



County Offices  
Newland  
Lincoln  
LN1 1YL

12 May 2022

## Council

The Annual Meeting of the Council will be held on **Friday, 20 May 2022 in the Council Chamber, County Offices, Newland, Lincoln LN1 1YL, commencing at 10.30 am** for the transaction of the business set out on the attached Agenda. The attendance of all Councillors is requested.

Yours sincerely

Debbie Barnes OBE  
Chief Executive

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

Councillors M Brookes (Chairman), Mrs A M Austin (Vice-Chairman), M G Allan, P Ashleigh-Morris, T R Ashton, A J Baxter, S A J Blackburn, M D Boles, Mrs W Bowkett, Mrs P A Bradwell OBE, Mrs J Brockway, S Bunney, R D Butroid, I D Carrington, T A Carter, L A Cawrey, K J Clarke, M R Clarke, Mrs N F Clarke, R J Cleaver, K H Cooke, P E Coupland, A Dani, C J Davie, R G Davies, P M Dilks, T J G Dyer, I G Fleetwood, R A Gibson, W H Gray, M A Griggs, A G Hagues, A M Hall, M J Hill OBE, R J Kendrick, A M Key, Mrs J E Killey, J L King, K E Lee, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, Mrs A M Newton MBE, Mrs M J Overton MBE, R B Parker, S R Parkin, N H Pepper, Clio Perraton-Williams, Mrs S Rawlins, R P H Reid, S P Roe, N Sear, P A Skinner, T J N Smith, E J Sneath, H Spratt, A N Stokes, E W Strengiel, G J Taylor, Dr M E Thompson, J Tyrrell, Mrs C L E Vernon, M A Whittington, Mrs S Woolley, L Wootten, R Wootten, R A Wright and T V Young



**COUNCIL AGENDA  
FRIDAY, 20 MAY 2022**

<b>Item</b>	<b>Title</b>	<b>Pages</b>
1	Election of the Chairman of the County Council 2022/23	
2	Election of the Vice-Chairman of the County Council 2022/23	
3	Apologies for Absence	
4	Declarations of Councillors' Interests	
5	Minutes of the meeting of the Council held on 18 February 2022	5 - 12
6	Chairman's Announcements	
7	Result of By Election for Colsterworth Rural Electoral Division	13 - 18
8	The Leader to report on Executive Portfolios and appointments to the Executive and appointments of Executive Support Councillors	
9	Statements/Announcements by the Leader and Members of the Executive	To Follow
10	Political Proportionality and Allocation of Seats to Committees and Sub-Committees	19 - 28
11	Appointment of Chairmen and Vice-Chairmen of Committees and Sub-Committees	29 - 32
12	Questions to the Chairman, the Leader, Executive Councillors, Chairmen of Committees and Sub-Committees	
13	Calendar of Meetings 2022/23	33 - 38
14	Appointment to Outside Bodies	39 - 42
15	Review of the Constitution - Changes to Chief Officer Delegations	43 - 100
16	Overview and Scrutiny Annual Report 2021-2022	101 - 118
17	Motions on notice submitted in accordance with the Council's Constitution	

Democratic Services Officer Contact Details

Name: **Rachel Wilson**

Direct Dial **07796 994874**

E Mail Address [rachel.wilson@lincolnshire.gov.uk](mailto:rachel.wilson@lincolnshire.gov.uk)

**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.

**Please note:** This meeting will be broadcast live on the internet and access can be sought by accessing [Agenda for Council on Friday, 20th May, 2022, 10.30 am \(modern.gov.co.uk\)](https://www.lincolnshire.gov.uk/council-business/search-committee-records)

All papers for council meetings are available on:  
<https://www.lincolnshire.gov.uk/council-business/search-committee-records>





**COUNCIL  
18 FEBRUARY 2022**

**PRESENT: COUNCILLOR M BROOKES (CHAIRMAN)**

Councillors Mrs A M Austin (Vice-Chairman), M G Allan, P Ashleigh-Morris, T R Ashton, A J Baxter, S A J Blackburn, M D Boles, Mrs W Bowkett, Mrs P A Bradwell OBE, Mrs J Brockway, S Bunney, R D Butroid, I D Carrington, L A Cawrey, K J Clarke, M R Clarke, Mrs N F Clarke, R J Cleaver, K H Cooke, C J Davie, R G Davies, T J G Dyer, I G Fleetwood, R A Gibson, W H Gray, M A Griggs, A G Hagues, A M Hall, M J Hill OBE, R J Kendrick, A M Key, Mrs J E Killey, J L King, K E Lee, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, Mrs M J Overton MBE, N H Pepper, Clio Perraton-Williams, Mrs S Rawlins, S P Roe, N Sear, P A Skinner, T J N Smith, E J Sneath, H Spratt, A N Stokes, E W Strengiel, Dr M E Thompson, M A Whittington, Mrs S Woolley, L Wootten, R Wootten, R A Wright and T V Young

**39 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors T A Carter, P E Coupland, A Dani, P M Dilks, Mrs A M Newton MBE, R B Parker, S R Parkin, R P H Reid, G J Taylor and J Tyrell.

**40 DECLARATIONS OF COUNCILLORS' INTERESTS**

There were no declarations of interest at this point in the meeting.

**41 MINUTES OF THE MEETING OF THE COUNCIL HELD ON 10 DECEMBER 2021**

RESOLVED

That the minutes of the meeting held on 10 December 2021 be signed by the Chairman as a correct record.

**42 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman welcomed members back to the Council Chamber for the meeting, and welcomed those who were listening via the live stream on the Council's website.

The Chairman was pleased that, following relaxation of the Government restrictions, he had been able to carry out more fully his role as Chairman, representing the Council at events that were curtailed during the height of the pandemic. He thanked his wife, and Chairman's Lady, Jackie, for her continued support.

The Chairman had been delighted to welcome students from the University of Lincoln for the Model United Nations General Assembly as part of the International Relations Programme,

which was held in the Council Chamber. This was an important part of their studies and demonstrated the collaboration and long running successful partnership between the University and the County Council. It was understood that there were a number of students from the University's School of Social and Political Science tuning into the meeting.

Councillors were advised that they would have received an invitation to attend the county service to be held in Lincoln Cathedral on Sunday 13 March. The Chairman hoped to see as many councillors as possible in attendance, and councillors were asked to reply as soon as possible if they hadn't already done so, so the necessary arrangements could be made.

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

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

Question by	Question to	Subject
a) T G J Dyer	M J Hill OBE	Devolution for Lincolnshire update
b) K E Lee	L A Cawrey	Update on Ermine Library hub
c) Mrs M J Overton MBE	R G Davies	Funding for maintenance of unclassified roads
d) Mrs J E Killey	R G Davies	Local Transport Plan
e) M D Boles	R G Davies	Street lighting in Gainsborough
f) T J N Smith	D McNally	Reciprocal arrangements for waste disposal with NE Lincolnshire
g) A P Maughan	C J Davie	Flood alleviation scheme in Long Bennington
h) K J Clarke	L A Cawrey	HMICFRS Inspection areas for concern
i) A J Baxter	M J Hill OBE	Food waste collection
j) R J Kendrick	R D Butroid	Update on Judges Lodgings, Lincoln

k) R J Cleaver	R G Davies	Traffic Management Act
l) S Bunney	R G Davies	Internet speeds in rural areas
m) Mrs N F Clarke	R G Davies	Cycling plan (Local Transport Plan)
n) N H Pepper	L A Cawrey	HMICFRS Inspection areas for concern - skills

44     COUNCIL BUDGET 2022/23

(Note: Councillor S P Roe left the Council Chamber for the consideration of this item of business)

A report by the Executive Director – Resources had been circulated together with a separate document entitled ‘Council Budget 2022/23) which described the Executive’s Budget and council tax proposals.

RESOLVED

- (1) That there be one debate;
- (2) That Councillor M J Hill OBE, Leader of the Council, in introducing and moving the budget and in responding to issues raised during the debate be allowed to speak without limit of time;
- (3) That the proposer of the amendment be allowed to speak without limit of time;
- (4) That Councillors seconding the motions each be allowed to speak for six minutes;
- (5) That other speakers be allowed to speak for three minutes;
- (6) That no further substantial amendments be moved.

It was moved and seconded that:

The Council:

1. has due regard to the responses to the consultation and engagement on the Council's budget proposals as contained in the appended Budget Book (Appendix D - Budget Consultation and Engagement 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 10 - 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 4.99% in 2022/23 set out in the appended 'Budget Book' (Appendix C – Impact Analysis relating to increasing the Council Tax by 4.99% in 2022/23);
4. approves:
  - 4.1 the service revenue budgets for 2022/23 contained in the appended Budget Book, (Table 2 - Net Service Revenue Budget 2022/23);
  - 4.2 the capital programme and its funding contained in the appended Budget Book (Section 7 - Capital Programme) and (Appendix O - Capital Programme);
  - 4.3 the County Council element of the council tax for a Band D property at £1,432.17 for 2022/23 contained in the appended Budget Book (Appendix B - County Precept 2022/23);as together being the Council's Budget.
5. approves the Council's Medium Term Financial Strategy contained in the appended Budget Book (Appendix E – Medium Term Financial Strategy);
6. approves the Council's Capital Strategy 2022/23 contained in the appended Budget Book (Appendix N – Capital Strategy 2022/23);
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 9 - Minimum Revenue Provision).

An amendment was moved and seconded by the Shadow Executive as follows:

This Council resolves to:

1. Limit the council tax rise increase for the year 2022/23 to a total of 4% (3% Adult Social Care and 1% for general services).
2. Transfer £6.45 million from the Financial Volatility Reserve in order to fund the following:
  - £3.2 million to make up the Highways budget shortfall (as a result of limiting the council tax increase to 4%).
  - £1.2 million investment in the Children and Adolescent Mental Health Service (CAMHS) to provide increased resources necessary to meet the rising demand for services as a result of the pandemic.

- £2.05 million investment to support Green MasterPlan projects to reduce carbon emissions, specifically:
  - £1.5 million to develop cycling and walking schemes across the county.
  - £300,000 to deliver solar canopies for car parks incorporating panels that generate electricity to power vehicle charging points below.
  - £250,000 to install solar panels on LCC owned buildings.

### **Executive Director of Resources/s.151 Officer Commentary**

The Executive Director of Resources has confirmed these proposals are viable and broadly compliant with the existing Financial Strategy of the Council.

Reducing the amount of revenue collected from council tax will mean this funding will not be available for future years. Maintaining the level of service spend proposed in this amendment by using reserves is unlikely to be sustainable in the longer term.

The proposals make use of a drawdown of the Financial Volatility reserve. Reiterating my comments from Section 10 of the budget book, the stated intention of the reserve is to manage future funding volatility and given that issue is yet to be resolved, it is my strong professional opinion that the reserve should be maintained towards its historical level of around £50m and steps should be taken to replenish it to that level at the earliest opportunity.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was held for the amendment and upon being put to the vote, the amendment was lost.

Details of the recorded vote taken:

Those voting for the amendment:

A J Baxter, M D Boles, S Bunney, K J Clarke, R J Cleaver, R A Gibson, Mrs J E Killey, J L King, K E Lee, Mrs M J Overton MBE, T V Young.

Those voting **FOR – 11**

Those voting against the amendment:

M G Allan, P Ashleigh-Morris, T R Ashton, A M Austin, S A J Blackburn, Mrs W Bowkett, Mrs P A Bradwell OBE, Mrs J Brockway, M Brookes, R D Butroid, I D Carrington, L A Cawrey, M Clarke, N F Clarke, K H Cooke, C J Davie, R G Davies, T J G Dyer, I G Fleetwood, W H Gray, M A Griggs, A G Hagues, A M Hall, M J Hill OBE, R J Kendrick, A M Key, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, N H Pepper, C L Perraton-Williams, Mrs S Rawlins, N Sear, P A Skinner, T J N Smith, E J Sneath, H Spratt, A N Stokes, E W Strengiel, M E Thompson, M A Whittington, Mrs S Woolley, L Wootten, R Wootten, R A Wright.

Those voting **AGAINST: 47**

Those **ABSTAINING: 0**

6

**COUNCIL**

**18 FEBRUARY 2022**

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote on the motion was taken. Upon being put to the vote, the motion was carried:

Details of the recorded vote taken:

Those voting for the motion:

M G Allan, P Ashleigh-Morris, T R Ashton, A M Austin, S A J Blackburn, Mrs W Bowkett, Mrs P A Bradwell OBE, Mrs J Brockway, M Brookes, R D Butroid, I D Carrington, L A Cawrey, M Clarke, N F Clarke, K H Cooke, C J Davie, R G Davies, T J G Dyer, I G Fleetwood, W H Gray, M A Griggs, A G Hagues, A M Hall, M J Hill OBE, R J Kendrick, A M Key, C S Macey, C E H Marfleet, C Matthews, A P Maughan, D McNally, N H Pepper, C L Perraton-Williams, Mrs S Rawlins, N Sear, P A Skinner, T J N Smith, E J Sneath, H Spratt, A N Stokes, E W Strengiel, M E Thompson, M A Whittington, Mrs S Woolley, L Wootten, R Wootten, R A Wright.

Those voting **FOR – 47**

Those voting against the motion:

A J Baxter, M D Boles, S Bunney, K J Clarke, R J Cleaver, R A Gibson, Mrs J E Killey, J L King, K E Lee, Mrs M J Overton MBE, T V Young.

Those voting **AGAINST – 11**

Those **ABSTAINING – 0**

RESOLVED

That the Council:

1. has due regard to the responses to the consultation and engagement on the Council's budget proposals as contained in the appended Budget Book (Appendix D - Budget Consultation and Engagement 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 10 - 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 4.99% in 2022/23 set out in the appended 'Budget Book' (Appendix C – Impact Analysis relating to increasing the Council Tax by 4.99% in 2022/23);

4. approves:
  - 4.1 the service revenue budgets for 2022/23 contained in the appended Budget Book, (Table 2 - Net Service Revenue Budget 2022/23);
  - 4.2 the capital programme and its funding contained in the appended Budget Book (Section 7 - Capital Programme) and (Appendix O - Capital Programme);
  - 4.3 the County Council element of the council tax for a Band D property at £1,432.17 for 2022/23 contained in the appended Budget Book (Appendix B - County Precept 2022/23);as together being the Council's Budget.
5. approves the Council's Medium Term Financial Strategy contained in the appended Budget Book (Appendix E – Medium Term Financial Strategy);
6. approves the Council's Capital Strategy 2022/23 contained in the appended Budget Book (Appendix N – Capital Strategy 2022/23);
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 9 - Minimum Revenue Provision).

45     LOCAL TRANSPORT PLAN 5 (LTP5)

A report by the Executive Director – Place had been circulated.

It was moved, seconded and

RESOLVED

That the LTP 5 attached at Appendix A to the report, be adopted as Lincolnshire County Council's Local Transport Plan in accordance with its duty under the Transport Act 2000 and forms part of the Council's Policy Framework in place of the existing Local Transport Plan.

46     PAY POLICY STATEMENT

(Note: Councillor S P Roe rejoined the meeting at 12.46pm)

A report by the Executive Director – Resources had been circulated.

It was moved, seconded and

**8**  
**COUNCIL**  
**18 FEBRUARY 2022**

RESOLVED

That the Pay Policy Statement 2022/23, attached at Appendix A to the report and as recommended by the Pay Policy Sub-Committee, be approved by the Council.

47     AUDIT COMMITTEE ANNUAL REPORT 2021

A report by the Chairman of the Audit Committee had been circulated.

It was moved, seconded and

RESOLVED

That the Audit Committee Annual Report 2021 be received.

48     OPT INTO NATIONAL SCHEME FOR AUDITOR APPOINTMENTS

A report by the Executive Director – Resources had been circulated.

It was moved, seconded and

RESOLVED

That the Council accepts the Public Sector Audit Appointments' invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for the five financial years from 1 April 2023.

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

No motions on notice were submitted.

The meeting closed at 12.56 pm





**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Result of By Election for Colsterworth Rural Electoral Division</b>

**Summary:**

The purpose of this item is to formally report to the County Council the outcome of the Lincolnshire County Council By-Election for Colsterworth Rural Electoral Division which took place on 24 February 2022.

