1.5 Recommendations of the Working Group**

The Working Group, made up of representation from the County Council, CCGs and District Councils, met on 31 October 2017 to consider the findings. The recommendations from the Working Group are to extend core membership to:

- the Police and Crime Commissioner to enable closer joint working on key areas such as mental health, and
- the Chairman of the Lincolnshire Coordination Board to strengthen the links with the STP.

Discussions are still ongoing regarding wider changes to the overall composition of Board's membership.

## **2. Conclusion**

At a previous meeting the Board agreed to review its membership to ensure the right representation is in place to drive forward the new Joint Health and Wellbeing Strategy, and to take account of wider developments across the local health and care system. In line with statutory requirements, the review has sought the views of current HWB members and any subsequent changes endorsed by the Board will be submitted to Full Council for formal approval.

## **3. Consultation**

In line with the requirements of the Health and Care Act 2012, Members of the HWB were consulted as part of the review process.

## **4. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Exact from Lincolnshire's County Council's Constitution – Lincolnshire Health and Wellbeing Board

## **5. Background Papers**

Document	How it can be accessed
Lincolnshire County Council Constitution	<a href="https://www.lincolnshire.gov.uk/local-democracy/how-the-council-works/the-constitution/">https://www.lincolnshire.gov.uk/local-democracy/how-the-council-works/the-constitution/</a>
Health and Social Care Act 2012	<a href="http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted">http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted</a>

This report was written by Alison Christie, Programme Manager Health and Wellbeing, who can be contacted on 01522 552322 or [alison.christie@lincolnshire.gov.uk](mailto:alison.christie@lincolnshire.gov.uk)

**Open Report on behalf of Richard Wills, Executive Director Environment and Economy**

Report to:	<b>County Council</b>
Date:	<b>23 February 2018</b>
Subject:	<b>Members' Allowances Scheme 2018/19</b>

**Summary:**

The Council has to agree its Members' Allowances Scheme every year. This report presents the recommendations of the Independent Remuneration Panel (IRP) convened in 2018 and a revised Scheme of Members' Allowances for 2018/19 that implements relevant recommendations.

**Recommendation(s):**

1. To consider the IRP report and recommendations.
2. To agree or amend the proposed Scheme of Members' Allowances for 2018/19

## **1. Background**

The County Council sets a Scheme of Members' Allowances and expenses in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') and other relevant legislation.

The 2003 Regulations require that an Independent Review Panel (IRP) is convened to make recommendations to the Council. The Council is required to consider any IRP report and recommendations before setting a scheme but is not required to accept their recommendations.

The IRP was convened in January 2018 and their report, findings and recommendations are attached in Appendix A.

Council must vote to adopt a Scheme each year. If the recommendations here are agreed then the vote for each of the next three years could, for example, be to simply applying the indexing provisions contained within it. The regulations stipulate that agreed indexing provisions can only be implemented for a maximum of four years before they must be reviewed.

The table below shows the IRP recommendations and actions and how they have been incorporated into a draft Scheme of Allowances for 2018-19 attached as Appendix B.

<b>IRP 2018 Recommendation</b>	<b>Action taken / needed</b>
<p>The IRP recommends that the Members' Allowances Scheme continues to be linked to the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the last 12 months.</p>	<p>None as index-linking already included.</p>
<p>Based on the evidence presented the IRP considers the role of Council Chief Whip to be a senior one within the Council ranks and recommends that this is reflected in the establishment of a new Allowance Band equating to an annual Special Responsibility Allowance of £10,000. On a point of administration the IRP also recommends that the Allowance Bands quoted within the Members' Allowances Scheme are consequently renumbered to reflect the inclusion of this new Band.</p>	<p>Recommended change incorporated in draft Scheme</p>
<p>Given the significant contribution that good quality learning and development opportunities makes to the ultimate success of an organisation the IRP recommends that a Special Responsibility Allowance should be applied to the role of Chairman of the Councillor Development Group and that this should be at the current Allowance Band 8 equating currently to £4,170.25.</p>	<p>Recommended change incorporated in draft Scheme</p>
<p>The IRP recognises the importance of the Health and Wellbeing Board, its contribution to the local health community and the formal decision-making nature of its responsibilities. It is therefore recommended that a Special Responsibility Allowance at Band 4 should be applied to the role of Chairman and a Special Responsibility Allowance at Band 9 should be applied to the role of Vice-Chairman of the Health and Wellbeing Board.</p>	<p>Recommended changes incorporated in draft Scheme</p>

In addition to the recommendations of the IRP, two further amendments are proposed to the Members' Allowances Scheme. Firstly, reference to the Local Government Pension Scheme has been deleted as councillors are no longer eligible to be members of the Scheme and, secondly, reference to provision of home printing equipment and support has also been deleted as this is no longer provided.

## **2. Legal Issues:**

### Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- \* Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
- \* Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- \* Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- \* Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
- \* Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
- \* Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding

Compliance with the duties in section 149 may involve treating some persons more favourably than others

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process

The decision to adopt the Members Allowances Scheme enhances equality of opportunity, as it enables more people to stand as councillors.

Joint Strategic Needs Analysis (JSNA and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health & Well Being Strategy (JHWS) in coming to a decision

There are no implications for the JSNA or JHWS in relation to approval of this Scheme

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area

There are no implications in relation to Crime and Disorder from approval of this Scheme

**3. Conclusion**

The Council is required to convene the IRP and has done so. The IRP has made recommendations that the Council must take into account when setting a Scheme of Members' Allowances.

**4. Legal Comments:**

Regulation 10 of the Local Authorities (Members' Allowances) (England) Regulations 2003 requires the Council to make a Scheme of Members Allowances prior to April 1 in every year.

Before making such a Scheme the Council must have regard to the recommendations made in relation to the Scheme by the Independent Remuneration Panel.

Approval of the Scheme of Members' Allowances is reserved to full Council.

## **5. Resource Comments:**

The costs arising from acceptance of the recommendations in this report can be funded from within the existing budget provision.

## **6. Consultation**

### **a) Has Local Member Been Consulted?**

N/A

### **b) Has Executive Councillor Been Consulted?**

N/A

### **c) Scrutiny Comments**

N/A

### **d) Have Risks and Impact Analysis been carried out?**

No

### **e) Risks and Impact Analysis**

N/A

## **7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	IRP Report and Recommendations
Appendix B	Proposed Scheme of Members' Allowances 2018/19

## **8. Background Papers**

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

This report was written by Nigel West, who can be contacted on 01522 552840 or [nigel.west@lincolnshire.gov.uk](mailto:nigel.west@lincolnshire.gov.uk).

