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# **Part 2**

# **ARTICLES OF THE CONSTITUTION**

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## ARTICLE 1 – THE CONSTITUTION

The Articles of the Constitution explain how the Council works.

### 1.1 **Powers and duties of the Council**

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

### 1.2 **The Constitution**

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

### 1.3 **Purpose of the Constitution**

The purpose of the Constitution is to:

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

### 1.4 **Suspension of the Constitution**

#### (a) **Limit to suspension**

The Articles of this Constitution may not be suspended. The Rules of

Procedure may be suspended by the full Council to the extent permitted within those Rules and the law.

(b) **Procedure to suspend**

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

**1.5 Duty to monitor and review the Constitution**

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

**Protocol for monitoring and review of Constitution by Monitoring Officer**

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

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

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

**1.6 Approval of changes to the Constitution**

Other than changes to the Constitution which are matters of fact, update or

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

However, if either

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

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

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

## **1.7 Interpretation of the Constitution**

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

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

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

## **1.8 Publication**

- (a) The Monitoring Officer will ensure access to an electronic copy of this Constitution to each Councillor upon delivery to him/her of that individual’s declaration of acceptance of office on the Councillor first being elected to the Council.
- (b) The Monitoring Officer will ensure that printed copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- (c) The Monitoring Officer will ensure that an electronic copy of the Constitution is available on the Council’s website.

## **1.9 Executive Arrangements**

The following parts of this Constitution constitute the Executive arrangements:

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

## ARTICLE 2 – MEMBERS OF THE PUBLIC AND THE COUNCIL

### 2.1 Rights of Members of the Public

Members of the Public have the following rights.

(a) **Voting and referendum petitions**

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

(b) **Information**

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

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

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

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

(c) **Attendance at Meetings**

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

(d) **Inspection of the Accounts**

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

(e) **Complaints**

Members of the Public have the right to complain to:

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- (i) the Council itself under its complaints scheme;
- (ii) the Ombudsman after using the Council's own complaints scheme;
- (iii) the Council's Monitoring Officer about a breach of the Code of Conduct for Members; and
- (iv) the Information Commissioner about a breach of the Council's obligations under the Data Protection Act 1998, the Freedom of Information Act 2000, or the Environmental Information Act 2004.

(f) **Petitions**

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

**2.2 Consultation**

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

**2.3 Communication**

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

**2.4 Responsibilities of Members of the Public**

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



## ARTICLE 3 – MEMBERS OF THE COUNCIL

### 3.1 **Composition and eligibility**

#### (a) **Composition**

The Council will comprise 70 Members, otherwise called Councillors. One Councillor will be elected by the voters of each electoral division in accordance with a scheme drawn up by the Local Government Boundary Commission for England and approved by the Secretary of State.

#### (b) **Eligibility**

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

### 3.2 **Election and terms of Councillors**

#### **Election and terms**

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

### 3.3 **Roles and functions of all Councillors**

#### (a) **Key roles**

##### **All Councillors will:**

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

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

(b) **Rights and duties**

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

**3.4 Conduct**

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

**3.5 Political Groups**

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

The Council will recognise the following categories of political groups

- (i) The Ruling Group

Where there is such a group, the Ruling Group will be the political group with the greatest number of seats on the Council.

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

If there is no group with the greatest number of seats on the Council the Ruling Group will be the group of which the Leader of the Council is a member.

(ii) The Opposition

Where there is one such group this will be the political group with the second greatest number of seats on the Council.

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

Where there is more than one group with the second greatest number of seats on the Council, the Council will determine the Opposition and may approve as the Opposition a combination of those groups who have the second greatest number of seats.

Where a combination of groups is recognised as the Opposition the Leader of the Opposition shall be such one of the relevant group leaders as the leaders of the relevant groups shall unanimously notify in writing to the Head of Paid Service at or prior to the meeting at which the arrangement is first recognised and thereafter at or prior to each Annual meeting of the Council during the period for which the arrangement lasts.

Once notified, the Leader of the Opposition shall remain in that position for a fixed period commencing on the date of nomination and ending immediately prior to the next Annual Meeting of the Council.

The Leader of the Opposition may appoint members drawn from the membership of the political groups that have come together to form the Opposition to shadow the areas of responsibility of Executive Councillors. If so such members will be known individually as Shadow Executive Councillors and collectively as the Shadow Executive.

If the Leaders of the Groups coming together to form the Opposition do not nominate a Leader of the Opposition, full Council shall determine which of the said Group Leaders will be the Leader of the Opposition.

(iii) The Minority Groups

These are the other political groups on the Council.

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

### 3.6 **Allowances**

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

### 3.7 **Local members**

Councillors will notify and consult with other Councillors before becoming involved in a matter relating to that other Councillor's division.