**Recommendation(s):**

That the Electoral Return as set out in Appendix A be noted.

## **1. Background**

- 1.1 A By-Election for the Colsterworth Rural Electoral Division took place on 24 February 2022 following the sad passing of Councillor Bob Adams in November 2021. Councillor Adams had represented the Colsterworth Rural Electoral Division since his election in May 2013.
- 1.2 Following the By-Election on 24 February 2022, Charlotte Louise Edwards Vernon was elected to the position of County Councillor for the Colsterworth Rural Electoral Division.
- 1.3 Appendix A to this report sets out the formal notice of Return of Persons Elected for that division.

## **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 no direct implications in relation the noting the result of the By Election.
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Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

There are no direct implications for the JSNA or JHWS.
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## 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 direct implications in relation to crime and disorder.
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### **3. Conclusion**

The County Council is requested to note the outcome for the Lincolnshire County Council By Election on 24<sup>th</sup> February 2022 as set out in Appendix A to this report.

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

There are no legal implications arising from the recommendations of this report.
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### **5. Resource Comments:**

There are no material financial consequences arising from accepting the recommendation in this report.
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### **6. Consultation**

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

N/A

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

N/A

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

N/A

#### **d) Risks and Impact Analysis**

N/A

### **7. Appendices**

These are listed below and attached at the back of the report
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Appendix A	Electoral Return for Colsterworth Rural Electoral Division
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## **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 Nicola Calver, Member Services Manager, who can be contacted on 07387 133755 or [nicola.calver@lincolnshire.gov.uk](mailto:nicola.calver@lincolnshire.gov.uk).

**COUNTY COUNCIL MEETING – 20 MAY 2022**

**LINCOLNSHIRE COUNTY COUNCIL**

**ELECTION OF A COUNCILLOR FOR THE COLSTERWORTH RURAL  
ELECTORAL DIVISION**

**ELECTION DATE: 24 FEBRUARY 2022**

Notice is hereby given that the under-mentioned person was elected as the Councillor for the Colsterworth Rural Electoral Division at the election held on 24 February 2022: -

**Name:** Charlotte Louise Edwards Vernon

**Address:** 40 Bytham Heights  
Castle Bytham  
Grantham  
Lincolnshire  
NG33 4ST

**Political Party:** Conservative

Debbie Barnes OBE  
Returning Officer

Dated: 24 February 2022

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**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Political Proportionality and Allocation of Seats to Committees and Sub-Committees</b>

**Summary:**

In line with the law and the provisions within the Council's Constitution, the Annual Meeting is required to review the political proportionality and the allocation of seats on Committees and Sub-Committees.

This report invites the Council to note the allocation of seats in accordance with the political balance rules and accordingly, make necessary appointments to established Committees, Sub-Committees, Panels, Boards and Working Groups.

**Recommendation(s):**

1. that the Council's Committees, Sub-Committees and Panels as set out in Appendix A, along with their terms of reference, as set out in the Constitution be established for the 2022/23 municipal year in accordance with Council Procedure Rule 2.2;
2. the size of each of the Committees, Sub-Committees and Panels as set out within Appendix A to the report be agreed for the 2022/23 municipal year in accordance with Council Procedure Rule 2.2;
3. that the Council approves the allocation of those Committee and Sub-Committee seats that are required to be politically balanced as detailed in Appendix B; and
4. that the Council agrees the appointments to Committees and Sub-Committees as detailed in Appendix C marked as "to follow" in the report and will be circulated as part of the Order of Proceedings.

## 1. Background

- 1.1 In line with the provisions within the Council's Constitution, the Annual Meeting of Council is required to:
- establish such Committees and Sub-Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council meeting nor are Executive functions;
  - decide the size and terms of reference for those Committees and Sub-Committees;
  - decide the allocation of seats to political groups in accordance with the Political Balance Rules; and
  - receive nominations and appoint to those Committees and Sub-Committees.
- 1.2 The Committees, Sub-Committees and Panels currently established by the Council are detailed within the Council's Constitution and are summarised in Annex A to the Articles at Part 2 of the Constitution which is attached to this Report at **Appendix A** which also sets out the size of each committee, sub-committee and Panels. The terms of reference of these committees, sub-committees and Panels are set out in detail in the Constitution.
- 1.3 No changes are proposed to these Committees, Sub-Committees and Panels, their size or terms of reference.
- 1.4 By virtue of the Local Government and Housing Act 1989 and the Local Government (Committee and Political Groups) Regulations 1990 (as amended) the Council is required to review the allocation of places to political groups on Committees and Sub-Committees of the Council. This was last reviewed at the Annual Meeting of Council held on 21 May 2021.
- 1.5 In order to achieve political proportionality as far as is reasonably practicable the 1989 Act requires the Council to apply certain principles as follows:
- not all the seats on the Committee are allocated to the same group;
  - the majority of seats on the Committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
  - the number of seats allocated to a political group on the Committees of the Council bears the same proportion to all the seats on such Committees as the membership of that group bears to the membership of the Council as a whole; and
  - the number of seats allocated to a political group on an individual Committee bears the same proportion to the number of all the seats on that Committee as the membership of that group bears to the membership of the Council as a whole.

The membership of each group must be compared to the membership of the Council to establish the correct proportion to be used in the allocation of seats.



Under Schedule 1 of the 1989 Act “membership” means the number of persons who are Members for the time being of the Authority. The number of Members at the time of this decision is 70.

- 1.6 Under Regulation 16 of the 1990 Regulations, where some of the Members of the relevant authority are members of one or more political groups and the others are not, the Council's obligations are as follows:
- i) to determine the proportion of the total membership of the Council who are members of one or more political groups and ensure that the same proportion of the total number of seats to be filled is allocated to each of the political groups in the proportion that the number of members of that group bears to the membership of the authority; and
  - ii) to ensure that Non-Aligned Members are allocated any seats which do not fall to be earmarked for a political group under the above requirement.

A political group must have at least two members – i.e. there cannot be a group of one.

- 1.7 There are 127 Committee seats that fall to be filled by the Council. **Appendix B** sets out how the allocation of seats best meets the requirements of Section 15 of the 1989 Act and the requirements of the 1990 Regulations as far as is reasonably practicable. As no changes to the membership of Groups have occurred since the last annual meeting these allocations have also not changed.
- 1.8 The Council is required by law to give effect to the wishes of the Groups in appointing members to seats on committees or sub-committees allocated to that Group. Nominations received in advance of the meeting from political groups are detailed in **Appendix C** and are subject to verbal amendments and updates during the Council Meeting. Appendix C also sets out the proposed allocation of seats to unaligned independent members. Council is invited to approve the appointment of members to the allocated seats as set out in Appendix C which will be circulated as part of the Order of Proceedings.
- 1.9 Members who are members of a political group should discuss any changes to Committee appointments with the Leaders of their political groups in advance of the Council meeting.
- 1.10 Council is not invited to make appointments to the Health and Wellbeing Board as appointments of Council members to the Board is reserved to the Leader of the Council by legislation. The Health and Wellbeing Board is not politically balanced.

## **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 any equalities impacts arising out of considering and approving the allocation of seats on Committees and Sub-Committees to political groups on the Council.

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to the allocation of seats on Committees and Sub-Committees to political groups on the Council.

### 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 arising from the allocation of seats on committees and sub-committees to political groups on the Council.

### **3. Conclusion**

It is a matter for the Council to allocate seats on Committees and Sub-Committees to the political groups on the Council, which it must do in accordance with the law relating to proportionality.

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

Council is required to allocate seats on the Committees of the Council to political groups in accordance with the law relating to proportionality as set out in the report.

The Council is required by the provisions within its constitution to establish and appoint to committees at the Annual Meeting.

The decision is within the remit of the Council.

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

There are no material financial implications from acceptance of the recommendations in this report.

### **6. Consultation**

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

No

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

No

**c) Scrutiny Comments**

N/A

**d) Risks and Impact Analysis**

N/A

**7. Appendices**

These are listed below and attached at the back of the report	
Appendix A	Articles of the Constitution – Annex A – Composition of County Council Committees and Sub-Committees
Appendix B	Political Proportionality 2022/23
Appendix C	Appointments to Committees (To be circulated with the Order of Proceedings)

**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 Nicola Calver, who can be contacted on 07387 133755 or [nicola.calver@lincolnshire.gov.uk](mailto:nicola.calver@lincolnshire.gov.uk).

## ANNEX A

## COMPOSITION OF COUNTY COUNCIL COMMITTEES AND SUB-COMMITTEES

<b>Committees</b>	<b>Composition</b>
Overview and Scrutiny Management Board	11 Councillors (+ 3 added non-elected members for education matters) Politically balanced
Adults and Community Wellbeing Scrutiny Committee	11 Councillors – Politically balanced
Children and Young People Scrutiny Committee	11 Councillors (+ 3 added non-elected members for education matters) Politically balanced
Environment and Economy Scrutiny Committee	11 Councillors – Politically balanced
Flood and Water Management Scrutiny Committee	11 Councillors - Politically balanced (+7 other voting members each appointed by a District Council)
Health Scrutiny Committee for Lincolnshire	8 Councillors – Politically balanced (+ 7 other voting members each appointed by a District Council and a member of Healthwatch Lincolnshire (non-voting))
Highways and Transport Scrutiny Committee	11 Councillors – Politically balanced
Public Protection and Communities Scrutiny Committee	11 Councillors – Politically balanced
Audit Committee	7 Councillors – Politically balanced (+ 2 independent person who is not a Councillor or an officer of the Council)
Pensions Committee	8 Councillors – Politically balanced (+ 3 non-elected members)
Planning and Regulation Committee	15 Councillors – Politically balanced
Definitive Map and Statement of Public Rights of Way Sub-Committee	7 Councillors – Politically balanced
Appointments Committee	12 Councillors - Politically balanced
Pay Policy Sub-Committee	7 Councillors – Politically balanced
Health and Wellbeing Board	See Article 7.06

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

### **COMPOSITION OF OTHER GROUPS**

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



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**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Appointment of Chairmen and Vice Chairmen of Committees and Sub-Committees</b>

**Summary:**

The purpose of this report is to set out for consideration nominations for the positions of Chairmen and Vice Chairmen of the Council's Committees and Sub-Committees for the forthcoming municipal year.

**Recommendation(s):**

That the nominations for Chairmen and Vice-Chairman of Committees and Sub-Committees (as set out in Appendix A) be considered and the Council agree the necessary appointments.

## **1. Background**

- 1.1 Each established Committee and Sub-Committee requires appointment of a Chairman and Vice-Chairman for the ensuing municipal year.
- 1.2 Nominations received will be circulated to members as part of the Order of Proceedings.
- 1.3 Members are asked to give consideration to the nominations, and to agree appointments for the 2022/23 municipal year.
- 1.4 Members may note that the following meetings have constitutional rights to appoint their own Chairmen and Vice-Chairmen:
  - Lincolnshire Health Scrutiny and Wellbeing Board;
  - Health Scrutiny Committee for Lincolnshire;
  - Bourne Town Hall Trust Management Committee; and
  - Corporate Parenting Panel.

At the first meeting of the municipal year for each of these bodies, they will elect a Chairman and Vice Chairman from its appointed membership.

## 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 is no impact on equalities arising from the appointment of Chairmen and Vice-Chairmen.
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Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to appointing Chairmen and Vice-Chairmen.

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 arising from the appointment of Chairmen and Vice-Chairmen.

**3. Conclusion**

The Council's Constitution provides that that it is for the Council, at its Annual Meeting, to appoint the Chairmen and Vice-Chairmen of Committees and Sub-Committees, excluding those detailed in paragraph 1.4.

**4. Legal Comments:**

The Council's Constitution provides for the Council to appoint the Chairmen and Vice Chairmen of the Council's Committees and Sub-Committees, (with the exception of the Health Scrutiny Committee for Lincolnshire, the Lincolnshire Health and Wellbeing Board, the Bourne Town Hall Trust Management Committee and the Corporate Parenting Panel) and for appointments to take place at the Annual Meeting.

**5. Resource Comments:**

Chairmen and Vice Chairmen are remunerated in accordance with the Members' Allowance Scheme which is agreed separately to the appointment to these positions. Therefore, there are no specific financial implications arising from the appointment to these established roles.

## 6. Consultation

### a) Has Local Member Been Consulted?

No

### b) Has Executive Councillor Been Consulted?

No

### c) Scrutiny Comments

N/A

### d) Risks and Impact Analysis

N/A

## 7. Appendices

To be circulated prior to the meeting attached to the Order of Proceedings	
Appendix A	Nominations for Chairmen and Vice-Chairmen Positions

## 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 Nicola Calver, who can be contacted on 07387 133755 or [nicola.calver@lincolnshire.gov.uk](mailto:nicola.calver@lincolnshire.gov.uk).



**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Calendar of Meetings 2022/23</b>

**Summary:**

To present for Council's approval the Calendar of Meetings for 2022/23, as detailed in Appendix A to this report.

**Recommendation(s):**

- 1) That the 2022/23 Calendar of Meetings, attached at Appendix A, be approved and the points outlined in paragraphs 1.4 and 1.5 be noted; and
- 2) that delegated authority be granted to the Head of Democratic Services following consultation with the Chairs of the relevant Committee(s) / Working Group(s) to amend the Calendar of Meetings as and when required.

**1. Background**

- 1.1 Each year the Council considers a calendar of meetings for its use for the forthcoming municipal year. This complies with the legal requirement that meetings take place at such hours and on such days as the Council may determine and ensures that the Authority has in place an efficient meeting schedule that meets the needs of Members and facilitates decision making in line with statutory deadlines.
- 1.2 It is a requirement detailed within the Council's Constitution that this schedule of committee meetings for the forthcoming year is agreed at the Annual Meeting.
- 1.3 Appendix 1 to the report details the proposed Calendar of Meetings for 2022/23 for Members' consideration.
- 1.4 The schedule has been drawn up using the rules previously applied to draft the previous year's calendar of meetings, which includes:

- facilitating consideration of statutory business within legal deadlines;
- Member preferences for commencement times and days of the week; and
- frequency of meetings as set out in the constitution.

1.5 Members are asked to note the following points:

- all Members and officers will be sent electronic appointments for the meetings of the bodies which they attend as listed in the calendar; and
- all formal Committee meetings will be held in person for the forthcoming municipal year in line with legislative requirements.

1.6 The delegation at recommendation 2 provides a responsive means to enable the Calendar of Meetings to be varied as appropriate. This flexibility would enable the date and time of a meeting to be amended or an additional meeting to be arranged – for example to enable scrutiny of an urgent decision which may otherwise fall between the usual meeting cycle of the relevant committee.

## **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 no equalities implications in adopting the Calendar of Meetings.

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to approval of these dates.

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 the approval of these dates.

**3. Conclusion**

Councillors are asked to consider and approve the Calendar of Meeting dates for 2022/23 as detailed in Appendix A to ensure that the Council has in place an effective and efficient meeting schedule for the 2022/23 municipal year that meets the needs of Members and facilitates decision-making in line with statutory deadlines.

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

The Council's Constitution provides for the Annual Council Meeting to approve a programme of ordinary meetings of the Council for the forthcoming year.

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

There are no specific financial implications arising from the recommendations of this report.

#### **6. Consultation**

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

No

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

No

**c) Scrutiny Comments**

N/A

**d) Risks and Impact Analysis**

N/A

#### **7. Appendices**

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

Appendix A	Calendar of Meetings 2022/23
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#### **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 Nicola Calver, who can be contacted on 07387133755 or [nicola.calver@lincolnshire.gov.uk](mailto:nicola.calver@lincolnshire.gov.uk).



