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PART B ARTICLE 1 - THE CONSTITUTION

B1.01 POWERS OF THE COUNCIL

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

B1.02 THE CONSTITUTION

This Constitution and all its appendices is the Constitution of the North Lincolnshire Council.

B1.03 PURPOSE OF THE CONSTITUTION

The purpose of the Constitution is to:-

- (a) Enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations.
- (b) Support the active involvement of citizens in the process of local authority decision making.
- (c) Help councillors represent their constituents more effectively
- (d) Enable decisions to be taken efficiently and effectively
- (e) Create a powerful and effective method of holding decision makers to public account
- (f) Ensure that no-one will review or scrutinise a decision in which they were directly involved
- (g) Ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reason for decisions
- (h) Provide a means of improving the delivery of services to the community.

B1.04 INTERPRETATION AND REVIEW OF THE CONSTITUTION

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

The Council will monitor and evaluate the operation of the Constitution as set out in Article 15.

PART B ARTICLE 2 - MEMBERS OF THE COUNCIL

B2.01 COMPOSITION AND ELIGIBILITY

(a) Composition

The Council comprises 43 members otherwise called councillors. One, two or three councillors are elected by the voters of each ward. There are 19 wards.

(a) Eligibility

Only registered voters of the area or those living or working there are eligible to hold the office of councillor.

B2.02 ELECTION AND TERMS OF COUNCILLORS

The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

B2.03 ROLES AND FUNCTIONS OF ALL COUNCILLORS

(a) Key Roles

All councillors will

- (i) collectively be the ultimate policy makers and carry out a number of strategic and corporate management functions;
- (ii) contribute to the good governance of the area and actively encourage community participation and citizen involvement in decision making;
- (iii) effectively represent the interests of their ward and of individual constituents;
- (iv) respond to constituents' enquiries and representations, fairly and impartially;
- (v) participate in the governance and management of the council; and
- (vi) maintain the highest standards of conduct and ethics.

(b) Role Descriptions

The Council has adopted role descriptions for all councillors and these are attached set out in an appendix to Part E of this Constitution.

(c) 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 D of this Constitution.

B2.04 CONDUCT

Councillors will at all times observe the ‘Nolan’ principles of public life as established by the Committee on Standards in Public Life and as required by the Localism Act 2011 and the Members Code of Conduct and Protocol on member/officer relations set out in Part E of this Constitution. The Code of Conduct was adopted by the Council on 15 May 2012 and endorsed on 17 July 2012 as well as the procedures for dealing with complaints that a councillor may have breached the Code of Conduct.

B2.05 ALLOWANCES

Councillors will be entitled to receive allowances in accordance with the Members’ Allowances Scheme set out in Part F of this Constitution.

PART B ARTICLE 3 - CITIZENS AND THE COUNCIL

B3.01 CITIZENS' RIGHTS

Citizens' rights to documents for Council and executive meetings are as set out in the Access to Information rules in Part D of this Constitution:

(a) Voting and Petitions

Citizens 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.

(b) Information

Citizens have the right to:

- (i) attend meetings of the Council and its committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (ii) attend meetings of the Executive when key decisions are being considered, subject again to restrictions when confidential or exempt information is likely to be disclosed;
- (iii) record and film public meetings;
- (iv) find out from published notices what key decisions will be taken by the Executive and when;
- (v) see reports and background papers, and any records of decisions made by the Council and the Executive, except where those papers contain exempt or confidential information; and
- (vi) inspect the Council's accounts and make their views known to the External Auditor.

(c) Participation

Citizens have the right to petition the Council in accordance with the rules set out in the Council Procedure Rules and contribute to investigations by overview and scrutiny panels.

(d) Complaints

Citizens have the right to complain to:

- (i) the Council itself under its complaints scheme;

- (ii) the Local Government Ombudsman for England after using the Council's own complaints scheme; and
- (iii) the Council's Standards Committee about a breach of the Councillors' Code of Conduct.

B3.02 CITIZENS' RESPONSIBILITIES

Citizens must not be violent, abusive, harassing or threatening to councillors or officers and must not wilfully harm things owned by the Council, councillors or officers.

Citizens must treat councillors and officers with respect and may be excluded from meetings if they cause nuisance, disturbance and annoyance.