### 3.8 **Added members**

Some Committees of the Council have members who are not elected county councillors. Such members are referred to in this Constitution as Added Members. Unless inconsistent with the law or the context, references in this Constitution to Councillors and members (other than references to Executive Councillors) shall include Added Members.

## ARTICLE 4 – THE FULL COUNCIL

### 4.1 Meanings

#### (a) **Policy Framework**

The policy framework means the following plans and strategies:

- (i) Those required by law to be adopted by the Council
  - Annual Review of Pay Policy
  - Council Business Plan
  - Local Transport Plan
  - The Youth Justice Plan
  - Waste Local Plan
  - Mineral Local Plan
  - Joint Municipal Waste Strategy
  - Financial Strategy
  
- (ii) Those other plans and strategies which the Council has determined should be part of the Policy Framework:
  - Adult Learning Plan
  - Quality Protect Management Plan
  - Asset Management Plan
  - Children & Young Persons Plan
  - Financial Strategy
  - Community Engagement Strategy 2013/18

(b) **Budget**

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

**4.2 Functions of the full Council**

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

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

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- (j) approving the dismissal of the Head of Paid Service, Section 151 Officer and Monitoring Officer
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills in Parliament;
- (l) adopting or changing the Members' Code of Conduct;
- (m) appointing the Returning Officer for County Council elections;
- (n) submission of proposals to the Secretary of State for an order under section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000;
- (o) power to confer title of honorary alderman;
- (p) functions relating to sea fisheries;
- (q) power to make standing orders;
- (r) duty to make arrangements for proper administration of financial affairs, etc;
- (s) power to appoint Officers for particular purposes (appointment of "Proper Officers");
- (t) duty to designate Officer as the head of authority's paid service, Section 151 Officer, Monitoring Officer, Statutory Scrutiny Officer, Director Adult Social Services, Director of Children's Services, Traffic Manager, and a duty (acting jointly with the Secretary of State) to appoint a Director of Public Health, and to provide staff to them;
- (u) consideration of a Report from a Local Commissioner under section 31 or a further Report under section 31A of the Local Government Act 1974 and of actions taken or proposed to be taken in response; and
- (v) all other matters which, by law, must be reserved to Council.

#### **4.3 Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings;

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

#### **4.4 Responsibility for functions**

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

#### **4.5 Development of the Budget and Policy Framework**

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

#### **4.6 Role and function of the Chairman of the Council**

The Chairman will be elected by the Council annually. The Chairman's responsibilities will include:

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

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

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



## ARTICLE 5 – THE EXECUTIVE

### 5.1 Role

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

### 5.2 Form and Composition

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

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

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

### 5.3 Leader

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

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

### 5.4 Other Executive Councillors

Other Executive Councillors shall hold office until:

- (a) they resign from the office; or

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

#### **5.5 Proceedings of the Executive**

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

#### **5.6 Responsibility for functions**

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

#### **5.7 Executive Support Councillors**

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

## ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

### 6.1 Appointment of Overview and Scrutiny Committees

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

- Overview and Scrutiny Management Board
- Adults and Community Wellbeing Scrutiny Committee
- Children and Young People Scrutiny Committee
- Public Protection and Communities Scrutiny Committee
- Environment and Economy Scrutiny Committee
- Flood and Water Management Scrutiny Committee
- Health Scrutiny Committee for Lincolnshire
- Highways and Transport Scrutiny Committee

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

All Councillors except Executive Councillors may be members of an Overview and Scrutiny Committee. No Councillor may be involved in scrutinising a decision in which he/she has been directly involved. Executive Support Councillors may not be members of an Overview and Scrutiny Committee relating to their portfolio area.

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

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

- Corporate Parenting Panel

The Scrutiny Panels and Corporate Parenting Panel while being part of the Council's Overview and Scrutiny arrangements are not committees of the Council.

## **6.2 Overview and Scrutiny Management Board**

### Membership

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

### Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - Information management and technology;
  - Corporate property;
  - People management;
  - Legal services;
  - Commercial services including procurement and contract management;
  - Business support to the Council's activities; and
  - Finance and treasury management.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Board.
- To review and scrutinise the Council's overall budget (including revenue budget and capital programme) and performance against the Council's Business Plan.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To consider and respond to any proposals from the Executive as part of the development of the budget and policy framework.
- To approve the Overview and Scrutiny Annual Report, prior to its submission to the County Council.
- To prepare the Overview and Scrutiny Annual Work Programme for submission to full Council for approval.

