

Responsibility for Functions PART C - Contents

Responsibility for Functions

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PART C - RESPONSIBILITY FOR FUNCTIONS

This part indicates whether “local choice functions” are:

- (a) the responsibility of the Council and its committees; or
- (b) the responsibility of the Executive, or
- (c) they are, or are not, the responsibility of the Executive to a specified extent.

C1.01 RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Body	Membership	Delegation of Functions
1. Local Act Functions	Council	All members of the Council	
2. Determination of an appeal against any decision made by or on behalf of the Council	Appeals Committee	Members of the Council	
3. The appointment of Review Boards under Regulations under Section 34 (4) of the Social Security Act 1998 (Determination of Claims and Reviews)	Council	All members of the Council	
4. The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools	The Executive	All members of the Executive	Executive member for Children’s Services after considering advice from the relevant Scrutiny Panel

5.The making of arrangements pursuant to Section 94(1), (1 A) and (4) to the School Standards and Framework Act 1998 (Admission Appeals)	The Executive	All members of the Executive	Executive member for Children’s Services after considering advice from the relevant Scrutiny Panel
6.The making of arrangements pursuant to Section 95(2) of the School Standards and Framework Act 1998 (Children to whom Section 87 Applies: Appeals by Governing Bodies)	The Executive	All members of the Executive	Executive member for Children’s Services after considering advice from the relevant Scrutiny Panel
7.Any function relating to contaminated land			
8. The discharge of any function relating to the control of pollution or the management of air quality	The Executive	All members of the Executive	Director: Economy and Environment
	The Executive	All members of the Executive	Director: Economy and Environment
9.The service of an abatement notice in respect of a statutory nuisance	The Executive	All members of the Executive	Director: Economy and Environment
10.The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the authority’s area	The Executive	All members of the Executive	Director: Economy and Environment
11.The inspection of the authority’s area to detect any statutory nuisance	The Executive	All members of the Executive	Director: Economy and Environment

12.The investigation of any complaint as to the existence of a statutory nuisance	The Executive	Members of the Executive	Director: Economy and Environment
13.The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land	The Planning Committee	Members of the Council	Director: Economy and Environment
14.The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976	The Executive	All Members of the Executive	All Directors
15.The making of agreements for the execution of highways works	The Executive	All members of the Executive	Director: Economy and Environment
16.The appointment of any individual (a) to any office other than an office in which he is employed by the authority (b) to any body other than (i) the authority (ii) a joint committee of two or more authorities, or (c)to any committee or sub-committee of such a body and the revocation of any such appointment	The Council in relation to non- executive functions; the executive in relation to executive functions	All members of the Council in relation to non-executive functions; All members of the Executive in relation to executive functions	Director: Governance and Communities
17.The making of agreements with other	The Executive	All members of the Executive	

<p>local authorities for the placing of staff at the disposal of those authorities</p>			
<p>18.Any function of a local authority in their capacity as a harbour authority (to the extent that those functions are not contained in a local Act)</p>	<p>The Executive</p>	<p>All members of the Executive</p>	
<p>19. Functions relating to the preparation, submission and modification of Local Area Agreement (Sections 106, 110, 111 and 113 of the Local Government and Public Involvement in Health Act 2007)</p>	<p>The Executive</p>	<p>All members of the Executive</p>	<p>Leader of the Council</p>

C1.02 RESPONSIBILITY FOR COUNCIL FUNCTIONS

The Council will appoint the following Committees, with membership, terms of reference and delegations as shown:-

APPEALS COMMITTEE - TERMS OF REFERENCE

APPEALS COMMITTEE - TERMS OF REFERENCE

Delegated

To hear and make decisions in respect of appeals in relation to:-

- (a) grading and re-grading
- (b) grievances and dignity at work
- (c) disciplinary matters
- (d) dismissals on grounds of redundancy, capability or some other substantial reason
- (e) against actions short of dismissal imposed by the Investigation and Disciplinary Sub Committee in relation to the Head of Paid Service, Chief Finance Officer or Monitoring Officer (Statutory Governance Officers) and to consider whether to uphold the original decision, impose lesser sanctions than those already imposed, or remove all sanctions imposed.

Membership

3 members of the Council

Delegations

Authority is delegated to the Director: Governance and Communities in consultation with any three members of the Committee (including at least one member from the opposition group) to take decisions on procedural matters in respect of matters referred to the Committee prior to the meeting of the Committee. If the appeal concerns the Director: Governance and Communities and/or an employee within that service area this delegation shall be exercised by the Chief Executive, or the Deputy Chief Executive.

LICENSING COMMITTEE - TERMS OF REFERENCE

Advisory

- (a) To receive the outcome of consultations required to be carried out under section 5 of the Licensing Act 2003 and recommend to the council any revision to the local statement of licensing policy as a result of such consultation. The statement of licensing policy shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.
- (b) To recommend to council any revisions to the Statement of Principles: Gambling following required consultations in accordance with section 349 of the Gambling Act 2005. The statement shall be reviewed at least every three years and revisions made and published at such times as considered appropriate.