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## **LCC Independent Remuneration Panel Recommendations for 2018 onwards**

### **Purpose**

The County Council has commissioned the Independent Remuneration Panel (IRP) to make recommendations for 2018 onwards as required by relevant legislation - the Local Authorities (Members' Allowances) Regulations 1991, and the Local Authorities (Members' Allowances) (England) Regulations 2001 and 2003. This paper sets out the IRP's findings and recommendations to the County Council.

### **Background**

A full review of the Members' Allowances Scheme was last conducted in 2014. However, the IRP was also convened in 2017 to consider the new roles of Chairman and Vice-Chairman of Scrutiny Panels and to agree on recommendations relating to the allocation and level of Special Responsibility Allowances for these roles following a recent review of the Council's scrutiny structure.

Following two IRP resignations, a recruitment process was undertaken towards the end of 2017 to recruit to these positions and bring the Panel back up to its full complement of five members. Two candidates were selected and were confirmed by the meeting of the County Council on 15<sup>th</sup> December 2017.

### **Allowances for 2018-19**

#### **Approach**

The IRP met informally during December to consider the upcoming Review and to determine how it would be conducted. It was agreed that the views of serving councillors should be sought on the suitability of the current scheme and that these views should be elicited either via e-mail to a dedicated IRP e-mail account or through face-to-face interview. Councillors were duly contacted and invited to contribute.

On 9<sup>th</sup> and 10<sup>th</sup> January 2018 the IRP was convened at the County Offices in Lincoln to undertake its review including the consideration of written submissions from councillors, the undertaking of face-to-face interviews with councillors and discussions with relevant officers of the Council. The IRP was also able to consider the content of role descriptions that had previously been produced for all those roles attracting a Special Responsibility Allowance.

Based on the evidence and information presented to it, the IRP considered a number of specific areas in detail. The key elements of these discussions and, where applicable, any formal recommendation, are outlined by section below.

#### Index-linking of allowances

The Panel reflected on the current level of the Basic Allowance of £10,425.50 and on the index-linking that had previously been recommended and agreed by the County Council. The IRP noted that the current index-linking for basic allowances, special responsibility allowances and co-opted members' allowances is the average % increase in pay for employees covered by the National

Joint Council for Local Government Services for the previous 12 months (usually referred to as 'Green Book' employees). Following discussions with councillors, the IRP felt that although councillors and officers were acknowledged as separate entities, the two were intrinsically linked and there was no evidence to suggest that a change to the current 'green book' indexing was necessary.

### **Recommendation**

**The IRP recommends that the Members' Allowances Scheme continues to be linked to the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the last 12 months.**

### Recognition of travel time

During a number of the face-to-face interviews and included within two of the three written submissions there was reference to the extended travel time that some councillors were faced with to reach County Offices in Lincoln. It was observed that Lincolnshire was a large County and that those councillors living in or close to Lincoln could access County Offices relatively quicker than those councillors on the coast or in the north or south of the County. Some councillors could be faced with a round trip of three hours or more when visiting County Offices.

The IRP heard differing opinions on the topic, with some councillors expressing a view that those living some distance away should be compensated for the additional time lost in travel. Other councillors felt that travel time was just another part of their councillor duty and that they had taken this issue into account before standing for election. Based on the weight of evidence received the IRP was not inclined to propose any additional remuneration to compensate councillors for travel time.

### Council Chief Whip

The Panel was advised that the Council's Monitoring Officer had recently reviewed the role description of the Council Chief Whip in light of a need for the activity of the post holder to transcend the traditional concept of instilling discipline amongst the membership.

The IRP was told about the sensitivity and cross-cutting nature of the role and that the Chief Whip was expected to work between the political groups to encourage a collaborative approach to achieve positive outcomes. The role was viewed as a political one but not always party political.

The broadening of the scope of the role has included leading on projects to benefit the whole Council, such as the revision of the petition scheme and the Council's approach to engagement with the community. The role now also includes attention to the wellbeing of councillors to ensure they are able to perform their role to the best of their abilities.

## **Recommendation**

**Based on the evidence presented the IRP considers the role of Council Chief Whip to be a senior one within the Council ranks and recommends that this is reflected in the establishment of a new Allowance Band equating to an annual Special Responsibility Allowance of £10,000. On a point of administration the IRP also recommends that the Allowance Bands quoted within the Members' Allowances Scheme are consequently renumbered to reflect the inclusion of this new Band.**

### Councillor Development Group Chairman

The IRP considered the role of the Chairman of the Councillor Development Group and received evidence from senior councillors and relevant officers. The IRP was provided with detail of the oversight responsibilities of the Councillor Development Group and its pivotal role in co-ordinating all aspects of the development offer to councillors. It was established that the role of the Councillor Development Group had expanded over the last year to incorporate a significant e-learning package for councillors to help address the challenge of providing learning opportunities in a large county like Lincolnshire.

The IRP recognised that the Chairman had an essential role to play in the success of the development offer and that the Chairman would be a key part of energising the membership and innovating different learning opportunities.

## **Recommendation**

**Given the significant contribution that good quality learning and development opportunities makes to the ultimate success of an organisation the IRP recommends that a Special Responsibility Allowance should be applied to the role of Chairman of the Councillor Development Group and that this should be at the current Allowance Band 8 equating currently to £4,170.25.**

### Chairman and Vice-Chairman of the Health & Wellbeing Board

During the current review it was recognised that a Special Responsibility Allowance had not been applied to the role of Chairman or Vice-Chairman of the Health and Wellbeing Board. The Panel considered the role descriptions of both positions and considered evidence from councillors and officers in reaching its conclusion.

## **Recommendation**

**The IRP recognises the importance of the Health and Wellbeing Board, its contribution to the local health community and the formal decision-making nature of its responsibilities. It is therefore recommended that a Special Responsibility Allowance at Band 4 should be applied to the role of Chairman and a Special Responsibility Allowance at Band 9 should be applied to the role of Vice-Chairman of the Health and Wellbeing Board.**

## Scrutiny Panels

When setting the level of allowance for the Chairman and Vice-Chairman of Scrutiny Panels in 2017 the IRP agreed that this decision would be reviewed within 12 months and to coincide with this wider review of the Members' Allowances Scheme. Evidence was received from a number of councillors involved with the Scrutiny Panels about the activity undertaken to date and the significant response to the engagement over the Council's policy on street lighting across the County. Based on the evidence received the IRP is content to keep the allowances for Chairman and Vice-Chairman of Scrutiny Panels at the levels set in 2017.

## Other issues

The IRP received evidence regarding the role of **Executive Support Councillors** at the County Council. The IRP gained a greater understanding of the various facets of the role and how the role would be defined locally through agreement between each Executive Councillor and Executive Support Councillor. It was recognised as an important role and also one that could fluctuate between each incumbent in terms of profile, responsibility and activity dependent on the requirements of each portfolio.

