

COUNCIL

DATE	22nd May 2025
REPORT OF	The Monitoring Officer
SUBJECT	Annual Review of the Constitution
STATUS	Open
FORWARD PLAN REF NO.	Not applicable

CONTRIBUTION TO OUR AIMS

Good governance arrangements contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

An initial report setting out proposed amendments and modifications to the Council's constitutional and governance arrangements for the Municipal Year 2024/25.

RECOMMENDATIONS

1. That the Scheme of Delegation, as set out in Appendix 1, be approved for the Municipal Year 2025/26 subject to any changes required by (i) operation of law or (ii) owing to the direct effect of Cabinet or Committee decisions, in which case authority is delegated to the Monitoring Officer to make such changes, in consultation with the Leader of the Council (in respect of executive arrangements) and the Chair of any relevant Committee or Panel (non-executive arrangements) as the case may be.
2. That the recommendations from the Constitution Working Group, as set out in paragraphs 3.1.1 to 3.1.10 of the report now submitted, be approved and the Constitution updated accordingly.
3. That the Constitution Working Group's proposed amendments to Standing Orders, as set out in paragraphs 3.1.11 to 3.1.17 of the report now submitted, be immediately referred to the Standards and Adjudication Committee without discussion to consider any recommendations to be made back to Council.
4. That consideration be given to the proposed amendments to the Constitution from the Independents for North East Lincolnshire Group, as set out in section 4 of the report now submitted.
5. That the Protocol (The Greater Lincolnshire Combined County Authority Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents), as set out at Appendix 3 of this report, be adopted into North East Lincolnshire Council's Constitution.

6. That authority be delegated to the Monitoring Officer, in consultation with the Group Leaders, to make any amendments of a minor nature to the Constitution from time to time.

REASONS FOR DECISION

To ensure that the Council's governance arrangements are fit for purpose.

1. BACKGROUND AND ISSUES

- 1.1 The annual review of the Constitution is intended to ensure that the Council's governance arrangements are fit for purpose and meet the needs of the prevailing political arrangements.

2. SCHEME OF DELEGATION

- 2.1 Appendix 1 sets out proposed changes to the scheme of delegation. The scheme of delegation, in so far as it relates to the discharge of executive responsibilities, is approved by the Leader. Nonetheless, Council is asked to approve the scheme of delegation, as amended, in full and subject to the Monitoring Officer being given delegated authority to make such consequential in-year changes required by operation of law or to give effect to Cabinet and/or Committee decisions, in consultation with the Leader (executive arrangements) and the relevant Committee Chair (non-executive arrangements) as the case may be. The proposed changes in the main relate to the Scheme of Delegation to Officers arising from decisions of the Appointments Committee regarding senior management arrangements for the Council.

3. CONSTITUTION WORKING GROUP

- 3.1 As per the resolution of Council at the Annual Meeting in May 2024, the Constitution Working Group has been re-established to maintain regular oversight of the review and development of the Constitution. The working group will continue to meet during the municipal year and further reports to full council may be warranted. The working group has considered a number of proposed changes to the Constitution and made the following recommendations:

General Constitution Changes:

3.1.1 Protocol for Member/Officer Relations

The working group considered the requirement for formality at Council and committee meetings and felt that the need for correct attire at all public meetings of the Council and the requirement to address each other should be emphasised. The only exception to this should be at the discretion of the Chair of the meeting.

This would require an amendment as follows:

Members and Officers should **wear formal attire** when attending all **public** meetings. Officers should refer to members by the office they hold: Leader, Chair, Deputy-chair, or Councillor. Members should avoid excessive informality and should refer to officers either by their title or by their full name. **This may only be departed from at the discretion of the Chair of the meeting.**

3.1.2 Questions to Portfolio Holders at scrutiny panel meetings

The working group felt that clarity was required around the process for submitting questions to portfolio holders at scrutiny panel meetings.

This would require an amendment to Section 5 of the Protocol on Scrutiny Panel / Cabinet Member Relations (as contained in the Scrutiny Procedure Rules) as follows:

The agenda for ordinary meetings of scrutiny panels will also contain an item allowing panel members the opportunity to ask questions of the relevant Cabinet Member on any matter within their portfolio remit. **Any such questions should be submitted within three clear working days of the meeting unless considered urgent and with the agreement of the Chair.**

3.1.3 Call Ins

The working group felt that clarity was required over certain aspects of the call-in process. This was regarding the time allowed for members who had called in a decision to address scrutiny and the option of referring call-ins to full Council.

The working group recommended that the members calling in a decision should have a combined ten minutes in total to address scrutiny on the reasons for the call-in.

The working group noted that one of the options available to scrutiny when considering a call-in was to refer the matter to full Council. It was felt that this should be restricted to matters that were contrary to the policy framework or contrary to/or not wholly in accordance with the budget, as per national recommended practice.

This would require an amendment to the scrutiny procedure rules as follows:

- (e) A maximum period of 28 days will be set for scrutiny to hear a call-in following receipt of notice and, in any event, the call-in shall be heard at the next Scrutiny meeting in the Committee cycle. **The members who have called the decision in will have a combined ten minutes in total to address scrutiny on the reasons for the call-in.** If, having considered the decision, the relevant Panel is still concerned about it, then it may refer it

back to the decision-making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to full Council. **Referrals to full Council are restricted to matters that were contrary to the policy framework or contrary to/or not wholly in accordance with the budget.** If referred back to the decision maker, they shall then reconsider within a further four weeks before adopting a final decision. Any decision can only be reconsidered once.