- To agree and monitor the ongoing Overview and Scrutiny work programme, in particular holding the Chairmen and/or Vice-Chairmen to account for their Committee's work programme, on a quarterly basis.
- To monitor and guide the activities of the other Overview and Scrutiny Committees.
- To consider any decision which has been made by the Executive or any Executive Councillor or any key decision made by an officer and which have been called in. (This will be undertaken in accordance with Overview and Scrutiny Procedure Rule 15).
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer.
- To consider any proposals for Scrutiny Reviews from the Overview and Scrutiny Committees and determine the work programme of the Scrutiny Panels by utilising the Prioritisation Toolkit.
- To approve any changes to the focus or duration of the Scrutiny Reviews undertaken by the Scrutiny Panels.
- To consider and determine requests from Councillors submitted under the Councillor Call for Action procedure, except for requests submitted by Councillors relating to crime and disorder.
- To monitor any Working Group activity initiated by any of the Overview and Scrutiny Committees and to approve any extension to the duration of a Working Group.
- To scrutinise any significant, cross cutting issue affecting more than one of the other scrutiny committees including performance or pre-decision scrutiny.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

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

#### Membership

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

#### Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - adult care services for frailty, people with long term conditions; for older people; for people with physical disabilities and for people with sensory impairment;

- adult care services for people with learning disabilities; for people with autism; and for people with mental health needs, including dementia;
  - adult care services for carers;
  - adult safeguarding and the protection of adults at risk including observance of the Mental Capacity Act;
  - statutory public health services; and
  - wellbeing services, including health improvement, prevention and self-management; mental health; sexual health; housing-related support; and the prevention, treatment and recovery elements of substance misuse services.
- To review and scrutinise activities arising from integration and joint agreements with the NHS, which support or are incidental to the provision of services related to adult care and public health.
  - To review and scrutinise any joint funding arrangements or agreements developed in partnership with the local NHS.
  - To consider the Annual Report of the Director of Public Health on the Health of the People of Lincolnshire, using the report to inform the Committee's work programme.
  - To review and scrutinise publications such as the market position statement or local account and the provision of information and advice by Adult Care and Public Health.
  - To review and scrutinise quality and contract compliance in the care market.
  - To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
  - To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
  - To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
  - To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
  - To submit requests to the Overview and Scrutiny Management Board for in-depth reviews, in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
  - To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.

- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To appoint working groups in accordance with the provisions in the Overview and Scrutiny Procedure Rules.
- To liaise as required with Healthwatch Lincolnshire in relation to adult care matters, to consider any referrals made to the Committee by Healthwatch Lincolnshire and to agree a protocol for working with Healthwatch Lincolnshire.
- To scrutinise the effectiveness of the Lincolnshire Safeguarding Adults Board's arrangements for ensuring agencies work together:
  - to protect adults at risk from abuse
  - to promote the wellbeing and safety of adults at risk and to reduce the risk of abuse occurring
  - to promote a community involvement in safeguarding adults and promoting their welfare by raising awareness through publicity and training
  - to develop and review policies and procedures
  - to ensure systems are in place to monitor the implementation of the lessons learnt from safeguarding adult reviews
  - to ensure the multi-agency and independent sector workforce is trained to safeguarding adults and improve safety
- To review and scrutinise the Lincolnshire Safeguarding Adults Board's strategy, business plan and annual report including any updates on progress with the implementation of the priorities in the business plan.
- To review and scrutinise the outcomes of any external inspection or peer review of the Lincolnshire Safeguarding Adults Board including any action plans arising from the inspection or peer review.
- To have oversight of contemporary challenges which affect the Adult Care and Public Health functions under the remit of the Committee

## **6.4 Children and Young People Scrutiny Committee**

### Membership

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

## Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - Children's centres
  - Early education
  - School support services
  - School improvement
  - Special Educational Needs and Disabilities
  - Home to school/college transport
  - 14-19 education, training and apprenticeship
  - Careers service
  - Positive activities for young people
  - Teenage pregnancy
  - Supported accommodation and lodgings
  - Supported employment for young people
  - Lincolnshire Secure Unit
  - Youth Offending Service
  - Leaving care service
  - School nursing
  - Healthy schools and healthy child
  - Child protection
  - Looked After Children
  - Targeted support – young people
  - Fostering and adoption
  - Residential homes for children
  - Child and Adolescent Mental Health Services (CAMHS)
  - Family support
  
- To maintain an overview of the activity of academy schools, colleges, and universities in the County.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- To submit requests to the Overview and Scrutiny Management Board for



in-depth scrutiny reviews in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.

- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To scrutinise the effectiveness of the Lincolnshire Safeguarding Children Partnership's arrangements for ensuring agencies work together:
  - protect children from maltreatment and prevent impairment of children's health and development
  - to ensure that children grow up in circumstances consistent with the provision of safe effective care
  - to promote a community involvement in safeguarding children and promoting their welfare by raising awareness through publicity and training
  - to develop and review policies and procedures
  - to have the safest possible practices in relation to the recruitment and selection of all those who work with children in a statutory and voluntary capacity
  - to ensure systems are in place to monitor the implementation of the lessons learnt from serious case reviews
  - to ensure the multi-agency and independent sector workforce is trained to safeguard children and improve safety
- To review and scrutinise the Lincolnshire Safeguarding Children Partnership's strategy, business plan and annual report including any updates on progress with the implementation of the priorities in the business plan.
- To review and scrutinise the outcomes of any external inspection or peer review of the Lincolnshire Safeguarding Children Partnership including any action plans arising from the inspection or peer review.