PART B ARTICLE 4 - THE FULL COUNCIL

B4.01 MEANINGS

(a) Policy Framework

The Policy Framework means the following plans and strategies:-

as specified in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.

- Licensing Authority Policy Statement
- Crime and Disorder Reduction Strategy
- Local Transport Plan
- Plans and Strategies which together comprise the Development Plan
- Youth Justice Plan
- Council Plan 2022 - 2025

(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.

(c) Housing Land Transfer

Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of land used for residential purposes where approval is required under Sections 32 or 43 of the Housing Act 1985.

B4.02 FUNCTIONS OF THE FULL COUNCIL

Only the Council will exercise the following functions:

- (a) Adopting and changing the Constitution (except where delegated under Article 15);
- (b) Approving or adopting the Policy Framework, the budget (including the level of Council Tax) and any application to the Secretary of State in respect of any housing land transfer;

- (c) Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part D of this Constitution, making decisions about any matter in the discharge of an Executive function which is covered by the Policy Framework or the budget where the decision maker is minded to make it in a manner which will be contrary to the Policy Framework or contrary to or not wholly in accordance with the budget;
- (d) Electing 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;
- (f) Adopting an Allowances Scheme under Article B2.05;
- (g) Changing the name of the area, conferring the title of Honorary Alderman or Freedom of the Borough;
- (h) Confirming the appointment of the Head of Paid Service and dismissal of the Head of Paid Service, Chief Financial Officer and Monitoring Officer;
- (i) Making, amending, revoking, re-enacting or adopting byelaws and promoting or opposing the making of local legislation or personal bills;
- (j) All local choice functions set out in Part C of this Constitution which the Council decides should be undertaken by itself rather than the Executive; and
- (k) All other matters which, by law, must be reserved to Council.

B4.03 COUNCIL MEETINGS

There are three types of council meeting:-

- (a) The Annual Meeting;
- (b) Ordinary Meetings, and
- (c) Extraordinary Meetings.

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

B4.04 RESPONSIBILITY FOR FUNCTIONS

The Council will maintain the tables in Part C of this Constitution setting out the responsibility for the Council's functions which are not the responsibility of the Executive.

PART B ARTICLE 5 - CHAIRING THE COUNCIL

B5.01 ROLE AND FUNCTION OF THE MAYOR

The Mayor, and in his/her absence the Deputy Mayor, will have the following roles and functions.

Ceremonial Role

The Mayor is the First Citizen of North Lincolnshire. Accordingly the Mayor has an official role together with the Lord Lieutenant in any Royal visits to North Lincolnshire and is also involved in many other official ceremonies and receptions. He/she acts as an ambassador for both the Council and the whole of North Lincolnshire in a ceremonial role. The Mayor hosts an annual civic dinner and also has an annual civic service.

In a 12 month period the Mayor and Deputy attend around 400 functions, many of which are events organised by outside organisations, voluntary sector organisations, other district councils, town councils, members of the public etc.

Chairing the Council Meeting

The Mayor will be elected by the Council annually. The Mayor will have the following responsibilities:

- (a) To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary;
- (b) 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;
- (c) 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 Members who are not on the Executive nor hold Committee Chairs are able to hold the Executive and Committee Chairs to account;
- (d) To promote public involvement in the Council's activities;
- (e) To be the conscience of the Council, and
- (f) To attend such civic and ceremonial functions as the Council and the Mayor determine appropriate.

The role description of the Mayor is set out in an appendix to Part E of this Constitution.

In accordance with Section 9C (4) of the Local Government Act, 2000 neither the Mayor or Deputy Mayor can be members of the Executive.

PART B ARTICLE 6 - OVERVIEW AND SCRUTINY COMMITTEES

B6.01 TERMS OF REFERENCE

The council will appoint one or more Overview and Scrutiny Committees (called panels) which will have terms of reference to cover the entire area of the work of the council and to scrutinise local health services in accordance with various and relevant Health and Social Care Act legislation. One scrutiny panel has also been designated as the Council's Crime and Disorder Committee under the Police and Justice Act 2006 and one deals with flood risk management. Details of the current overview and scrutiny panels are contained in the Overview and Scrutiny Procedure Rules at Part D of this Constitution.

B6.02 GENERAL ROLE

Within their terms of reference, Scrutiny Panels will:-

- (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the council's functions;
- (b) make reports and/or recommendations to the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive; and
- (e) scrutinise local health services (and wider determinants of public health) in accordance with relevant Health and Social Care legislation with the aim to improve the health of the local population and/or the quality of health services.