Delegated

- (a) To exercise the functions of the council as the licensing authority for the purposes and requirements of the Licensing Act 2003. To delegate these functions, where appropriate, to the Licensing Activities Sub-Committee or Director: Economy and Environment in accordance with the above legislation, and as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State (sections 3 to 10 of the above Act refers).
- (b) To promote the four licensing objectives as defined in section 4 of the Licensing Act 2003
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance and
 - the protection of children from harmwhilst carrying out its functions and those delegated to the Licensing Activities Sub-Committee.
- (c) To comment on any draft guidance and respond to any consultation documents issued by the Secretary of State.
- (d) To exercise the functions of the Council as the licensing authority for the purposes and requirements of all other relevant legislation, including that relating to acupuncture and body piercing, animals and pet shops, betting, gaming and lotteries, hackney carriage and private hire vehicles (taxis), house to house and street collections, street trading consents, public entertainment, and sex establishments (Please note this list is not exhaustive). To delegate these functions to the Director: Economy and Environment (see Scheme of Delegations to Officers) or to the Licensing (Miscellaneous) Sub-Committee to determine the grant, renewal, variation, transfer or revocation of any licence, permit, consent, permission, registration, certificate or other like document under such legislation.

- (e) To set and review appropriate licensing conditions.
- (f) To set and amend fees and charges for licences, consents and other permissions, together with hackney carriage and private hire tariffs.
- (g) To set and review standard conditions attached to licences, consents and other permissions where applicable.
- (h) To set and review procedures for giving required notices and determining applications for licences, consents or other permissions at meetings of the Committee and its Sub-Committees.
- (ii) To determine the action to be taken as regards general relevant licensing issues including new/revised legislation, regulations, codes of practice or circulars. (This would include reviewing delegated powers to take account of any changes to legislation.)
- (j) To set the fees for gambling premises in accordance with paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.
- (k) To determine applications for small lotteries in accordance with paragraph 3.5 of the report of the Director of Neighbourhood and Environmental Services of 7 November 2006.

Membership

10 members of the Council

LICENSING (ACTIVITIES) SUB-COMMITTEE

Delegated

- (a) To determine any application made under the Licensing Act 2003 as defined and detailed in the statement of licensing policy in accordance with guidance issued by the Secretary of State.
- (b) To consider any revocation or refusal of registration of applications for small lotteries.

Membership

3 members of the Licensing Committee

LICENSING (MISCELLANEOUS) SUB-COMMITTEE

Delegated

- (a) To determine any appropriate applications in accordance with other relevant legislation as set out in paragraph (d) of the Committee's Terms of Reference above.
- (b) To determine applications where the number of machines exceeds the number as stated in paragraph 3.2 of the report of the Director of Neighbourhood and Environmental Services submitted to the Licensing Committee on 6 April, 2006.

Membership

5 members of the Committee

Delegations

See Scheme of Delegations to Officers.

PLANNING COMMITTEE - TERMS OF REFERENCE

Advisory

- (a) Matters relating to the council's functions as Planning Authority under the Town & Country Planning Acts, and all other associated legislation relating to planning, development and building control including Structure and Local Plans.

Delegated

- (a) To exercise the functions of the council as Local Planning Authority for the purposes of the control of development including the determination of applications for planning permission and other applications under the Town & Country Planning legislation, the Town & Country Planning General Development Orders, and any Orders or Regulations made thereunder and in accordance with the council's planning policies.
- (b) Matters relating to Listed Building Control.
- (c) To deal with applications for grants for repair or maintenance of buildings of architectural or historic interest and matters in connection with the acquisition, restoration and disposal of buildings (excluding terms for the disposal of buildings) or materials for conservation purposes.
- (d) Matters relating to Building Conservation.
- (e) Matters relating to the designation of Conservation Areas.
- (f) Matters relating to the making of Tree Preservation Orders and Statutory Notices served under the Town & Country Planning legislation.
- (g) Matters relating to the planting, maintenance and felling of trees outside highway limits.
- (h) The council's powers and duties under the Hedgerows Regulations 1997
- (i) Matters relating to the reclamation of derelict land.
- (j) To deal with all matters relating to the making of Orders under Sections 45, 51, 51A and 51B of the Town & Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- (k) Enforcement, including the service of Statutory Notices and the authorisation of legal proceedings.

- (l) Matters relating to deposited plans under the Health & Safety at Work etc. Act, 1974, the Building Act 1984 and the Building Regulations 1991 (as amended), and any other subordinate legislation.
- (m) This Committee shall have no authority in relation to land transactions.
- (n) Functions relating to public rights of way (Paragraphs 1-34 of Part I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended.
 - (i) Power to create footpath or bridleway by agreement. Section 25 of the Highways Act 1980
 - (ii) Power to create footpaths and bridleways. Section 26 of the Highways Act 1980
 - (iii) Duty to keep register of information with respect to maps, statements and declarations. Section 31A of the Highways Act 1980
 - (iv) Power to stop up footpaths and bridleways. Section 118 of the Highways Act 1980
 - (v) Power to determine application for public path extinguishment order. Section 118ZA and 118C(2) of the Highways Act 1980
 - (vi) Power to make a rail crossing extinguishment order. Section 118A of the Highways Act 1980
 - (vii) Power to make a special extinguishment order. Section 118B of the Highways Act 1980
 - (viii) Power to divert footpaths and bridleways. Section 119 of the Highways Act 1980
 - (ix) Power to make a public path diversion order. Section 119ZA and 119C(4) of the Highways Act 1980
 - (x) Power to make a rail crossing diversion order. Section 119A of the Highways Act 1980
 - (xi) Power to make a special diversion order. Section 119B of the Highways Act 1980
 - (xii) Power to require applicant for order to enter into agreement. Section 119C(3) of the Highways Act 1980
 - (xiii) Power to make an SSSI diversion order. Section 119D of the Highways Act 1980