The Panel considered the role of **Shadow Executive Councillor** and its value to the Council. Members of the Panel felt the evidence presented did not warrant a change in this band of allowance.

During discussions the Panel considered the practice of limiting councillors to only one Special Responsibility Allowance. It was agreed that retaining this limit enabled more councillors to have the opportunity to undertake additional duties on behalf of the Council.

A revised Members' Allowances Scheme incorporating the recommendations of the IRP is attached to this report.

The Independent Remuneration Panel:

Peter Clay (Chairman)

Colin Childs

Phillip Knowles

John Marsh

Richard Quirk

January 2018

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**Part 6**

**MEMBERS' ALLOWANCES SCHEME**

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6/2

## **Members' Allowances and Travel and Subsistence Scheme**

### **General**

This Members' Allowance Scheme for Lincolnshire County Council has been prepared in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 ('the 2003 Regulations') and other appropriate legislation. In particular, the Scheme takes account of recommendations of an Independent Remuneration Panel reporting to Council in February 2018.

This Scheme is effective from 1 April 2018. It is applicable to all elected Members of the County Council. Specific provisions relating to co-opted members are also included.

Within the scheme:

- 'year' refers to the financial year ending on the 31 March and
- 'day' and 'daily' refers to a 24 hour period beginning at 3am
- 'approved duties' are those defined in Schedule 2

An Elected Member who is a member of two separate authorities may not receive an allowance from each authority in respect of the same duties or for the same purpose.

Administrative guidelines relating to Members allowances, travel and subsistence will be published separately.

Members should initially seek advice from the Head of Democratic Services if necessary. In all cases of interpreting this Scheme, the decision of the Monitoring Officer shall be final.

### **Record of allowances**

The 2003 Regulations require the County Council to maintain records of payments made under this scheme specifying the name of the recipient of the payment, the amount and the nature of each payment. The records must be available for inspection at any reasonable time by members of the public.

The 2003 Regulations also require annual publication of the total paid to each recipient for each of the types of allowance and expenses in this scheme. Lincolnshire County Council publishes these on our website.

Government transparency legislation may require additional information regarding Members' allowances to be published.

## **Allowances for Elected Members**

There is no power to pay an attendance allowance to Members.

There are three types of Elected Members allowance in this Scheme:

*Basic Allowance* payable to all Elected Members – see Schedule 1 for values.

*Special Responsibility Allowance* payable in addition to those Elected Members who hold the posts shown in Schedule 1 to the values shown in that Schedule. In the event of one Member holding more than one Special Responsibility post, only one Special Responsibility Allowance, whichever is the greater, will be paid.

*Childcare and Dependants' Carers' Allowance* payable in addition to reimburse Elected Members for the cost of caring for their children or dependent relatives whilst undertaking approved duties. The maximum rate payable is set out in Schedule 1.

## **Claims and payments**

Basic and Special Responsibility Allowances will normally be paid monthly into Members' bank accounts. Such allowances are paid in respect of each year or part year. For example, in the event of a Member giving up a Special Responsibility Allowance mid-year the part-year allowances are paid on a pro-rata daily basis for the period of a year to which they apply.

Claims for travel and subsistence expenses and for Childcare and Dependant's Carer's Allowance should be supported by receipts and made in accordance with any guidance issued by the County Council. Claims must normally be made within two months of the duty for which the claim is made.

## **Renouncing allowances**

A Member may elect to forego any or all of their entitlement to any allowance under this Scheme. Election must be made by written notice to the Head of Democratic Services and will continue until amended by a further notice.

## **Travel and Subsistence Expenses**

Travel expenses incurred whilst on approved duties as defined in Schedule 2 will be paid in accordance with rates set out in Schedule 3.

Subsistence expenses incurred whilst on approved duties as defined in Schedule 2 will be paid in accordance with rates set out in Schedule 3 except that subsistence

expenses will not be paid for '*County Councillors' activities within their Division including surgeries, formal meetings of any relevant Parish Council, Residents Association or similar organisation.*'

All reasonable steps should be taken to minimise the need to travel by using telephone or video conferencing, telephone or e-mail or by combining meetings at the same location.

### **Suspension of Payments to Members**

The County Council has resolved to exercise the power available to it under the 2003 Regulations to withdraw all allowances (including travel & subsistence) from any Member of the Council who has been or is in custody pursuant to a custodial sentence.

In the event that any Member is in custody pursuant to a custodial sentence, their entitlement to allowances will cease from the point of conviction. Allowances will only recommence at a point when they are no longer in custody and are able to perform the full range of duties. No retrospective payment of allowances forgone will be made in any circumstances.

Where payment of any allowance has already been made in respect of any period during which the member concerned ceases to be a member of the County Council; or is in any other way not entitled to receive the allowance in respect of that period, the County Council may require that such part of the allowance as relates to any such period be repaid to the County Council.

### **Annual Increases (Indexing) of Allowances**

The County Council has resolved to exercise the power available to it under the 2003 Regulations to increase allowances annually in line with the movement in an appropriate index.

The index to be applied is the average % increase in pay for employees covered by the National Joint Council for Local Government Services for the previous 12 months (usually referred to as 'Green Book' employees).

Indexation will be applied to the basic, special responsibility and co-opted members' allowances for the four-year period up to May 2022 unless the Council resolves otherwise. (The 2003 Regulations allow indexing for a maximum of four years but also require that Council votes to adopt a Scheme of Members' Allowances each year.)

## **Backdating Of Allowances**

The County Council has resolved to adopt the backdating provisions in the 2003 Regulations.

Where an amendment is made which affects an allowance payable for the year in which the amendment is made, the amendment will apply from the beginning of the year in which the amendment is made or such later date as specified by the County Council.

## **Co-opted Members Allowance**

The County Council has resolved to exercise the power available to it under the 2003 Regulations to pay a co-optee's allowance in respect of the attendance of individuals co-opted onto committees, sub-committees, working groups and scrutiny panels of the Council. The allowance will cover attendance at such meetings and any other activity arising directly from that role (e.g. seminars, conferences, training courses, etc.).

The Co-opted Members Allowance is set out in Schedule 1.

The Council Committees etc. relevant to this allowance are those set out in the Articles of the Constitution.

Entitlement to this allowance will be restricted to co-optees who are not remunerated by way of an allowance, salary, etc. from another body as a direct result of their membership of the Committee in question. For example, a District Councillor representing that body would not qualify for this allowance.

The allowance will be paid monthly and in the case of part year service, pro-rata to the service undertaken.

