
Part 2

ARTICLES OF THE CONSTITUTION

ARTICLE 1 – THE CONSTITUTION

[The Articles of the Constitution explain how the Council works.](#)

1.01 Powers and duties of the Council

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

1.02 The Constitution

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

1.03 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.04 Suspension of the Constitution

(a) Limit to suspension

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

(b) **Procedure to suspend**

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

1.05 Duty to monitor and review the Constitution

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

Protocol for monitoring and review of Constitution by Monitoring Officer

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

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

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

1.06 Approval of changes to the Constitution

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

However, if either

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

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

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

1.07 Interpretation of the Constitution

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

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

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

1.08 Publication

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

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

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

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

1.09 Executive Arrangements

The following parts of this Constitution constitute the Executive arrangements:

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

ARTICLE 2 – MEMBERS OF THE PUBLIC AND THE COUNCIL

2.01 Rights of Members of the Public

Members of the Public have the following rights.

(a) **Voting and referendum petitions**

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

(b) **Information**

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

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

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

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

(c) **Attendance at Meetings**

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

(d) **Inspection of the Accounts**

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

(e) **Complaints**

Members of the Public have the right to complain to:

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

(f) **Petitions**

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

2.02 Consultation

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

2.03 Communication

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

2.04 Responsibilities of Members of the Public

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

ARTICLE 3 – MEMBERS OF THE COUNCIL

3.01 Composition and eligibility

(a) **Composition**

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

(b) **Eligibility**

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

3.02 Election and terms of Councillors

Election and terms

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

3.03 Roles and functions of all Councillors

(a) **Key roles**

All Councillors will:

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

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

(b) **Rights and duties**

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

3.04 Conduct

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

3.05 Political Groups

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

The Council will recognise the following categories of political groups

(i) The Ruling Group

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

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

(ii) The Opposition Group

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

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

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

(iii) The Minority Groups

These are the other political groups on the Council.

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

3.06 Special Interest Councillors

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

3.076 Allowances

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

ARTICLE 4 – THE FULL COUNCIL

4.01 Meanings

(a) **Policy Framework**

The policy framework means the following plans and strategies:

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

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

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

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

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

(b) **Budget**

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

4.02 Functions of the full Council

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

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

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

4.03 **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;

(b) ordinary meetings;

(c) extraordinary meetings;

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

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4.04 Responsibility for functions

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

4.05 Development of the Budget and Policy Framework

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

4.06 Role and function of the Chairman of the Council

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

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

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

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

ARTICLE 5 – THE EXECUTIVE

5.01 Role

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

5.02 Form and Composition

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

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

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

5.03 Leader

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

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

5.04 Other Executive Councillors

Other Executive Councillors shall hold office until:

- (a) they resign from the office; or

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

5.05 Proceedings of the Executive

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

5.06 Responsibility for functions

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

5.07 Executive Support Councillors

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

ARTICLE 6 – OVERVIEW AND SCRUTINY COMMITTEES

6.01 Appointment of Overview and Scrutiny Committees

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

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

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

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

6.02 Overview and Scrutiny Management Committee

Membership

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

Terms of Reference

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

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

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

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

6.03 Adults Scrutiny Committee

Membership

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

Terms of Reference

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

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

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

6.04 Children and Young People Scrutiny Committee

Membership

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

Terms of Reference

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

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

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

6.05 Economic Scrutiny Committee

Membership

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

Terms of Reference

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

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

6.06 Environmental Scrutiny Committee

Membership

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

Terms of Reference

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

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

6.07 Flood and Drainage Management Scrutiny Committee

Membership

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

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

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

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

Terms of Reference

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

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

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

1. Definitions

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

The Council is Lincolnshire County Council.

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

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

2. Nomination and Appointment

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

3. Voting

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

4. Code of Conduct

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

5. Allowances

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

6.08 Health Scrutiny Committee for Lincolnshire

Membership

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

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

Terms of Reference

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

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

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

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the Committee may determine whether to make a recommendation to the County Council 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.