B6.03 SPECIFIC FUNCTIONS

- (a) To scrutinise the effectiveness of council policies and strategies and performance of council services within the scope of scrutiny panels.
- (b) On behalf of the council to scrutinise Executive decisions within the scope of scrutiny panels.
- (c) On behalf of the council to scrutinise Executive recommendations to the council, including financial implications insofar as they are within the scope of scrutiny panels.
- (d) To scrutinise the effectiveness of partnership working with external organisations and the impact of policies adopted by external

organisations in areas where the council has a legitimate interest and that fall within the scope of scrutiny panels.

- (e) To request written evidence from and/or invite attendance by appropriate individuals to advise scrutiny panels in exercising its role. Such individuals will have expertise in the areas subject to scrutiny, e.g. they may be service users affected by the issues under review, professionals in the relevant discipline or representatives of external organisations.
- (f) To conduct and commission research to inform the work of scrutiny panels, where appropriate.
- (g) To question members of the Executive about Executive decisions/recommendations or about wider performance or policy issues relevant to their portfolio.
- (h) To question council officers about reports on which Executive or other decisions are based, the effectiveness of council policies/strategies and the performance of council services.
- (i) To make recommendations to the cabinet or other local bodies on issues arising from scrutiny reviews.
- (j) To develop procedures and carry out health scrutiny functions defined in The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, and associated legislation and guidance.
- (k) To develop the arrangements required under the Flood and Water Management Act, 2010 and the Localism Act, 2011 to review and scrutinise the exercise by risk management authorities of flood risk management functions or coastal erosion risk management functions which may affect the local authority's area.

B6.04 PROCEEDINGS OF OVERVIEW AND SCRUTINY PANELS

Scrutiny Panels will conduct these proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part D of this Constitution.

PART B ARTICLE 7 - THE EXECUTIVE

THE ROLE OF THE EXECUTIVE

B7.01 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.

B7.02 FORM AND COMPOSITION

The Executive will consist of the Executive Leader with at least 2, but not more than 10, councillors appointed to the Executive by the Leader.

B7.03 LEADER

The Leader will be a councillor elected to the position of Leader by the Council, which will normally be made at the Annual Meeting of the Council. The Leader will hold office for a four-year term or until:

- (a) he/she resigns from the office, or
- (b) he/she is disqualified from being a councillor under section 92 of the Local Government Act 1972 or their office is vacated, or
- (c) he/she is no longer a councillor, or
- (d) he/she is removed from office by resolution of the Council following a notice of motion.

B7.04 OTHER EXECUTIVE MEMBERS

- (i) Other Executive Members shall be councillors appointed by the Leader. The appointments will normally be reported to the Annual Meeting of the Council. Executive Members will hold office until:
 - (a) they resign from office, or
 - (b) they are disqualified from being councillor under section 92 of the Local Government Act 1972 or their office is vacated, or
 - (c) they are no longer councillors, or
 - (d) until the next Annual Meeting of the Council, or
 - (e) they are removed from office either individually or collectively by decision of the Leader of the Council or where the office of the Leader and Deputy are vacated.

- (ii) If a member of the Executive becomes unable to act for any reason the Leader may appoint a different councillor to act in place of that member for the period of the incapacity. The incapacitated member shall cease to be a member of the Executive during that period. The period may not extend beyond the next Annual Meeting of the Council. The Leader shall inform the Director: Governance and Communities immediately of such appointment and shall inform the Council at its next available meeting.

B7.05 PROCEEDINGS OF THE EXECUTIVE

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

B7.06 RESPONSIBILITY FOR FUNCTIONS

The Leader will provide the Director: Governance and Communities with sufficient information to enable him/her to maintain a list in Part C of this Constitution setting out which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions (portfolios).

PART B ARTICLE 8 - REGULATORY AND OTHER COMMITTEES

B8.01 REGULATORY AND OTHER COMMITTEES

The Council will appoint committees to discharge functions as set out in Part C of this Constitution.

PART B ARTICLE 9 - THE STANDARDS COMMITTEE

B9.01 STANDARDS COMMITTEE

The Council will establish a Standards Committee.