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

### Membership

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

## Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - Volunteering support
  - Adult education
  - Financial inclusion
  - Community engagement and development
  - Community hubs
  - Library services and archives
  - Heritage Services
  - Preventing and reducing crime
  - Tackling domestic abuse
  - Fire and rescue and emergency response
  - Trading standards
  - Emergency planning
  - Road safety
  - Reducing anti-social behaviour
  - Registration, celebratory and coroner's services
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- To submit requests to the Overview and Scrutiny Management Board, for in-depth scrutiny reviews in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the

Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

- To act as the Crime and Disorder Committee for the purposes of sections 19 and 20 of the Police and Justice Act 2006, including the power:
  - To co-opt additional members
  - To make reports or recommendations to a responsible authority or co-operating person or body
  - To consider and determine requests from Councillors submitted under the Councillor Call for Action procedure relating to Crime and Disorder
  - To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above

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

### Membership

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

### Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - Economic development projects including broadband
  - Environment and growth, including:
    - Carbon management
    - The natural and built environment
    - Sustainable planning and the historic environment
    - growth and access
  - Waste management, including waste recovery and recycling
  - Skills and employability
  - Support to business and growth sectors
  - Business investment
  - Attracting funding for Lincolnshire, including the Greater Lincolnshire Local Enterprise Partnership
  - Tourism operation and development
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available

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performance measures related to the service areas within the remit of the Committee.

- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- To submit requests to the Overview and Scrutiny Management Board for in-depth scrutiny reviews, in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

## **6.7 Flood and Water Management Scrutiny Committee**

### Membership

The County Council will determine the number of members of the Council who will serve on the Flood and Water Management Scrutiny Committee along with seven co-opted non-executive district councillors, one to be nominated by each of Lincolnshire's seven district councils.

The seven co-opted district councillors will have full voting rights on the Committee and replacement members will be permitted, as set out in the scheme adopted by the County Council in accordance with paragraphs 11-13 of Schedule A1 of the Local Government Act 2000. (See below)

The Flood and Water Management Scrutiny Committee will meet as frequently as is required to perform its role.

### Terms of Reference

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

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

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

### **1. Definitions**

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

The Council is Lincolnshire County Council.

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

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

### **2. Nomination and Appointment**

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

### **3. Voting**

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

### **4. Code of Conduct**

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

### **5. Allowances**

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

## **6.8 Health Scrutiny Committee for Lincolnshire**

### Membership

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

- eight members of the County Council, appointed in accordance with the political balance provisions of the Local Government and Housing Act 1989;
- one member appointed by each district council in Lincolnshire, appointed in accordance with the scheme adopted by the County Council in accordance with paragraphs 11-13 of Schedule A1 of the Local Government Act 2000; and
- one member (without voting rights) nominated by Healthwatch Lincolnshire.

### Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - NHS funded health care; and
  - Health and Well-Being Board, including in particular the Board's development of the Joint Strategic Needs Assessment, the Joint Health and Wellbeing Strategy, the Pharmaceutical Needs Assessment

- To review and scrutinise any matters relating to the planning, provision and operation of health services which affect the residents of Lincolnshire except for those under the remit of the Adults and Community Wellbeing Scrutiny Committee and the Children and Young People Scrutiny Committee.
- To consider the Annual Report of the Director of Public Health on the Health of the People in Lincolnshire, using the report to inform the Committee's work programme.
- To consider and respond to any consultations by any responsible NHS commissioner which constitute a substantial development or substantial variation in the provision of health services in Lincolnshire, using the powers set out in the relevant health overview and scrutiny regulations and referring to any guidance issued by the Secretary of State for Health. Where there is a disagreement between the Committee and the responsible NHS commissioner which cannot be resolved after reasonable practicable steps and the Committee believe that
  - (a) the proposed substantial variation or development would not be in the interests of the health service in Lincolnshire; or
  - (b) the arrangements put in place by the responsible NHS commissioner for consultation have not been adequate in relation to content or time allowed; or
  - (c) the reasons given for not consulting by the responsible NHS commissioner are not adequate;

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

- To consider and respond to any other health consultations, which affect the residents of Lincolnshire.
- To submit requests to the Overview and Scrutiny Management Board, for in-depth scrutiny reviews in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the relevant NHS organisation or other decision maker. Such reports and recommendations to include:-
  - (a) an explanation of the matter reviewed or scrutinised;
  - (b) summary of the evidence considered;

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- (c) a list of participants involved in the review or scrutiny; and
  - (d) an explanation of any recommendations on the matter reviewed or scrutinised.
- To make reports and recommendations to any relevant NHS body, to any relevant health service provider, the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above. Such reports and recommendations to include:-
  - (a) an explanation of the matter reviewed or scrutinised;
  - (b) summary of the evidence considered;
  - (c) a list of participants involved in the review or scrutiny; and
  - (d) an explanation of any recommendations on the matter reviewed or scrutinised
- To liaise with Healthwatch Lincolnshire in relation to the health care element of Healthwatch Lincolnshire's work programme and to consider referrals from Healthwatch Lincolnshire in relation to health care.