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

Appointment of Chairman and Vice Chairman

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

6.09 Highways and Transport Scrutiny Committee

Membership

The County Council will determine the number of members of the Council who

will serve on the Highways and Transport Scrutiny Committee.

Terms of Reference

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

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

6.10 Community and Public Safety Scrutiny Committee

Membership

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

Terms of Reference

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

- To review and scrutinise the following services and their outcomes:
 - community cohesion;
 - community safety;
 - emergency planning;
 - fire and rescue;
 - public health;
 - trading standards; and

- youth offending.
- To review and scrutinise quarterly performance indicators, priority activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Management Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.
- To act as the Crime and Disorder Committee for the purposes of sections 19 and 20 of the Police and Justice Act 2006, including the power:
 - to co-opt additional members;
 - to make reports or recommendations to a responsible authority or co-operating person or body;
 - to consider and determine requests from Councillors submitted under the Councillor Call for Action procedure relating to Crime and Disorder.
 - to make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

6.11 Value for Money Scrutiny Committee

Membership

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

Terms of Reference

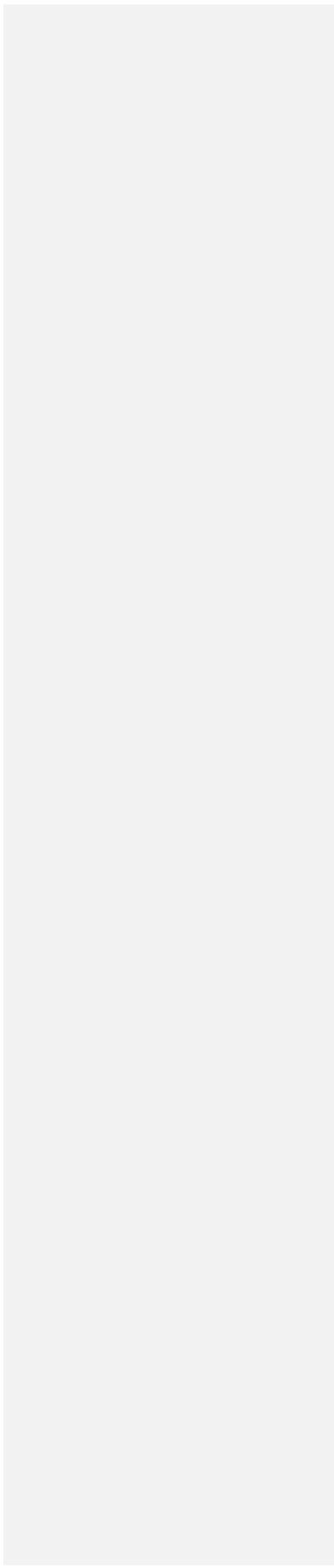
The Value for Money Scrutiny Committee is authorised to undertake the following activities: -

- To review and scrutinise the following services and their outcomes:
 - capital programme;
 - customer satisfaction;
 - performance and governance;
 - resource management; and
 - value for money overview.
- To review and scrutinise quarterly performance indicators, priority

activities, customer satisfaction information and any other available performance measures related to the service areas within the remit of the Committee.

- To review and scrutinise any quarterly performance indicators, priority activities or customer satisfaction information across all Council services that fall outside expectations.
- To review and scrutinise any decision that has been made by the Executive or any Executive Councillor or any key decision made by an officer in relation to the above services.
- To provide advice to the Executive or any Executive Councillor or any officer, intending to make a decision or develop policy in relation to the above services.
- With the approval of the Overview and Scrutiny Committee, to establish time limited task and finish groups, in relation to the above services.
- To consider and respond to any proposals from the Executive as part of the development of the policy framework.
- To make reports and recommendations to the County Council, the Executive or relevant Executive Councillor in relation to any of the Committee's functions listed above.

|



APPENDIX A

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

~~1. Definitions~~

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

~~The Council is Lincolnshire County Council.~~

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

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

~~2. Nomination and Appointment~~

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

~~3. Voting~~

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

~~4. Code of Conduct~~

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

~~5. Allowances~~

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

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

7.01 Regulatory and Other Committees

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

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

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

Please see Annex A for composition.