B9.02 COMPOSITION

The membership and terms of reference of the Standards Committee is set out in Part C of this Constitution. The Council will ensure that at all times the following minimum standards will apply.

(a) Membership

The Standards Committee will be composed of at least:

- ◆ seven members of the Council

(with 3 Independent Persons (non-voting))

(b) Voting

Any co-opted members will not be entitled to vote at meetings.

(c) Quorum

The proceedings of the committee will not be valid unless at least three elected members are present at the meeting.

(d) Chairing the Committee

The Chairman of the committee will be appointed by the Council.

B9.03 ROLE AND FUNCTION

The terms of reference of the Standards Committee are set out in Part C of this Constitution.

PART B ARTICLE 10 - AREA COMMITTEES AND FORUMS

B10.01 CONSULTATION

The Council is committed to the principles of establishing and involving local views in decision-making. In order to do this effectively it is necessary to establish a two-way dialogue with citizens. The Council will employ a range of methods to further these principles.

Amongst these methods the Council may establish a number of area committees or forums. These will be purely deliberative bodies and will have no responsibility for service delivery or carrying out the functions of the council.

PART B ARTICLE 11 - JOINT ARRANGEMENTS

B11.01 JOINT ARRANGEMENTS

The Council and the Executive 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.

B11.02 JOINT ARRANGEMENTS

- (a) The Council may establish joint arrangements with one or more local authorities and/or their executives 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 those 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 Members to a joint committee and those members need not reflect the political composition of the local authority as a whole.
- (d) The Executive may appoint members to a joint committee from outside the Executive if 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 member for a ward which is wholly or partly contained within the area. In this case the political balance requirements do not apply to such appointments.
- (e) Pursuant to section 75 of the National Health Service Act 2006 and Regulation 10 of the NHS Bodies and Local Authorities Partnership Arrangement Regulations 2000, which will allow a joint committee with health bodies to include a non-executive member.

- (f) Details of any joint arrangements including any delegations to joint committees are set out in the Council's Scheme of Delegations in Part C of this Constitution.

B11.03 ACCESS TO INFORMATION

- (a) The Access to Information rules in Part D of this Constitution apply.
- (b) If all the members of a joint committee are members of the Executive 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 members who are not on the Executive of any participating authority then the Access to Information rules in Part V A of the Local Government Act 1972 will apply.

B11.04 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 and may receive them.
- (b) The Executive may delegate executive functions to another local authority or the executive of another local authority in certain circumstances and may receive them.
- (c) The decisions whether or not to delegate and to accept such a delegation from another local authority shall be reserved to the Council and the Executive where mixed functions are involved.

B11.05 CONTRACTING OUT

The Council (for functions which are not executive functions) and the Executive (for executive functions) may contract out to another body or organisations 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.

PART B ARTICLE 12 - OFFICERS

B12.01 TERMINOLOGY

“Officers” means all employees and staff engaged by the Council to carry out its functions. This includes those engaged under short term, agency or other non-employed situations.

B12.02 MANAGEMENT STRUCTURE

- (a) General - The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) Full Council will designate one of its officers as Head of Paid Service (see below) and others will be designated Directors. These are Chief Officers for the purpose of this Constitution and relevant legislation. The Council may vary these posts and responsibilities from time to time to meet its needs, to achieve maximum efficiency and best value. A Senior Management Structure Chart is set out at Part G of this Constitution.
- (c) The Council will also designate further statutory officers including the Monitoring Officer and Chief Financial Officer. The Council has designated the following posts and roles as follows:

Post	Statutory Officer Role
Chief Executive	Head of Paid Service (and Returning Officer)
Deputy Chief Executive	To deputise for the Head of Paid Service, as required.
Director: Governance and Communities	Chief Financial Officer
Director: Children and Families	Director of Children’s Services
Director: Adults and Health	Director of Adult Social Services
Director of Public Health	Director of Public Health
Assistant Director: Governance and Partnerships	Monitoring Officer
Head of Democracy	Council’s Scrutiny Officer

Such posts will have the functions described in Articles B12.03 to B12.08 below.

- (d) Structure - The Head of Paid Service will determine and publicise a structure of the senior officer leadership of the Council. This is set out in Part G of this Constitution.