3.1.4 Public Question Time at Scrutiny

The working group reviewed the procedure for public questions at scrutiny. It was felt that this needed to be brought into line with the facility to ask public questions at full Council meetings, chiefly to allow questions to be brought into proper form and to secure reasonable brevity. The working group suggested that it be made clear that supplementary questions were not permitted.

This would require an amendment to the Public Question Time at Scrutiny procedure as contained within Article 3 (Appendix 4) of the Constitution:

Public Question Time at Scrutiny

- A person resident in North East Lincolnshire, if the question has been submitted in writing to the **Assistant Director Policy Strategy and Resources** (in their role as Statutory Scrutiny Officer) at the Municipal Offices, Town Hall Square, Grimsby, no later than 5 working days before the date of the relevant scrutiny panel, can ask the scrutiny panel any question relating to the remit of the panel.
- The **Assistant Director Policy Strategy and Resources** will be responsible for confirming which Scrutiny Panel the question will go to. **Any question may be edited by the Assistant Director Policy Strategy and Resources, in consultation with the Monitoring Officer, to bring it into proper form and to secure reasonable brevity.** The **Assistant Director Policy Strategy and Resources**, in consultation with the Monitoring Officer, shall be responsible for deciding the extent to which the answer to a question should reveal information which is exempt information within the meaning of Schedule 12A of the Local Government Act 1972.
- Public questions will appear as an agenda item (as the first agenda item after apologies and declarations of interest) for the relevant scrutiny panel, as and when there are questions.
- The agenda item on public questions will not exceed 15 minutes in total, with 3 minutes allocated to each individual question. **Supplementary questions shall not be permitted.**
- If the person asking the question is present at the meeting, they shall be given the opportunity of putting the question to the panel and will receive a copy of the response in writing after the meeting. The person asking the question needs to be made

aware that it may not be possible to provide a full response at the meeting, as it may depend on the panel or a partner organisation (e.g. one of the NHS Trusts) reviewing the issue in greater detail, or referring the matter to the relevant Portfolio Holder or Officer before a final response is provided.

- If the person asking the question is not present at the meeting, they will be sent a copy of the response to their question in writing.
- No more than 2 questions may be asked by any one person at the meeting.
- Questions and answers shall not be the subject of debate by the Panel unless the Panel Chair, on advice from the legal representative, considers it to be appropriate and necessary.
- Questions and summarised answers will be included in the minutes.

3.1.5 Scrutiny of the Budget

For a number of years this Council has adopted a process for informal and formal scrutiny of the annual budget proposals involving all Elected Members (Cabinet members attend in an advisory capacity only). The formal scrutiny meetings are usually held over two separate sessions in order to maximise attendance. Where the same matter is subject to a vote at both meetings, the working group recommended that it be clarified that an individual member attending both meetings would only have one vote.

This would require an addition to the scrutiny procedure rules as follows:

Scrutiny of the Budget

There will be an opportunity for non-Cabinet members to attend formal scrutiny meetings to consider draft budget proposals as part of the formal budget consultation process. In order to maximise attendance, these meetings may be repeated over two sessions. Where the same matter is subject to a vote at both meetings, an individual member attending both meetings would only be entitled to one vote on the proposal across both meetings.

3.1.6 Key Decisions

The working group reviewed the definition of a key decision and intend to further review the financial threshold for key decisions with any recommendations to be reported back to full Council in due course.

However, the working group recommended that any decision relating to the acceptance of funding shall not be treated as a key decision. As a safeguard, it was further recommended that details of accepted funding should be included within the quarterly finance and

performance reports submitted through Cabinet and Scrutiny.

This would require an amendment to the definition of a key decision as set out in Article 4 (Section 4) of the Constitution.

- 9 (h) any decision relating to the acceptance of funding shall not be treated as a key decision. As a safeguard, it was further recommended that details of accepted funding should be included within the quarterly finance and performance reports submitted through Cabinet and Scrutiny.

3.1.7 Appeals Sub Committee

The Appeals Sub Committee is a sub-group of the Standards and Adjudication Committee and hears and determines appeals in relation to officer dismissals and grievances. Whilst there is a link to the employment of Chief Officers through Council and the Appointments Committee, it was noted that this did not extend to all employed officers. Indeed, it could be argued that this involves Elected Members in employment and operational matters outside of their remit and is a potential conflict with the role of the Head of Paid Service and other directors. Further, elected member involvement would mean that employment matters would be effectively adjudicated by an unconnected third party falling outside the employment contract. This raises privity issues and also exposes panel members to the risk of being called to give sworn evidence at any subsequent employment tribunal. On that basis, it was recommended that the Appeals Sub Committee should be dissolved.

This was considered by the working group and some concerns were raised about the potential removal of a safeguard for employees of the council. Nevertheless, by a majority vote, the working group agreed to recommend the dissolution of the Appeals Sub Committee. If the above recommendation finds favour then it is likely that going forward, such issues be determined by a Director or Assistant Director in the subject service, with professional support from a lead in People and Culture.

3.1.8 Joint Committee Health and Care

The Section 75 Agreement made between North East Lincolnshire Council and the Humber and North Yorkshire Integrated Care Board replaces the previous agreement which involved delegation of decision making to a Union Board.

The working group agreed to recommend removal of reference to the Union Board from the Constitution, to be replaced by the terms of reference of the Joint Committee Health and Care, established under the new Section 75 Agreement.

This would require an amendment to Part 2, Article 4 (Decision Making) of the Constitution to include the terms of reference of the Joint Committee Health and Care (as set out at Appendix 2 of this report).

