


**NORTH LINCOLNSHIRE COUNCIL
OFFICER DECISION NOTICE AND RECORD
(PUBLISHED)**

1. DECISION TAKEN			
Pursuant to minute 2477 of the Council, that the adjustments to the Constitution's 'Responsibility for Executive Functions – Cabinet Member Portfolios' as attached, be approved and adopted.			
EXECUTIVE		NON-EXECUTIVE	Yes
			(Please tick either)
IS THIS A 'KEY DECISION' ? (see definition overleaf)			No
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?			No
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)			

2. OFFICER DECISION TAKER	NAME Mr Will Bell POSITION/POST Monitoring Officer SIGNATURE  DATE <i>9th March 2017</i>
3. REASONS FOR THE DECISION (Please ref to any report/minute/background documents attached)	In accordance with minute 2477 of Council (attached)
4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))	None

TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.

5. DECISION REQUIRED TO BE TAKEN IN CONSULTATION WITH RELEVANT MEMBER	COUNCILLOR POSITION SIGNATURE DATE
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<p>6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER (S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) – ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN</p>	
<p>7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)</p>	

PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.

WHEN COMPLETE, PLEASE SEND TO HEAD OF DEMOCRATIC SERVICES, CIVIC CENTRE, SCUNTHORPE FOR PUBLISHING.

(The definitions of a key decision are when an executive decision 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 effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

15 DECEMBER 2016

MINUTE EXTRACT

2477 (12) **APPOINTMENT OF LEADER OF THE COUNCIL** – The Assistant Director: Legal and Democratic referred to Article 7 of the council’s Constitution and submitted a report informing council that he had been notified by Councillor Baroness Redfern of her intention to resign her position as Leader of the Council and as a member of the Executive on 15 January 2017. Consequently, it was necessary for the council to receive nominations for and elect a new councillor to the office of Leader of the Council to take effect from 16 January 2017. The period of office of the new Leader would end on the day the council holds its Annual Meeting to complete the original four year term of the outgoing Leader (May 2015 to May 2019).

The Assistant Director explained that the Council would be aware that having previously adopted the (strong) Leader and Cabinet model of executive arrangements under the Local Government Act 2000 (as amended by the Local Government and Public Health Act 2007), the Leader was responsible for appointing the Executive (cabinet) which, including the Leader, must comprise of at least two but no more than ten councillors.

Also, having regard to the above, it was considered appropriate to authorise the Monitoring Officer to make any consequential amendments to the council’s Constitution arising from the election of a new Leader including the appointment by the new Leader of a Deputy and the Council’s outside bodies schedule.

Councillor Briggs and Councillor N Sherwood (as mover and seconder respectively of the motion below), the Mayor and other councillors throughout the meeting paid tribute to Councillor Baroness Redfern as Leader of Council over the years, and now as an ambassador for North Lincolnshire as a Baroness within the House of Lords.

Moved by Councillor Briggs and seconded by Councillor N Sherwood –

(a) That the resignation of Councillor Baroness Liz Redfern as Leader of the Council to take effect on 15 January 2017 be noted, and that council acknowledges with thanks her tremendous efforts on behalf of the whole of North Lincolnshire during her period in office; (b) that Councillor Rob Waltham be nominated for and be elected as the new Leader of the Council, to take up office on 16 January 2017, and (c) that the Monitoring Officer be authorised to make any consequential amendments to the council’s Constitution arising from the election of a new Leader, including the

appointment by the new Leader of a Deputy, and the Council's 'outside bodies schedule'.