(xiv)	Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA, and 119C of the Highways Act 1980.	Section 121B of the Highways Act 1980
(xv)	Power to decline to determine certain applications.	Section 121C of the Highways Act 1980
(xvi)	Duty to assert and protect the rights of the public to use and enjoyment of highways.	Section 130 of the Highways Act 1980
(xvii)	Duty to serve notice of proposed action in relation to obstruction.	Section 130A of the Highways Act 1980
(xviii)	Power to apply for variation of order under section 130B of the Highways Act 1980	Section 130B(7) of the Highways Act 1980
(xix)	Power to authorise temporary disturbance of surface of footpath or bridleway.	Section 135 of the Highways Act 1980
(xx)	Power temporarily to divert footpath or bridleway.	Section 135A of the Highways Act 1980
(xxi)	Functions relating to the making good of damage and the removal of obstructions.	Section 135B of the Highways Act 1980
(xxii)	Powers relating to the removal of things so deposited on highways as to be a nuisance.	Section 149 of the Highways Act 1980
(xxiii)	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.
(xxiv)	Duty to keep definitive map and statement under review.	Section 53 of the Wildlife and Countryside Act 1981
(xxv)	Power to include modifications in other orders.	Section 53A of the Wildlife and Countryside Act 1981
(xxvi)	Duty to keep register of prescribed information with respect to applications under section 52(5) of the Wildlife and Countryside Act 1981	Section 53B of the Wildlife and Countryside Act 1981

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|----------|---|---|
| (xxvii) | Power to prepare map and statement by way of consolidation of definitive map and statement. | Section 57A of the Wildlife and Countryside Act 1981 |
| (xxviii) | Power to designate footpath as cycle track. | Section 3 of the Cycle Tracks Act 1984. |
| (xxix) | Power to extinguish public right of way over land acquired for clearance. | Section 294 of the Housing Act 1981 |
| (xxx) | Power to authorise stopping up or diversion of highway. | Section 247 of the Town and Country Planning Act 1990 |
| (xxxi) | Power to authorise stopping up or diversion of footpath, bridleway or restricted byway. | Section 257 of the Town and Country Planning Act 1990 |
| (xxxii) | Power to extinguish public rights of way over land held for planning purposes. | Section 258 of the Town and Country Planning Act 1990. |
| (xxxiii) | Powers to enter into agreements with respect to means of access. | Section 35 of the Countryside and Rights of Way Act 2000. |
| (xxxiv) | Power to provide access in absence of agreement. | Section 37 of the Countryside and Rights of Way Act 2000. |
- (o) To deal with all matters referred by the Director: Economy and Environment relating to the registration of common land and town/village greens and the exercise of protective powers under the Commons Registration Act 1965, the Commons Registration (New Land) Regulations and the Commons Act 2006 where applicable.
- (p) Matters relating to the creation, stopping up and diversion of highways.

Membership

8 members of the Council

Delegations

The following matters are delegated to officers as shown:-

- (a) Determination of applications for permission, approval or consent, requirements for assessment, issuing of notices and completion or modification of agreements or obligations under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Planning and Compensation Act 1991 and the Environment Act 1995, or any subordinate rules, orders or regulations made under that legislation.
- (b) Determination of all matters required to be dealt with as part of the management and administration of the council's development control function and powers, including (but not exclusively):
 - Details submitted pursuant to conditions
 - Matters relating to protected trees
 - Consultation with other bodies on planning matters
 - Enforcement of planning control (see scheme of delegations to Director: Economy and Environment)
 - Appeals
 - Screening opinions under the 1999 Environmental Assessment Regulations.
- (c) Payment of historic building and conversion grants in response to applications fulfilling the relevant criteria, subject to finance being available within the current budget.

Exceptions to the Delegation Scheme

- (a) Applications made by members of the council, senior officers (unit manager level and above), any officer responsible to the Director: Economy and Environment or the spouse or partner of any of the foregoing who resides at the same address, and/or applications relating to any land in which any of the foregoing have an interest.
- (b) Applications vetoed by any member of the council.
- (c) Approvals contrary to policy - i.e. departures and potentially justifiable exceptions.
- (d) Applications which have aroused significant public interest on valid planning grounds or an objection from a statutory consultee, at the

discretion of the Director: Economy and Environment or their nominated representative.

- (e) Applications subject to a parish council objection on valid planning grounds where the recommendation is to grant permission or applications specifically supported by the parish council where the recommendation is to refuse.
- (f) Applications subject to a request from a member of the public that the matter be referred to the Planning Committee so that they may address the committee.
- (g) Confirmation of tree preservation or other orders or directions which are the subject of an objection.