7.02 Pensions Committee

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

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

Functions:

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

provisions of the Local Government Pension Scheme

7.03 Planning and Regulation Committee

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

Functions:

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

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

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

Functions:

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

7.04 Appointments Committee

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

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

Functions:

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

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

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

7.04.01 Pay Policy Sub-Committee

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

Functions:

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

7.05 The Members Appeal Hearing Panel

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

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

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

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

~~Democratic Services make all the necessary arrangements for the hearings.~~

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

~~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.~~

7.05—06 Audit Committee

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

Role:

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

Functions:

Audit Activity

- to consider the Head of Internal Audit's annual report and opinion, and a summary of internal audit activity (actual and proposed) and the level of assurance it can give over the Council's corporate governance arrangements
- to consider summaries of specific internal audit reports of significance or as requested
- to consider reports dealing with the management and performance of internal audit
- to consider a report from internal audit on agreed recommendations not implemented within a reasonable timescale
- to consider the external auditor's annual letter, relevant reports, and the report to those charged with governance
- to consider specific reports as agreed with the external auditor
- to comment on the scope and depth of external audit work and to ensure it gives value for money
- to liaise with the Audit Commission over the appointment of the Council's external auditor

Regulatory Framework

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

Accounts

- to review the annual statement of accounts. Specifically to consider whether

appropriate accounting policies have been followed and whether there are any concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council

- to consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts
- duty to approve the authority's statement of accounts, income and expenditure and balance sheet

Standards

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

7.0607 **Health and Wellbeing Board**

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

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

Functions

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

Quorum

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

Frequency of Meetings

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

Chairman and Vice-Chairman

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

Voting

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

Substitutes

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

ARTICLE 8 – JOINT ARRANGEMENTS

8.01 Arrangements to promote well-being

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

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

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

8.02 Joint Arrangements

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

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

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

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

8.03 Access to information

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

8.04 Delegation to and from other local authorities

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

8.05 Contracting out

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

ARTICLE 9 – OFFICERS

9.01 Engagement of Staff

(a) **General**

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

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

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

(b) **Chief Officers.**

All Chief Officers will:

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

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

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

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

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

The Council will designate the following posts as Statutory Officers:

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

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

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

(d) **Structure**

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

9.02 Functions of the Head of Paid Service

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

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

(b) **Restrictions on functions**

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

9.03 Functions of the Monitoring Officer

(a) **Maintaining the Constitution**

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

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

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

(c) **Standards**

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

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

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

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

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

(f) **Providing advice**

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

(g) **Restrictions on posts**

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

9.04 Functions of the Chief Finance Officer

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

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

(b) **Administration of financial affairs**

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

(c) **Contributing to corporate management**

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

(d) **Providing advice**

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

(e) **Give financial information**

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

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

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

9.06 Other Statutory Posts

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

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

ARTICLE 10 – DECISION MAKING

10.01 Responsibility for decision making

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

10.02 Principles of decision making

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

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

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

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

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

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

10.03 Types of decision

(a) Decisions reserved to full Council

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

(b) Key decisions

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

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

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

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

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

10.04 Decision making by the full Council

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

10.05 Decision making by the Executive

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

10.06 Decision making by Role of Overview and Scrutiny Committees

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

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

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

10.08 Decision making by Council bodies acting as tribunals

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

ARTICLE 11 – FINANCE, CONTRACTS AND LEGAL MATTERS

11.01 Financial management

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

11.02 Contracts

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

11.03 Legal proceedings

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

11.04 Authentication of documents

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

11.05 Common Seal of the Council

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

ANNEX A

COMPOSITION OF COUNTY COUNCIL COMMITTEES AND SUB-COMMITTEES

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