MAY 2022	JUNE 2022	JULY 2022	AUG 2022	SEPTEMBER 2022	OCTOBER 2022	NOVEMBER 2022	DECEMBER 2022
1					1 & 2		
2			1		3 Planning & Regulation 10.30		
3			2		4 Executive 10.30	1 Executive 10.30	
4 Executive 10.30	1		3		5	2	
5	2		4	1	6	3	1 Pensions Committee 10.00 Lincs Waste Partnership 10.30
6	3	1	5	2	7	4	2 Children & Young People Scrutiny 10.00
7 & 8	4 & 5	2 & 3	6 & 7	3 & 4	8 & 9	5 & 6	3 & 4
9 Planning & Regulation 10.30	6 Planning & Regulation 10.30	4 Planning & Regulation 10.30	8	5 Planning & Regulation 10.30	10	7 Planning & Regulation 10.30	5 Planning & Regulation 10.30
10	7 Executive 10.30	5 Executive 10.30	9	6 Executive 10.30	11	8 Public Protection & Communities Scrutiny 10.00	6 Executive 10.30 Lincolnshire Health & Wellbeing Board 2.00
11	8	6 Adults & Community Wellbeing Scrutiny 10.00	10	7 Adults & Community Wellbeing Scrutiny 10.00	12 Health Scrutiny Committee for Lincolnshire 10.00	9 Health Scrutiny Committee for Lincolnshire 10.00	7
12 Corporate Parenting Panel 10.00	9 Pensions Committee 10.00	7 Corporate Parenting Panel 10.00	11	8 Corporate Parenting Panel 10.00	13	10 Corporate Parenting Panel 10.00	8
13	10	8	12	9 Children & Young People Scrutiny 10.00	14	11	9 County Council 10.30
14 & 15	11 & 12	9 & 10	13 & 14	10 & 11	15 & 16	12 & 13	10 & 11
16	13 Audit Committee 10.00	11 Audit Committee 10.00	15	12 Highways & Transport Scrutiny 10.00	17	14 Audit Committee 10.00	12 Highways & Transport Scrutiny 10.00
17	14 Lincolnshire Health & Wellbeing Board 2.00 SACRE 2.00	12 Environment & Economy Scrutiny 10.00	16	13 Environment & Economy Scrutiny 10.00	18	15	13 Public Protection & Communities Scrutiny 10.00
Health Scrutiny Committee Lincolnshire 10.00	15 Health Scrutiny Committee for Lincolnshire 10.00	13 Health Scrutiny Committee for Lincolnshire 10.00	17	14 Health Scrutiny Committee for Lincolnshire 10.00	19 Adults & Community Wellbeing Scrutiny 10.00	16	14 Health Scrutiny Committee for Lincolnshire 10.00
18	16	14 Pensions Committee 10.00	18	15	20	17	15 Overview & Scrutiny Management Board 10.00
20 County Council 10.30	17 Children & Young People Scrutiny 10.00	15	19	16 County Council 10.30	21 Children & Young People Scrutiny 10.00	18	16
21 & 22	18 & 19	16 & 17	20 & 21	17 & 18	22 & 23	19 & 20	17 & 18
23 Flood & Water Management Scrutiny 10.00	20	18 Highways & Transport Scrutiny 10.00	22	19 Flood & Water Management Scrutiny 10.00	24 Highways & Transport Scrutiny 10.00	21 Flood & Water Management Scrutiny 10.00	19
24 Environment & Economy Scrutiny 10.00	21	19 Public Protection & Communities Scrutiny 10.00	23	20 Public Protection & Communities Scrutiny 10.00	25 Environment & Economy Scrutiny 10.00	22 SACRE 2.00	20 Executive (Budget) 10.30
25 Adults & Community Wellbeing Scrutiny 10.00	22	20	24	21	26	23	21
26 Overview & Scrutiny Management Board 10.00	23 Lincs Waste Partnership 10.30	21	25 Overview & Scrutiny Management Board 10.00	22 Pensions Committee 10.00 Lincs Waste Partnership 10.30	27 Overview & Scrutiny Management Board 10.00	24 Overview & Scrutiny Management Board 10.00	22
27	24	22 Children & Young People Scrutiny 10.00	26	23	28	25	23
28 & 29	25 & 26	23 & 24	27 & 28	24 & 25	29 & 30	26 & 27	24 & 25
30 Highways & Transport Scrutiny 10.00	27	25 Planning & Regulation 10.30	29	26 Audit Committee 10.00	31	28	26
31 Public Protection & Communities Scrutiny 10.00	28	26	30	27 Lincolnshire Health & Wellbeing Board 2.00		29 Environment & Economy Scrutiny 10.00	27
	29	27	31	28		30 Adults & Community Wellbeing Scrutiny Committee 10.00	28
	30 Overview & Scrutiny Management Board 10.00	28		29 Overview & Scrutiny Management Board 10.00			29
		29		30			30
		30 & 31					31

	JANUARY 2023	FEBRUARY 2023	MARCH 2023	APRIL 2023	MAY 2023	JUNE 2023	JULY 2023	AUG 2023	SEPTEMBER 2023	OCTOBER 2023	NOVEMBER 2023	DECEMBER 2023
Sat/Sun	1			1 & 2			1 & 2			1		
Mon	2			3	1		3			2 Planning & Regulation 10.30		
Tue	3			4 Executive 10.30	2		4 Executive 10.30	1		3 Executive 10.30		
Wed	4 Executive 10.30	1	1	5 Adults & Community Wellbeing Scrutiny 10.00	3 Executive 10.30		5	2		4	1	
Thu	5 Pensions Committee 10.00	2	2	6	4	1	6 Corporate Parenting Panel 10.00	3		5	2	
Fri	6	3	3 Children & Young People Scrutiny 10.00	7	5	2	7	4	1	6	3	1 Children & Young People Scrutiny 10.00
Sat/Sun	7 & 8	4 & 5	4 & 5	8 & 9	6 & 7	3 & 4	8 & 9	5 & 6	2 & 3	7 & 8	4 & 5	2 & 3
Mon	9	6 Audit Committee 10.00	6 Highways & Transport Scrutiny 10.00	10	8 Planning & Regulation 10.30	5 Planning & Regulation 10.30	10 Planning & Regulation 10.30	7	4 Planning & Regulation 10.30	9	6 Planning & Regulation 10.30	4 Planning & Regulation 10.30
Tue	10	7 Executive 10.30	7 Executive 10.30	11 Environment & Economy Scrutiny 10.00	9 Public Protection & Communities Scrutiny 10.00	6 Executive 10.30	11 Environment & Economy Scrutiny 10.00	8	5 Executive 10.30	10	7 Executive 10.30	5 Executive 10.30 Lincolnshire Health & Wellbeing Board 2.00
Wed	11 Adults & Community Wellbeing Scrutiny 10.00	8	8	12	10	7	12	9	6 Adults & Community Wellbeing Scrutiny 10.00	11 Health Scrutiny Committee for Lincolnshire 10.00	8 Health Scrutiny Committee for Lincolnshire 10.00	6 Health Scrutiny Committee for Lincolnshire 10.00
Thu	12	9	9 Corporate Parenting Panel 10.00	13	11 Corporate Parenting Panel 10.00	8 Pensions Committee 10.00	13 Pensions Committee 10.00	10	7 Corporate Parenting Panel 10.00	12	9 Corporate Parenting Panel 10.00	7 Pension Committee 10.00
Fri	13 Children & Young People Scrutiny 10.00	10	10	14	12	9	14	11	8 Children & Young People Scrutiny 10.00	13	10	8 County Council 10.30
Sat/Sun	14 & 15	11 & 12	11 & 12	15 & 16	13 & 14	10 & 11	15 & 16	12 & 13	9 & 10	14 & 15	11 & 12	9 & 10
Mon	16 Planning & Regulation 10.30	13 Planning & Regulation 10.30	13 Planning & Regulation 10.30	17 Planning & Regulation 10.30	15 Flood & Water Management Scrutiny 10.00	12	17 Highways & Transport Scrutiny 10.00	14	11 Highways & Transport Scrutiny 10.00	16	13 Audit Committee 10.00	11 Highways & Transport Scrutiny 10.00
Tue	17 Environment & Economy Scrutiny 10.00	14	14	18	16	13	18	15	12 Environment & Economy Scrutiny 10.00	17	14	12 Public Protection & Communities Scrutiny Committee 10.00
Wed	18 Health Scrutiny Committee for Lincolnshire 10.00	15 Health Scrutiny Committee for Lincolnshire 10.00	15 Health Scrutiny Committee for Lincolnshire 10.00	19 Health Scrutiny Committee for Lincolnshire 10.00	17 Health Scrutiny Committee for Lincolnshire 10.00	14 Health Scrutiny Committee for Lincolnshire 10.00	19 Health Scrutiny Committee for Lincolnshire 10.00	16	13 Health Scrutiny Committee for Lincolnshire 10.00	18 Adults & Community Wellbeing Scrutiny 10.00	15	13
Thu	19 Corporate Parenting Panel 10.00	16	16 Pensions Committee 10.00	20	18	15	20	17	14	19	16 Pensions Committee 10.00	14 Overview & Scrutiny Management Board 10.00
Fri	20	17 County Council 10.30	17	21 Children & Young People Scrutiny 10.00	19 County Council 10.30	16 Children & Young People Scrutiny 10.00	21 Children & Young People Scrutiny 10.00	18	15 County Council 10.30	20 Children & Young People Scrutiny 10.00	17	15
Sat/Sun	21 & 22	18 & 19	18 & 19	22 & 23	20 & 21	17 & 18	22 & 23	19 & 20	16 & 17	21 & 22	18 & 19	16 & 17
Mon	23 Highways & Transport Scrutiny 10.00	20 Flood & Water Management Scrutiny 10.00	20	24 Highways & Transport Scrutiny 10.00	22 Highways & Transport Scrutiny 10.00	19 Audit Committee 10.00	24 Audit Committee 10.00	21	18 Flood & Water Management Scrutiny 10.00	23 Highways & Transport Scrutiny 10.00	20 Flood & Water Management Scrutiny 10.00	18
Tue	24	21	21 Public Protection & Communities Scrutiny 10.00	25	23	20 Public Protection & Communities Scrutiny 10.00	25 Public Protection & Communities Scrutiny 10.00	22	19 Public Protection & Communities Scrutiny 10.00	24 Environment & Economy Scrutiny 10.00	21	19 Executive Budget 10.30
Wed	25	22 Adults & Community Wellbeing Scrutiny 10.00	22	26	24 Adults & Community Wellbeing Scrutiny 10.00	21	26	23	20	25	22	20
Thu	26 Overview & Scrutiny Management Board 10.00	23 Overview & Scrutiny Management Board 10.00	23	27 Overview & Scrutiny Management Board 10.00	25 Overview & Scrutiny Management Board 10.00	22	27	24 Overview & Scrutiny Management Board 10.00	21 Pensions Committee 10.00	26 Overview & Scrutiny Management Board 10.00	23 Overview & Scrutiny Management Board 10.00	21
Fri	27	24	24	28	26	23	28	25	22	27	24	22
Sat/Sun	28 & 29	25 & 26	25 & 26	29 & 30	27 & 28	24 & 25	29 & 30	26 & 27	23 & 24	28 & 29	25 & 26	23 & 24
Mon	30	27	27 Audit Committee 10.00		29	26	31 Planning & Regulation 10.30	28	25 Audit Committee 10.00	30	27	25
Tue	31 Public Protection & Communities Scrutiny 10.00	28 Environment & Economy Scrutiny 10.00	28 Lincolnshire Health & Wellbeing Board 2.00		30 Environment & Economy Scrutiny 10.00	27 Lincolnshire Health & Wellbeing Board 2.00		29	26 Lincolnshire Health & Wellbeing Board 2.00	31 Public Protection & Communities Scrutiny 10.00	28 Environment & Economy Scrutiny 10.00	26
Wed			29		31	28 Adults & Community Wellbeing Scrutiny 10.00		30	27		29 Adults & Community Wellbeing Scrutiny 10.00	27
Thu			30 Overview & Scrutiny Management Board 10.00			29 Overview & Scrutiny Management Board 10.00		31	28 Overview & Scrutiny Management Board 10.00		30	28
Fri			31			30			29			29
Sat/Sun									30			30 & 31



**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Appointments to Outside Bodies</b>

**Summary:**

This report requests that the Council review its appointments to Outside Bodies as detailed in Appendix A.

**Recommendation(s):**

That the Council makes the appointments to the organisations as detailed in Appendix A.

## **1. Background**

- 1.1 The Council's Constitution provides the Annual Meeting of Council with responsibility for making Member appointments to Outside Bodies except where the appointment is exercisable only by the Executive under Part 3 of the Constitution or has been delegated.
- 1.2 The Executive has responsibility to make appointments to all Outside Bodies except for Joint Committees (of one or more Local Authorities) or those Bodies where appointments should be politically balanced. This means that the majority of appointments can be made by the Executive. This report details only the appointments to be made by Council.
- 1.3 Appendix A sets out a list of organisations to which the Council may make appointments and the nominations for each appointment for Council consideration and approval.
- 1.4 Members are asked to note that the Joint Health Scrutiny Committee for Humber Coast and Vale has not yet been fully established, and therefore the nomination of Cllr Macey to represent Lincolnshire County Council on that body is pre-emptive of an anticipated request for a nomination. When a nomination request is received, the agreed representative will be put forward for co-option.

- 1.5 Further, the South East Lincolnshire Joint Strategic Planning Committee (SELJSPC) requires three substitutes to be appointed, and these appointments should be reflective of the substantive Members already appointed to serve on the Joint Committee. Therefore, the Council are asked to appoint two Conservative Members, and one South Holland Independent Member to act as appointed substitutes to cover any unforeseen apologies. Whilst substitute Members are invited to attend all meetings of the SELJSPC to contribute to the discussions, the terms of reference stipulate that voting rights will only be transferred to a substitute Member when actively standing in for an absent appointed Member.

## **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 no equalities implications in reviewing the appointments to Outside Bodies.

#### Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

There are no implications for the JSNA or JHWS in relation to the review of Council appointments to Outside Bodies.

#### 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 the review of these appointments.

### **3. Conclusion**

The appointments to Outside Bodies will assist Councillors participating strategically and in the wider community. It will also provide Councillors with additional knowledge and expertise which can be shared with fellow Councillors.

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

The making of appointments to the bodies set out in Appendix A is within the remit of the Council.

**5. Resource Comments:**

There are no specific financial implications arising from the adoption of recommendations in this report.

**6. Consultation**

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

No

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

No

**c) Scrutiny Comments**

N/A

**d) Risks and Impact Analysis**

N/A

**7. Appendices**

To be circulated prior to the meeting attached to the Order of Proceedings	
Appendix A	Outside Bodies Appointments

**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 Nicola Calver, who can be contacted on 07387 133755 or [nicola.calver@lincolnshire.gov.uk](mailto:nicola.calver@lincolnshire.gov.uk).



**Open Report on behalf of Debbie Barnes, Head of Paid Service**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Review of the Constitution - Changes to Chief Officer Delegations</b>

**Summary:**

To inform Council of the division of responsibilities between Chief Officers determined by the Head of Paid Service and seek approval to changes to the Council's Constitution to reflect the division of responsibilities and align formal officer delegations to them.

To seek approval to other changes to the Constitution to amend the Scheme of Delegation to accommodate the role of the Executive Director – Resources in the administration of the Firefighter's Pension Scheme.

**Recommendation(s):**

That the Council:-

1. notes the division of responsibilities between Chief Officers described in the Report; and
2. approves the amendments to the Constitution set out in Appendices B and C to the report.

**1. Background**

- 1.1 **Appendix A** shows the Senior Management Structure which forms Part 7 of the Council's Constitution.
- 1.2 On the 31 March 2022, James Drury the Executive Director – Commercial retired and the Head of Paid Service has taken steps to reallocate responsibilities among the remaining Executive Directors to accommodate changes to the way in which the functions formerly the responsibility of the Executive Director – Commercial are performed.

1.3 The main changes can be briefly described as follows:

- Community Safety is transferred to the Executive Director – Adult Care and Community Wellbeing from the Executive Director – Resources. This recognises the strong interrelationships between community safety and community wellbeing. This is a permanent change.
- The areas of Corporate Property, IMT, Commercial and Transformation are transferred to the Executive Director – Resources. This brings the main corporate support services into one place enabling closer working and greater integration, enabling a consistent and joined up support offer to the wider organisation. This change is for an initial period of 6 months pending a decision about the future of the role of Executive Director – Commercial.