STANDARDS COMMITTEE - TERMS OF REFERENCE

Advisory

- (a) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.

Delegated

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined under section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Assessment Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have breached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.
- (j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

Membership

5 members of the Council

Delegations

See Scheme of Delegations to Officers

AUDIT COMMITTEE - TERMS OF REFERENCE

Purpose

The Audit Committee provides an independent and high-level focus on the adequacy of governance, risk and control arrangements. The committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

It has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability. The full council is the body charged with governance. The audit committee may be delegated some governance responsibilities but is accountable to full council.

Delegated

Internal and External Audit

- (a) To approve the internal audit charter and the internal annual audit plan.
- (b) To consider the head of internal audit's annual report and opinion, including:
 - a summary of internal audit activity
 - the level of assurance it can give over the Council's framework relating to risk, governance and control; and
 - the performance and effectiveness of internal audit (including compliance with Public Sector Internal Audit Standards, results of the Quality Assurance and Improvement Programme, and relevant External Quality Assessments).
- (c) To consider significant issues arising from internal audit reviews carried out and high risk agreed actions not implemented within a reasonable timescale.
- (d) To consider the external auditor's annual letter, relevant reports, and the auditors ISA 260 report on the conclusion of the accounts
- (e) To consider specific reports as agreed with the external auditor.
- (f) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (g) To be kept informed of over the appointment of the Council's external auditor by Public Sector Appointments Limited (PSAA).
- (h) To provide the Audit Committee the opportunity to meet in private with Internal / External Audit without any other officers present at the end of each meeting, if required.
- (i) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by PSAA (if applicable).

Regulatory Framework

- (a) To maintain an overview of the Council's internal control and governance arrangements and where appropriate seek assurance on their operation from individual Directors.
- (b) Consider the effectiveness of the authority's risk management arrangements. Review the risk profile of the organisation and assurances that action is being taken on risk-related issues, including partnerships with other organisations. This includes:
 - Receiving an annual report from the Director of Governance and Communities on the effectiveness of the Council's risk management arrangements (and periodic updates where applicable).
 - Approval of the risk management strategy
- (c) To consider the effectiveness of the Council's anti-fraud and corruption arrangements. This includes:
 - Receiving an annual report of the outcome Council's anti- fraud and corruption activities (and periodic updates where applicable)
 - Approval of the anti-fraud and corruption strategy and supporting policies such as the whistle-blower's charter, and to receive an annual report on whistleblowing activity within the Council.
 - To review the assessment of fraud risks.
- (d) To review and approve the Annual Governance Statement and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
- (e) To consider the Council's arrangements for corporate governance and agreeing necessary action to ensure compliance with CIPFA / SOLACE governance framework and approval of the Code of Corporate Governance.
- (f) To consider the Council's compliance with its own and other published standards and controls.
- (g) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (h) Reviewing and monitoring treasury management arrangements in accordance with the CIPFA Treasury Management Code of Practice.
- (i) To review the governance and assurance arrangements for significant partnerships or collaboration.
- (j) To report to Full Council on a regular basis on the committee's performance in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

Financial Reporting

- (a) To approve the accounting policies to be used to prepare the accounts.
- (b) To review and/or approve the annual statement of accounts. Specifically, to consider whether the approved accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (c) To consider the auditors ISA 260 report on the conclusion of the accounts.

Membership

7 members of the Council

1 independent co-opted member

Delegations

See Scheme of Delegations to Officers

HEALTH AND WELLBEING BOARD – TERMS OF REFERENCE

- (a) To prepare Joint Strategic Needs Assessments (JSNAs), and Joint Health and Wellbeing Strategies (JHWSs), which is a duty of local authorities and the Integrated Care Board.
- (b) To encourage integrated working between health and social care commissioners, including providing advice, assistance or other support to encourage arrangements under Section 75 of the National Service Health Act 2006 (i.e., lead commissioning, poor budgets and/or integrated provision) in connection with the provision of health and social care services.
- (c) To encourage close working between commissioners of health-related services and the board itself.
- (d) To encourage close working between commissioners of health-related services (such as housing and many other local government services) and commissioners of health and social care services.
- (e) To consider other health related functions which are linked to the functions detailed above and to the overall objective of improving the health and wellbeing of the citizens of North Lincolnshire.
- (f) To prepare a Pharmaceutical Needs Assessment (PNA), which is a duty of local authorities.