Where a co-optee undertakes any role that would otherwise qualify for receiving a Special Responsibility Allowance set out in Schedule 1 they will receive the relevant Special Responsibility Allowance (but not the basic allowance) that would have been paid to an Elected Member discharging that role. In such circumstances the co-optee will not also receive the standard co-optees allowance for the period they are in receipt of the Special Responsibility Allowance.

The provisions of this scheme relating to renunciation, travel and subsistence expenses, suspension of payments, annual increases and backdating also apply to the Co-opted Members Allowance.

### **IT Related expenses**

The Council will facilitate use of Information Technology to assist Elected Members and Co-opted Members (Members) in their approved duties.

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## Revised Schedule 1 – Allowances

Responsibilities and allowances within bands 1-12 in the table below are 'Special Responsibility Allowances'.

<b>Band</b>	<b>Responsibility</b>	<b>Allowance</b>
-	Basic Allowance	£10,529.76
1	Leader of the Council	£33,361.43
2	Deputy Leader of the Council	£21,893.39
3	Members of the Executive	£18,765.76
4	Chairman of the County Council	£12,635.62
	Chairman of the Overview and Scrutiny Management Committee	
	Chairman of the Health Scrutiny Committee for Lincolnshire	
	Chairman of the Audit Committee	
	Chairman of the Health & Well-Being Board	
5	Council Chief Whip	£10,000.00
6	Chairmen of the Scrutiny Committees	£9,476.77
	Chairman of the Planning & Regulation Committee	
	Leader of the Opposition	
	Chairman of the Pensions Committee	
7	Executive Support Councillor	£8,340.42
	Chairman of the Scrutiny Panels	
8	Minority Group Leaders	£5,212.79
9	Vice-Chairman of the County Council	£4,211.95
	Vice-Chairman of the Overview and Scrutiny Management Committee	
	Vice-Chairman of the Health Scrutiny Committee for Lincolnshire	
	Vice-Chairman of the Health & Well-Being Board	
	Vice-Chairman of the Audit Committee	
	Chairman of the Definitive Map & Statement of Public Rights of Way Sub Committee	
	Chairman of the Councillor Development Group	
10	Vice-Chairmen of the Scrutiny Committees	£3,158.97
	Vice-Chairman of the Planning & Regulation Committee	
	Vice-Chairman of the Pensions Committee	
11	Vice-Chairman of the Scrutiny Panels	£2,780.14

<b>Band</b>	<b>Responsibility</b>	<b>Allowance</b>
12	Vice-Chairman of the Definitive Map & Statement of Public Rights of Way Sub Committee	£1,052.99
	Member of the Shadow Executive	
-	Childcare and dependants' carers' allowance  The Monitoring Officer has discretion to increase the rate in particular cases of need.	An hourly rate equivalent to the National Minimum Wage for the time being
-	Co-opted Member	£781.97

## Schedule 2 – Approved Duties

The 2003 Regulations specify the circumstances in which dependant's carer's allowance travel and subsistence expenses may be paid. These are all encompassed in the definition of 'approved duties' below.

Approved duties are duties undertaken in exercise of the role of County Councillor

That includes, but is not limited to:

- Meetings of, and activities related to, the County Council, any of its Committees, Executive functions or any bodies of which the County Council is a Member or appoints members
- Any legislative requirement for Members to be present
- Any Standing Orders of the County Council
- The exercise of any function of the County Council
- Any meeting where two or more political groups are invited by an Officer
- Any meeting where one political group is invited by the Chief Executive or an Executive Director
- County Councillors' activities within their Division including surgeries, formal meetings of any relevant Parish Council, Residents Association or similar organisation

Meetings and other activities related to the management or operation of any political group or political party are not approved duties.

## **Schedule 3 - Travelling & Subsistence and Other Allowances**

### **Public Transport**

Travel by public transport should be made at the lowest rate available for the journey(s) in question.

Air travel, foreign travel and, in exceptional cases, travel at rates higher than lowest available fares should be approved in advance by the Head of Democratic Services.

Travel costs will be reimbursed at the actual cost incurred with claims supported by receipts.

Members are encouraged to order tickets for travel by public transport through their administrative support who will use the County Council's travel procurement arrangements to secure good value for money that will normally be paid direct by the County Council.

### **Private vehicles and car parking**

Rates payable for travel by a private vehicle used by a Member and for official passengers will be those equivalent to HM Revenue & Customs Approved Mileage Rates for the time being. Rates and changes in rates will be notified to Members.

Members are responsible for ensuring that private vehicles used by them comply with all relevant legislation for the purposes for which they are used including safety, taxation and insurance.

Car parking will be reimbursed at the actual cost incurred with claims supported by receipts.

### **Taxis**

In cases of urgency, or where no public transport is reasonably available, Members may travel by taxi and claim the amount of the actual cost incurred, supported by receipts.

### **Subsistence Expenses**

In cases where the County Council provides a meal no other meal allowance will be paid. On County Council meeting days Members will be provided with a lunch in the County Restaurant and will consequently not be entitled to claim expenses.

In other cases, the County Council will reimburse reasonable costs of meals incurred whilst undertaking approved duties except that subsistence expenses will not be paid for *'County Councillors' activities within their Division including surgeries, meetings of any relevant Parish Council, Residents Association or similar organisation.'*

Claims must be for actual costs incurred supported by receipts.

Overnight accommodation should be booked in advance on behalf of the Member by their administrative support using the County Council's standard procurement arrangements to secure best value for money that will normally be paid direct by the County Council.

In cases where a Member incurs reasonable costs for overnight accommodation, it will be reimbursed at actual cost incurred with claims supported by receipts.



County Council

**Open Report on behalf of Debbie Barnes, Executive Director for Children's Services**

Report to:	<b>County Council</b>
Date:	<b>23 February 2018</b>
Subject:	<b>Pay Policy Statement</b>

**Summary:**

The Localism Act 2011 requires all local authorities to agree pay policy statements, which are compliant with the provisions of the Act, annually at a Full Council meeting and then subsequently to publish them.

The Council is requested to note that with regard to pay levels, national pay awards are awaited in respect of the JNC for Chief Executives, Chief Officers and the NJC for Local Government Services.

The Council is also requested to note that that the pay policy has been updated to reflect:

- Recruitment, Retention and Market Force Supplements renamed Attraction and Retention Payments (paragraph 8)
- Pay Progression updated to reflect new Performance & Development Appraisal process implemented January 2018 (paragraph 12)
- Pay Multiples between the salary of the highest paid employee and the median full time equivalent salary remains the same as previous year (paragraph 25)
- Personal Service Contracts in relation to off-payroll working in the Public Sector (IR35) (paragraph 28)
- Gender Pay Gap Information requirements (paragraph 29)

**Recommendation(s):**

The recommendation of the Pay Policy Sub-Committee is that Full Council approves the Pay Policy Statement at Appendix A.