1.4 In addition the Head of Paid Service has nominated the Executive Director - Resources as Deputy Chief Executive to give a clear point of focus and leadership to the paid service in her absence and to facilitate the seamless delivery of the Council's services in such circumstances. No constitutional amendments flow from this change.

1.5 To reflect the changes in paragraph 1.3 it is necessary to revisit the distribution of officer delegations within Part 3 of the Constitution to ensure that the formal provisions of the Constitution remain aligned to the officer structure of the Council. Article 9 (Officers) has also been reviewed and amended to ensure that it accurately reflects the current Chief Officer arrangements.

1.6 **Appendix B** and **Appendix C** show the amendments necessary to bring the officer delegations and areas of responsibility as shown in the Constitution in line with the management structure described above and approval is sought for these Constitutional amendments so the relevant senior managers are equipped with the necessary delegations to progress their areas of responsibility.

1.7 Opportunity has also been taken to introduce an amendment to the Scheme of Delegation for the Executive Director – Resources to recognise the Council's role as Scheme Manager of the Firefighter's Pension Scheme.

1.8 No other changes to the Constitution are proposed at this time.

## 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 Equality Act duty has been taken into account but no equalities impacts have been identified arising from the proposals in this report.

Joint Strategic Needs Assessment (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 and Wellbeing Strategy (JHWS) in coming to a decision.

The JSNA and JHWS have been taken into account. The allocation of management responsibilities described is considered best designed to enable the Council to focus on and progress its strategic objectives including those relating to the health and wellbeing of the people of the area.

### 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.

Crime and disorder issues have been taken into account. The allocation of management responsibilities described is considered best designed to enable the Council to focus on and progress all its strategic objectives including those relating to crime and disorder.

### **3. Conclusion**

It is necessary to make temporary and permanent changes to the constitution to ensure that its formal provisions remain aligned to the officer structure of the Council and that the document continues to be fit for purpose.

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

The number and grades of staff required by the Council for the discharge of its functions; the organisation of the Council's staff; and the appointment and proper management of the Council's staff are matters for the Head of Paid Service and the report informs the Council of the arrangements the Head of Paid Service has determined.

Amendments to the delegations and other constitutional provisions relating to Chief Officers are reserved to full Council.

The decision on recommendation 2 is therefore within the remit of the full Council.

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

All changes arising from the recommendations within this report will be met from existing budgets of the Council.

## 6. Consultation

### a) Has Local Member Been Consulted?

No

### b) Has Executive Councillor Been Consulted?

No

### c) Scrutiny Comments

The decision has not been considered by a Scrutiny Committee.

### d) Risks and Impact Analysis

Detailed within the report.

## 7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Part 7 of the Council's Constitution: Existing Management Structure
Appendix B	Part 2 of the Council Constitution: Articles (with tracked changes for proposed amendments)
Appendix C	Part 3 of the Council's Constitution: Responsibility for Functions (with tracked changes for proposed amendments)

## 8. 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
Council's Constitution	<a href="http://www.lincolnshire.gov.uk">www.lincolnshire.gov.uk</a>

This report was written by David Coleman, Chief Legal Officer and Monitoring Officer, who can be contacted on 01522 552134 or david.coleman@lincolnshire.gov.uk.

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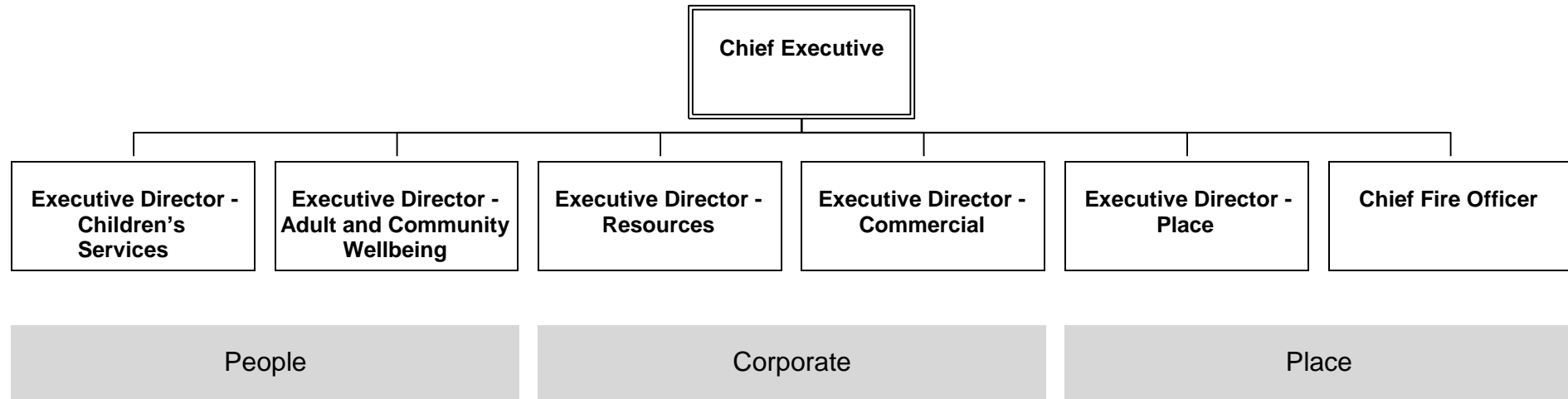
## **Part 7**

# **MANAGEMENT STRUCTURE**

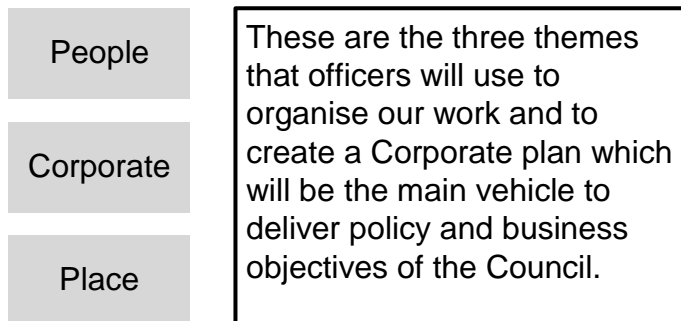
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# Corporate Leadership Team



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**Part 2**

**ARTICLES OF THE CONSTITUTION**

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2/51

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## ARTICLE 9 – OFFICERS

### 9.1 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>• Corporate communications</li> <li>• Community engagement</li> </ul>
Executive Director - 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>• Youth Offending Services</li> </ul>

Executive Director - Place	<ul style="list-style-type: none"> <li>• Economy</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>• Community Development</li> <li>• Libraries and Heritage</li> </ul>
Executive Director - Resources	<ul style="list-style-type: none"> <li>• Business Support</li> <li>• Corporate Audit &amp; Risk Assurance</li> <li>• Strategic Finance</li> <li>• Pensions and Treasury</li> <li>• Human Resources</li> <li>• Legal and Democratic Services</li> <li>• Information Governance</li> <li>• <a href="#">Senior Information Risk Owner</a></li> <li>• <a href="#">Commercial services</a></li> <li>• <a href="#">Information Management and Technology</a></li> <li>• <a href="#">Corporate systems</a></li> <li>• <a href="#">Performance monitoring and reporting</a></li> <li>• <a href="#">Property</a></li> <li>• <a href="#">Procurement and contract management</a></li> </ul>
Executive Director - Adult Care and Community Wellbeing	<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>• <a href="#">Health and Wellbeing</a></li> <li>• <a href="#">Crime and Disorder</a></li> <li>• <a href="#">Safer Communities</a></li> <li>• <a href="#">Registration and Celebratory Services</a></li> <li>• <a href="#">Emergency Planning</a></li> </ul>

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Executive Director -  
- Commercial  
(VACANT)

- Commercial services
- Information Management and Technology
- Corporate systems
- Performance monitoring and reporting
- Property
- Procurement and contract management

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

2/54

The Council will designate the following posts as Statutory Officers:

<b>Post</b>	<b>Designation</b>
Chief Executive	Head of Paid Service under section 4 of the Local Government and Housing Act 1989 <del>Director of Children's Services under section 18 of the Children Act 2004</del>
Chief Legal Officer	Monitoring Officer under section 5 of the Local Government and Housing Act 1989
Executive Director - Resources	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 - Children's Services	<a href="#">Director of Children's Services under section 18 of the Children Act 2004</a>
Executive Director - Adult Care and Community Wellbeing	Director of Adult Social Services under section 6 of the Local Authorities and Social Services Act 1970
Executive Director - Place	Traffic Manager under section 17 of the Traffic Management Act 2004
Head of Democratic Services	Scrutiny Officer under section 9FB of the Local Government Act 2000

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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 - Adult Care and Community Wellbeing with direct responsibility to the Head of Paid Service 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.

## **9.2 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.

## **9.3 Functions of the Monitoring Officer**

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

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

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

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

### **(c) Standards**

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

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

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

2/56



(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.

**9.4 Functions of the Chief Finance Officer**

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

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

(b) **Administration of financial affairs**

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

(c) **Contributing to corporate management**

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

(d) **Providing advice**

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

2/57

(e) **Give financial information**

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

**9.5 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.

**9.6 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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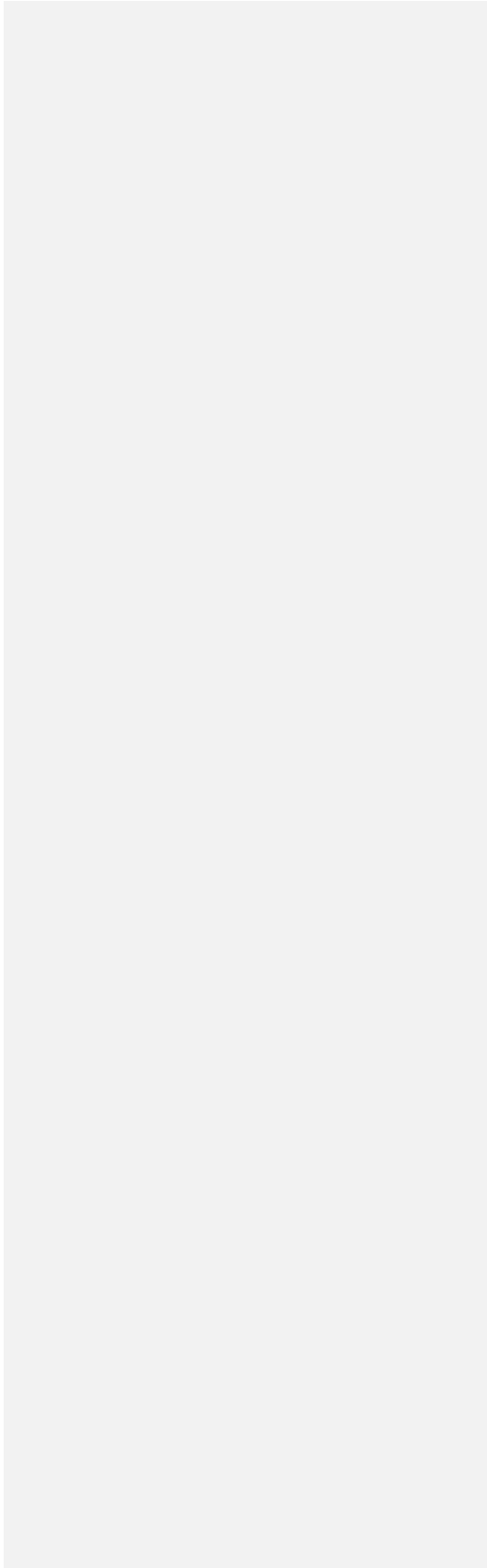
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## **Part 3**

# **RESPONSIBILITY FOR FUNCTIONS**



## DELEGATIONS TO HEAD OF PAID SERVICE AND ALL CHIEF OFFICERS

### A General

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

### B General Powers of the Head of Paid Service and all Chief Officers

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

3/2

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

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

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

3/3

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



**C SPECIFIC POWERS OF THE HEAD OF PAID SERVICE, CHIEF OFFICERS AND OTHER OFFICERS**

**HEAD OF PAID SERVICE**

**General**

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.

**Communications**

1. To provide corporate communications functions.

**Community Engagement**

1. To promote community engagement and development.

**EXECUTIVE DIRECTOR - RESOURCES**

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.

3/5

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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.
<b>8. To take decisions in exercise of the Council's functions as Scheme Manager for the Firefighter's Pension Schemes</b>
<del>8.9.</del> 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.
<del>9.10.</del> 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.
<del>10.11.</del> To act as Chief Finance Officer in pursuance of the Local Government Finance Act 1988.
<del>11.12.</del> To agree appropriate means of securing external representation on the Pension Committee, in consultation with relevant external bodies.
<del>12.13.</del> To maintain an adequate and effective internal audit service.
<del>13.14.</del> To effect all insurance cover in respect of County Council activities and responsibilities, including making appropriate arrangements for the investigation and settlement of claims.
<del>14.15.</del> 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.
<del>15.16.</del> To arrange appropriate banking and related services on behalf of the Council including opening and closing bank accounts.
<del>16.17.</del> To exercise the function of the Council in relation to the use of badges for display on disabled persons' motor vehicles.
<b>Human Resources</b>
1. To be responsible for Human Resources and Organisational Development.
<b>Democratic Services</b>
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.
<b>Information Governance</b>
1. To ensure arrangements are in place across the Council for the effective and secure management of data in accordance with the Council's Data Protection obligations.
<b>Complaints</b>
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)

**Crime and Disorder**

- ~~1. To lead the County Council's efforts to fulfil its obligations and duties under Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended and extended by Schedule 9 of the Police and Justice Act 2006) by actively engaging as a County Council at all levels in the Community Safety Partnerships of Lincolnshire.~~
- ~~2. To establish and lead the county-wide Community Safety Board. To develop and implement the County Community Safety Agreement encompassing the priorities for Lincolnshire, as required by the Police and Justice Act 2006.~~
- ~~3. To lead the County Council's efforts to embed the principles of Section 17 of the Crime and Disorder Act 1998 in every aspect of policy development, budget setting and service delivery in line with the statutory duty that the Act imposes.~~
- ~~4. To drive the County Council's commitment to sharing information with partners as allowed by Section 115 of the Crime and Disorder Act 1998.~~

**Safer Communities Service – Trading Standards**

- ~~1. Without prejudice to General Powers, to exercise the functions and duties of the Council as local weights and measures authority, food authority, in connection with legislation relating to standards of trade in the county and for the purposes of the enforcement of animal health and welfare legislation, community safety legislation and licensing functions as part of which, for the correct discharge of these functions, the following direct delegations are made.~~

**Head of Safer Communities**

- ~~1. To institute/and or appear on behalf of the County Council in any legal proceedings including any preliminary or ancillary applications in the relevant Court or tribunal for the prosecution of offences or institution of civil action and the criminal or civil enforcement and administration of legislation relevant to standards of trade, community safety, food and animal health and welfare, licensing or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and which the County has either a statutory duty or power to enforce or considers it expedient to enforce for the promotion or protection of the inhabitants of the county by virtue of Section 222 of the Local Government Act 1972.~~
- ~~2. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 or any subsequent related or replacement legislation before the Criminal Courts and to enter into memoranda of understanding with the Police Authority Financial Investigation Units for the purpose of taking such proceedings.~~
- ~~3. Responsibility to ensure that the duties associated with Section 72(1) (a) of the Weights and Measures Act 1985 is discharged within the service.~~
- ~~4. To issue notices with the effect of requiring the marking of, requiring warnings to be issued in respect of, suspending the supply of, requiring the withdrawal from the market of and requiring the recall from the market of products as provided for under legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and~~