Membership

1 Voting member of the Council

2 Non-Voting Members of the Council

(Statutory officers/organisations or their representatives)

Delegations

See Scheme of Delegations to Officers

APPOINTMENT AND EMPLOYMENT COMMITTEE – TERMS OF REFERENCE

Delegated

- (a) To consider the appointment of the Chief Officers and the Monitoring Officer, as defined in the Constitution and in accordance with The Local Authorities (Standing Orders) (England) Regulations 2001, as amended.
- (b) To convene an Investigatory and Disciplinary Sub-Committee to consider allegations concerning the Head of Paid Service, Chief Finance Officer or Monitoring Officer (the Statutory Governance Officers).
- (c) To consider the dismissal and suspension of the Statutory Governance Officers as defined above, any suspension to be reviewed at a frequency determined by the Committee.
- (d) Where dismissal of a Statutory Governance Officer is recommended following a hearing by the Investigation and Disciplinary Committee, to appoint an Independent Panel to consider proposals and offer recommendations to Council on the dismissal of the Statutory Governance Officer, such Independent Panel to comprise of at least two independent persons who have been appointed under section 28(7) Localism Act 2011.
- (e) To consider and determine proposals (in consultation with at least 2 Independent Persons appointed under the Localism Act 2011) for the mutual termination of employment and settlement/severance payments pursuant to relevant statutory guidance on severance payments.

MEMBERSHIP

5 members of the Council with one place reserved for a member of the Executive.

INVESTIGATORY AND DISCIPLINARY SUB-COMMITTEE

Delegated

- (a) To consider allegations against the Head of Paid Service, Chief Finance Officer or Monitoring Officer (the Statutory Governance Officers) in accordance with Local Authorities (Standing Orders) (England) Regulations 2001, as amended.
- (b) To determine whether an allegation against a Statutory Governance Officer can be dealt with through informal resolution, or whether such allegation requires further investigation or other appropriate action through some other procedure.

- (c) To give informal, unrecorded warnings in situations where it is decided no formal action is required.
- (d) To appoint an Independent Investigator (II) to investigate any disciplinary matter concerning the Statutory Governance Officers, and commission report(s) from the II.
- (e) To hear allegations, consider the report and recommendations from the II, consider the views of the Statutory Governance Officer, and determine what action (s) (if any) short of dismissal should be imposed or to make a recommendation for dismissal to full Council.
- (f) To make recommendations regarding the suspension of a Statutory Governance Officer

MEMBERSHIP

3 Members of the Appointment and Employment Committee

C1.03 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS: CABINET

(i) The Cabinet consists of nine members of the council. All functions, which are neither regulatory nor reserved to council, are functions to be exercised by the Executive. The Cabinet collectively will exercise the following functions:

- (a) To consider matters relating to the major plans, strategies and policies of the council, including leading on the preparation of the council's policy framework.
- (b) To provide leadership in the promotion and improvement of the area's economic, social and environmental well-being.
- (c) To encourage fair and appropriate levels of community engagement and consultation in all aspects of the council's business.
- (d) To identify issues to which the council should attach priority and ensure that those priorities are given proper effect.
- (e) To recommend budgetary frameworks and processes that support the council's priorities, plans, strategies and policies.
- (f) To lead on budget and performance monitoring across the whole range of council activities.
- (g) To review key areas of the council's performance, drawing on internal and external sources.
- (h) To provide the council's representation on major partnership bodies.
- (i) To provide a focus for national, regional and sub-regional networking.
- (j) To clarify the council's position on issues of importance through appropriate internal and external communications.
- (k) To receive Scrutiny Panel reports and if thought appropriate act upon the recommendations.
- (l) To review the effectiveness of elected members in the different roles required under local government modernisation.
- (m) To respond to issues raised by the council's Chief Executive in terms of the structure, culture and general well-being of the organisation.

- (n) To ensure that appropriate decision-making arrangements are in place and maintain their effectiveness.

- (ii) Individual cabinet members have delegated responsibility for the functions detailed in their portfolios and may delegate such functions to officers.

- (iii) Notwithstanding that an item may have been delegated to a Member of the Cabinet or an officer, an officer may refer a decision which has been delegated to him/her to the relevant Cabinet Member and a Cabinet Member may refer a matter which has been delegated to him/her to the Full Cabinet for decision.

GREATER LINCOLNSHIRE JOINT STRATEGIC OVERSIGHT COMMITTEE

A. Summary of Greater Lincolnshire Joint Strategic Oversight Committee arrangements

The core functions of the Greater Lincolnshire Strategic Oversight Committee are to:

- (i) Facilitate cooperation and collaboration between Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council, in so far as it relates to their executive functions on the following themes:
 - a) The development and application of strategy across the Greater Lincolnshire economic region
 - b) The development of opportunities to gain greater alignment across Greater Lincolnshire, where scale and scope are required and can enhance upper tier functions
 - c) The strategic alignment of investment across Greater Lincolnshire
- (ii) Consider strategic use of public funds across the common functions and activities of the Councils, to benefit the economy and support the collective ambitions of the three councils and the region.
- (iii) Act as a formal link between the three upper tier local authorities in Greater Lincolnshire on activity related to the above themes

B. Terms of Reference and Membership

- a) Develop and recommend for consideration by each of the authorities, proposals relating to the core functions of the joint committee.
- b) Act as an advocate for investment in the sustainable economic development of Greater Lincolnshire and maintain oversight for delivery arrangements relating to the core functions.
- c) Align and make recommendations on capital expenditure programmes that operate across Greater Lincolnshire, to ensure the strategic ambitions are effectively delivered in relation to the core functions.
- d) Consider reports from sub-regional groups, or other such body or subcommittee/committee and refer recommendations back to the three Councils for further attention.
- e) Consider and make recommendations in relation to strategic funding for activities aligned to the core functions.
- f) The committee shall comprise of the Leader and one Executive Member from each Council. The joint committee will be chaired on a rotating basis by the Leader of each of the three local authorities (first year 2021/22 – Lincolnshire

County Council). A co-opted member representative from the Greater Lincolnshire Local Enterprise Partnership will be in attendance as a non-voting member (together with its Chief Executive or nominated officer as supporting officer).