#### Appointment of Chairman and Vice Chairman

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

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

##### 1. Definitions

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

The Council is Lincolnshire County Council.

The Health Scrutiny Committee for Lincolnshire is an overview and scrutiny committee appointed pursuant to Section 9FH of the Local Government Act 2000.

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

##### 2. Nomination and Appointment

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



### 3. Voting

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

### 4. Code of Conduct

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

### 5. Allowances

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

## **6.9 Highways and Transport Scrutiny Committee**

### Membership

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

### Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
  - Transport services, including public transport
  - Highway network management and highways asset management
  - New transport investments including highways improvements
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To consider any new legislation, policy or national guidance related to the remit of the Committee and the consequential impacts on the Council.
- To review and scrutinise any decision that is to be or has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.

- To submit requests to the Overview and Scrutiny Management Board for in-depth scrutiny reviews, in relation to the above services. Where a request for a scrutiny review is approved by the Overview and Scrutiny Management Board, the scrutiny review will be undertaken by a Scrutiny Panel on behalf of the Committee.
- To consider and approve reports, including recommendations, prepared following in-depth reviews undertaken by Scrutiny Panels, for submission to the Executive, Executive Councillor or the County Council, or other decision maker.
- To consider and respond to any proposal from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

### **6.10 Scrutiny Panel A and Scrutiny Panel B**

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

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

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

### **6.11 Corporate Parenting Panel**

#### Membership

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

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

### Chairman and Vice-Chairman

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

### Quorum

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

### Replacement

Replacement members will be permitted on the Corporate Parenting Panel.

### Meetings

The Corporate Parenting Panel will meet in public up to six times a year and as otherwise required.

### Terms of Reference

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

- Ensure that all councillors and Lincolnshire County Council Directorates are fulfilling their roles and responsibilities as corporate parents proactively. This will involve the Corporate Parenting Panel organising specific education and training events for all councillors to ensure they are equipped with the knowledge and skills to be corporate parents.
- Provide clear strategic and political direction in relation to corporate parenting.
- Investigate on behalf of all councillors ways in which the role of corporate parenting can be improved, using examples from other local authorities and countries.
- Ensure that councillors undertake their annual programme of visits to children's homes.
- Ensure that the needs of children and young people in public care and their carers are prioritised by councillors and officers.
- Receive quarterly reporting of key performance indicators relating to children and young people in public care.
- Receive regular and/or annual reports on the level and quality of

services to children and young people in public care from the Children's Services Directorate, other Directorates and organisations.

- Monitor the performance, quality and outcomes of the Council's services in relation to children and young people in public care and identify any areas for improvement.
- Engage with children and young people who are in public care or have left care by inviting them to act as advisers to the Corporate Parenting Panel.
- Listen to the views of children, young people and their carers and to involve them in the assessment and development of services.
- Champion the provision of Council based work placements and Apprenticeships for looked after young people.
- Promote achievement and acknowledge the aspirations of children and young people in public care by supporting celebration events.
- Meet with Ofsted inspectors where appropriate for their input into inspections.
- Participate as members of the adoption and fostering panels.
- Agree a work plan, reviewing progress, membership of the Panel and attainment of its role and terms of reference.
- Report back formally on these matters in writing to full Council at least annually and more frequently as the Corporate Parenting Panel considers necessary.

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

### 7.1 Regulatory and Other Committees

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

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

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

Please see Annex A for composition.

### 7.2 Pensions Committee

There will be a Pensions Committee consisting of 12 members. 8 of the members will be Non-Executive Councillors and reflect the political balance overall. 4 members shall be co-optees representing the Academy Sector, the non-County Council employers in the Fund and scheme members.

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

#### Role and purpose:

The role of the Pensions Committee is to exercise the functions of the council in relation to the Lincolnshire County Council Pension Fund in conjunction with other bodies who contribute to the Fund in accordance with the Local Government Pension Scheme Regulations and associated legislation. This is a fiduciary role to ensure that the Fund is invested and managed for the benefit of scheme beneficiaries to ensure the long term objective is met of paying all benefits as and when they fall due.

The Committee is responsible for ensuring that the Fund is properly operated in accordance with all relevant regulations and best practice as advised by the Pensions Regulator, the Scheme Advisory Board, DLUHC and CIPFA, including both investment and administration matters.

In fulfilling its functions the Committee shall have regard to the advice of the Lincolnshire Local Pension Board established in accordance with the Local Government Pension Scheme (Amendment) (Governance) Regulations 2015 and shall receive and consider recommendations from the Border to Coast Pensions Partnership Joint Committee.