3/7

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<p>animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</p>
<p>5. To act as Inspector/authorised officer or other enforcing officer role as provided in, and to inspect enter and investigate for the purposes of enforcement of, legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and to authorise in writing officers to act in these capacities.</p>
<p>6. To appoint public analysts and agricultural analysts for the County Council for the purposes of the Food Act 1984, the Food Safety Act 1990 and the Agriculture Act 1970 or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</p>
<p>7. To nominate in writing Officers for the purposes of enforcing the Food and Environment Protection Act 1985.</p>
<p>8. To enter into appropriate arrangements with other enforcement authorities for the purpose of the enforcement of any legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food, animal health and welfare and licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</p>
<p>9. To appoint suitable persons under the Health and Safety at Work etc Act 1974 for the purposes of enforcing the Explosives Acts 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments.</p>
<p>10. To initiate appeals against the decisions of the relevant Court where, in the Head of Safer Communities professional opinion, it is proper so to do.</p>
<p>11. To initiate and co-ordinate all activities necessary for the Council to discharge its responsibilities under the Animal Health Act 1981 in order to prevent, control or deal with an outbreak of rabies or other animal disease in the county.</p>
<p>12. To conduct hearings and to give assent or otherwise under the Explosives Act 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments in relations to applications for the establishment of new factories or magazines.</p>
<p>13. To discharge the functions of the County Council as a responsible authority under the licensing Act 2003 or any subsequent related or replacement legislation and to appoint other officers of the authority to do so.</p>
<p><b>Service Manager – Safer Communities</b></p>
<p>In the absence of the Head of Safer Communities, the Service Managers – Safer Communities are authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2, 4, 7, 8, 9, 11, 12 and 13 above.</p>
<p><b>Duly Appointed Officers</b></p>
<p>At all times the duly appointed Officers of the service are, for the purpose of</p>

~~enforcing the relevant legislation, authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2 and 4 above after having, in each case, obtained the permission of the Head of Safer Communities, or, in their absence, a Service Manager — Safer Communities.~~

#### **Registration and Celebratory Services**

~~1. In respect of the Registration Service:~~

~~(a) to approve payments to Registrars, Deputy Registrars of Births, Deaths and Marriages in circumstances justifying payments in excess of the normal allowances to registrars for their services;~~

~~(b) to arrange for premises to be leased for the use of Registrars of Births, Deaths and marriages at rents approved by the Chief Property Officer;~~

~~(c) to issue a licence for the approval of premises for the solemnisation of marriages under the marriage Act 1994 and civil partnerships under Civil Partnership Act 2004;~~

~~(d) to issue certificates and arrange citizenship ceremonies under British Nationality Act 1981.~~

~~2. To undertake the statutory role of "Proper Officer", ensuring that Registration of Births, Deaths and marriages service is provided in Lincolnshire, including the licensing of approved premises for the solemnisation of marriages, civil partnerships and citizenship ceremonies.~~

#### **Property**

~~1. In connection with the estate management of the County Council's land and premises, in consultation with the local Councillor:~~

~~(i) to acquire land and premises;~~

~~(ii) to dispose of land and premises surplus to requirement;~~

~~(iii) 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;~~

~~(iv) to accept and grant leases of land and premises and such other rights over land and premises as may be deemed necessary or appropriate;~~

~~(v) 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.~~

~~2. To seek permission for any development referred to in regulation 3 of the Town and Country Planning General Regulations 1992.~~

~~3. To determine and serve notices under the terms of any agreement for the use of land or premises.~~

~~1. To undertake the role of Travellers Liaison Officer in consultation with other Directorates in matters of illegal camping and site provision.~~

#### **Information Management and Technology**

~~1. To develop the Corporate IT Policy including digital channel shift and provide~~

3/9

approved version 19.02.21

<u>general advice thereon.</u>
<u>2. To operate and deliver IT infrastructure, services, systems and software.</u>
<u>3. To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.</u>
<b>Commercial</b>
<u>1. To develop the Council's corporate business plan.</u>
<u>2. To advise the Council on its Equality and Diversity obligations.</u>
<u>3. To manage and develop the Council's Strategic contract with Serco.</u>
<u>4. To deliver the Council's corporate procurement function including the shared service with the Districts.</u>
<u>5. Provide commercial advice and support to Commissioners.</u>

## ANNEX A

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

## EXECUTIVE DIRECTOR - CHILDREN'S SERVICES

### Education

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

3/12

approved version 19.02.21



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

3/13

approved version 19.02.21

10. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Children's Social Services and the services for which the Director is responsible.

#### **Youth Offending**

1. To exercise the functions of the County Council in relation to the Youth Offending Service.

### **EXECUTIVE DIRECTOR - ADULT CARE AND COMMUNITY WELLBEING**

#### **Services for Adults and Older People**

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

3/14

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15. To approve agreements and contracts with or grants to voluntary organisations in undertaking the functions of Social Services Directorate and the services for which the Director is responsible.
16. To authorise under the provisions of the Human Tissue Act 1961 (where the Council is in lawful possession of the body) the removal of parts of the body of a deceased resident in accordance with the wish expressed by the resident during his/her lifetime.
17. To exercise the functions of the Council in relation to adult safeguarding and in particular to
(i) Maintain a clear organisational and operational focus on safeguarding vulnerable adults
(ii) Ensure that relevant statutory requirements and other national standards are met
(iii) Encourage a culture of vigilance against the possibility of adult abuse
(iv) Ensure all services within the remit of the post remain focused appropriately on safeguarding adults; and
(v) Promote equality of opportunity and eliminate discrimination in respect of adult care services
<b>Services in relation to Community Wellbeing</b>
1. To support delivery of strategic and supported housing.
2. To promote general health and wellbeing.
3. To exercise the functions of the County Council in relation to the Drug and Alcohol Action Team.
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.
<b>Crime and Disorder</b>
<u>1. To lead the County Councils efforts to fulfil its obligations and duties under Sections 5 and 6 of the Crime and Disorder Act 1998 (as amended and extended by Schedule 9 of the Police and Justice Act 2006) by actively engaging as a County Council at all levels in the Community Safety Partnerships of Lincolnshire.</u>
<u>2. To establish and lead the county-wide Community Safety Board. To develop and implement the County Community Safety Agreement encompassing the priorities for Lincolnshire, as required by the Police and Justice Act 2006.</u>
<u>3. To lead the County Council's efforts to embed the principles of Section 17 of the Crime and Disorder Act 1998 in every aspect of policy development, budget setting and service delivery in line with the statutory duty that the Act imposes.</u>
<u>4. To drive the County Council's commitment to sharing information with partners as allowed by Section 115 of the Crime and Disorder Act 1998.</u>

3/15

approved version 19.02.21

<b>Safer Communities Service – Trading Standards</b>
<p><u>1. Without prejudice to General Powers, to exercise the functions and duties of the Council as local weights and measures authority, food authority, in connection with legislation relating to standards of trade in the county and for the purposes of the enforcement of animal health and welfare legislation, community safety legislation and licensing functions as part of which, for the correct discharge of these functions, the following direct delegations are made.</u></p>
<b>Head of Safer Communities</b>
<p><u>1. To institute/and or appear on behalf of the County Council in any legal proceedings including any preliminary or ancillary applications in the relevant Court or tribunal for the prosecution of offences or institution of civil action and the criminal or civil enforcement and administration of legislation relevant to standards of trade, community safety, food and animal health and welfare, licensing or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and which the County has either a statutory duty or power to enforce or considers it expedient to enforce for the promotion or protection of the inhabitants of the county by virtue of Section 222 of the Local Government Act 1972.</u></p>
<p><u>2. To initiate restraint and/or confiscation proceedings under the Proceeds of Crime Act 2002 or any subsequent related or replacement legislation before the Criminal Courts and to enter into memoranda of understanding with the Police Authority Financial Investigation Units for the purpose of taking such proceedings.</u></p>
<p><u>3. Responsibility to ensure that the duties associated with Section 72(1) (a) of the Weights and Measures Act 1985 is discharged within the service.</u></p>
<p><u>4. To issue notices with the effect of requiring the marking of, requiring warnings to be issued in respect of, suspending the supply of, requiring the withdrawal from the market of and requiring the recall from the market of products as provided for under legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</u></p>
<p><u>5. To act as Inspector/authorised officer or other enforcing officer role as provided in, and to inspect enter and investigate for the purposes of enforcement of, legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food and animal health and welfare, or licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation and to authorise in writing officers to act in these capacities.</u></p>
<p><u>6. To appoint public analysts and agricultural analysts for the County Council for the purposes of the Food Act 1984, the Food Safety Act 1990 and the Agriculture Act 1970 or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</u></p>
<p><u>7. To nominate in writing Officers for the purposes of enforcing the Food and Environment Protection Act 1985.</u></p>

3/16

approved version 19.02.21

<p>8. <u>To enter into appropriate arrangements with other enforcement authorities for the purpose of the enforcement of any legislation which is enforced by the County Council and is relevant to standards of trade, community safety, food, animal health and welfare and licensing functions or other functions from time to time conferred upon trading standards or weights and measures authorities by legislation.</u></p>
<p>9. <u>To appoint suitable persons under the Health and Safety at Work etc Act 1974 for the purposes of enforcing the Explosives Acts 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments.</u></p>
<p>10. <u>To initiate appeals against the decisions of the relevant Court where, in the Head of Safer Communities professional opinion, it is proper so to do.</u></p>
<p>11. <u>To initiate and co-ordinate all activities necessary for the Council to discharge its responsibilities under the Animal Health Act 1981 in order to prevent, control or deal with an outbreak of rabies or other animal disease in the county.</u></p>
<p>12. <u>To conduct hearings and to give assent or otherwise under the Explosives Act 1875 to 1976 and subsequent legislation made under the Health and Safety at Work etc Act 1974 and otherwise in respect of the regulation of explosives including the Explosives Regulations 2014 and subsequent amendments in relations to applications for the establishment of new factories or magazines.</u></p>
<p>13. <u>To discharge the functions of the County Council as a responsible authority under the licensing Act 2003 or any subsequent related or replacement legislation and to appoint other officers of the authority to do so.</u></p>
<p><b>Service Manager – Safer Communities</b></p>
<p><u>In the absence of the Head of Safer Communities, the Service Managers - Safer Communities are authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2, 4, 7, 8, 9, 11, 12 and 13 above.</u></p>
<p><b>Duly Appointed Officers</b></p>
<p><u>At all times the duly appointed Officers of the service are, for the purpose of enforcing the relevant legislation, authorised to exercise the powers delegated to the Head of Safer Communities under 1, 2 and 4 above after having, in each case, obtained the permission of the Head of Safer Communities, or, in their absence, a Service Manager – Safer Communities.</u></p>
<p><b>Registration and Celebratory Services</b></p>
<p>1. <u>In respect of the Registration Service:</u></p>
<p><u>(a) to approve payments to Registrars, Deputy Registrars of Births, Deaths and Marriages in circumstances justifying payments in excess of the normal allowances to registrars for their services;</u></p>
<p><u>(b) to arrange for premises to be leased for the use of Registrars of Births, Deaths and marriages at rents approved by the Chief Property Officer;</u></p>
<p><u>(c) to issue a licence for the approval of premises for the solemnisation of marriages under the marriage Act 1994 and civil partnerships under Civil Partnership Act 2004;</u></p>
<p><u>(d) to issue certificates and arrange citizenship ceremonies under British Nationality Act 1981.</u></p>
<p>2. <u>To undertake the statutory role of "Proper Officer", ensuring that Registration</u></p>

3/17

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of Births, Deaths and marriages service is provided in Lincolnshire, including the licensing of approved premises for the solemnisation of marriages, civil partnerships and citizenship ceremonies.

**Civil Protection**

1. To implement any legislation pertinent to Emergency Planning.

**EXECUTIVE DIRECTOR – PLACE**

**Highways, Construction and Maintenance**

1. To act as Engineer in Civil Engineering Contracts where the County Council, Highways Agency, or Lincolnshire’s Partners are the Employer.
2. To take the role of Employer in Civil Engineering Contracts where the County Council is the employer in respect of:
  - (i) deduction of liquidated damages;
  - (ii) other matters within the limits imposed by the Financial Regulations.
3. To accept appointments to prepare and supervise civil engineering works on behalf of the Highways Agency and other public bodies, private individuals, firms and other bodies.
4. To provide and maintain cattle grids, fences, boundary posts and road footway lighting systems.
5. To carry out minor maintenance activities under the Highways Act 1980 and the Countryside Act 1968 and make decisions on related payments, land exchanges, gifts, rents, speed regulations and similar accommodations.
6. To determine, after consultation with the local Councillor and Chairman and Vice-Chairman of the Planning and Regulation Committee, applications for pedestrian crossings falling within defined criteria.
7. To object to other authorities’ formal traffic proposals where they adversely affect highways in Lincolnshire.
8. To convert lengths of footway into combined footway and cycle tracks, subject to no objections being received.
9. To make changes to the Road Hierarchy.
10. To submit proposals for road classification, re-classification or re-numbering, to the Government Office for the East Midlands.
11. To incur capital expenditure on highway improvement and maintenance schemes subject to:
  - (i) a maximum scheme cost of £100,000, additional expenditure to be contained within the approved total Highways Capital Programme;
  - (ii) prior consultation with the Executive Director - Resources and the appropriate Executive Councillor.
12. In connection with the New Roads and Street Works Act 1991 and any other relevant enabling legislation:
  - (i) to approve the declaration of an existing highway to be a new street;
  - (ii) to settle payments to be made by owners of new buildings in respect of street works;
  - (iii) to make up, vary the width of and adopt after the execution of street works.
13. Following consultation as appropriate, to designate County roads as

3/18

approved version 19.02.21

protected Streets and/or Streets with Special Engineering Difficulty under the New Roads and Street Works Act 1991, and to withdraw such designations as appropriate.
14. To agree with, and for exercise by, the Secretary of State certain functions of the Council in respect of highways affected by the construction, etc, of a trunk road.
15. To comment to the Highways Agency on their proposed Orders, except where formal objection is to be made.
16. Following consultation with the appropriate Executive Councillor, to determine future percentage rates and/or thresholds at which the development road fee could be reduced for certain developments.
17. To carry out the statutory requirements acting on behalf of Lincolnshire County Council as the Enforcement Authority for all aspects of Civil Parking Enforcement and appeals processes as specified in the Traffic Management Act 2004 part 6, the Road Traffic and Regulation Act 1984, the Road Traffic Act 1991, Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.
<b>Management of Highways</b>
18. To advertise proposals for Road Traffic Regulation Orders and to pursue and progress proposals for the stopping-up of highways which are in accordance with Council policy and which, at preliminary consultation stage, are supported by the Chief Constable and the relevant local Council, and to confirm orders to which no objections are received.
19. To advertise and consult concurrently on all Traffic Regulation Order proposals other than those relating to speed limits.
20. Following consultation with the appropriate Executive Councillor, to proceed to public advertising and consultation of speed limit proposals where the Executive Director considers that appropriate.
21. To make representations to the Highways Agency on draft orders for the stopping-up or diversions of Highways to enable development to be carried out in accordance with planning permission.
22. Under any legislation relating to the functions administered by the Executive Director - Resources
(i) to serve or display notices;
(ii) to grant or refuse consents, approvals, licences, authorisations and permissions;
(iii) to impose requirements;
(iv) to exercise any powers preliminary to or subsequent upon (i) to (iii).
23. Powers under 22(ii) in respect of the siting of tables and chairs on highways and in pedestrian areas within the highway, are subject to the Planning and Regulation Committee considering adverse comments and objections.
24. To make temporary orders regulating traffic and diverting highways.
25. To assert and protect the rights of the public on highways including the removal of anything that represents an obstruction, nuisance, danger or interference to any highway.
26. To make observations and lodge formal objections to District Councils in respect of Public Path Orders proposed to be made by them under sections

3/19

approved version 19.02.21

26, 118 and 119 of the Highways Act 1980 or section 257 of the Town and Country Planning Act 1990.
27. To make and to authorise the making of Orders under the following statutory provisions:
(i) Highways Act 1980, Section 25 (creation of footpaths, bridleways and restricted byways by agreement).
(ii) Highways Act 1980, Section 26 (creation of footpaths, bridleways and restricted byways by order).
(iii) Highways Act 1980, Section 118 (extinguishment of footpaths and bridleways and restricted byways).
(iv) Highways Act 1980, Section 118A (power to make a rail crossing extinguishment order).
(v) Highways Act 1980, Section 118B (power to make special extinguishment orders).
(vi) Highways Act 1980, Section 119 (diversion of footpaths and bridleways).
(vii) Highways Act 1980, Section 119A (power to make a rail crossing diversion order).
(viii) Highways Act 1980, Section 119B (power to make special diversion order).
(ix) Highways Act 1980, Section 135 (power to authorise and make a Diversion Order allowing for the temporary disturbance of a footpath, bridleway or restricted byway).
(x) Highways Act 1980, Section 132 (power to remove items painted, inscribed or affixed to the surface of or tree structure or works on or in the highway).
(xi) Highways Act 1980, Section 134(6) (power to enforce provisions regarding inter alia ploughing).
(xii) Highways Act 1980, Section 134(8) (power to grant an extension).
(xiii) Highways Act 1980, Section 137A (power to enforce the provisions in relation to interference by crops).
(xiv) Highways Act 1980, Section 143 (power to remove structures from highways and to recover costs from the person having control or possession of the structure).
(xv) Highways Act 1980, Section 145 (power to enforce minimum widths for gates across highways).
(xvi) Highways Act 1980, Section 154 (power to require removal of overhanging trees or shrubs).
(xvii) Highways Act 1980, Section 164 (power to require removal of barbed wire).
(xviii) Highways Act 1980, Section 297 (power to require information as to ownership of land).
(xix) Highways Act 1980, Section 300 (right to use appliances and vehicles on footpaths, bridleways and restricted byways).
(xx) Highways Act 1980, Schedule 12A (power to carry out works in relation to interference with highways).
(xxi) Cycle Tracks Act 1984, Section 3 (power to designate footpath as cycle path).
(xxii) Housing Act 1981, Section 294 (power to extinguish public right of way).