3.1.9 Local Standards Arrangements

The Council's standards arrangements currently state that any complaint alleging a breach of the Code of Conduct by an Elected Member of North East Lincolnshire Council will be referred direct to the Standards Referrals Panel for consideration. The majority of such complaints received are dismissed by the panel as having not met the local assessment criteria and therefore not requiring formal investigation. In order to improve efficiency of the process, the working group recommended that the Monitoring Officer should assess such complaints against the local assessment criteria and, after consultation with the Independent Person, take a decision as to whether it should be forwarded to the Referrals Panel for consideration. If the Independent Person was not in agreement with the Monitoring Officer, then the matter would be forwarded to the Referrals Panel. The proposal is considered best practice and is supported by the Independent Person. It will provide a more efficient and streamlined process, whilst maintaining high standards of confidentiality.

The Council's standards arrangements currently require Elected Members to co-operate with formal investigations. The working group recommended that Elected Members be compelled to co-operate with all aspects of the complaints process including the initial enquiry, unless there were mitigating circumstances preventing them from doing so, for example, illness.

These recommendations would require amendment to the Council's standards arrangements and, with regard to the duty to co-operate, section 5.8 of the Elected Members' Code of Conduct.

3.1.10 Review of the Council's Constitution

The working group noted that responsibility to monitor and review the operation of the Constitution currently resides with the Standards and Adjudication Committee.

The working group felt that this function should sit with the Audit and Governance Committee given its governance remit.

This would require an amendment to Part 2, Article 15 (Review and Revision of the Constitution).

Standing Orders:

3.1.11 Amendments to Motions on Notice

The working group felt that there should be reasonable time allowed to debate the original Motion on Notice prior to any amendments being proposed. The working group suggested that there be a limit to the number of amendments to any Motion on Notice and advised that this be set at a maximum of three with at least one of those being allowed to be from the floor.

This would require an amendment to Standing Order 13.6.

3.1.12 Duration of Meeting

The working group considered the length of ordinary full Council meetings and raised concerns around the effectiveness of meetings that lasted beyond five hours. It was recommended that the start time of full Council meetings be brought forward to 6.30 p.m. and that the majority of members present at a meeting would need to vote for the meeting to continue beyond 9.30 p.m. There would then be a final and absolute guillotine of 11.30 p.m., beyond which any remaining business would automatically fall to be considered at a time and date fixed by the Mayor (or the next ordinary meeting of Council if a date was not fixed).

This would require an amendment to Standing Order 8.

3.1.13 Leader's Statement

Further to the concerns raised above regarding the duration of meetings, the working group recommended that the statement from the Leader of the Council received at each ordinary meeting of Council should be for a duration of no longer than 10 minutes (rather than the current 15 minutes). To help accommodate this, any Special Urgency decisions taken in accordance with the Constitution would be the subject of a separate agenda item rather than being part of the Leader's Statement.

This would require an amendment to Standing Order 2.2 (v).

3.1.14 The Minute Book

The working group considered benchmarking information from other local authorities that showed a varied approach to the approval of minutes of Cabinet, Scrutiny and the regulatory committees. It was confirmed that there was no statutory requirement for these minutes to be approved by Council.

The working group recommended that the minutes of Cabinet, Scrutiny and the regulatory committees no longer be submitted to

Council and, instead, be submitted to those individual bodies for approval and sign off by the Chair.

This would require amendment to Standing Orders 2.2, 10.1 and 10B.

3.1.15 Content and Length of Speeches

The working group noted that Standing Orders were not clear on the time allowed to propose an amendment to a motion. The working group recommended that the Standing Order be amended to clarify that the proposer of an amendment to a motion may speak for up to 10 minutes.

This would require an amendment to Standing Order 13.4

3.1.16 Right of Reply

The working group felt that the right of reply rules needed to be clarified, in particular, with regard to motions that had been amended. The working group recommended that the proposer of an amendment should have the right of reply at the conclusion of the debate on the amendment. In addition, the proposer of the original motion should have the right of reply at the conclusion of any debate on a substantive motion as amended.

This would require an amendment to Standing Order 13.9.

3.1.17 Amendment of Standing Orders

Any motion to add to, vary or revoke Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee.

The working group felt that this function should sit with the Audit and Governance Committee given its governance remit.

This would require an amendment to Standing Order 12.2 and Part 2, Article 10 (The Standards and Adjudication Committee).

- 3.2 As per the Council's Constitution, such change to the Council's Standing Orders would, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee. Once considered, the Standards and Adjudication Committee shall make recommendations back to Full Council at the next convenient meeting.
- 3.3 The Constitution Working Group also monitored the implementation of the recommendations arising from the Nurseries Consultation Review report. This included the following recommendation:

The Monitoring Officer, supported by Members should carry out a review of the constitution, including a review of the scheme of delegation to portfolio holders to ensure that it provides a clear and easy to navigate and interpret set of rules for the governance of the organisation.

The working group felt that the scheme of delegation to portfolio holders was fit for purpose. The remaining recommendations flowed from that review and the working group agreed to continue to monitor implementation of those recommendations.

4. ADDITIONAL REQUESTED CHANGES TO THE CONSTITUTION

- 4.1 The following changes to the Council's Constitution have been proposed by the Independents for North East Lincolnshire Group:

SECTION 4 - RESPONSIBILITY FOR CABINET FUNCTIONS

Article 9 Taking Cabinet Decisions

b(iii).

Existing wording: whether the decision shall incur a significant social, economic or environmental risk.

Proposed new wording: whether the decision shall incur a significant social, economic, environmental or public health risk.