Functions:

- Drawing upon appropriate professional advice, to set investment policies for the Fund, including the establishment and maintenance of a strategic benchmark for asset allocation, and approval of the Investment Strategy Statement.
- To give consideration to the agreed Investment and Responsible Investment Belief framework when setting investment policies and ensure that the Fund is meeting its Stewardship requirements, with support from the professional advisors and officers.
- To review the performance of Border to Coast Pensions Partnership Limited and its sub-funds, legacy fund managers, including their stewardship and responsible investment arrangements, with support from the professional advisors and officers.
- Appoint and review professional service providers including fund custodian, investment consultant and actuary, with support from the professional advisors and officers.
- To appoint and review the performance of the Fund's Administrator, with support from the professional advisors and officers.
- To review the performance of scheme employers in meeting their responsibilities.
- To review the Annual Report and Statement of Accounts of the Fund, specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- To approve the Annual Report and Statement of Accounts of the Fund.
- Carrying out the duties set out in the Regulations in relation to the actuarial valuation of the Fund and in relation to any other decisions about the amount the employers need to pay, and approval of the Funding Strategy Statement.
- To review and approve, on a regular basis, all required policies including, but not limited to, the Administration Strategy, Communications Policy, Governance Compliance Statement, Risk Management and Training Policy.
- To contribute to any relevant consultations impacting upon the governance, investment, or benefit provisions of the Local Government Pension Scheme.

- To meet the minimum training requirements within the required timeframe, as set out in the Committee's Training Policy.
- To consider any other matters relevant to the operation and management of the Fund.
- To report to full Council on a regular basis on the committee's performance in relation to its effectiveness in meeting its purpose.

### **7.3 Planning and Regulation Committee**

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

#### **Functions:**

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

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

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

### Functions:

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

## **7.4 Appointments Committee**

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

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

### Functions:

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

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

- To suspend the person designated as the County Council's Head of Paid Service Monitoring Officer and Section 151 Officer whilst an investigation takes place into allegations against them.
- To discharge on behalf of the Council the function of taking disciplinary action against or (subject to approval by the Council) the dismissal of the person designated as the County Council's Head of Paid Service, the
- Section 151 Officer and the Monitoring Officer in accordance with provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 and thereby to act as dismissor for the purposes of the said Regulations and the Officer Employment Procedure Rules at Part 4 of this Constitution in relation to such dismissals.



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

#### **7.4.1 Pay Policy Sub-Committee**

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

##### Functions:

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

#### **7.5 The Members Appeal Hearing Panel**

An employee dismissed from their employment with the Council may have a right of appeal against that decision and certain of those appeals will be heard by a Members Appeal Hearing Panel consisting of Elected Members. Full details of the appeals process are set out in the Council's Appeals Policy.

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

Democratic Services shall be responsible for making the necessary administrative arrangements for the appeals.

## 7.6 **Audit Committee**

There will be an Audit Committee consisting of nine members. Seven of the members will be Non-Executive Councillors and reflect the political balance overall. Two members shall be independent people (non-voting members) who are not a Councillor or Officer of the Council; or a former Officer of the Council if their departure was in the last five years.

### Role:

To fulfil the role of an Audit Committee in respect of the work of the Council. Setting out the Committees position in the governance structure of the Council.

- The Audit Committee is a key component of Lincolnshire County Council's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.
- The purpose of the Audit Committee is to provide independent assurance to members of the adequacy of the risk management framework and the internal control environment. It provides independent review of Lincolnshire County Council's governance, risk management and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

Functions:

### **Governance, Risk and Control**

- To maintain an overview of the Council's Constitution.
- To review any issues referred to it by the Chief Executive, Director or any Council body.
- To monitor the effective development and operation of risk management in the Council.
- To monitor progress in addressing risk-related issues reported to the committee.
- To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- To monitor the counter-fraud strategy, actions and resources.
- To review the Annual Governance Statement prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- To review the Council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.

- To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- To consider the Council's compliance with its own and other published standards and controls.
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.
- To review the governance and assurance arrangements for significant partnerships or collaborations.

## **Internal Audit**

- Approve the internal audit charter.
- To review proposals made in relation to the appointment of external providers on internal audit services and to make recommendations.
- To consider the Head of Internal Audit's annual report and opinion.
  - a. The statement of the level of conformance with the Public Sector Internal Audit Standards and Local Government Application Note and the results of the Quality Assurance and Improvement Programme that supports the statement – these will indicate the reliability of the conclusions of internal audit.
  - b. The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the committee in reviewing the Annual Governance Statement.
- To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- To make appropriate enquiries of both management and the Head of Internal Audit to determine if there are any inappropriate scope or resource limitations.
- To consider reports from the Head of Internal Audit on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:-
  - a. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work.
  - b. Regular reports on the results of the Quality Assurance and Improvement Programme.
  - c. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards and Local Government Application Note, considering whether the non-conformance is significant enough that it must be included in the Annual Governance Statement.