3/20

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over land acquired for clearance).
(xxiii) Countryside and Rights of Way Act 2000, Section 35 (power to enter into agreements with respect to means of access).
(xxiv) Countryside and Rights of Way Act 2000, Section 37 (power to provide access in absence of agreement).
(xxv) Wildlife and Countryside Act 1981, Section 57A (power to prepare map and statement by way of consolidation of Definitive Map and Statement).
(xxvi) Town and Country Planning Act 1990, Section 257 (stopping up and diversion of footpaths and bridleways).
(xxvii) Town and Country Planning Act 1980, Section 258 (power to extinguish public rights of way over land held for planning purposes).
(xxviii) Town and Country Planning Act 1990, Section 261 (temporary stopping up of footpaths and bridleways for mineral workings), and, where appropriate, in the event of no objections being made or any objections made being withdrawn, to confirm the same.
28. To enter into agreements in respect of permissive (or concessionary) paths.
29. To take prosecution action under National Parks and Access to the Countryside Act 1949, Section 57 and to serve notices, to take appropriate default action and/or prosecution action and reclaim full costs under the Highways Act 1980 as amended.
30. Power to act in accordance with any court order made under Section 130B of the Highways Act 1980 including any application to the Court to vary or appeal any order made.
31. To make and authorise the making of Modification Orders to keep the Definitive Map and Statement up-to-date in respect of changes resulting from the events specified in sections 53 and 54 of the Wildlife and Countryside Act 1981 and to determine the relevant date for such Orders pursuant to Section 56(3) of the 1982 Act and in the event of no objections being made or objections being made and being withdrawn, to confirm the same. On the receipt of an objection to submit the Order to the Secretary of State.
32. To make and, where appropriate, waive charges in respect of Public Path Orders.
33. Power to make an application to the Magistrates' Court to authorise the stopping up or diversion of a highway under Section 116 of the Highways Act 1980.
34. For the purpose of assessing priority for Public Rights of Way maintenance, to set, upgrade and downgrade Public Rights of Way within priorities determined.
35. To nominate members of the public to carry out site inspections in relation to non-statutory stages in the implementation of the Highways Act 1980 as amended and the Wildlife and Countryside Act 1981.
36. Power to make byelaws as respects access to land under Countryside and Rights of Way Act 2000, Section 17.
37. Power to appoint wardens as respects access to land under the Countryside and Rights of Way Act 2000, Section 18.
38. Power to erect and maintain notices as respects access to land under the Countryside and Rights of Way Act 2000, Section 19.
39. Power to apply to the Magistrates' Court for an Order to remove an

3/21

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obstruction to access under the Countryside and Rights of Way Act 2000, Section 39.
40. Duty to establish Local Access Forum including power to establish new forums withdraw from joint forums and merge forums and to publish annual Local Access Forum Report under the Countryside and Rights of Way Act 2000, Section 94 and statutory regulations.
41. To act as Traffic Manager as referred to in the Traffic Management Act 2004 generally through authorisation to the Assistant Director Highways.
<b>Spatial Planning, Conservation and Environment</b>
1. To make grants towards landscape schemes.
2. To maintain the Historic Environment Record.
3. To take the appropriate action in respect of certain functions of the County Council as local planning authority (after consultation with the Chairmen of the appropriate Committees where considered necessary), those functions being:
<ul style="list-style-type: none"> <li>• Tree Preservations Orders and Trees in Conservation Areas;</li> <li>• Forestry Commission Matters;</li> <li>• Regulation 3 of the Town and Country Planning General Regulations 1992;</li> <li>• Plan Briefs and Similar Documents;</li> <li>• Certificate of Lawfulness of Existing Use or Development (CLEUD) (Planning and Compensation Act 1991 (S.191));</li> <li>• Certificate of Lawfulness and Proposed Use or Development (CLOPUD) (Planning and Compensation Act 1991 (S.192));</li> <li>• Planning applications affecting the interests of the County.</li> </ul>
4. To initiate appropriate enforcement action in respect of development carried out without the grant of planning permission or in breach of a condition of planning permission. Also, to take such actions as may be considered appropriate including, if necessary, the issue of enforcement and/or stop-notices under the Town and Country Planning Act 1990 as amended by Planning and Compulsory Purchase Act 2004.
5. To approve matters reserved by a condition of any planning permission in respect of County Council, waste or minerals development.
6. To issue any Direction pursuant to any requirement under Article 7 of the Town and Country Planning (General Permitted Development) Order 1995.
7. To issue any Opinion or Direction pursuant to the Town and Country Planning (Environmental Assessment and Permitted Development) Regulations 1999.
8. To issue Certificates of Conformity/Non-Conformity in respect of local plans under Section 46 of the Town and Country Planning Act 1990.
9. To prescribe improvement building frontage and sight lines.
10. To make grants in respect of Historic Buildings and premises included in Enhancement Schemes.
11. To make observations and recommendations on behalf of the Council as highway authority in reply to consultation by district planning authorities on planning applications of the description in paragraphs (f), (g) and (h) of the table to article 18(1) of the Town and Country Planning General Development Order 1988.
12. To enter into agreements under section 278 of the Highways Act 1980

3/22

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relative to highway improvement works provided the costs of the works are secured by the agreement and to execute the works.
13. To adopt highways.
14. To comment to the Department for Transport on applications made to Department for grants under S.36 of the Transport Act 1981.
15. To approve all applications for planning permission (including the determination of schemes of conditions submitted under the Environmental Act 1995 Minerals Review), for Hazardous Substances Consent, Listed Building Consents and Conservation Area Consents except where:- <ul style="list-style-type: none"> <li>• Those applications and proposals in accordance with the Development Plan where objections are raised by other local authorities;</li> <li>• Those applications which are Environmental Impact Assessment applications;</li> <li>• Those which are recommended for refusal;</li> <li>• All applications where more than 3 individual representations from separate properties raising planning related objections are received;</li> <li>• Those involving a departure from the Local Plan; and</li> <li>• Those which have been referred to Committee by a Local Member.</li> </ul>
16. To negotiate section 106 agreements in connection with planning applications relating to applications dealt with by district councils concerning infrastructure which the County Council would be responsible for providing.
17. To act under any powers or duties under legislation imposed on the County Council with respect to flood risk management.
<b>Transport Services</b>
1. To enter into agreements providing for subsidies of public passenger transport services under Section 88 of the Transport Act 1985.
2. To make grants to provide, maintain or improve any passenger carrying vehicles, equipment or facilities provided for the purpose of facilitating travel by disabled persons under Section 106 of the Transport Act 1985.
3. To enter into agreements with local bus operators to make quality bus partnerships, quality contract schemes or ticketing schemes under the Transport Act 2000.
4. To enter into agreements with local bus operators for non-statutory quality bus partnerships.
5. To enter into agreements providing for the supply of passenger transport services including those for: <ul style="list-style-type: none"> <li>• mainstream education pupils;</li> <li>• special educational needs pupils;</li> <li>• social services clients.</li> </ul>
6. To make grants to Parish Councils for improvement of bus shelters.
7. To enter into agreements for car contract hire scheme for employees of the Authority fleet services and contract hire arrangements for Specialist vehicles.
8. To take such decisions on the withdrawal of local bus services to remain within budget, subject to consultation with the appropriate Executive Councillor.
<b>Other</b>
1. To determine, following consultation with the appropriate Executive Councillor and Overview and Scrutiny Committee or Panel and the Executive Director -

Resources, where there is an immediate threat to a site, requests to the County Council for support towards habitat and environmental site acquisitions.

#### **Economic Development**

1. To make grants and loans within a framework approved by the Council including
  - a) Lincolnshire Loan Fund for Business Development
  - b) Lincolnshire Community Business Development Finance Initiative and
  - c) Specific initiatives to support rural communities
2. To develop sites and premises for economic development purposes
  - a) to procure services in accordance with the regulations and established policies and principles of Lincolnshire County Council
  - b) to work together with public and private sector partners to bring forward new capital projects
  - c) to agree the sale and letting of sites within the economic development portfolio
3. To deliver the tourism policy and function for Lincolnshire County Council and to manage any contracts for the delivery of tourism services
4. To ensure that external funding programmes are delivered in accordance with the guidelines set out in offer letters.
5. To implement capital projects which will bring about an improvement in the economic wellbeing of the County and its population
6. To lead an integrated policy and service delivery operation.

#### **Community Assets and Resilience**

- 1.2. To make grants within a framework approved by the Council including:
  - a) Towards the cost of establishing, promoting or holding music, dance, arts or other cultural events and activities, as well as Lincolnshire Communities within the overall policies of the Council; and
  - b) To support the provision made by voluntary and other organisations where there are educational benefits to the people of Lincolnshire.
- 2.3. After consultation with the appropriate Executive Councillor, to approve use of Lincoln Castle for charity events and to determine financial arrangements.
- 3.4. To exercise the functions of the Council as library authority and in relation to museums and art galleries under the Public Libraries and Museums Act 1964, and as archive authority under the Local Government Act 1972, s 224 and the Public Records Act 1958 and 1967 and other enabling legislation.

#### **Waste**

1. To exercise the functions of the Council in relation to treatment and disposal of waste.

**EXECUTIVE DIRECTOR – Commercial**

VACANT

**EXECUTIVE DIRECTOR – COMMERCIAL**

<b>Property</b>
<del>1. In connection with the estate management of the County Council's land and premises, in consultation with the local Councillor:</del>
<del>(i) to acquire land and premises;</del>
<del>(ii) to dispose of land and premises surplus to requirement;</del>
<del>(iii) 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;</del>
<del>(iv) to accept and grant leases of land and premises and such other rights over land and premises as may be deemed necessary or appropriate;</del>
<del>(v) 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.</del>
<del>2. To seek permission for any development referred to in regulation 3 of the Town and Country Planning General Regulations 1992.</del>
<del>3. To determine and serve notices under the terms of any agreement for the use of land or premises.</del>
<del>4. To undertake the role of Travellers Liaison Officer in consultation with other Directorates in matters of illegal camping and site provision.</del>
<b>Information Management and Technology</b>
<del>1. To develop the Corporate IT Policy including digital channel shift and provide general advice thereon.</del>
<del>2. To operate and deliver IT infrastructure, services, systems and software.</del>
<del>3. To undertake a research function on behalf of Lincolnshire County Council and provide information and analysis of the census.</del>
<b>Commercial</b>
<del>1. To develop the Council's corporate business plan.</del>
<del>2. To advise the Council on its Equality and Diversity obligations.</del>
<del>3. To manage and develop the Council's Strategic contract with Serco.</del>
<del>4. To deliver the Council's corporate procurement function including the shared service with the Districts.</del>
<del>5. Provide commercial advice and support to Commissioners.</del>

## 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

3/25

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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.

## CHIEF FIRE OFFICER

### Fire and Rescue Service

1. To make appropriate arrangements for dealing with matters relating to the discipline and dismissal of uniformed Fire Officers pursuant to the relevant legislation
2. To reduce retaining fees in cases in which attendance is required only during limited periods, and in cases of failure to attend for training, fires and other duties.
3. To review from time to time risk categories and pre-determined attendances.
4. To waive or make nominal charges in respect of special services.
5. To approve or refuse applications from members of the Lincolnshire Fire and Rescue Service ("the Service") to engage in outside employment.
6. To measure the provision of water for fire fighting purposes.
7. To make, vary or revoke reinforcement schemes and other arrangements with other Fire and Rescue Authorities for the discharge of the Council's functions as Fire and Rescue Authority.
8. To be directly responsible to the relevant Executive Councillor acting on behalf of the Council in its capacity as Fire and Rescue Authority for the Service as maintained under the Fire and Rescue Service Act 2004 having regard to the Fire and Rescue National Framework.
9. Powers to issue, amend or replace safety certificates (whether general or special) for sports grounds under the Safety of Sports Grounds Act 1975.
10. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds under Part III of the Fire Safety and Safety of Places of Sport Act 1987.
11. Power to enter into an agreement under Section 39 of the Fire and Rescue Services Act 2004 with a water undertaker for securing that an adequate supply of water will be available for use in the event of fire.
12. Power to enter into an agreement under Section 41 of the Fire and Rescue Services Act 2004 (a) to secure the use of water under the control of a person other than a water undertaker; (b) to improve access to any such water; or (c) to lay and maintain pipes and to carry out other works in connection with the use of such water.
13. Power to authorise in writing named employees to carry out those actions provided for in sections 44 (Powers of fire-fighters etc in an emergency etc),

3/26

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45 (Obtaining information and investigating fires) and 46 (Supplementary powers) of the Fire and Rescue Services Act 2004.
14. Power, in consultation with the Chief Legal Officer, to prosecute: (i) those offences falling under the following provisions of the Fire and Rescue Services Act 2004 namely: <ul style="list-style-type: none"> <li>• Section 40 (water undertaker's failure to comply with request regarding emergency supply of water);</li> <li>• Section 42 (improper use of, or damage to, a fire hydrant);</li> <li>• Section 43 (failure to give notice of intended works to a fire hydrant);</li> <li>• Section 44 (obstruction of or interference with officers exercising Section 44 powers);</li> <li>• Section 46 (obstruction of officers exercising section 45 powers or failure to provide information in response to exercise of section 46 powers); and</li> <li>• Section 49 (false alarms of fire); and</li> </ul> (ii) the various offences falling within the provisions of Article 32 of the Regulatory Reform (Fire Safety) Order 2005.
15. To appoint in writing a named Inspector or Inspectors for the purpose of enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005.
16. Power to issue and serve an alterations notice pursuant to Article 29 of the Regulatory Reform (Fire Safety) Order 2005.
17. Power to issue and serve an enforcement notice pursuant to Article 30 of the Regulatory Reform (Fire Safety) Order 2005.
18. Power to issue and serve a prohibition notice pursuant to Article 31 of the Regulatory Reform (Fire Safety) Order 2005.
19. Power to issue Petroleum Storage Certificates pursuant to the Petroleum (Consolidation) Regulations 2014.
20. Power to register 'keepers of petrol' pursuant to the Petroleum (Consolidation) Regulations 2014.
21. Power to enforce regulations 5 (access marking), 6 (location marking) and 7 (signs to be kept clean) pursuant to the Dangerous Substances (Notification and Marking Sites) Regulations 1990 (NAMOS).
22. Power to issue 'Assured Advice' and guidance after demonstration of compliance by the regulated person as set out in 15(4)(b) of the Regulatory Enforcement and Sanctions Act 2008.
23. Power to provide local authorities with advice in accordance with Section 27 of the Regulatory Enforcement and Sanctions Act 2008.
<b>Civil Protection</b>
<del>1. To implement any legislation pertinent to Emergency Planning.</del>
<del>2. 1</del> To act in pursuance of all statutory and other powers relating to services for which the Service is responsible.
<del>3.2.</del> To implement the Control of Major Accident Hazard Regulations 1999.