- g) Any recommendations made by the joint committee must be referred back to each of the three authorities for consideration through existing democratic processes.
- h) The Secretariat of the Greater Lincolnshire Joint Strategic Overview Committee is also to be on a rotating basis (first year 2021/22 North Lincolnshire Council). Meetings are open to the press and public, and agendas, minutes and papers are published by the Secretariat, in line with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

HUMBER LEADERSHIP BOARD – TERMS OF REFERENCE

The core functions of the Humber Leadership Board are to:

- (i) Facilitate cooperation and collaboration between the Humber local authorities on cross Estuary working on the following themes:
 - (a) Clean Growth
 - (b) Ports including a potential Freeport
 - (c) Shared management of Estuary assets
 - (d) Co-ordinating joint marketing of the Humber for inward investment in relevant sectors
- (ii) Enable collective decision-making on issues that require sub-regional agreement from the constituent authorities.
- (iii) Ensure local democratic and financial accountability, working with both the Hull & East Riding and Greater Lincolnshire LEPs and the use of public funding streams which are allocated by Government to the LEPs
- (iv) Act as the formal link between local authorities in the Humber on activity relevant to the above themes

Based on these core functions, the current Terms of Reference for the Humber Leadership Board are to:

- (a) Consider, approve and implement decisions relating to the agreed strategic themes -
of clean growth, ports including a potential Freeport, shared management of Estuary assets and co-ordination of joint marketing of the Humber for inward investment in relevant sectors, across the Humber, particularly with regard to the Duty to Cooperate, including expenditure of external funding within the sub region on relevant activities.
- (b) Act as an advocate for investment in the sustainable economic development of the Humber sub region and be the managing body for delivery arrangements relating to the four identified strategic themes.

- (c) Align and decide on capital expenditure programmes and ensure policy and programmes are effectively delivered in relation to the sub region's identified four strategic themes.
- (d) Receive reports from both the Hull & East Riding and Greater Lincolnshire LEPS and their sub committees/boards as well as proposed constituent combined authorities and local authorities; and when so minded, refer any recommendations back to the originating body for further consideration.
- (e) Consider strategic funding allocations for operational activities aligned to the four strategic themes identified.
- (f) Be the representative democratic body of the Humber sub region at regional, national and international level.
- (g) Contribute to emerging policy and ensure that decisions of the Humber Leadership Board will be subject to the scrutiny committee process arrangements of each proposed combined authority or local authority (unless and until Joint Scrutiny Committee process arrangements are established).
- (h) The Committee shall comprise of the Leader and one Executive member from each Council. (Also, one observer representative of the Hull and East Riding and Greater Lincolnshire LEPS).
- (i) The quorum of the Committee shall be four members, which must include at least one Committee member from each of the four member Local Authorities.
- (j) Authority to establish a sub-committee with terms of reference for a sub-region of the geographic areas of Hull City Council and East Riding of Yorkshire Council.

- (k) Any decision made by the Joint Committee requires unanimous agreement.
- (l) The Secretariat of and accountable body for the Humber Leadership Board is North East Lincolnshire Council. Meetings are open to the press and public, and agendas, minutes and papers are published by the Secretariat, in line with the Local Government Transparency Code.

DELEGATED DECISION MAKING FOR CABINET MEMBER PORTFOLIO HOLDERS

- (a) Decisions will be taken either by all the members of the Cabinet as collective majority decisions or by individual cabinet member portfolio holders.

- (b) Cabinet member portfolios are decided by the Leader and are as set out below. Specific delegated powers have been given to individual Cabinet Members who may make decisions within their areas of responsibility (Portfolios). As with Cabinet Decisions there are specific legal requirements that must be observed in order to ensure that any decisions made are open and transparent.

- (c) The contents of each service theme within portfolios shall be interpreted broadly and any activity or function not specifically referred to is deemed to be included within the portfolio theme to which it most closely relates. In the event of uncertainty, the Leader of the Council, after consultation with the Cabinet, where appropriate, will arrange for the discharge of the function in question either by the Cabinet or cabinet member portfolio holder or by an officer.

- (d) If a cabinet member is not able to make a decision in respect of an item that is delegated to him/her the Leader or in his/her absence the Deputy Leader may exercise the delegation or further delegate that decision to another cabinet member.