**1. Background**

The requirements for Councils formally to adopt Pay Policy Statements was introduced in the Localism Act 2011, followed by guidance from DCLG. In line with this guidance it is considered good practice for the Pay-Policy Sub-Committee to

consider the Statement before it is presented to Full Council for approval. The Statement itself has been prepared in line with the requirements of the legislation and the best practice put forward in the guidance.

## 2. Conclusion

The Pay Policy Statement sets out the County Council's policy on pay and conditions for senior managers and employees (excluding operational fire fighters and schools based employees). This ensures the Council has a fair and transparent approach to these matters.

### 3. Legal Comments:

The Council is required to publish its Pay Policy Statement annually under section 38 of the Localism Act 2011 and to have regard to Guidance in developing that Pay Policy Statement.

Approval of the Pay Policy Statement is reserved in law to the full Council

### 4. Resource Comments:

This Policy ensures that all senior managers and employees are treated fairly and transparently and can be funded from within existing Council budget.

## 5. Consultation

### a) Has Local Member Been Consulted?

n/a

### b) Has Executive Councillor Been Consulted?

Yes

### c) Scrutiny Comments

The approval of the Pay Policy Statement is a decision for Full Council to make under the legislation. It has not been considered by a Scrutiny Committee but has been considered by the Pay Policy Sub-Committee

### d) Policy Proofing Actions Required

n/a

## 6. Appendices

These are listed below and attached at the back of the report

Appendix A	Pay Policy Statement
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## 7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Employment Manual	<a href="http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual">http://www.lincolnshire.gov.uk/jobs/manuals/employment-manual</a>

This report was written by Fiona Thompson, who can be contacted on 01522 552207 or [fiona.thompson@lincolnshire.gov.uk](mailto:fiona.thompson@lincolnshire.gov.uk)

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Employment Manual

# PAY POLICY STATEMENT

For year 2018/2019  
People Management Service

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# 1 INTRODUCTION

This Pay Policy Statement sets out Council policy on pay and conditions for senior managers and employees (excluding operational Fire Fighters and schools' based employees) for 2018-19.

The Council aims to attract and retain employees to deliver the Council's objectives. In determining pay policy for senior managers and all other employees, the Council is committed to ensuring a fair and transparent approach. Within this, it is recognised that different approaches may be required between groups of employees reflecting factors such as difficulties in attracting and retaining key skills.

## 2 KEY PRINCIPLES FOR PAY POLICY

- To be fair, reasonable and transparent
- To be affordable
- To reward employees for their contribution to the Council's achievements
- To maintain rates of pay which are both competitive in the market place and reflect the need to retain key skills

## 3 EMPLOYEES IN SCOPE OF THE PAY POLICY STATEMENT

This Pay Policy Statement covers all employees (except teachers and uniformed fire fighters except those defined as Senior Managers.) As such, it goes wider than minimum legal requirements of the Localism Act 2011.

## 4 THE SENIOR MANAGEMENT PAY STRUCTURE

Senior Managers are defined for this purpose as the Chief Executive; Executive Directors – (referred to as Chief Officers); Chief Fire Officer, Deputy Chief Fire Officer, Assistant Chief Fire Officer and Senior Leadership Pay Band. The senior pay structure is attached at Appendix A.

### Chief Executive and Executive Directors

Remuneration is determined by the Pay Policy Sub-Committee and is based on salary comparison against similar posts in other Shire Counties in the Eastern and Midlands region, against the market place and taking into account information from the annual benchmarking exercise with Korn Ferry Hay. The aim is to ensure the Council retains and motivates key employees by maintaining rates of around median pay which are both competitive in the market place and reflect the need to retain key skills. The Chief Executive post is paid on a spot salary<sup>1</sup>. Executive Director posts are all paid at the same single spot salary point because all roles have collective responsibility for the success of all service areas and for the Council as a whole.

### Senior Leadership

Remuneration is determined by the Head of Paid Service and underpinned by the Hay Job Evaluation Scheme. Employees will be appraised in line with agreed objectives. Periodically the pay structure will be reviewed to ensure that salaries offered are competitive in the market place, taking into account the advice set out in the Joint Negotiating Committee<sup>2</sup> (JNC) for Chief Officers of Local Authorities Conditions of Service.

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<sup>1</sup> See Glossary Page 12

<sup>2</sup> See Glossary Page 12

## **Fire & Rescue Service Management Team**

The pay structure is determined in line with the NJC for Brigade Managers (Gold Book<sup>3</sup>) with the Deputy Chief Fire Officer and Assistant Chief Fire Officer receiving 80% and 75% respectively of the Chief Fire Officer salary.

In accordance with the 2011 Code of Recommended Practice for Local Authorities on Data Transparency, information on senior salaries is published on the Council's website - [Data on Senior Salaries](#) together with information about the structure of the workforce. Additional legal provisions about reporting payments over £50,000 in a year are in the Accounts & Audit (England) Regulations<sup>5</sup>, also available in the Council's published accounts on our website: [Statement of Accounts 2016/17](#).

## **5 OTHER EMPLOYEES' PAY STRUCTURE**

### **(including lowest paid employees<sup>4</sup>)**

Remuneration for other employees is normally determined by the Council's Job Evaluation (JE) Scheme<sup>5</sup> which covers all staff on NJC Local Government Services terms and conditions of service. This includes the lowest paid council employees. The Council Pay spine for staff up to and including Service Managers is attached at [Appendices A and B](#).

The Pay and Grading structure used by the Council was implemented by Collective Agreement<sup>6</sup> in July 2008, backdated to be effective from 1 April 2007 and is anchored to the national NJC pay spine for Local Government Services. The JE Scheme, the Greater London Provincial Council Scheme, was selected through a process of consultation with staff and Trade Unions and complies with equal pay requirements.

The Council and Unions signed a Collective Agreement in 2015 incorporating changes to modernise the local conventions for Job Evaluation.

The Council has a locally determined Apprentice Rate which is a spot salary and is included in the Lincolnshire Payspine at Appendix B.

## **6 NON-STANDARD TERMS AND CONDITIONS**

Staff transferring into the Council under The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) arrangements, have the right to retain their existing terms and conditions. The largest group includes those staff who transferred from Public Health.

Additionally some specialist posts, mainly in education related services, such as Educational Psychologists and the Youth Service are recruited to specific terms and conditions although they are in scope of the [Local Scheme of Conditions of Service](#).