SECTION 5 – SCHEME OF DELEGATION TO OFFICERS

Article 1 General Principles

1.11

Add additional bullet point to the existing six bullet points - Public Health

Proposed new wording:

Prior to exercising delegated powers officers shall undertake a risk assessment in respect of the proposed decision and, in any event, shall take account of, where relevant, the implications arising from the decisions in respect of:

- Data Protection and Freedom of Information
- Human Rights
- Equality and Diversity
- Crime and Disorder
- Sustainability
- The social, economic and environmental well-being of the Borough
- Public Health

- 4.2 These changes follow on from the decision of full Council on 12th December 2024 to declare itself a 'Public Health Council' and to establish a working group

to investigate the feasibility of North East Lincolnshire Council becoming a 'Marmot' Place. Whilst awaiting the findings of the working group, the Independent Group felt that there were other steps which could be taken now to ensure that the Public Health team are further supported and that Public Health considerations become embedded into the way that decisions are made.

4.3 These proposed changes are submitted for Council's consideration.

5. GREATER LINCOLNSHIRE COMBINED COUNTY AUTHORITY PROTOCOL FOR THE EXERCISE OF CONCURRENT FUNCTIONS AND ASSOCIATED STATUTORY CONSENTS

5.1 Within its Constitution, the Greater Lincolnshire Combined County Authority (GLCCA) has adopted a protocol setting out a commitment for the GLCCA and all three Constituent Councils to collaborate and co-operate, especially when it comes to the GLCCA seeking consent, to exercise a power subject to consent.

5.2 Examples of functions requiring Statutory Consents and Consent of Constituent Authorities are:

- Power to compulsorily acquire land for development/planning purposes: Section 226 Town and Country Planning Act 1990.
- Power to acquire land by agreement: Section 227 Town and Country Planning Act 1990.
- Power to appropriate land: Section 229 Town and Country Planning Act 1990.
- Power to acquire land for exchange: Section 230(1)(a) Town and Country Planning Act 1990.
- Power to appropriate land held for planning purposes: Section 232 Town and Country Planning Act 1990.
- Power to dispose of land held for planning purposes: Section 233 Town and Country Planning Act 1990.
- Power to develop land held for planning purposes: Section 235 Town and Country Planning Act 1990.
- Power to extinguish rights over land: Section 236 Town and Country Planning Act 1990.
- Power to use and develop consecrated land: Section 238 Town and Country Planning Act 1990.
- Power to use and develop burial grounds: Section 239 Town and Country Planning Act 1990.

5.3 The Protocol (The Greater Lincolnshire Combined County Authority Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents) is set out at Appendix 3 of this report, for adoption into North East Lincolnshire Council's Constitution. In adopting the protocol into our Constitution, it is proposed to include:

"In adopting this protocol, the Council authorises its duly appointed Lead

Member to the Greater Lincolnshire Combined County Authority to give statutory consent to the exercise of those functions requiring such statutory consent in accordance with the Greater Lincolnshire Combined County Authority Regulations 2025.”

6. AMENDMENTS OF A MINOR NATURE

From time to time, amendments to the Constitution of a minor nature are required. These can be to provide clarity over a particular matter without changing its meaning or intention as well as to confirm minor changes arising from decisions taken by individual panels/committees of the Council. Examples of matters dealt with under these delegated powers during the previous year include the following:

- A move to electronic and digital execution and sealing of documents
- Recognition of the Health Care Services (Provider Selection Regime) Regulations 2023 in the Contract Procedure Rules.
- Following recognised best practice, an exception approach to presentations and interviews, in the interests of transparency and equal treatment of tenderers.

It is proposed that authority continue to be delegated to the Monitoring Officer, in consultation with the Leaders of the political groups, to make such changes.

7. RISKS, OPPORTUNITIES AND EQUALITY ISSUES

The annual review of the Constitution acts as a mechanism to test and refresh the Council’s governance arrangements.

8. OTHER OPTIONS CONSIDERED

The recommendations in this report are intended to reflect the need to modify the Council’s governance arrangements to support elected members in the discharge of their various roles and responsibilities and ensure that the Constitution is accessible to the public.

9. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

These matters are reported to the Council as required by the Constitution and to support the continued good governance of the Council.

10. FINANCIAL CONSIDERATIONS

There are no financial considerations to be taken into account as a result of the recommendations within this report.

11. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people arising from the recommendations within this report.

12. CLIMATE CHANGE, NATURE RECOVERY AND ENVIRONMENTAL IMPLICATIONS

There are no climate change, nature recovery or environmental implications arising from the recommendations within this report.

13. CONSULTATION WITH SCRUTINY

Not applicable.

14. FINANCIAL IMPLICATIONS

As stated above, there are no financial implications arising directly from the recommendations in this report.

15. LEGAL IMPLICATIONS

As set out in the main body of the report.

16. HUMAN RESOURCES IMPLICATIONS

There are no direct human resources implications arising from the recommendations in this report.

17. WARD IMPLICATIONS

The Council's governance arrangements impact on all wards.

18. BACKGROUND PAPERS

The Council's Constitution.

19. CONTACT OFFICER(S)

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SIMON JONES
MONITORING OFFICER