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**“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>
Head of Paid Service Head of Paid Service Executive Director- Resources Executive Director – Children’s Services Executive Director – Adult Care and Community Wellbeing Executive Director – Place Executive Director – Commercial Chief Legal Officer Head of Paid Service	83(1) to (4)	Witness and receipt of declarations of acceptance of office.
Head of Paid Service	84	Receipt of declaration of resignation of office.
Head of Paid Service	88(2)	Convening of meeting of Council to fill casual vacancy in the office of the Chairman.
Head of Paid Service	89(1)(b)	Receipt of notice of casual vacancy from two local government electors.
Head of Paid Service	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.
Head of Paid Service	S100C	Minuting of meetings and preparing where necessary a written summary of such part of meetings at which the public are

3/28

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<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>
		not present.
Head of Paid Service	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.
Executive Director - Resources	115(2)	Receipt of money due from Officers.
Executive Director - Resources	146(1)(a) and (b)	Declarations and certificates with regard to securities.
Executive Director - Place	191	Functions with respect to ordnance survey.
Head of Paid Service	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.
Monitoring Officer	225(1)	Deposit of documents.
Monitoring Officer	229(5)	Certification of photographic copies of documents.
Monitoring Officer	234(1) and (2)	Authentication of documents.
Monitoring Officer	236(10)	To send copies of byelaws to each District Council in the county.
Monitoring Officer	238	Certification of byelaws.
Head of Paid Service	Schedule 12 Para 4(2)(b)	Signature of summonses to Council meetings.

3/29

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<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>
Head of Paid Service	Schedule 12 Para 4(3)	Receipt of notices regarding address to which summons to meetings is to be sent.
Executive Director - Place	Schedule 16 Para 28	Receipt of deposit of lists of protected buildings (Section 54(4) of the Town and Country Planning Act 1971).
Chief Fire Officer	Schedule 29 Para 41	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>
Monitoring Officer	Local Government Act 2000 S81	Keeping record of disclosures of pecuniary interest under Section 94, and of notices under Section 96(1).
Monitoring Officer	Local Government Act 2000 S81	Receipt of record of interest.
Monitoring Officer	S41(1) and (3) of the Local Government (Miscellaneous Provisions) Act 1976	Certification of resolutions and minutes, etc., for evidential purposes.
Monitoring Officer	S59 of the Highways Act 1980	Certification of extra-ordinary expenses.
Monitoring Officer	S321 of the Highways Act 1980	Authentication of documents.
Executive Director - Place	S295(1) of the Highways Act 1980	Service of notice requiring removal of materials in any street.
Executive Director - Place	Schedule 9 Para 4 of the Highways Act 1980	Prescribing Improvement Lines or Building Lines.
Head of Paid Service	S15 and S16 Local Government and Housing Act 1989	For the purposes of the Local Government (Committee & Political Groups) Regulations 1990.
Monitoring Officer	S18 of the Local Government and Housing Act 1989	For the purposes of the Members' Allowance Scheme.
Monitoring Officer	S19(1)(a) of the Local Government and Housing Act 1989	Receipt of notice of Councillors' interests.
Monitoring Officer	S321 of the Local Government and Housing Act 1989	Deposit of lists of posts politically restricted by virtue of remuneration.

3/31

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Statutory Scrutiny Officer	S31 of the Local Democracy, Economic and Construction Act 2009	Promotion of Overview and Scrutiny
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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.

<u>Column 1</u>	<u>Column 2</u>
Head of Paid Service	Clerk of the Council or Town Clerk of a Borough
Executive Director - Resources	Treasurer of a Council
Executive Director - Place	County Surveyor or Surveyor of a Council
Head of Paid Service	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.

<u>Column 1</u>	<u>Column 2</u>
Head of Paid Service	Such of the Executive Directors, as may be nominated by the Head of Paid Service
Executive Director - Resources	Assistant Director - <a href="#">Strategic</a> Finance
Executive Director - Place	Assistant Director (Highways)

4. The Executive Director - Resources 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 - Resources may elect to delegate the day to day responsibilities to the Assistant Director - [Strategic](#) Finance.

5. The Executive Director Resources is, under the nomination at 4 above, the Officer responsible under S114 of the Local Government (Finance) Act 1988.

3/32

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The Executive Director - Resources may elect to delegate the day to day responsibilities to the Assistant Director - [Strategic Finance](#).

**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 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.

3/34

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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 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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**Open Report on behalf of Andrew Crookham, Executive Director - Resources**

Report to:	<b>County Council</b>
Date:	<b>20 May 2022</b>
Subject:	<b>Overview and Scrutiny Annual Report 2021-22</b>

**Summary:**

This report invites the County Council to consider and approve the Annual Report for Overview and Scrutiny for 2021-22.

**Recommendation(s):**

To approve the Overview and Scrutiny Annual Report for 2021-22.

## **1. Background**

### Overview and Scrutiny Annual Report 2021-22

The Overview and Scrutiny Annual Report for 2021-22 is attached at Appendix A to this report.

The Annual Report is an opportunity to highlight the scrutiny work that has taken place throughout the last year. The report focuses on the key successes and achievements of Overview and Scrutiny over the past year.

## **2. Conclusion**

The Overview and Scrutiny Annual Report for 2021-22 provides an opportunity to consider the work of the Overview and Scrutiny function and the County Council is invited to approve this year's report.

### 3. Legal Comments:

The Report introduces for approval the Annual Scrutiny Report. Overview and Scrutiny is an important aspect of the Council's functions and the report enables the Council to assess the carrying out of this function in the last year. The matter is within the remit of the full Council.

### 4. Resource Comments:

There are no financial implications arising from acceptance of the recommendation in this report.

### 5. Consultation

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

Not Applicable

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

Not Applicable

#### c) Scrutiny Comments

On 28 April 2022, the Overview and Scrutiny Management Board endorsed the Overview and Scrutiny Annual Report for 2021-22 for submission to the County Council.

#### d) Risks and Impact Analysis

Not Applicable

### 6. Appendices

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

Appendix A	Overview and Scrutiny Annual Report 2021-22
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### 7. 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).

# Overview and Scrutiny Annual Report 2021-22



## FOREWORD

I am delighted to present the Overview and Scrutiny Annual Report for 2021-22. The report looks at the key activities and successes for Overview and Scrutiny over the past year. The key aims of scrutiny work in the council are to:-

- provide healthy and constructive challenge
- give voice to public concerns
- support improvement in services
- provide an independent review.

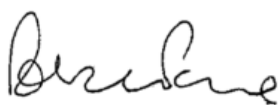
2021/22 has been the first full year of being able to hold face-to-face formal council meetings again, but we have still been embracing hybrid working by using Microsoft Teams for most of our informal meetings. There was a new cohort of councillors elected to the council in May 2021 and I am pleased to see that 92% of non-executive councillors have been engaged in overview and scrutiny during 2021-22, up from 78% in 2020-21.

During 2021/22, 54 formal scrutiny committee meetings were held, and 78% of all formal decisions were considered by a scrutiny committee prior to them being made, which is up from 65% last year. Key achievements where overview and scrutiny has made a significant contribution include:-

- supporting the new extra care housing developments;
- recommending changes to the Customer Strategy and accompanying action plan;
- advising on the development of the South Lincolnshire Food Enterprise Zone;
- appraising the impact and costings of the North Hykeham Relief Road highways scheme; and
- responding to the NHS consultation on the Lincolnshire Acute Services Review.

Looking forward, in 2022/23 we will see the outcomes of the current scrutiny reviews on Town Centre Improvements and Lincolnshire Agricultural Sector Support. Recommendations will be sent to the Executive on how these two important areas for Lincolnshire's economy can be supported further to develop and thrive.

Should you want to know more about our overview and scrutiny work then please feel free to get in touch using the contact details at the end of the report.



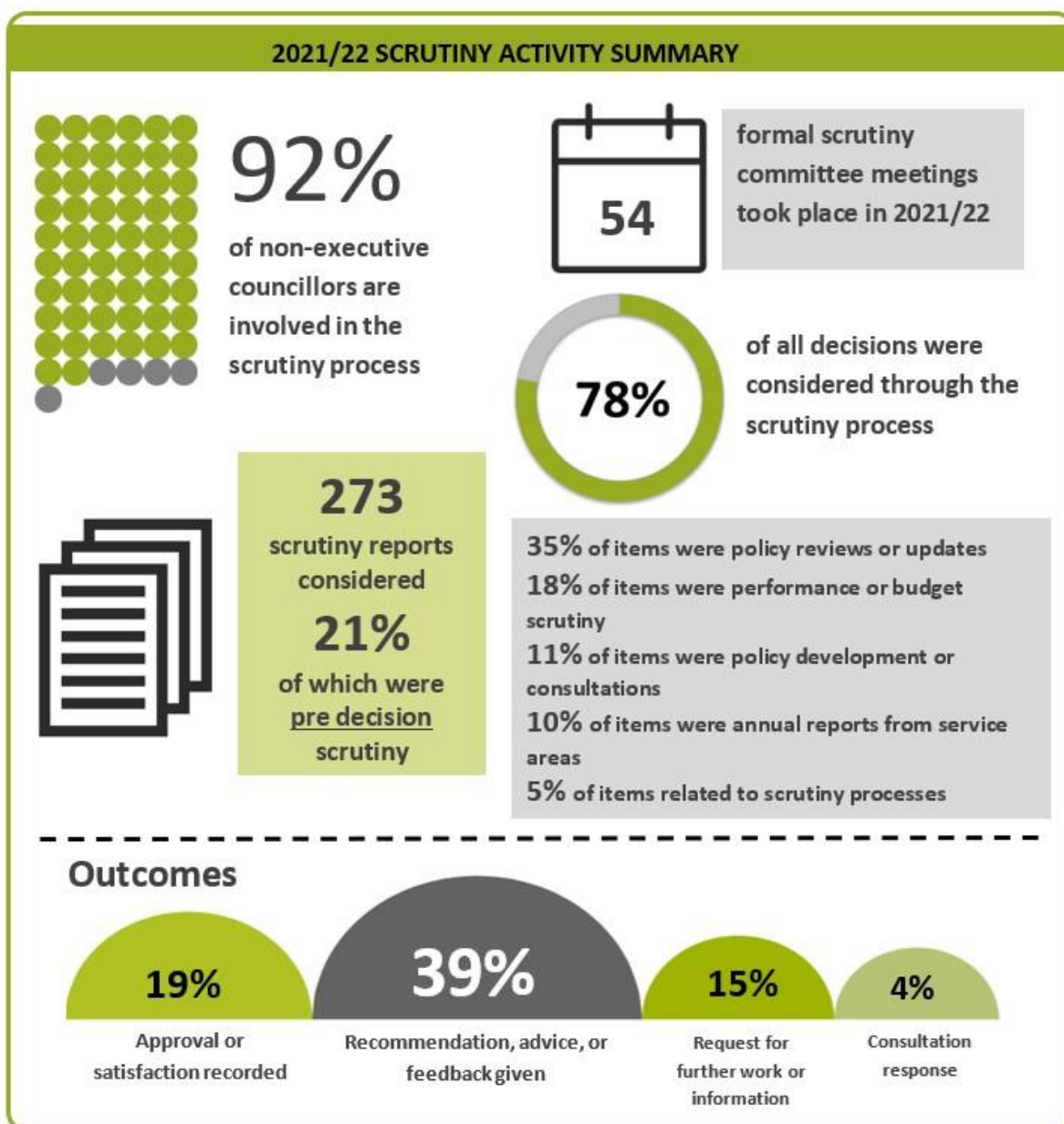
**Councillor Robert Parker**  
**Chairman, Overview and Scrutiny Management Board**



## INTRODUCTION TO OVERVIEW AND SCRUTINY

Overview and scrutiny is the process whereby non-executive members of the council examine the authority's functions and services, plus those of partner organisations. 2020 marked the 20<sup>th</sup> anniversary of the legislative changes that led to the establishment of the overview and scrutiny function in English and Welsh councils, a function of local authorities in which all non-Executive councillors are eligible to participate in. Joining them to scrutinise particular issues are parent governors, church representatives, councillors from the district councils and representatives from other local organisations.

Lincolnshire County Council has eight overview and scrutiny committees that consider new policies and strategies, existing policies to see how well they are working and performance information to check that the council is meeting the standards that have been set.



## KEY OUTCOMES AND ACHIEVEMENTS

### EXTRA CARE HOUSING

#### *Adults and Community Wellbeing Scrutiny Committee*

**“That the recommendations to the Executive for the extra care housing scheme at Prebend Lane, Welton, be supported.” - October 2021**

Residents in extra care housing can live in a home of their own and be connected to their local community. They can be supported to live independently and benefit from a personalised package of care and on-site support. Residents also have opportunities for social and community activities. In October 2021, the **Adults and Community Wellbeing Scrutiny Committee** welcomed a proposed extra care housing scheme in Welton, in partnership with LACE Housing Ltd, as part of programme of extra care developments across Lincolnshire.

In March 2022, De Wint Court in Lincoln, which was approved in July 2019, was opened, providing 50 one-bedroom and 20 two-bedroom apartments. In this case the county’s partners are the City of Lincoln Council and Homes England. De Wint Court has a wellbeing



suite, a restaurant, a hair and beauty salon and a communal garden. There is also a guest suite, which can be booked for visiting relatives. Residents’ changing needs can be accommodated with variations to their on-site care and support.

A further proposed extra care scheme at the Hoplands site in Sleaford, in partnership with North Kesteven District Council, was approved in February 2021.

The committee will continue to receive reports on extra care housing developments.

# CHILDREN IN CARE TRANSFORMATION PROGRAMME

## *Children and Young People Scrutiny Committee*

**“That the Children and Young People Scrutiny Committee unanimously agreed to support the recommendations to the Executive Councillor for Children’s Services, Community Safety and Procurement for the use of £1.5m of allocated council capital funding from the Residential Children’s Home Capital Programme to invest in two new children’s homes in Lincolnshire” - November 2021**

The Children in Care Transformation Programme has been developed in response to the impact of the Covid-19 pandemic on Children’s Services. It will provide additional resource and capacity to respond to the pressures on the placement marketplace and availability and cost of external placements. In addition, the availability of in-house foster placements has reduced, as carers have had to self-isolate or enquiries from prospective foster carers have not progressed further. The ambition of the Transformation Programme is to ensure that the right help is provided to the right children at the right time and for the right duration. In September 2021, the **Children and Young People Scrutiny Committee** supported the six workstreams identified in the Children in Care Transformation Programme to address these challenges.

The Residential Capital workstream is focussed on the creation of two or three new mainstream children’s homes. In November 2021, the committee welcomed the proposal for two new additional children’s homes as part of the first stage for increasing in-county placements and was pleased to hear that a third new children’s home could be developed in the future. The two new children’s homes in Lincoln and East Lindsey would provide additional capacity to place children in care within Lincolnshire and deliver a forecasted annual saving of £561,000 by reducing the number of out-of-county placements. The committee also supported the proposal for the provision of a new children’s home in Lincoln through the relocation of existing short break services from Strut House at St Catherine’s to refurbished residential accommodation at St Francis Special School, and the alteration of Strut House to form a new four-bed children’s home for children aged 6 to 12. The Lincoln children’s home is planned to be open from September 2022, with the second home opening from September 2023.

The committee is looking forward to receiving a future report on the provision of a second new children’s home in East Lindsey and will continue to monitor the work being undertaken as part of the Children in Care Transformation Programme.