B12.03 FUNCTIONS OF THE HEAD OF PAID SERVICE

- (a) Discharge of Functions by the Council - The Head of Paid Service will, where they consider it appropriate to do so, report to Full Council on proposals for 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, the organisation of officers and the appointment and proper management of staff.
- (b) The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Financial Officer if a qualified accountant.
- (c) In consultation with the Monitoring Officer and the Chairman of the Standards Committee to deal with the granting of any dispensations to members who have declared a conflict of interest in decisions taken or to be taken, save those dispensations granted under the Localism Act 2011.
- (d) To appoint or remove the Council's lead representative to the Children's Multi-Agency Resilience and Safeguarding Board (CMARS) constituted under section 16 (e) of the Children and Social Work Act 2017 and to hold such lead representative to account for the effective working of the CMARS.

B12.04 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 Members, officers and the public. The Monitoring Officer is authorised to make minor amendments to the Constitution and will keep it under review.
- (b) Ensuring lawfulness and fairness of decision making - After consulting (so far as practicable) with the Head of Paid Service and Chief Financial Officer, the Monitoring Officer will report to the Full Council, or to the Executive in relation to an Executive function, if he/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 suspending the proposal or decision being

implemented until the end of the first business day after the day on which consideration of that report has been concluded.

- (c) Supporting the Standards Committee - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- (d) To grant dispensations to members on the grounds set out in sub-sections (a) and (d) of Section 33(2) of the Localism Act, 2011.
- (e) Arrangements – The Monitoring Officer is the Council’s Proper Officer for the Standards provisions under the Localism Act 2011 and is responsible for the discharge of the Council’s ‘Arrangements’ under the Act, including the establishment and maintenance of the register of members’ interests and procedures for considering alleged breaches of the Code of Conduct.
- (f) Proper Officer for Access to Information - The Monitoring Officer will ensure that Decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible (with the exception of any information determined to be exempt or confidential as defined in legislation).
- (g) Advising whether Executive Decisions are within the budget and Policy Framework.
- (h) Providing Advice - The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, lawful decision making and governance requirements, probity and budget and Policy Framework issues to all councillors.
- (i) Restrictions on Posts - The Monitoring Officer cannot be the Chief Financial Officer or the Head of Paid Service.

B12.05 FUNCTIONS OF THE CHIEF FINANCIAL OFFICER

- (a) Ensuring lawfulness and financial prudence of financial decision making - After consulting (so far as is practicable) with the Head of Paid Service and the Monitoring Officer, the Chief Financial 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/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 Financial Officer will have responsibility for the proper administration of the financial affairs of the Council.
- (c) Contributing to Corporate Management - The Chief Financial Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) Providing Advice - The Chief Financial Officer will provide advice on the scope of powers and authority to take decisions, financial administration, financial propriety, 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 Financial Officer will provide appropriate financial information to the media, members of the public and the community (with the exception of any information determined to be exempt or confidential as defined in legislation).

B12.06 FUNCTIONS OF THE DIRECTOR OF CHILDREN'S SERVICES

- (a) To be responsible for the day-to-day management and performance of the Children and Young People's Service.
- (b) To be the officer appointed for the purposes of Section 18(2) of the Children Act 2004, except those functions excluded under Section 18(3) of the Act.
- (c) To discharge the functions conferred on or exercisable by the council in its capacity as Local Education Authority and Children's Services Authority.
- (d) Insofar as they are not within the authority of the appropriate cabinet member the powers and duties of the council under the enactments noted in Schedule 1 of the Local Authority Social Services Act 1970 other than those for which the Director: Adults and Health has responsibility.

B12.07 FUNCTIONS OF THE DIRECTOR OF ADULT SOCIAL SERVICES

- (a) To discharge the Council's social service functions, other than those for which the Council's Director: Children and Families is responsible for under section 18 of the Children's Act 2004.
- (b) To be the officer appointed for the purposes of section 6 of the Local Authority Social services Act 1970.
- (c) To be accountable for the delivery of the Council's social care functions in respect of adults (other than those for which the Director: Children

Services is responsible) and in particular under the Social Services Act 1970, the Care Act 2014 and other Health and Social Care legislation including–

- (i) accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services (ii) professional leadership, including workforce planning (iii) leading the implementation of standards (iv) managing cultural change (v) promoting local access and ownership and driving partnership working (vi) delivering an integrated whole systems approach to supporting communities, and (vii) promoting social inclusion and wellbeing.