- (e) Pursuant to the relevant strategic and functional areas of responsibility, cabinet members are delegated the following general decision-making powers, in addition to any other specific delegations detailed in their portfolio:
 - i. To approve modifications to existing policies, strategies or plans (except those forming the Policy Framework)

 - ii. To approve statutory notices for consultation purposes

 - iii. To make recommendations to Cabinet in respect of the outcomes of consultation relating to the council's policy framework

- iv. To monitor service delivery, performance and budgets and determine proposals for alternative service delivery and approve associated budget virements that are £350k or more
- v. To write off stock with a value over £10k
- vi. To receive and determine action in response to qualifying petitions received under the petition scheme
- vii. To authorise grant funding and approve procurement and contractual matters for the portfolio area pursuant to the council's Financial Regulations, Contract Procedure Rules and Standing Orders (approve procurements where whole life contract is over £1m)
- viii. To take such other executive decisions arising from the functions and responsibilities of the portfolio, save as provided otherwise in the Constitution

LEADER OF THE COUNCIL - PLACE SHAPING, STEEL & HEAVY INDUSTRY PORTFOLIO

- (a) The Leader is responsible for providing overall political leadership for the council in relation to the co-ordination and delivery of council policies, strategies and services.
- (b) The Leader is responsible for leading the cabinet in its work to deliver the policy framework and to deliver services to the local community.
- (c) The Leader will chair the Cabinet.
- (d) The functions and areas of policy and decision making responsibility to the extent that they are not non-executive are:
 - (i) Lead on financial strategy and medium term financial plan
 - (ii) Community and Place Leadership
 - (iii) Promotion of North Lincolnshire as the best place to live, work, visit and invest
 - (iv) Representation at national, regional and sub-regional level
 - (v) Devolution and other regional growth initiatives and partnerships
 - (vi) Promotion of Diversity within the Council and North Lincolnshire
 - (vii) Ambassador for Place partnerships with business and business representatives
 - (viii) Public Sector Place and system transformation
 - (ix) Economic Growth
 - (x) Schools capital investment
 - (xi) Commercial Property and Investment Strategy
 - (xii) Corporate Landlord (operational buildings and facilities management)
- (e) Additional specific delegated decision making powers to:
 - (i) Appoint cabinet members
 - (ii) Determine which individual members of the Executive, committees of the Executive, officers or joint arrangements are responsible for the exercise of particular executive functions (portfolios)
 - (iii) Determine the agenda for meetings of the Executive
 - (iv) Take any decision which in his 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

(v) Sell, purchase, acquire and dispose of land and property outside the scope of officer delegation

DEPUTY LEADER – ADULTS, HEALTH, FAMILIES & COMMUNITIES PORTFOLIO

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) To undertake responsibilities of the Leader in his absence and deputise for the Leader as required
- (ii) To be the vice-chair of Cabinet
- (iii) Strategic Lead for Health and Social care integration
- (iv) To act as the lead for community development and delivery
- (v) Adult Social Care (as defined in the Care Act, Mental Health Act and Mental Capacity Act)
- (vi) Social Work Professional Standards (Adults) and Adult Safeguarding
- (vii) Integrated Health and Social Care Commissioning
- (viii) Promote a sufficient, high quality and sustainable care market
- (ix) Champion vulnerable adults and carers across the Health and Wellbeing Board partnerships and the NHS
- (x) Vulnerable Adult Engagement, Advocacy and Complaints
- (xii) Housing sufficiency to meet needs of vulnerable adults
- (xiii) Strategic lead for Housing Advice and Homelessness Prevention
- (xiv) Chair the North Lincolnshire ICB and work with partners on gaining effective representation on the ICP
- (xv) Community Grants approval and External Funding Development
- (xvi) Emergency Planning and Civil Contingencies

(b) Additional specific delegated decision powers to:

- (i) Approve Statements of Purpose for North Lincolnshire Council Care Quality Commission regulated provision
- (ii) Receive Annual reports in respect of Statutory Complaints

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR CHILDREN, FAMILIES & COMMUNITIES

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) Statutory Lead Member for Children's Services and all related responsibilities under section 19 of the Children Act 2004
- (ii) Strategic local leadership and development of the education and children's services sector including housing for Care leavers and homeless prevention for young people.
- (iii) Strategic and Policy Lead for Communities
- (iv) Champion across North Lincolnshire to drive for high educational standards for all children and young people, and in particular for the most disadvantaged groups
- (v) Children's social care, including Adoption and Fostering
- (vi) Promote sufficient, high quality and sustainable education and children's social care provider market
- (vii) Children's Safeguarding
- (viii) To promote children's literacy and the Imagination Library
- (ix) Education Access and Inclusion and Disability
- (x) School Intervention, Improvement, Learning and Professional Standards
- (xi) Youth Justice
- (xii) Children's Early Help and Family Support
- (xiii) Vulnerable Children Engagement, Advocacy and Complaints
- (xiv) Social Work Professional Standards (Children)
- (xv) Adult Community Learning
- (xvi) Lifelong learning, skills and employability
- (b) Additional specific delegated decision-making powers to:
 - (i) Approval of the Schools and Early Years Funding Formula
 - (ii) Approval of the Local Admissions arrangements for Maintained Schools
 - (iii) Appointment of local authority governors
 - (iv) Appointment of Education Appeals panel members

- (v) Approval of the Statement of Purpose for Ofsted regulated provision
- (vi) Receive the Annual Statutory Complaints report

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR INVESTMENT, OUTCOMES & GOVERNANCE