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<sup>3</sup> See Glossary Page 12

<sup>4</sup> The Council's definition of "lowest-paid employee" is an employee paid at SCP1 on the Pay Spine attached at Appendix B. The reason for adopting this definition is that SCP1 represents the lowest FTE salary paid by the Council.

<sup>5</sup> The Job Evaluation scheme ensures that all jobs are graded fairly and equitably between men and women

<sup>6</sup> A Collective Agreement is a formal agreement signed between the County Council and the recognised Trade Unions

## **7 THE NATIONAL PAY AWARD**

Pay levels are adjusted to take account of any cost of living increase negotiated nationally by the JNC for Local Authority Chief Executives<sup>7</sup>; the JNC for Chief Officers of Local Authorities and the NJC for Local Government Services. The pay rates in Appendix A were adjusted to reflect the 1% national pay award for 2017 (NB: the percentage increases apply to individual salaries as well as pay points). The pay rates in respect of the NJC for Local Government Services in Appendix B are adjusted to reflect the 1% national pay award for 2017.

## **8 ATTRACTION AND RETENTION PAYMENTS**

The Council recognises that at times it may be difficult to recruit new employees or retain existing staff in key posts. To ensure the Council attracts and retains a skilled and experienced workforce, salary supplements may be paid in addition to the post grade. Further details can be found in the [Attraction and Retention Payments Procedure](#).

## **9 RELOCATION EXPENSES AND DISTURBANCE ALLOWANCES**

Relocation Expenses and Disturbance Payments are paid to employees to cover additional costs they may incur as a result of a change or disturbance to work base. These are paid in accordance with the [Relocation Expenses and Change of Workbase Policy](#).

## **10 STARTING PAY**

Employees, when appointed to posts within the Council are paid on an incremental scale and will normally be appointed at the minimum point of the pay grade for that post. However, in certain circumstances it may be appropriate to appoint to a higher point within the pay grade. This should be objectively justifiable and have regard to the pay of existing employees within the service area. See [Green Book Employees Pay and Conditions Policy](#).

It is also necessary to be aware of any restrictions to this, e.g. the requirement of a qualification which prevents this normal sequence of events from occurring.

Where an employee is appointed who does not yet meet the minimum competency requirements for that role, they are appointed in accordance with the [Appointed One Point Below Policy](#).

## **11 PERFORMANCE RELATED PAY (PRP) AND “EARN BACK”**

There is a performance related pay framework for employees in scope of Senior Leadership Pay Band.

## **12 PAY PROGRESSION**

The Chief Executive, Executive Directors and Fire & Rescue Senior Managers are excluded from this scheme within the Council. They are appointed to a spot salary so no pay progression applies.

For other employees, from January 2018 all performance and development appraisal reviews will include a rating of the employee's performance. This rating will be used to inform incremental pay progression decisions (award of scale points) for employees on GLPC grades, which will be applicable from 1 April 2019.

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<sup>7</sup> See Glossary Page 12

The expected minimum level of performance for all employees is an overall performance and development appraisal rating of successful (i.e. 3) The impact of ratings on incremental pay progression will only affect employees who are on GLPC grades and is not applicable to employees who transferred into LCC under TUPE legislation and remain on the terms and conditions of their previous organisation.

For those on GLPC grades it will only affect those who have not reached the top of their current GLPC scale as at 31<sup>st</sup> March 2019.

The pay of employees who are at the top scale point of their GPLC grade will not be affected.

To be eligible for a pay progression increment, employees must achieve an overall performance and development appraisal rating of successful or above. (i.e. 3 or above).

For other employees, eligibility for incremental progression will be in accordance with the [Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group.

A pay increment may be withheld following an adverse report on an employee's performance (subject to the Council's capability / disciplinary procedures being followed).

Any pay increments withheld may subsequently be paid if the employee's performance becomes satisfactory, but are not backdated.

### **13 REVIEWING INDIVIDUAL PERFORMANCE**

Individual achievement is assessed using the [Council's Appraisal Scheme](#) and all employees will take part in an appraisal process. In most cases this will be the full Council appraisal process; however, there may be some cases where the process is amended so that it is appropriate to the role of the employee.

Learning and development needs will be linked to the [County Council's Core Values & Behaviours Framework](#) which are interchangeable with occupational national standards of competence where appropriate.

### **14 RESPONSIBILITY FOR REVIEWING PERFORMANCE**

The Chief Executive's individual performance will be assessed by the Leader of the Council together with the appointed cross-party group. For individual Executive Directors, the assessment will be made by the Chief Executive and reported to the cross-party group.

For all other employees, the assessment will be made by the individual's line manager, as appropriate.

### **15 ACTING UP ARRANGEMENTS**

Employees temporarily acting up into a role which is normally graded on a higher level should be paid at the appropriate level for the duties they are asked to perform. Further details can be found in the Council's [Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group.

### **16 HONORARIA**

An honorarium payment may be made for exceptional or special work undertaken on a short term basis of not more than 6 months and will be in accordance with the Council's

[Green Book Employees Pay and Conditions Policy](#) covering the NJC for Local Government Services Group.

## **17 EMPLOYEES ON FIXED TERM/TEMPORARY CONTRACTS**

The Council will not treat employees on fixed term or temporary contracts less favourably than employees on a permanent contract. See [Fixed Term and Temporary Contracts Policy and Procedure](#).

## **18 ALLOWANCES/EXPENSES**

### **Chief Executive, Executive Directors and Senior Leadership**

Allowances will be in accordance with the [Local Scheme of Conditions of Service](#) or jointly agreed schemes in Director Areas. Business Travel will be reimbursed in accordance with the [Travel Policy](#). This policy applies to all staff in scope of the Local Scheme of Conditions of Service.

### **Fire & Rescue Service Senior Managers**

Allowances and expenses will be in accordance with the NJC for Brigade Managers Conditions of Service and Service Order 19<sup>8</sup> - Pay and Allowances, available on George.

## **19 SALARY PROTECTION**

Where an employee accepts a post on a lower grade as result of a restructuring or change in the workforce, personal salary protection will apply in accordance with the [Local Scheme of Conditions of Service](#) or Collective Agreement on Pay Protection for those in the Fire & Rescue Service, available on George.

## **20 SEVERANCE PAYMENTS**

For those in the Local Government Pension Scheme, (including Chief Officers) payments relating to redundancy and early retirement will be paid in accordance with the Council's [Redundancy and Early Retirement Policy](#) or [Flexible Retirement Policy](#).

All employees / recruits (including Chief Officers) in receipt of a redundancy payment will be subject to the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modifications) Order 1999<sup>9</sup>.