B12.08 FUNCTIONS OF THE DIRECTOR OF PUBLIC HEALTH

- (a) Responsibility for the Council's Public Health functions for the purposes of Section 73 A of the National Health Services Act 2006.
- (b) Discharging the responsibilities for Public Health within North Lincolnshire in accordance with the requirements of the Health and Social Care Act 2012 and the National Health Service Act 2006 and other legislation.
- (c) Managing the Council's Public Health functions (where these are not specifically delegated to other Directors).
- (d) Exercising the Council's functions in planning for, and responding to, emergencies that present a risk to public health.
- (e) Co-operating with the Police, the Probation Service and Prison Service to assess the risk posed by violent or sexual offenders.
- (f) Providing the Council's public health response as a 'responsible authority' under the Licensing Act 2003.
- (g) To develop and maintain the Joint Strategic Needs Assessment and the Joint Health and Wellbeing Strategy for North Lincolnshire and to discharge the responsibilities for research in relation to Public Health and Wellbeing.
- (h) To write an Annual Report on the health of the local population.
- (i) To discharge any of the Secretary of State's public health protection or health improvement functions that s/he delegates to local authorities, either by arrangement or under regulations – these include services

mandated by regulations made under the National Health Service Act 2006.

- (j) To discharge such other public health functions as the Secretary of State may specify in Regulations.

B12.09 FUNCTIONS OF THE SCRUTINY OFFICER

- (a) Promote the role of overview and scrutiny committees
- (b) Provide support for overview and scrutiny committees, and
- (c) Provide support and guidance to members and officers in relation to overview and scrutiny committees

B12.10 DUTY TO PROVIDE SUFFICIENT RESOURCES TO THE MONITORING OFFICER AND CHIEF FINANCIAL OFFICER

The Council will provide the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

B12.11 CONDUCT

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations set out in Part E of this Constitution.

B12.12 EMPLOYMENT

The recruitment, selection and dismissal of officers will comply with the Officer Employment Rules set out in Part D of this Constitution.

PART B ARTICLE 13 - DECISION MAKING

B13.01 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 C of this Constitution along with local schemes of delegation which Directors are required to keep up to date.

B13.02 PRINCIPLES OF DECISION MAKING

All decisions, whether they are the responsibility of the Executive or not, will be made in accordance with the following principles.

- Proportionality (i.e. the action should be proportionate to the desired outcome)
- Decisions should be taken on the basis of due consultation and professional advice from officers
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Taking into account all relevant considerations
- Ensuring that decisions are properly recorded

B13.03 TYPES OF DECISION

Decisions reserved to Full Council. Decisions relating to the functions listed in Article B4.02 will be made by the Full Council and not delegated.

Key Decisions:

- (a) A key decision means an executive decision which is likely
 - (i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or

- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority
- (b) In accordance with Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 in determining the meaning of “significant” for the purposes of this Article the Council shall have regard to any guidance for the time being issued by the Secretary of State.
- (c) A decision maker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part D of this Constitution.

B13.04 DECISION MAKING BY THE FULL COUNCIL

Subject to Article B13.08 the Council Meeting will follow the Council Procedure Rules set out in Part D of this Constitution when considering any matter.

B13.05 DECISION MAKING BY THE EXECUTIVE

Subject to Article B13.08 the Executive will follow the Executive Procedure Rules set out in Part D of this Constitution when considering any matter.

B13.06 DECISION MAKING BY OVERVIEW AND SCRUTINY PANELS

Overview and Scrutiny Panels will follow the Overview and Scrutiny Procedure Rules set out in Part D of this Constitution when considering any matter.

B13.07 DECISION MAKING BY OTHER COMMITTEES AND SUB COMMITTEES ESTABLISHED BY THE COUNCIL

Subject to Article B 13.08 other council committees and sub committees will follow those parts of the Council Procedure Rules set out in Part D of this Constitution as apply to them.

B13.08 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.

B13.09 DECISION MAKING BY OFFICERS

Officers are authorised to take both executive and non-executive decisions under the Council's Constitution and through decisions by members from time to time in relation to specific matters or projects. The following Regulations apply to such decisions taken by officers.

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012 ('2012 Regulations') and the Openness of Local Government Bodies Regulations, 2014 ('2014 Regulations') a written record of officer decisions made in connection with the discharge of certain executive and non-executive functions must be published and made available for inspection by members of the public as soon as reasonably practicable after they are made, along with any background papers.