- To consider summaries of specific internal audit reports of significance or as requested.
- To receive reports outlining the action taken where the Head of Internal Audit has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- To provide free and unfettered access to the audit committee chair for the Head of Internal Audit, including the opportunity for a private meeting with the committee.
- To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of Internal Audit. To approve and periodically review safeguards to limit such impairments.
- To contribute to the Quality Assurance and Improvement Programme and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- To support the development of effective communication with the Head of Internal Audit.

### **External Audit**

- To support the independence of external audit through consideration of the external auditors annual assessment of its independence and review any issues raised by the PSAA or the authority's auditor panel as appropriate.
- To consider the external auditor's annual letter, relevant reports, and the report to those charged with governance.
- To consider specific reports as agreed with the external auditor.
- To comment on the scope and depth of external audit work and to ensure it gives value for money.
- To liaise with the appropriate body over the appointment of the Council's external auditor.
- To commission work from internal and external audit.
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial Reporting**

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

## **Standards**

- Promoting and maintaining high ethical standards by Councillors and non-elected members.
- Assisting the Councillors and added members to observe the Members' Code of Conduct.
- Advising the Council on the adoption or revision of the Members' Code of Conduct.
- Monitoring the operation of the Members' Code of Conduct.
- Advising, training or arranging to train Councillors and added members on matters relating to the Members' Code of Conduct.
- Determining complaints of breaches of the Code of Conduct for Members referred for hearing by the Monitoring Officer.

## **Accountability Arrangements**

- To report to those charged with governance on the committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- To report to full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.
- To publish an annual report on the work of the committee.

### **7.7 Health and Wellbeing Board**

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

Six County Councillors appointed by the Leader of the Council  
The Director of Public Health  
The Executive Director - Children's Services  
The Executive Director - Adult Care and Community Wellbeing  
Chair, NHS Lincolnshire Integrated Care Board  
Chief Executive, NHS Lincolnshire Integrated Care Board  
Nominated representative, Primary Care Network Alliance  
Nominated Chief Executive, representing NHS Providers in Lincolnshire  
Nominated Chair, representing NHS Providers in Lincolnshire  
One designated District Council representative  
A designated representative of Healthwatch Lincolnshire  
The Police and Crime Commissioner for Lincolnshire

#### **Functions**

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

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- To prepare and publish a Joint Health and Wellbeing Strategy.
- To produce the Pharmaceutical Needs Assessment (PNA) in accordance with the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (SI 2013/349) and liaising with NHS England and Improvement (NHSEI) to ensure recommendations or gaps in services are addressed.
- To give its opinion to the Integrated Care Board (ICB) on whether the draft ICB 5 Year Plan takes proper account of the Joint Health and Wellbeing Strategy under section 14Z54 of the National Health Service Act (2006).
- To determine whether to give to NHS England its opinion on whether the published ICB 5 year plan takes proper account of the Joint Health and Wellbeing Strategy under section 14Z55 of the National Health Service Act (2006).
- To fulfil its role as a consultee in respect of the ICB's annual review of the steps that the ICB has taken to implement the Joint Health and Wellbeing Strategy under section 14Z58 of the National Health Service Act (2006).
- To respond to consultation by NHS England on any steps that the ICB has taken to implement the Joint Health and Wellbeing Strategy as part of NHS England's annual performance assessment of the ICB under section 14Z59 of the National Health Service Act (2006).

#### Quorum

One third of the membership of the Board to include an NHS Lincolnshire Integrated Care Board representative, a Lincolnshire County Council Executive Councillor and either the Chairman or the Vice-Chairman of the Board.

#### Frequency of Meetings

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

#### Chairman and Vice-Chairman

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

#### Voting

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

#### Substitutes

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

## 7.8 Bourne Town Hall Trust Management Committee

There will be a Bourne Town Hall Trust Management Committee. The Committee will comprise of:-

- a) a minimum of 5 Councillors not being Councillors elected by the residents of Bourne town ("the Voting Members") as appointed by the Council. The five Councillors appointed by the Council are not required to reflect the political balance of the Council as set out in the Local Government and Housing Act 1989; and
- b) such members of staff and supporting officers as selected and considered reasonable and appropriate by the Council from time to time, having regard to all relevant circumstances ("the Supporting Members").

The Supporting Members shall not have voting rights and as such, shall not be able to vote on any decision of the Committee.

### Functions

The Bourne Town Hall Trust Management Committee shall have the authority to undertake the following activities ("Delegated Activities") should they be required on behalf of the Council as trustee of the Charity:

- a) Monitor the progress of the steering group established to explore options for the future use of the Hall.
- b) Determine the ultimate viability of any proposals presented by the steering group or any other body in relation to the future use of the Hall and any potential transfer of ownership of the building.
- c) Oversee the transfer of the Hall to another organisation or entity.
- d) Determine whether or not the options for the transfer of the Hall to another charity or charitable trust are viable.