## **21 PAYMENTS FOR RETURNING OFFICERS DURING LOCAL ELECTIONS**

Payments for the Chief Executive and Executive Directors who are Returning Officers are made in accordance with their respective JNC Conditions of Service. The current Head of Paid Service relinquishes this payment in the favour of the District Chief Executives who fulfil the role of the Deputy Returning Officers.

Payments for employees at Head of Service and below for Local Election duties are made in accordance with the [Local Scheme of Conditions of Service](#).

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<sup>8</sup> See Glossary Page 12

<sup>9</sup> Under the Employment Rights Act 1996 (ERA), an employee can count service with an 'associated employer' towards the service requirement for a redundancy payment (i.e. two years) and, if appropriate, for calculating that payment.

## **22 PAY POLICY SUB-COMMITTEE**

The Pay Policy Sub-Committee undertakes an annual review of the salaries of the Chief Executive and Executive Directors. The Sub-Committee comprises of Councillors from the Appointments Committee, representing the political balance of the Council overall in accordance with the terms of the Local Government and Housing Act 1989.

## **23 LCC GREEN BOOK<sup>10</sup> NEGOTIATING TEAM**

The Negotiating Team considers pay issues relating to all employees within the scope of NJC pay awards.

## **24 RELATIONSHIP BETWEEN SENIOR OFFICERS PAY AND CONDITIONS WITH OTHER OFFICERS**

**(including the lowest paid)**

The approaches for determining senior management pay are set out in paragraph 4 above.

The approach for determining other employees' pay, including the lowest paid employees, is set out in paragraph 5 above.

## **25 PAY MULTIPLES (or pay dispersion)**

Pay multiple is the ratio between the salary of the highest paid employee and the median full time equivalent salary of the organisation. The pay multiple is often referred to as 'pay dispersion.'

For 2018-19 the pay multiple is 4 which is the same as the previous year.

There is no formal mechanism for direct comparison between pay levels of the wider workforce with Senior Manager Pay and there are no Council policies on reaching or maintaining a specific pay multiple.

## **26 RE-ENGAGEMENT OF FORMER SENIOR MANAGERS**

The policy for appointing or re-engaging any Senior Manager who has previously been made redundant by the Council, or who is in receipt of a local government pension, is that there should be a presumption against re-employment for a period of 6 months following the end of their employment. However, in exceptional circumstances Senior Managers may be re-employed by the Council more quickly provided that it is not within one month and one day of their leaving date.

In approving a re-employment of a Senior Manager, Members will need to be satisfied that:

- the employee is not being re-employed in a role or capacity, which is broadly similar to the role from which they were made redundant;
- the rate of pay applied to the work undertaken by the re-engaged employee should be that appropriate to the work to be done and not the grading which applied to the employee prior to the end of their current contract;
- the employment should be for a fixed term, not exceeding one year, unless there are exceptional circumstances; and the arrangement must provide financial / operational advantage to the Council.

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<sup>10</sup> See Glossary Page 12

The policy of the Lincolnshire Pension Fund is not to abate pensions should any officer retire and then return to work for the Council.

## **27 THE USE OF CONTRACTS FOR SERVICES AND APPOINTMENT OF CONSULTANTS**

The HMRC requires the Council to determine whether an arrangement with a consultant or contractor constitutes a contract of employment or can be deemed to be on a self-employed basis.

The determination will need to be made for every agreement that is proposed as the decision on status relates to the contract, not the individual. This must be undertaken before any engagement is agreed or any contract signed.

Where it is determined that an engagement constitutes a contract of employment, normal Council terms and conditions will apply and the work must be paid for at the evaluated rate for the job.

It may be appropriate to re-engage a former employee as a consultant with a contract for service in certain circumstances. This may be appropriate:

- For discrete pieces of work where the former employee has the appropriate skill and experience which is not available elsewhere in the Council.
- Where it is more cost effective
- Where it is difficult to recruit due to market conditions
- Where work of an urgent nature arises at short notice.

Such arrangements should be time limited, and be subject to appropriate written agreements covering the nature, duration, quality standards, and the basis on which the agreement will be terminated. The written agreement must be signed before the arrangement commences.

Initial consideration for providing cover for urgent work should be through the use of temporary employment contracts advertised in the usual manner or through acting up or secondment arrangements made available to existing staff. This should particularly be true where the work relates to the normal business of the service area, as opposed to defined projects or one off tasks.

It is our duty under the Pensions Act 2008 to comply with auto-enrolment Regulations and an assessment will be made on whether the contractor is an employee rather than a contractor and therefore pensionable under the Act.

In determining whether a consultant is genuinely self-employed, the Council will take into account, not only the contractual terms agreed, but also the realities of the employment relationship. This will include whether there is provision for substitution and whether resources are provided by the Council or by the consultant. These examples are not exhaustive and are purely illustrative of the type of factors to be taken into account.

## **28 PERSONAL SERVICE CONTRACTS**

In the contracting sector, the generally accepted definition of a personal service company is a limited company that typically has a sole director, the contractor, who owns most or all of the shares.

Many contractors choose to work for clients using their own [limited companies](#) for many reasons. Limited companies can be a tax efficient way for contractors to work, as they often split their income between [salary and dividends](#), which means they do not pay, employers' or employees' Class 1 National Insurance Contributions on a large part of their overall income.

Personal Service contracts prevent the risk of there being a contract of service, or an employment relationship with the Council which eliminates any income tax liability on the Council.

By using a limited liability company, contractors are also insulated to a certain extent from business risk.

The Council does not currently have any such contracts in place for normal employment.

From the 6 April 2017, the Government changed the rules in relation to [off-payroll working in the Public Sector for intermediaries](#). The Council's policy on [Agency and Other Off-Payroll Working Guidance](#) was updated in line with these changes.

## **29 GENDER PAY GAP INFORMATION**

In accordance with the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, which came into force on the 31 March 2017, employers with at least 250 employees are required to publish annual information as at 31 March each year. This information is published on the Council's website and also externally and on the [Governments Gender Pay Gap website](#).