Executive decisions taken by officers

Regulation 13 (4) of the 2012 Regulations requires that as soon as reasonably practicable after an officer has made an executive decision, the officer must produce a written statement which must include:

- a record of the decision including the date it was made;
- a record of the reasons for the decision;
- details of any other options considered and rejected by the officer when making the decision;
- a record of any conflict of interest declared by any executive member who is consulted by the officer in relation to the decision; and
- in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's Chief Executive.

Guidance issued by DCLG, August 2014 requires that decisions taken by officers following an express authorisation by the council's executive should be recorded but those types of decision that are purely operational or administrative in nature do not need to be recorded.

DCLG recommends that decisions to allocate social carers to particular individuals, to review housing benefit or to allocate market stalls to traders are examples of the type of decision that do not need recording under the 2012 Regulations. Whereas, decisions taken by officers to award contracts above specified values (see the Council's requirements below) or to exercise compulsory purchase powers, to award discretionary rate relief or to change the opening hours of libraries are cited as the type of decision taken by an officer that should be recorded.

The Council expects that decisions to award contracts to the value of £100k and above under the contract procedure rules to be recorded, save those

contracts relating to placements for individuals care and support or such other categories of contract that are exempted by the Director: Governance and Communities.

Officers should complete the Officer Decision Record developed by Democratic Services and seek advice from Democratic Services if in any doubt as to whether a decision they are proposing to take falls within the 2012 Regulations.

Non-executive decisions taken by officers

Regulation 7 (3) of the 2014 Regulations requires an officer to produce as soon as reasonably practicable after a 'decision' has been taken a written record containing the following information:

- the date the decision was taken;
- a record of the decision taken along with reasons for the decision;
- details of alternative options, if any, considered and rejected; and
- where the decision falls under Regulation 7 (2) (a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to that decision.

Regulation 7 (2) provides that a 'decision' falls within these requirements, if it would otherwise have been taken by the relevant local government body or committee or sub-committee of that body but it has been delegated to an officer either:

- (a) under a specific express authorisation; or
- (b) under a general authorisation to officers to take such decisions and, the effect of the decision is to –
 - (i) grant a permission or licence;
 - (ii) affect the rights of an individual; or
 - (iii) award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

Guidance issued by DCLG, August 2014 recommends that purely routine administrative decisions and those of a day to day operational nature do not need to be recorded or those decisions that require to be published by other legislation, provided the record published includes the date the decision was taken and the reasons for the decision.

DCLG cites decisions to award contracts above a specified value (see the Council's requirements below), decisions to carry out major road works and those determining licensing or building control applications as the type of decision taken by an officer that should be recorded.

The Council expects that decisions to award contracts to the value of £100k and above under the contract procedure rules to be recorded, save those contracts relating to placements for individuals care and support or such other

categories of contract that are exempted by the Director: Governance and Communities.

Officers should complete the Officer Decision Record developed by Democratic Services and seek advice from Democratic Services if in any doubt as to whether a decision they are proposing to take falls within the 2014 Regulations.

Background papers that have been relied upon under either category of decision must be made available for public inspection, subject to the usual rules relating to confidential or exempt information.

B13.10 DECISION MAKING DURING RECESS

Notwithstanding any other provisions contained within this constitution the following provisions shall apply during any council recess.

- (a) A Cabinet Member may take any decision which in his or her opinion must be taken during the period of any council recess and which falls within their delegated powers but shall consult the chair and vice chair of the relevant scrutiny panel before doing so.
- (b) The Leader may take any decision which in his or her opinion requires to be taken during the period of the recess and falls within the delegated powers of the Cabinet but before doing so shall consult the chair and vice chair of the relevant scrutiny panel.
- (c) The Chief Executive may take any decision which in his or her opinion requires to be taken during the period of the recess and does not fall within the delegation to the cabinet or any cabinet member but prior to doing so shall consult the Leader, Deputy Leader and the Leader of the opposition party.

B13.11 RECORDING DECISIONS

As soon as reasonably practicable after any meeting of a decision-making body at which an executive decision was made, the proper officer, or if the proper officer was not present, the person presiding, must ensure that a written statement is produced for every executive decision made.