At the request of members and in accordance with Procedure Rule 1.22(d) the names of members voting for, against and abstaining from the motion are as follows –

FOR: *Councillors Allcock, Armiger, Briggs, Clark, J Davison, England, Evison, T Foster, Glover, Hannigan, Longcake, Marper, Mumby-Croft, Ogg, Poole, Mrs Redfern, Reed, Robinson, Rose, Rowson, C Sherwood, N Sherwood, K Vickers, P Vickers, Waltham and Wells.*

AGAINST: *Councillors Bainbridge, Grant, Kataria and Kirk*

ABSTAINING: *Councillors Ali, A Davison, Ellerby, L Foster, Godfrey, O'Sullivan, Oldfield, Perry and Wilson.*

Motion Carried

C1.03 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

- (i) The Cabinet consists of 7 members of the council. The Cabinet collectively will exercise the following functions:
 - (a) To consider matters relating to the major plans, strategies and policies of the council.
 - (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 review key areas of the council's performance, drawing on internal and external sources.
 - (g) To provide the council's representation on major partnership bodies.
 - (h) To provide a focus for national, regional and sub-regional networking.
 - (i) To clarify the council's position on issues of importance through appropriate internal and external communications.
 - (j) To receive Scrutiny Panel reports and act upon the recommendations.
 - (k) To review the effectiveness of elected members in the different roles required under local government modernisation.
 - (l) To respond to issues raised by the council's chief executive in terms of the structure, culture and general well-being of the organisation.
 - (m) To ensure that appropriate decision-making arrangements are in place and maintain their effectiveness.
- (ii) Individual members of the Cabinet will have responsibility for the functions in the portfolios shown in the attached appendix.
- (iii) Delegation - Cabinet Members have delegated functions as set out in the attached appendix.
- (iv) 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, will arrange for the discharge of the function in question either by the Cabinet or portfolio holder or by an officer.

- (v) 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.
- (vi) If a member of the cabinet is not able to make a decision in respect of an item which is delegated to him/her the leader or in his/her absence the Deputy Leader may exercise the delegation.

DELEGATED FUNCTIONS

RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

All functions which are neither regulatory nor reserved to council are functions to be exercised by the Cabinet. These functions include all the council's powers and duties including –

- (a) The Cabinet will lead the preparation of the Council's policies and will be responsible for the implementation of decisions within the policy framework set by the Council in relation to all of the Council's functions which are not the responsibility of any other part of the Council.
- (b) Decisions will be taken either by all the members of the Cabinet as collective majority decisions or by individual portfolio holders at formal scheduled briefing meetings. The responsibilities of Cabinet Members are set out below and in Part [WB1]C of the Constitution.
- (c) Cabinet member portfolios shall be approved by Full Council. These portfolios are as set out below. Specific Delegated powers have been given to individual Cabinet Members in respect of their portfolios 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.
- (d) 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, will arrange for the discharge of the function in question either by the Cabinet or portfolio holder or by an officer.
- (e) The Cabinet will lead budget and performance monitoring of all council activities.

LEADER OF THE COUNCIL AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR BUSINESS, INNOVATION, EMPLOYMENT AND SKILLS

- (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. The Deputy Leader shall fulfil these responsibilities in the Leader's absence.
- (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 functions and areas of policy and decision making responsibility are –
 - (i) Strategic financial issues relating to the council.
 - (ii) Regional and sub-regional networking.
 - (iii) Devolution.
 - (iv) British Steel Growth Fund Board, British Steel Taskforce and the Greater Lincolnshire Joint Committee.
 - (v) Strategic planning policy, planning and spatial planning.
 - (vi) Development control and enforcement.
 - (vii) Tourism, markets and town centre.
 - (viii) Building control.
 - (ix) Housing
 - (x) Economic development and Regeneration
 - (xi) Communications and Media relations
 - (xii) Strategic projects
 - (xiii) Employment, skills and training
 - (xiv) Adult Community Learning
 - (xv) External funding
 - (xiv) Schools Capital
- (d) The Leader has the following delegated powers within the above portfolio –
 - (i) To have oversight of the performance and value for money of services within the remit of the Leader, the wider council and the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the remit of the Leader (including those having council wide implications) excluding those policies forming part of the council's policy framework.