## **SOUTH LINCOLNSHIRE FOOD ENTERPRISE ZONE**

### ***Environment and Economy Scrutiny Committee***

**"That the recommendations to the Leader of the Council (Executive Councillor for Resources, Communications and Commissioning) and the Executive Councillor for Economic Development, Environment and Planning for the construction of a managed workspace building (the Hub) be supported." – July 2021**

The South Lincolnshire Food Enterprise Zone offers the opportunity for a high-quality business environment to be developed, where the continued growth of the Agri-tech sector in South Lincolnshire will be fostered. The scheme already includes the University of Lincoln's Food Centre of Excellence building where there is a high level of interest in the development plots being offered as part of phase one. This links closely to the infrastructure works which includes highway improvements on the A17 and A151. Within this scheme, the construction of a Hub building will help to unlock large scale economic growth in the rural area of Holbeach and across southeast Lincolnshire by providing new purpose-built office and workshop space for new, start-up businesses and small enterprises. This will create a sustainable and suitable environment for those businesses to become well established. In addition, it is expected to create business growth opportunities for the supply chain of the agricultural sector located in South Holland and the wider region.

#### **The Environment and Economy Scrutiny**

**Committee** unanimously supported the construction of a managed workspace building on the council owned Plot 12 of the South Lincolnshire food enterprise zone and hoped that the new development would



***The new Hub building at the South Lincolnshire Food Enterprise Zone***

encourage greater use of the port of Boston stimulating further business and economic activity in that area as well.

The committee also referred to key environmental features such as biodiversity and renewable energy beyond the minimum statutory requirements for the development. It welcomed the opportunity to look at alternative power solutions which may be more environmentally friendly as part of phase two and gaining further access to a greater parcel of land.

The committee will continue to monitor the development of the South Lincolnshire Food Enterprise Zone.



# LOCAL FLOOD INCIDENT MANAGEMENT - DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN LINCOLNSHIRE COUNTY COUNCIL AND DISTRICT COUNCILS

## *Flood and Water Management Scrutiny Committee*

"That the Local Flood Incident Management - draft Memorandum of Understanding between LCC and district councils be received." – February 2022



In 2021 Lincolnshire County Council and its partners had put in place new arrangements to help manage the impacts of flooding events which had local impact but may not have reached the broader trigger thresholds that caused larger scale and well-rehearsed multi-agency emergency response to be put into operation. A Memorandum of

Understanding was drafted as part of this process and shared with district councils. This aimed to clarify and describe the resources and responsibilities of partner authorities in the event of a localised incident where wider multi-agency arrangements are not triggered; outlined processes and procedures in this event, including the enhanced communication and liaison arrangements put in place during 2021; and showed how these arrangements fit into the broader multi-agency plans that are already well-rehearsed and practiced. This Memorandum of Understanding incorporated comments and suggestions for amendments offered by district councils.

The **Flood and Water Management Scrutiny Committee** was pleased to receive this report which gave greater clarity in relation to emergency responses and financial responsibility amongst partners. Furthermore, the committee received assurance that a robust plan was being developed to ensure effective communication to the public.

The committee will assess how well these new arrangements have worked if triggered by a future flooding event.

## LINCOLNSHIRE ACUTE SERVICES REVIEW

### *Health Scrutiny Committee for Lincolnshire*

**"That the committee's final response to the consultation on the Lincolnshire Acute Services Review be unanimously approved." - January 2022**

The **Health Scrutiny Committee for Lincolnshire** responded to the local NHS's public consultation on proposals for four hospital-based services:

- (1) creating integrated community and acute beds in place of the existing acute beds at Grantham and District Hospital;
- (2) the replacement of the accident and emergency department at Grantham and District Hospital with an urgent treatment centre;
- (3) establishing a centre of excellence for hyper-acute and acute stroke services at Lincoln County Hospital; and
- (4) establishing a centre of excellence for planned orthopaedic surgery at Grantham and District Hospital, with only unplanned and complex surgery at Lincoln County Hospital and Pilgrim Hospital, Boston.

All four proposals, part of the Lincolnshire acute services review, were considered by the committee between October and December 2021 and by a working group in January 2022. The committee accepted the arguments in the pre-consultation business case on the need for change in each case and the committee also supported proposal (1). However, the committee was not convinced that proposals (2), (3) and (4) were right for the people of Lincolnshire. The reasons for the committee's conclusions included concerns on travel and transport; the recruitment and retention of staff; and impacts on neighbouring health systems.



*Lincoln County Hospital*

The committee is expecting Lincolnshire Clinical Commissioning Group to make decisions on the future of these services on 27 April 2022 and these decisions will be reviewed by the committee.

## NORTH HYKEHAM RELIEF ROAD

### *Highways and Transport Scrutiny Committee*

**"That the Highways and Transport Scrutiny Committee records its unanimous support for the recommendations to the Executive to deliver the North Hykeham Relief Road scheme." – March 2022**

The North Hykeham Relief Road, previously known as the Lincoln Southern Bypass, is the last major highway scheme contained within the Lincoln Integrated Transport Strategy and also the last element of a complete ring road around the greater Lincoln urban area comprising both Lincoln and North Hykeham.



*Plans for North Hykeham Relief Road*

The ring road comprises four sections of carriageway: the Lincoln Western Relief

Road, the Lincoln Northern Relief Road, the Lincoln Eastern Bypass, and the North Hykeham Relief Road, and also forms part of the Lincolnshire Coastal Highway. The North Hykeham Relief Road has been a long-term aspiration of the county and district councils, and the principle of a relief road has been developed as part of several strategies and policy plans covering the Lincoln area for many years. The committee was consulted on the recommendations made that enabled the pre-construction stages to be implemented in a controlled manner.

The **Highways and Transport Scrutiny Committee** unanimously supported the recommended actions to be implemented, which included approval to award Balfour Beatty, under the SCAPE Framework, a two-stage design and build contract for the delivery of the North Hykeham Relief Road. The committee requested more information around the impact of high inflation rates on costings and was satisfied that any cost overrun would be factored in through other various forms of funding and bids that could be explored. The committee was pleased to see that the North Hykeham Relief Road would be a dual carriageway, with cycling provisions which would be of great benefit to residents and those travelling through the area. Nevertheless, the committee requested assurances around having a robust communication strategy that ensured residents and landowners remained informed at all stages and that road closures would be communicated promptly. After raising points around heritage value and archaeological screening of the area, the committee was pleased to hear that early indicators suggested that although there will be finds, they are unlikely to be as significant as those found at the Lincoln Eastern Bypass and the team is working closely with the Heritage Team for the duration of the works.

The committee will monitor the delivery of the North Hykeham Relief Road through the quarterly performance reporting on major highways schemes.

# CUSTOMER STRATEGY

## *Overview and Scrutiny Management Board*

**“That the Board support the recommendations to the Leader of the Council to approve the adoption of the Customer Strategy 2021-2024” – August 2021**

The Customer Strategy has been created to support the achievement of the Corporate Plan ambition to provide good value council services. The strategy and supporting action plan seek to engage, listen, and respond to the council’s customers and involve them in designing the council’s processes and services to better meet their current and future needs.

The **Overview and Scrutiny Management Board** welcomed the strategy which was aimed at the council’s customers and was pleased with the style of the strategy due to being a well laid out and easy to read document. The Board recommended that the photographs included in the strategy should be relooked at to ensure that they



County Offices, Lincoln

reflected the diverse nature of Lincolnshire's communities, and new graphics were subsequently requested based on this feedback for including in the strategy.

The Board also recommended that the wording in the action plan should be relooked at as it was too corporate in the language used in some places for a public facing document. The Board was pleased to hear that the action plan will continue to be refined and developed as the strategy is implemented, and this feedback would be taken into account as part of this process.

The implementation of the Customer Strategy is one of the current projects being delivered through the council’s transformation programme. This project is working to achieve the council’s vision of delivering strong, joined up services that are designed to ensure the council is able to meet its customers’ current and future needs. The Board is regularly monitoring the progress and outcomes from the council’s transformation programme and the implementation of the Customer Strategy will continue to be reviewed by the Board through these progress updates.

## **ADOPTION AND PUBLICATION OF THE DOMESTIC ABUSE STRATEGY 2021-2024**

### ***Public Protection and Communities Scrutiny Committee***

**"That the Public Protection and Communities Scrutiny Committee unanimously support the recommendation to the Executive Councillor for Children's Services, Community Safety and Procurement to approve the Domestic Abuse Strategy 2021-2024." – December 2021**

The Domestic Abuse Bill received royal assent on 29 April 2021 as the Domestic Abuse Act 2021, creating new statutory duties for tier one local authorities from 1 April 2021. The Act introduced a number of changes including a legal definition of 'domestic abuse' that recognised children as victims in their own right; a Domestic Abuse Commissioner to stand up for survivors and life-saving domestic abuse services; and a legal duty on councils to fund support for survivors in 'safe accommodation'. In addition, through the Domestic Abuse Act 2021, funding was allocated to all tier one and tier two local authorities in order to ensure local areas could respond to the new duties in relation to accommodation-based services. Lincolnshire County Council was allocated £1.4 million for 2021/22 and each district council was also allocated slightly different amounts in the region of £32,000.

The **Public Protection and Communities Scrutiny Committee** unanimously supported the approval of the Domestic Abuse Strategy and its publication by January 2022. The strategy summarises the national and local context in relation to domestic abuse, sets out the shared ambition and key priorities for the Lincolnshire Domestic Abuse Partnership in tackling domestic abuse, and outlines the key areas of action over the next three years, including the new statutory duties in relation to accommodation-based services.

The committee was pleased to see that reporting of domestic abuse and data collection were featured in the strategy and that there was acknowledgement that people who have disabilities, both physical and otherwise, are at risk of domestic abuse. The committee welcomed the support structures in place for staff working in this particular area, including mental health support, and was pleased to hear that the commissioned service offered one-to-one provision and regular supervision not only in relation to workload but also in regard to their emotional and well-being needs.

The committee will continue to review the work being undertaken to tackle domestic abuse and will be consulted on the recommissioning of the domestic abuse services in July 2022.



## OTHER SUCCESSES

### FOSTERING PERMANENCE

#### *Corporate Parenting Panel*

**"That the report be accepted as an accurate overview of the in-house matching activity of the service in relation to efforts made to secure permanence for Children in Care." – March 2022**

Fostering Permanence seeks to ensure that every Child in Care has a long-term plan which prepares them for leaving care and entering adulthood. There are a range of options for permanence, inside and outside of the care system. All these seek to deliver good outcomes, giving children security, continuity, commitment, identity and belonging to ensure future positive life chances. Permanence options for children include returning home to their families; living with kinship (family/friends and connected persons) carers, including special guardians; living with adoptive families; living with long-term foster carers; or living in residential care.

The **Corporate Parenting Panel** was pleased to hear that Lincolnshire remained focussed on meeting the needs of all Children in Care and supporting them to have long term stability and reach their full potential. In-house matching activities is aimed at bringing together the opportunity for those that know the children to present a profile of them, which has been developed using the Valuing Care approach. This looks to achieve the optimum 'match' between children and carers, which often depends on the 'chemistry' between them and on the latter's understanding of the experiences of each child and their unique traits, needs and characteristics.

The Panel also welcomed the detailed reference to the story of "Ellie" and her journey through Lincolnshire's foster care service, acknowledging that many Children in Care have experienced childhood trauma prior to entering the service. The Panel welcomed every opportunity to promote and encourage permanence and stability through long-term foster placement and other means that were best achieved by matching children with their future foster families.

The Panel is looking forward to receiving further updates on the work being undertaken to achieve permanence and stability for Lincolnshire's Children in Care.

## SCRUTINY REVIEW PANELS

The council has two scrutiny panels to undertake reviews that focus on a particular issue and consider it in greater detail than is possible at committee. These reviews will typically last around six months and will include a mixture of interviews with relevant council officers, research of best practice elsewhere, meetings with service users and community groups, and consultation with wider parts of the community. These reviews culminate in a final report with recommendations which are then presented to a meeting of the council's Executive.

In 2021 the Overview and Scrutiny Management Board requested each scrutiny committee propose topics for in-depth reviews to be carried out in the new council term. The scrutiny committees put their individual proposals forward and following detailed examination of the priority level of each, it was agreed that the initial reviews allocated to Scrutiny Panels A and B were Town Centre Improvements and Lincolnshire Agricultural Sector Support.

### TOWN CENTRE IMPROVEMENTS

#### *Scrutiny Panel A*

**“High streets can be lively, dynamic, exciting and social places that give a sense of belonging and trust to a community” (The Portas Review, 2011)**

The purpose of this review is to consider how Lincolnshire County Council could develop its leadership and support Lincolnshire's town centres and high streets to maximise existing opportunities, to achieve economic sustainability, to recover from the pandemic and to help stimulate a visitor economy as well as to support job creation in town centres.

**Scrutiny Panel A** was established in December 2021 and commenced the Town Centre Improvements Review in January 2022. To date the Panel has received evidence from officers, external partners and key stakeholders in relation to:

- the role and impact of the council in the town areas
- placemaking and identifying community assets - barriers and opportunities for our high streets
- Lincolnshire Extensive Urban Survey - how we are building an understanding of how our towns have developed
- Traffic Regulation Orders – a picture across Lincolnshire
- policy updates in relation to the Levelling Up White Paper.

The review is due to be completed in January 2023.

# LINCOLNSHIRE AGRICULTURAL SECTOR SUPPORT

## *Scrutiny Panel B*

**“Our landmark Agriculture Act will transform the way we support farmers.” (George Eustice, Environment Secretary, 2020)**

The purpose of this review is to closely examine the impact of the introduction of the Agriculture Act 2020 on Lincolnshire farmers. It relates to new approaches to farm payments and land management, producing “public goods” and improving fairness in the agricultural supply chain and on the operation of agricultural markets; to



examine and review what skills and training provision is required for agricultural businesses, as well as to seek ways to disseminate best practice amongst these; to consider ways of supporting/encouraging farms ‘Going Green’ (i.e., incentives for environmental improvements, reducing CO<sup>2</sup> emissions etc.) in line with the Lincolnshire Green Masterplan; and to examine ways of developing support to meet the unmet needs of the agricultural sector in Lincolnshire, including mental health and any hardships arising from the Covid-19 pandemic and the EU Transition.

The review seeks to consider how Lincolnshire County Council could develop its leadership and support to the agricultural sector in Lincolnshire.

**Scrutiny Panel B** was established in December 2021 and commenced the Lincolnshire Agricultural Sector Support Review in January 2022. To date the Panel has received evidence from officers, external partners and key stakeholders in relation to:

- broadband coverage across rural areas
- farm sector types (e.g., dairy, livestock, arable and vegetable/fruit growing etc.) and number of holdings
- county farm estates.

The review is due to be completed in January 2023.



## CONTACT US

If you have any questions regarding the overview and scrutiny process, or any of the work we have undertaken then please get in touch with one of the officers listed below.

### **Nigel West**

Head of Democratic Services and Statutory Scrutiny Officer

01522 552840 or 07880 500844

[nigel.west@lincolnshire.gov.uk](mailto:nigel.west@lincolnshire.gov.uk)

### **Tracy Johnson**

Senior Scrutiny Officer

07552 253814

[tracy.johnson@lincolnshire.gov.uk](mailto:tracy.johnson@lincolnshire.gov.uk)

- Overview and Scrutiny Management Board
- Children and Young People Scrutiny Committee

### **Simon Evans**

Health Scrutiny Officer

07717 868930

[simon.evans@lincolnshire.gov.uk](mailto:simon.evans@lincolnshire.gov.uk)

- Adults and Community Wellbeing Scrutiny Committee
- Health Scrutiny Committee for Lincolnshire

### **Kiara Chatziioannou**

Scrutiny Officer

07500 571868

[kiara.chatziioannou@lincolnshire.gov.uk](mailto:kiara.chatziioannou@lincolnshire.gov.uk)

- Environment and Economy Scrutiny Committee
- Flood and Water Management Scrutiny Committee
- Highways and Transport Scrutiny Committee
- Public Protection and Communities Scrutiny Committee
- Corporate Parenting Panel

Or write to us at The Scrutiny Team, Lincolnshire County Council, Room 5, County Offices, Lincoln, LN1 1YL

Email: [Scrutiny@lincolnshire.gov.uk](mailto:Scrutiny@lincolnshire.gov.uk)

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