SECTION 5 - SCHEME OF DELEGATION TO OFFICERS

1. General Principles

- 1.1. These arrangements delegate a wide range of management and operational functions to officers and will operate so that decisions are taken at the lowest appropriate level, at the nearest point to local provision of services to the customer and in a way that clearly identifies accountabilities.
- 1.2. This Scheme does not delegate to Officers:
 - 1.2.1. Any matter reserved to Full Council;
 - 1.2.2. Any matter which by law may not be delegated to an Officer;
 - 1.2.3. Key decisions which must be determined by members, save key decisions that have been delegated to officers by the Cabinet;
 - 1.2.4. Any regulatory functions which are specifically reserved to the relevant Committee.
- 1.3. Directors are responsible for retaining a record of Delegated Decisions which they (or their officers) take and the reasons for such decisions sufficient for audit and evidential purposes (against the eventuality of evidence being required for Judicial Review, Employment Tribunal, Ombudsman, External Audit, OFSTED or other proceedings or investigation), and for ensuring that all those who need to know are informed promptly of the decision, such records being subject to audit by the Monitoring Officer at any time.
- 1.4. Officers are accountable to the Council for any decision which they make, and may be required to report to, and to attend and answer questions from, Overview and Scrutiny and/or the Audit and Governance Committee, in respect of any decision which they make.
- 1.5. This Scheme of Delegation operates subject to the "cascade" principle. These arrangements include the power for officers to further delegate in writing all or any of the delegated powers to other officers (described by name or post) either fully, in part or under the general supervision and control of the delegating officer. The named officers will keep the Monitoring Officer, informed of all arrangements (other than arrangements which are made for a specified period of less than six months) which they make to authorise other officers to act on their behalf.
- 1.6. Where under this Scheme of Delegation, delegated powers are to be exercised by the holders of various posts the appropriate Director must ensure the same are exercised in accordance with relevant Council policies and procedures and:
 - 1.6.1. put appropriate systems and arrangements in place (if they do not already exist) for the proper management, discharge, control and effective monitoring and review of the exercise of such delegated powers (including, for example, maintaining an up-to-date list of all officers, with job titles, who are authorised to act under this Scheme of Delegation to Officers);
 - 1.6.2. as part of the production of the Annual Governance Statement, undertake a review of such systems and arrangements to ensure appropriateness and fitness for purpose and, where necessary, implement changes to such systems and arrangements to ensure they comply with any Internal Audit recommendations or best practice requirements and the Council's Assurance Framework.
- 1.7. Before making a decision under delegated powers officers will satisfy themselves that the decision is:
 - 1.7.1. authorised by law and, if in doubt, will consult with the Monitoring Officer or

his nominee;

- 1.7.2. within the financial provision in the revenue and capital budget for their service and, if in doubt, will consult with the Section 151 Officer or his nominee;
- 1.7.3. in accordance with any relevant requirements set out in the Contract Procedure Rules and the Finance Procedure Rules.
- 1.8. Any exercise of delegated powers by officers shall be subject to:
 - 1.8.1. any statutory restrictions;
 - 1.8.2. the Council's Constitution;
 - 1.8.3. the Council's policies approved from time to time including particularly those relating to employment, equality and diversity.
- 1.9. For the avoidance of doubt, any reference to a specific post or named officer will be interpreted as including other officers of the Council who that specific postholder or named officer authorises to exercise delegated powers on his or her behalf.
- 1.10. When exercising delegated powers in relation to any matter which may be regarded as sensitive or contentious, officers will have regard to the need to inform and to liaise with the relevant Cabinet Member(s) and members representing the area that will be affected by the decision in accordance with any protocols which may be approved from time to time.
- 1.11. Prior to exercising delegated powers officers shall undertake a risk assessment in respect of the proposed decision and, in any event, shall take account of, where relevant, the implications arising from the decisions in respect of:
 - Data Protection and Freedom of Information
 - Human Rights
 - Equality and Diversity

In addition, and following resolution of full council, 30th October 2024, Officers, in all decision making shall have regard to the following:

To continue to prioritise the needs of care experienced adults across North East Lincolnshire and commit to our duty as corporate parents to those that experienced care as children.

That this council will treat care experience as if it were any other protected characteristic.

 - Crime and Disorder
 - Sustainability
 - The social, economic and environmental well-being of the Borough
- 1.12. Notwithstanding the approval of this Scheme of Delegation, the Cabinet and any Committee exercising delegated powers may, through the course of any Municipal Year:
 - 1.12.1. approve further delegations to Officers, subject to appropriate advice from the Monitoring Officer;
 - 1.12.2. amend, substitute or remove specific delegations from this Scheme, subject to appropriate advice from the Monitoring Officer.
- 1.13. In exercising any delegated powers conferred under this Scheme, Officers must have regard to and comply with the Financial Procedure Rules.
- 1.14. In exercising any delegated powers conferred under this Scheme, insofar as the exercise of such powers involves the procurement of goods, works or services, Officers must have regard to and comply with the Contract Procedure Rules and the prevailing EU and/or domestic procurement rules.
- 1.15. This Scheme of Delegation is an integral part of Good Governance, Risk Management

and the Assurance Framework, and the Leader/Cabinet model of executive arrangements. Compliance with the Scheme is, therefore, essential for the Council in order to ensure proper accountability, responsibility, openness, transparency, fairness, propriety and probity of its arrangements.

1.16. For the avoidance of doubt, in the event of there being:

1.16.1. a vacancy of a Director or Assistant Director; or

1.16.2. the Director or Assistant Director is unable to act, for any reason, for a long term (e.g., due to sickness or secondment to another organisation);

then any 'Acting' or "Interim" Director or Assistant Director shall have the same authority as the Director or Assistant Director for the duration of the vacancy or the long term absence, subject to the approval of the Chief Executive.

1.17. The Council transferred a range of technical services to Equans, for an initial period of 10 years from 1st July 2010 subject to contractual extensions and subsequent variations. Such period now expires in 2025. Any references in this Scheme of Delegation to the "Regeneration Partner" should be construed accordingly.

1.18. Any reference to any primary legislation will be deemed to include all amendments and secondary legislation in force from time to time.

2. General delegation of powers

2.1. Subject to compliance with legislation and the Constitution: The Chief Executive, Executive Director and all other Directors shall have power to:

2.1.1. determine and exercise, having regard to prevailing Council policy, the operational requirements of their functions and to manage the human and material resources available for their functions, within any limitations specified in this Constitution and subject to appropriate consultation with the Monitoring Officer;

2.1.2. determine the following miscellaneous staffing related matters, in compliance with Council policies and procedures in force from time to time:

2.1.2.1. to approve special leave of absence, with or without pay;

2.1.2.2. to authorise leave of absence for attendance at vocational conferences and courses;

2.1.2.3. to approve essential and casual user car allowances.