- (iii) To approve or commission conduct of consultation exercises in respect of those aspects of council activity within the remit of the Leader and portfolio, and to determine action in response to such consultation, provided that the outcome of any consultation (in so far as it concerns any element of the council's policy and framework) is reported to cabinet for collective decision.
- (iv) To consider and approve the Annual Governance Statement(s) submitted by the Head of Paid Service or Directors.
- (v) To receive and determine action in response to qualifying petitions received under the petition scheme.
- (vi) To approve all staffing matters relating to the portfolio area.
- (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.

DEPUTY LEADER OF THE COUNCIL AND PORTFOLIO HOLDER WITH RESPONSIBILITY FOR GOVERNANCE AND TRANSFORMATION

- (a) The functions and areas of policy and decision making responsibility are –
- (i) Financial Services, including Accounting and Budgeting, Internal Audit, the collection of Council Tax and NNDR, granting discretionary rate relief and payment of housing benefit and local council tax support.
 - (ii) Business Support, including Information Technology, Procurement and Information Governance
 - (iii) Legal and Democratic Services
 - (iv) Human Resources, including Payroll, Health & Safety and training
 - (v) Public Protection (Licensing, Housing enforcement, Environmental Health, Trading Standards)
 - (vi) Council wide transformation
 - (vii) Emergency Planning and civil contingencies
 - (viii) Parking management and enforcement
 - (ix) Safer Neighbourhoods
 - (x) Registration Services
 - (xi) Planning Enforcement
- (b) The Deputy Leader has the following delegated powers within the above portfolio –
- (i) To have oversight of the performance and value for money of services within the remit of the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the portfolio (including those having council wide implications), excluding those policies forming part of the council's policy framework.
 - (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of council activity within the remit of the portfolio and to determine action in response to such consultation provided that the outcome of consultation (in so far as it concerned any element of the council's policy framework) is reported to cabinet for collective decision.
 - (iv) To receive and determine action in response to qualifying petitions received under the petition scheme.

- (v) To approve staffing matters relating to the portfolio area save those matters that fall within the province of the Joint Committee for shared services.
- (vi) 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.
- (vii) To approve virements in accordance with the council's Financial Regulations.
- (viii) Following recommendation of the relevant Director to write off debtor accounts in excess of £5000 for any one debtor.

PORTFOLIO HOLDER WITH RESPONSIBILITY FOR COMMERCIAL ENTERPRISE

- (a) The functions and areas of policy and decision making responsibility are –
 - (i) Commercial property including investment, acquisition and disposal
 - (ii) Commercial development and trading with schools, public private and voluntary and community sectors
 - (iii) Asset management and maintenance
- (b) The Portfolio Holder has the following delegated powers within the above Portfolio –
 - (i) To have oversight of the performance and value for money of services within the remit of the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the portfolio (including those having council wide implications), excluding those policies forming part of the council's policy framework.
 - (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of council activity within the remit of the portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (in so far as it concerns any element of the council's policy framework) is reported to cabinet for collective decision.
 - (iv) To receive and determine action in response to qualifying petitions received under the petition scheme.
 - (v) To approve all staffing matters relating to the portfolio area.
 - (vi) 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.

PORTFOLIO HOLDER WITH RESPONSIBILITY FOR THE ENVIRONMENT

- (a) The functions and areas of policy and decision making responsibility are –
- (i) Highways, Transportation, Traffic Management and Road Safety
 - (ii) Local Transport Planning
 - (iii) Drainage and Flood Risk Management
 - (iv) Municipal Waste Management including Refuse Collection, Disposal and Recycling
 - (v) Neighbourhood Services including Street Cleaning and Grounds Maintenance
 - (vi) Bereavement Services, Cemeteries and Crematoria
 - (vii) Catering, Building Cleaning and Public Conveniences
 - (viii) Parks, Allotments and Open Space Management
 - (ix) Fleet Management and Vehicle Engineering
 - (x) Environmental Improvement, Sustainability and Energy Management
 - (xi) Public Rights of Way
- (b) The portfolio holder has the following delegated powers within the above portfolio –
- (i) To have oversight of the performance and value for money of services within the remit of the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the portfolio (including those having council wide implications), excluding those policies forming part of the council's policy framework.
 - (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of council activity within the remit of the portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (in so far as it concerns any element of the council's policy framework) is reported to cabinet for collective decision.
 - (iv) To receive and determine action and response to qualifying petitions received within the petition scheme.
 - (v) To approve staffing matters relating to the portfolio area.
 - (vi) 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.