The statement must include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the decision-maker when making the decision;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any executive member of the decision-making body which made the decision, or consulted if the decision is made by an officer; and

(e) in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

The decision record must be made available for public inspection along with any background papers (except to the extent that exempt or confidential information would be disclosed) as soon as reasonably practicable after the decision is made.

B14.01 FINANCIAL MANAGEMENT

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

B14.02 CONTRACTS

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part D of this Constitution.

B14.03 LEGAL PROCEEDINGS

The Assistant Director: Governance and Partnerships is authorised to institute, defend, settle or participate in any legal proceedings in cases where such action is necessary to give effect to decisions of the Council or in any case where that officer considers that that action is necessary to protect the Council's interests.

Where any document is necessary to any legal procedure or any proceedings on behalf of the Council, it will be signed by the Assistant Director: Governance and Partnerships 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.

B14.04 THE COMMON SEAL OF THE COUNCIL

The Common Seal of the Council, including an electronic version approved by the Assistant Director: Governance and Partnerships, will be kept in a safe place in the custody of the Assistant Director: Governance and Partnerships. 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, including an electronic version, will be affixed to those documents which in the opinion of the Assistant Director: Governance and Partnerships should be sealed. The affixing of the Common Seal will be attested by the Assistant Director: Governance and Partnerships or any other officer authorised by him in writing.

B15.01 DUTY TO MONITOR AND REVIEW THE CONSTITUTION

The Executive, the Standards Committee and the Assistant Director: Governance and Partnerships will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

Protocol for Monitoring and Review of Constitution by Standards Committee and Monitoring Officer -

A key role for the Standards Committee and 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 better to achieve the purposes set out in Article 1. In order to achieve these purposes the Monitoring Officer may:

- (a) observe meetings of the different parts of the member and officer structure;
- (b) undertake an audit trail of sample decisions;
- (c) record and analyse issues raised with him/her by members, officers, the public and other relevant stakeholders; and
- (d) compare practices in the Council with those in other comparable authorities or national examples of best practices.

B15.02 CHANGES TO THE CONSTITUTION

- (a) Approval

Substantive changes to the Constitution will only be approved by the Full Council.

- (b) Minor amendments

The Assistant Director: Governance and Partnerships shall be authorised to make minor changes to the Constitution from time to time including to reflect legislative change, reorganisation and structural changes, changes in job descriptions and to correct any typographical errors or inconsistencies.

- (c) Consultation

If the proposed change would result in a different form of governance arrangements the Council will take reasonable steps to consult local electors and other interested persons in the area when drawing up proposals and must either pass a resolution or hold a binding referendum in accordance with arrangements set out in the Local Government Act 2000 as amended.

PART B ARTICLE 16 - SUSPENSION, INTERPRETATION AND PUBLICATION OF THE CONSTITUTION

B16.01 SUSPENSION OF THE CONSTITUTION

(a) Limit to Suspension

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council or Executive, as appropriate to the extent permitted within those Rules and the law.

(b) Procedures 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 are present. The extent and duration of the suspension will be proportionate to the result to be achieved taking account of the purposes of the Constitution set out in Article 1.

(c) Rules Capable of Suspension

Only the Council Procedure Rules, Executive Procedure Rules, Contract Procedure Rules may be suspended.

B16.02 INTERPRETATION

The ruling of the Mayor 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 Article 1.

B16.03 PUBLICATION

(a) The Director: Governance and Communities will make available a copy of this Constitution to each Member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.

(b) The Director: Governance and Communities will ensure that copies of this Constitution are available for inspection at Council offices, libraries and other appropriate locations. It will also be published on the Council's website and available to be purchased by members of the local press and the public on payment of a reasonable fee.

- (c) The Director: Governance and Communities will ensure that the Summary of the Constitution is made widely available within the area and is updated as necessary.

SCHEDULE 1 - DESCRIPTION OF EXECUTIVE ARRANGEMENTS

The following parts of this Constitution constitute the Executive Arrangements:

1. Part B Article 6 (Scrutiny Panels) and the Overview and Scrutiny Procedure Rules;
2. Part B Article 7 (The Executive) and the Executive Procedure Rules;
3. Part B Article 11 (Joint Arrangements);
4. Part B Article 13 (Decision Making) and the Access to Information Rules;
5. Part C (Responsibility for Functions)