2.1.3. to decide the eligibility of employees to receive payment:

2.1.3.1. of telephone charges;

2.1.3.2. for temporarily undertaking additional duties and responsibilities where provided for in the conditions of service (in consultation with the Executive Director for Place and Resources (Section 151 Officer/Chief Finance Officer));

2.1.4. in accordance with any Relocation Scheme (in consultation with the Executive Director for Place and Resources (Section 151 Officer/Chief Finance Officer)):

2.1.4.1. to extend sick pay, subject to appropriate medical advice;

2.1.4.2. to take action, including dismissal against an employee in accordance with the Council's Disciplinary Procedures;

2.1.4.3. to determine the award of facilities to employees to undertake post-entry training;

- 2.1.4.4. to authorise overtime or additional hours within approved staffing budgets;
- 2.1.4.5. to approve the carry over of annual leave from one year to the next of up to 5 days or such other limit as may be authorised by appropriate policy;
- 2.1.4.6. to authorise the issue of protective/safety clothing and equipment.
- 2.1.5. to authorise the instruction of the Monitoring Officer to issue legal proceedings in respect of their specific areas of responsibility.
- 2.1.6. procure goods, works and services subject to compliance with the Contract Procedure Rules.
- 2.1.7. manage their budgets subject to compliance with the Financial Procedure Rules.
- 2.2. In the absence of any Director or Assistant Director, the Chief Executive may, in consultation with any cited Portfolio Holder, exercise any delegation conferred upon such Director or Assistant Director.

3. Powers delegated to the Chief Executive.

3.1. Subject to compliance with legislation and the Constitution:

- 3.1.1. to act as Head of Paid Service in accordance with the relevant provisions of the Local Government and Housing Act 1989 and to have all necessary powers to fulfil that statutory function;
- 3.1.2. to have overall responsibility for the strategic direction, management and performance of the Council;
- 3.1.3. to have overall control of the manner in which various functions of the Council are discharged;
- 3.1.4. to be responsible for the organisation and management of the Council's staff and resources;
- 3.1.5. in consultation with the Leader, Cabinet members and officers, to determine matters of dispute between Committees and/or operational areas of the Council;
- 3.1.6. to represent the views of the Council in responding to consultations with the Council by any outside body on corporate strategic issues after consultation with the Leader and Deputy Leader;
- 3.1.7. to exercise all Council responsibilities in respect of civil contingencies and emergency planning subject to prevailing legislation, such responsibilities to be delegated to such officer(s) as the Chief Executive considers appropriate, from time to time;
 - 3.1.7.1. In the event of a properly declared emergency, any senior officer of the Council acting as Incident Manager in either a strategic or tactical capacity, is delegated these powers by the Chief Executive Officer, subject to:
 - 3.1.7.1.1. A reasonable attempt to consult with the Chief Executive Officer or Section 151 Officer before committing the Council to expense of more than that permitted by the Officers Authorisation Limits set out in the Financial Procedure Rules (Appendix F).
 - 3.1.7.1.2. The nature of the emergency and planned response across the emergency services and Category 1 responders (and upon the documented advice given to the Incident Manager by a representative of the Humber Emergency Planning Service (HEPS)) being such, that the expenditure is reasonable and warranted.

- 3.1.8. to determine or delegate the determination of applications for the allocation of ward funds subject to the prevailing criteria;
- 3.1.9. to exercise all functions relating to elections and referenda including Parliamentary, Local Government and (where appropriate) Combined County Authority Mayoral elections, and to exercise all functions in relation to electoral registration;
- 3.1.10. to have oversight of the Council's financial services functions, subject to the specific statutory responsibilities and delegations conferred on the Interim Section 151 Officer under this Scheme;
- 3.1.11. to approve applications for Discretionary Rate Relief scored in accordance with the standard criteria;
- 3.1.12. to appoint individuals as 'Proper Officers' to fulfil regulatory roles, specifically (but not exhaustively) Proper Officers under the Public Health (Control of Disease) Act 1984 (as amended), 'Port Medical Officers' (in relation to the Public Health (Ships) Regulations 1979 (as amended)), 'Official Veterinarian' (in relation to EC Directive 97/78), Agricultural Analyst (in relation to the Agriculture Act 1970) and 'Public Analyst' (in relation to the Food Safety Act 1990);
 - 3.1.12.1. The Chief Executive hereby designates the Registrars and Civic Services Manager as Proper Officer for Registration Matters for the purposes of the Registration Services Act 1953 and Local Government Act 1972.
- 3.1.13. Whilst designated Executive Place Lead under the auspices of the Humber and North Yorkshire Integrated Care System to lead on place based arrangements, health and democratic integration in accordance with emerging policy;
- 3.2. To have oversight of functions and responsibilities delegated to:
 - 3.2.1. Director for Children's Services;
 - 3.2.2. Director for Adults Housing and Communities;
 - 3.2.3. Director for Public Health; and
 - 3.2.4. Director for Economy Environment and Infrastructure.