PORTFOLIO HOLDER WITH RESPONSIBILITY FOR HEALTH AND WELL BEING

- (a) The functions and areas of policy and decision making responsibility are –
 - (i) Public Health
 - (ii) Wellbeing and healthy lifestyles
 - (iii) Museums and Culture
 - (iv) Sport, Leisure and Local Heritage
 - (v) Developing resilient communities
 - (vi) Community Grants and Development
- (b) The portfolio holder has the following delegated powers within the above portfolio -
 - (i) To have oversight of the performance and value for money of services within the remit of the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the portfolio (including those having council wide implications), excluding those policies forming part of the council's policy framework.
 - (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of council activity within the remit of the portfolio and to determine action responses as its consultation, provided the outcome of any consultation (in so far as it concerns any element of the council's policy framework) is reported to cabinet for collective decision.
 - (iv) To receive and determine action in response to qualifying petitions received under the petitions scheme.
 - (v) To approve staffing matters relating to the service area.
 - (vi) 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.

PORTFOLIO HOLDER WITH RESPONSIBILITY FOR CHILDREN, FAMILIES AND LEARNING

- (a) The functions and areas of policy and decision making responsibility are –
- (i) Statutory Lead Member for Children's Services and all related responsibilities as set out in Section 19 of the Children Act 2004
 - (ii) Integrated health and social care arrangements for children
 - (iii) Looked after Children and Corporate Parenting
 - (iv) Adoption and Fostering
 - (v) Children and Young People leaving care
 - (vi) School improvement, learning, standards and performance.
 - (vii) Youth Justice
 - (viii) Positive Activities
 - (ix) Community Grants
- (b) The portfolio holder has the following delegated powers within the above portfolio –
- (i) To have oversight of the performance and value for money of services within the remit of the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the portfolio (including those having council wide implications) excluding those policies forming part of the council's policy framework.
 - (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of council activity within the remit of the portfolio and to determine action in response to consultation provided that the outcome of any consultation (in so far as it concerned an element of the council's policy framework) is reported to cabinet for collected decision.
 - (iv) To receive and determine action in response to qualifying petitions received under the petition scheme.
 - (v) To approve staffing matters relating to the service area.
 - (vi) 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.

PORTFOLIO HOLDER WITH RESPONSIBILITY FOR ADULTS AND FAMILIES

- (a) The functions and areas of policy and decision making responsibility are –
- (i) [[WB2]Adult Social Care
 - (ii) Adult Safeguarding
 - (iii) Integrated health and social care arrangements for adults
 - (iv) Developing resilient individuals
 - (v) Libraries and Customer Services
 - (vi) Stronger Communities and the Voluntary and Community Sector
 - (vii) Veterans and the Armed Forces Covenant
- (b) The portfolio holder has the following delegated powers within the above portfolios –
- (i) To have oversight of the performance and value for money of services within the remit of the portfolio.
 - (ii) To approve modifications to existing policies, strategies or plans affecting the services within the portfolio (including those having council wide implications), excluding those policies forming part of the council's policy framework.
 - (iii) To approve or commission the conduct of consultation exercises in respect of those aspects of council activity within the remit of the portfolio and to determine action in response to such consultation, provided that the outcome of any consultation (in so far as it concerns any element of the council's policy framework) is reported to cabinet for collected decision.
 - (iv) To receive and determine action in response to qualifying petitions received under the petitions scheme.
 - (v) To approve staffing matters relating to the service area.
 - (vi) 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.