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) Council Lead on the Implementation and Delivery of Outcome Based Budgeting and Accountability
- (ii) Financial Services, Internal Audit and Assurance and Procurement
- (iii) Chair the Council Capital Investment Strategy Programme Board and provide approval for any changes to the Capital Programme
- (iv) Collection of council tax and NNDR
- (v) Policy Lead on Household Support Fund
- (vi) Administration of Housing Benefit and Local Council Tax Support
- (vii) Veterans - Armed forces champion and Armed Forces Covenant
- (viii) Information Governance
- (ix) Democratic Services, including Electoral and Mayoral Services; Member Services
- (x) Legal Services
- (xi) Arrangements for Coroner's, Local Land Charges and Registration Services
- (xii) Organisational Development
- (xiii) Human Resources
- (xiv) Workforce Development
- (xv) Organisational Health and Safety

(b) Additional specific delegated decision-making powers to:

- (i) Approve the grant of Discretionary Rate Relief

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR ENVIRONMENT AND STRATEGY

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) Council Lead on the Implementation and Delivery of the Green Futures Strategy
- (ii) Council Lead on Green Energy
- (iii) Air Quality and Pollution Management
- (iv) Lead on Parks, Nature Reserves, Green Open Spaces and Green Flag Inspection Standards
- (v) Strategic Council Planning and Performance
- (vi) Spatial Planning
- (vii) Strategic Housing
- (viii) Development Control and Planning Enforcement
- (ix) Building Control
- (x) Environmental Improvement, Sustainability and Energy Management
- (xi) Public Health Improvement and promotion (e.g. healthy lifestyles, making every contact count, suicide prevention)
- (xii) Public Health Protection functions including outbreak planning and control
- (xiii) Ensure all council policies support Public Health priorities

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR ENVIRONMENT OPERATIONS

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) Highway Investment and Local Transport Plan
- (ii) Drainage and Flood Risk Management
- (iii) Waste Management and Recycling
- (iv) Environmental and Cleaning Enhancements
- (v) Public Conveniences
- (vi) Bereavement Services, Cemeteries and Crematoria
- (vii) Town and Parish Council Liaison
- (viii) Traded Services and Commercial Development, including with schools, public, private and voluntary sectors
- (ix) Fleet Management and Vehicle Engineering

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR CONNECTIVITY

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) Resident and public engagement
- (ii) Council wide Stakeholder Engagement and Consultations
- (iii) Customer Services and Information
- (iv) Customer representation and complaints
- (v) Strategic Lead for Public Transport
- (vi) Council Lead for digital transformation and ICT
- (vii) Strategic Lead for Broadband and Mobile Connectivity Development
- (viii) Council representation on Transport for the North and Rail North
- (ix) Tourism, including promoting North Lincolnshire visitor attractions

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR SAFER, STRONGER COMMUNITIES – ASHBY, BOTTESFORD & SCUNTHORPE ('URBAN')

(a) The functions and areas of policy and decision-making responsibility to the extent that they are not non-executive are:

- (i) Safer neighbourhoods/community safety partnership
- (ii) Community Wardens, parking and public space protection order enforcement
- (iii) CCTV, Security and Out of Hours Centre
- (iv) Library function
- (v) Delivery of the new Discovery at 20-21 Interactive Children's Science and Technology Centre
- (vi) Culture, Heritage and Arts, including Museums and Normanby Hall
- (vii) Joint Lead for markets
- (viii) Joint Lead for Community Investment in Leisure & Culture Assets

For the avoidance of doubt, the policy and decision-making powers under paragraph (a) above extend to all of North Lincolnshire.

(b) Working with the Cabinet Member Safer, Stronger and Communities - Rural to promote within and relating to Urban communities:

- (i) Leisure, Outdoor Activities and Sports, Positive Activities

Within part (b) of this portfolio reference to 'Urban' communities means the wards of Ashby Central, Ashby Lakeside, Bottesford, Brumby, Crosby and Park, Frodingham, Kingsway and Lincoln Gardens and Town.

CABINET MEMBER AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR SAFER, STRONGER COMMUNITIES – RURAL

- (a) The functions and areas of council policy and decision-making responsibility to the extent that they are not non-executive are:
- (i) Public Protection including Trading Standards; Water and Food Safety
 - (ii) Environmental Protection; Licensing; and Animal and Housing Standards
 - (iii) Performance Manage Leisure, Outdoor Activities and Sports, Positive Activities
 - (v) Public Rights of Way and Countryside Access
 - (vii) Joint Lead for markets
 - (viii) Deliver new re-modelled Baysgarth House Community Museum
 - (ix) Joint Lead for Community Investment in Leisure & Culture Assets

For the avoidance of doubt, the policy and decision-making powers under paragraph (a) above extend to all of North Lincolnshire.

(b) Working with the Cabinet Member for Safer, Stronger Communities - Ashby, Bottesford & Scunthorpe (Urban) to promote within and relating to Rural communities:

- (i) Library function
- (ii) Culture, Heritage and Arts, including Museums and Normanby Hall

Within part (b) of this portfolio reference to 'Rural' communities means the wards of Axholme Central, Axholme North, Axholme South, Barton, Brigg and Wolds, Broughton and Scawby, Burringham and Gunness, Burton upon Stather and Winterton, Ferry, Messingham and Ridge.