4. Powers delegated to the Chief Executive acting as the Executive Director Place and Resources (Section 151 Officer/Chief Finance Officer)

- 4.1. Subject to compliance with legislation and the Constitution:
 - 4.1.1. to exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act, 1972 and Section 114 of the Local Government Finance Act 1988, the CIPFA guidance on the role of the Section 151 Officer and [Article 12](#) of this Constitution and to report as appropriate to Cabinet and the Audit and Governance Committee on the discharge of such responsibilities;
 - 4.1.2. to determine and issue general guidelines to Members and Officers in relation to financial matters;
 - 4.1.3. to determine arrangements for Treasury Management in accordance with the Treasury Policy Strategy and any other arrangements approved by the Cabinet or Full Council;
 - 4.1.4. to determine and issue general guidelines to Officers on management of financial resources, insurance, debt recovery and writing-off of debts to approve applications for financial assistance, authorise any grant claims and approve the receipt of specific grant payments from third parties in all cases where the third party specifies that Director of Finance (Chief Finance Officer) (howsoever

- named) approval and/or certification is a condition of the receipt of any grant;
- 4.1.5. to manage the Council's loan debt and to approve borrowings and investments by the Council in accordance with the statutory borrowing limits determined by the Council and the Council's Treasury Management Strategy as approved from time to time;
 - 4.1.6. to administer and collect Council Tax and Non-Domestic Rates (including setting Non-Domestic rates);
 - 4.1.7. to administer the Council Tax and Housing Benefit systems;
 - 4.1.8. to authorise the write off of debts in accordance with Financial Procedure Rules;
 - 4.1.9. to approve the National Non-Domestic Rates 1 return that determines the business rate base;
 - 4.1.10. to make arrangements for the internal audit of the Council;
 - 4.1.11. in respect of Assets and Estate Management:
 - 4.1.11.1. to negotiate the disposal and/or acquisition of land and property on behalf of the Council, provided that any proposed acquisition or disposal that qualifies as a Key Decision must be referred to Cabinet;
 - 4.1.11.2. to refer any proposed disposal at an undervalue to Cabinet in accordance with the Protocol on disposal of land at less than best price;
 - 4.1.11.3. to maintain a register of all undervalue disposals;
 - 4.1.11.4. in the case of any proposed acquisition or disposal, including those not qualifying as a Key Decision:
 - 4.1.11.4.1. to consult with the relevant Portfolio Holder(s) prior to proceeding;
 - 4.1.11.4.2. to notify the members for the relevant ward of the proposed acquisition or disposal, subject to any restrictions regarding the disclosure of "exempt" or confidential information;
 - 4.1.11.5. to recommend the exercise of the Council's powers of compulsory acquisition to Cabinet and/or Full Council, as appropriate;
 - 4.1.11.6. to determine all matters in respect of the Council's portfolio of offices, operational and commercial property, save where any related decisions qualify as Key Decisions which must be referred to Cabinet;
 - 4.1.11.7. to determine all property related compensation claims, blight claims, licences, way leaves or any other dealings (excluding tenanted housing management property), save where any related decisions qualify as a Key Decision which must be referred to Cabinet.
 - 4.1.11.8. For the avoidance of doubt, in connection with Freshney Place, the Executive Director Place and Resources hereby delegates to the Assistant Director Regeneration, Interim s151 Officer and Assistant Director Law and Governance, acting jointly, or by two of them only, and with engagement from the retained Asset Managers, the responsibility to make operational decisions including lettings, but not so as to exceed the key decision threshold.
 - 4.1.12. to exercise all the functions in relation to Customer Services, Information and Communication Technology; Procurement, Corporate Risk Management; Printing and Reprographic services, performance management, service improvements, business planning, the sustainable community strategy, media and communications, corporate strategy and policy development, research and information, organisational change, learning and development, member development, human resources and organisational development, corporate health and safety, equalities, skills and employability (excepting those related

delegations made to the Director of Children's Services).

- 4.1.13. to have oversight of Law and Governance services, including Coroner's Service, Democratic Services, Internal Assurance, Elections and Civic and Registrars Services;
- 4.1.14. to interpret and determine conditions of services (including pay and other aspects of remuneration) for Council employees and to enter into agreements as appropriate with Trade Unions relating to personnel and training matters;
- 4.1.15. to compile, monitor and review Council employment policies and procedures and issue instructions, guidelines, handbooks etc, as appropriate;
- 4.1.16. support Directors in seeking compulsory redundancy and to issue instructions regarding the redeployment of employees who are at risk of redundancy;
- 4.1.17. to issue or instruct the issue of any notices, including in respect of the determination of rents, licence fees and service charges, save where such a decision qualifies as a Key Decision which must be referred to Cabinet;
- 4.1.18. to authorise officers to exercise powers of entry in relation to the Executive Director Place and Resources (Section 151 Officer) delegated functions and responsibilities;
- 4.1.19. to issue statutory notices, licenses and permissions in relation to the Executive Director Place and Resources (Section 151 Officer) delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with Monitoring Officer as appropriate;
- 4.1.20. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Executive Director Place and Resources (Section 151 Officer) delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;
- 4.1.21. to authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director's areas of responsibility, save and except where authority to issue such notices has been lawfully delegated to the Regeneration Partner;
- 4.2. The Executive Director Place and Resources (Section 151 Officer), may at their discretion, nominate their respective Assistant Director(s) to be the "Responsible Officer" on any report to Cabinet or otherwise, and for that nominated Assistant Director (in consultation with any stated portfolio holder) to be the decision maker for that particular matter. This provision does not absolve the Executive Director of any accountability of the exercise of their discretion in this way.
- 4.3. Pursuant to the cascade principle (at para 1.5 above) the Executive Director Place and Resources (Section 151 Officer) hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Executive Director Place and Resources shall have oversight of the functions and responsibilities so delegated to them:
 - 4.3.1. Assistant Director Strategy, Policy and Resources, who shall also act and be designated to act as the Council's Scrutiny Officer for the purposes of Section 9FB of the Local Government Act 2000;
 - 4.3.2. Assistant Director Law and Governance (Monitoring Officer);
 - 4.3.3. Assistant Director Finance ((Interim) Section 151 Officer);
 - 4.3.4. Assistant Director People and Organisational Development.
 - 4.3.5. Assistant Director for Infrastructure (Whilst discharging any Asset or Estate Management function).