- e) Determine the ultimate viability of any proposals presented by the steering group or any other body in relation to the future use of the Hall and any potential transfer of ownership of the building.
- f) Oversee the transfer of the Hall to another organisation or entity.
- g) Determine whether or not the options for the transfer of the Hall to another charity or charitable trust are viable.
- h) After all options for the transfer of the Hall to another charity or charitable trust have been reasonably considered and exhausted, to determine whether or not selling the Hall is the only viable option remaining.
- i) Oversee the sale of the Hall and make any necessary arrangements for the sale proceeds to be used for the benefit of the residents of Bourne, including corresponding with the Charity Commission.
- j) Continue to take specialist legal advice as may reasonably be required.
- k) The Committee may refer to the Council any matter falling within the Delegated Activities for recommendation or decision as it sees fit.

#### Quorum

The Quorum of the Committee shall be three Voting Members in person or by proxy.

#### Frequency and Notice of Meetings

The Committee shall hold such meetings as required from time to time. Notice of such meetings must be given at least 14 days in advance and must specify the date, time and place of the meeting. Notice may be given electronically and the Voting Members may agree to accept a lesser period of notice by way of simple majority.

#### Chairman and Vice-Chairman

A Chairman and Vice Chairman") shall be selected by the Committee at the beginning of the first meeting of the Committee by way of simple majority.

#### Voting

Each Member of the Committee shall have one vote and decisions will be made by a simple majority. The Chairman (or in the Chairman's absence the Vice Chairman) shall have a casting vote.



## **7.9 Statutory Officers' Employment Advisory Panel**

There shall be a Statutory Officers' Employment Advisory Panel established under section 102(4) of the Local Government Act 1972.

The Panel shall consist of not less than two Relevant Independent Persons as defined in the Officer Employment Procedure Rules in Part 4 of the Constitution ("the Rules").

The Panel shall be constituted and convened if and when required to advise the Council in relation to a proposal to approve the dismissal of the County Council's Head of Paid Service, the Chief Finance Officer or the Monitoring Officer each as defined in the Rules.

The Panel shall fulfil the function conferred on it by the Rules and shall be constituted and convened in accordance with the Rules.

## ARTICLE 8 – JOINT ARRANGEMENTS

### 8.1 Arrangements to promote well-being

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

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

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

### 8.2 Joint Arrangements

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

to the joint Committee any Councillor who is a Councillor for an electoral division, which is wholly or partly contained within the area.

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

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

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

### **8.3 Access to information**

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

### **8.4 Delegation to and from other local authorities**

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

### **8.5 Contracting out**

The Executive may contract out to another body or organisation functions which may be exercised by an Officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under

contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## ARTICLE 9 – OFFICERS

### 9.1 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>• Senior Information Risk Owner</li> <li>• Commercial services</li> <li>• Information Management and Technology</li> <li>• Corporate systems</li> <li>• Performance monitoring and reporting</li> <li>• Property</li> <li>• Procurement and contract management</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>• Health and Wellbeing</li> <li>• Crime and Disorder</li> <li>• Safer Communities</li> <li>• Registration and Celebratory Services</li> <li>• Emergency Planning</li> </ul>
Executive Director – Commercial – VACANT	

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

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
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	Director of Children's Services under section 18 of the Children Act 2004
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

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.

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(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.

(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.

## ARTICLE 10 – DECISION MAKING

### 10.1 Responsibility for decision making

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

### 10.2 Principles of decision making

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

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

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

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

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

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

### **10.3 Types of decision**

#### **(a) Decisions reserved to full Council**

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

#### **(b) Key decisions**

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

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

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

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

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substantially expanded or reduced or will cease altogether or a new service is proposed

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

#### **10.4 Decision making by the full Council**

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

#### **10.5 Decision making by the Executive**

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

#### **10.6 Role of Overview and Scrutiny Committees**

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

#### **10.7 Decision making by other Committees and Sub-Committees established by the Council**

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

#### **10.8 Decision making by Council bodies acting as tribunals**

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

## ARTICLE 11 – FINANCE, CONTRACTS AND LEGAL MATTERS

### 11.1 **Financial management**

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

### 11.2 **Contracts**

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

### 11.3 **Legal proceedings**

The Chief Legal Officer is authorised to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Chief Legal Officer considers that such action is necessary to protect the Council's interests.

### 11.4 **Authentication of documents**

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

### 11.5 **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Chief Legal Officer. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents, which in the opinion of the Chief Legal Officer should be sealed. The affixing of the Common Seal will be attested by the Chief Legal Officer or some other person authorised by him/her.



## 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