## APPENDIX A

### Senior Manager Pay Structure – from April 2017

<b>Salary (£)</b>	Chief Executive - £176,708
	Executive Directors - £128,515

#### Senior Leadership Pay Band

Pay Zone	Zones	Post Titles	Pay Range		
			Max	Med	Min
<b>Director Band</b>	<b>Single Zone</b>	Director of Public Health	125,438	110,725	102,012
<b>Senior Leadership</b>	<b>Zone A</b>	Chief Operating Officer (Development Services) County Finance Officer Assistant Director Children's (Lead Early Help) Assistant Director Children's (Safeguarding) Consultant in Public Health (Medically Qual) Assistant Director - Joint Commissioning and Specialist Services (Adults) Assistant Director - Adult Frailty and Long-term Conditions Chief Digital Officer	104,056	91,264	82,624
	<b>Zone B</b>	Chief Commercial Officer Chief Commissioning Officer – Learning Chief Commissioning Officer - Children's Chief Legal Officer Consultant in Public Health County Commissioner for Economy & Place	89,278	78,230	71,327
	<b>Zone C</b>	Children's Services Manager (SEND) Children's Services Manager (Locality) Children's Services Manager (Regulated North/Fostering) Children's Services Manager (Regulated South/Adoption) Planning & Environment Commissioner Safer Communities Manager Service Manager – People County Manager (Older Adult Frailty & Long Term Conditions; Learning Disabilities; Special Projects and Hospital Services; Adult Safeguarding) County Manager – Business Support Highway Asset Manager Highway Network Manager Group Manager – Transport Services Infrastructure Commissioner Head of ICT	76,278	67,886	62,664

<b>Consultant (Public Health) reporting to Director of Public Health</b>	
<b>Band 8 *</b>	
	£65,922.00
	£67,805.00
	£70,631.00
	£74,084.00
	£77,850.00
	£81,618.00

<b>Band 9 *</b>	
	£77,850.00
	£81,618.00
	£85,535.00
	£89,640.00
	£93,944.00
	£98,453.00

\* N.B. Director and Consultant roles in Public Health transferred into the Council on the 1 April 2013 from the NHS as part of the Health and Social Care Act 2012. The transfer was under TUPE, therefore terms and conditions of employment, including salary, are protected.

<b>Fire &amp; Rescue Service Management Team</b>	
Chief Fire Officer	£115,497
Deputy Chief Fire Officer	£ 92,489
Assistant Chief Fire Officer	£ 86,709

# APPENDIX B

## Lincolnshire County Council Salary Structure from 1 April 2016-18 NJC for Local Government Services

LCC Pay Spine for staff up to and including Head of Service			
	1 April 2016	1 April 2017	GLPC Points Score
			This Pay Spine is anchored to salary points on the NJC National Pay Spine and these salaries are shown in bold. The relevant Lincolnshire points are scp's 2, 3, 6, 9, 12, 15, 18, 21, 24, 27, 30 and 33 Scp 1 – Apprentice Rate & Business Support - Foundation
1	13449	13583	Apprentice Rate
2	<b>14514</b>	<b>15014</b>	Grade 1 = 182 - 227
3	<b>14771</b>	<b>15246</b>	
4	15107	15495	Grade 2 = 228 - 267
5	15284	15624	
6	<b>15507</b>	<b>15807</b>	
7	16070	16370	Grade 3 = 268 - 307
8	16606	16906	
9	<b>17169</b>	<b>17419</b>	Grade 4 = 308 - 347
10	17839	18017	
11	18540	18725	Grade 5 = 348 - 387
12	<b>19238</b>	<b>19430</b>	
13	20073	20273	Grade 6 = 388 - 427
14	20910	21119	
15	<b>21745</b>	<b>21962</b>	Grade 7 = 428 - 467
16	22476	22700	
17	23205	23437	Grade 8 = 468 - 507
18	<b>23935</b>	<b>24174</b>	
19	24808	25056	Grade 9 = 508 - 547
20	25682	25939	
21	<b>26556</b>	<b>26822</b>	Grade 10 = 548 - 587
22	27711	27988	
23	28762	29049	Grade 11 = 588 - 627
24	<b>29854</b>	<b>30153</b>	
25	30945	31255	Grade 12 = 628 - 667
26	32025	32345	
27	<b>33106</b>	<b>33437</b>	Grade 13 = 668 - 707
28	34382	34726	
29	35660	36017	Grade 14 = 708 - 747
30	<b>36937</b>	<b>37306</b>	
31	38474	38859	Grade 15 = 748 - 787
32	40013	40413	
33	<b>41551</b>	<b>41967</b>	Grade 16 = 788 - 827
34	43697	44134	
35	45844	46302	
36	<b>47992</b>	<b>48472</b>	
37	49602	50098	
38	51211	51723	
39	<b>52820</b>	<b>53348</b>	
40	54430	54974	
41	56040	56600	
42	<b>57649</b>	<b>58225</b>	
43	59258	59850	
44	60868	61476	
45	<b>62478</b>	<b>63102</b>	
46	64087	64727	
47	65695	66352	
48	<b>67305</b>	<b>67978</b>	

### **Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment**

1 April 16  
£34.34

1 April 2017  
£34.68

### **Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session**

1 April 16  
£27.62

1 April 2017  
£27.90

## **APPENDIX C**

### **Glossary of Terms**

#### **Spot Salary:**

Spot salaries within the Council are fixed to a specifically defined spinal column point. There is no progression up to or beyond the rate for each position. Spot salaries are one of the least discriminatory of pay methods because everyone is paid the rate for the job from day one and the pay structure cannot be distorted by differential progression.

#### **JNC for Local Authority Chief Officers**

The primary role of the Joint Negotiating Committee is a national body to reach agreement on a national framework on all national pay and service conditions and items related to any dispute for all chief officers.

#### **NJC for Brigade Managers (Gold Book)**

The primary role of the National Joint Committee for Brigade Managers of Fire and Rescue Services (the NJC) is to reach agreement on a national framework of pay and conditions for Brigade Managers for local application throughout the Fire and Rescue Service in the UK.

#### **JNC for Local Authority Chief Executives**

The Joint Negotiating Committee (JNC) for Chief Executives of Local Authorities is the national negotiating body for the pay and conditions of service of Chief Executives in England and Wales. The Authorities' Side consists of elected members nominated by the Local Government Association. The Staff Side consists of Chief Executives nominated by the Association of Local Authority Chief Executives (ALACE). ALACE is registered as an independent trade union.

#### **NJC for Local Government Services**

The pay and terms of conditions of employment for Local Government Services' workers is determined by the National Joint Council for Local Government Services. The NJC for Local Government Services has 70 members: 12 on the employers' side and 58 on the trade union side.

In 1997, the NJC for Local Government Services agreed a national framework with potential for local modification to suit local service requirements. Known as The Single Status Agreement, these pay and conditions of service agreements are published in [The Green Book: Local Government Scheme of Conditions of Service](#).

#### **Greater London Provincial Council (GLPC) Job Evaluation Scheme**

The Council use the scheme developed to support local authorities in carrying out their obligations under the national agreement on single status. The job evaluation scheme was the subject of consultation with the Equal Opportunities Commission. The scheme is jointly agreed by the employers and unions in London local government. It was developed by a working party of experienced evaluators and tested jointly at regional and local authority levels.

The scheme is accompanied by a code of good practice and a framework procedure to inform local arrangements.

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