5. Powers delegated to the Director of Economy, Environment and Infrastructure

5.1. Subject to compliance with legislation and the Constitution:

5.1.1. to exercise all functions of the Council in respect of:

- 5.1.1.1. Environmental health, Bereavement Services, including cemeteries and crematoria, trading standards, port health, consumer protection and neighbourhood services;
- 5.1.1.2. Health and Safety at Work (excluding those matters delegated to the Monitoring Officer regarding the Council's responsibilities as an employer);
- 5.1.1.3. Licensing Authority functions and responsibilities;
- 5.1.1.4. Waste Management (including collection and disposal);
- 5.1.1.5. Net Zero, decarbonisation, the NEL Carbon Roadmap and the Green agenda generally;

5.1.2. To exercise all functions of the Council in respect of Community Safety (for the avoidance of doubt, including event safety) and Anti-Social Behaviour, the sustainable community strategy and Local Strategic Partnerships, Safer Streets, Community Safety and Public Protection, Business engagement in relation to stronger towns;

5.1.3. To set fees, in consultation with the Chair of the Licensing and Community Protection Committee, in relation to the Scrap Metal Dealers Act 2013;

5.1.4. To act as the Officer designated Chief Inspector of Weights and Measures;

5.1.5. to exercise all functions in relation to tourism, museums libraries, archives, sport, leisure, theatres and cultural services;

5.1.6. To the expiration of the contractual relationship with the Regeneration Partner to have oversight and lead responsibility for managing the contractual relationship with the Regeneration Partner, subject to the prevailing partnership governance arrangements and to authorise the Regeneration Partner, in writing, to act as the Council's agent in respect of any functions and responsibilities within the scope of the Regeneration Partnership, subject to consultation with the Monitoring Officer and the relevant Portfolio Holder(s);

5.1.7. To exercise all functions of the Council in relation to regeneration, inward investment, economic development, enforcement, (to include housing enforcement) and any enforcement function not specifically mentioned elsewhere, highways, the highway network, traffic regulation, car park management, civil parking enforcement, local transport, planning, safety at sports grounds, building control, architectural and technical services, save and except any powers and functions that have been delegated to the Regeneration Partner, in accordance with any Order made pursuant to Section 70 of the Deregulation and Contracting out Act 1994 and/or any specific provision of the contract entered into between the Council and the Regeneration Partner, giving effect to the Regeneration Partnership.

5.2. To authorise officers to exercise powers of entry in relation to the Director for Economy, Environment and Infrastructure delegated functions and responsibilities;

5.3. To issue statutory notices, licenses and permissions in relation to the Director for Economy, Environment and Infrastructure delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with Monitoring Officer as appropriate;

5.4. To authorise officers, in writing, to issue fixed penalty notices and other relevant administrative penalties under the legislation within the scope of the Director's areas

of responsibility, save and except where authority to issue such notices has been lawfully delegated to the Regeneration Partner.

5.5. In respect of planning and development control:

5.5.1. to determine all "Other" categories of planning applications, with the following exceptions:

5.5.1.1. Where there is a material planning objection from a Town or Parish Council and there is an officer recommendation to approve;

5.5.1.2. Where an elected Member of NELC has made a written request for an application to go to Planning Committee within the allocated time period and based on material planning reasons;

This includes:

- Changes of use
- Advertisements
- Householder development
- Listed Building Consents
- Conservation Area Consents

5.5.2 to determine* all "Major" and "Minor" categories of planning applications with the following exceptions:

5.5.2.1 where more than three material planning objections ** have been submitted in writing within the Statutory Consultation period from separate households / businesses etc (excluding Statutory Consultees, which are considered in 5.5.2.5 below) and there is an officer recommendation to approve;

5.5.2.2 where an application seeks a proposal that is contrary to adopted and emerging development plan policy and there is an officer recommendation to approve;

5.5.2.3 where an application would require formal referral to the Government Office;

5.5.2.4 where applications are submitted by an elected member of NELC, officers of the Planning Service, and senior officers of the Council, or where officers consider that there may be perceived issues of probity; ***

5.5.2.5 where a material planning objection has been submitted by a Statutory Consultee within the Statutory Consultation period and there is an officer recommendation to approve;

5.5.2.6 where an elected Member of NELC has made a written request for an application to go to planning committee within the allocated time period and based on material planning reasons, because the Member does not agree with the officer recommendation or anticipated officer recommendation;

5.3 To exercise all functions of the Council in respect of the Flood and Water Management Act 2010.

NOTE: "determine" includes approval and refusal.

** "Material planning objection" will be broadly interpreted. However, objections will not be regarded as "material" where they: are not relevant to land use planning; not relevant to the application or other matters under consideration; are based on grounds of local competition; or are anonymous.

*** "Perceived issues of probity" includes the following: employees who are related to Members or Senior Officers; employees who have connections with outside bodies, groups and businesses that engage in the planning process; employees who are Parish Councillors; and organisations where Members have a leading position.

5.4 Pursuant to the cascade principle (at para 1.5 above) the Director of Economy, Environment and Infrastructure hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any

and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Economy, Environment and Infrastructure shall have oversight of the functions and responsibilities so delegated to them:

- 5.4.1 Assistant Director Environment;
- 5.4.2 Assistant Director Regeneration;
- 5.4.3 Assistant Director Infrastructure (which for the avoidance of doubt shall include Assets and Estate Management) and who shall also ensure the Council discharges its responsibilities in connection with the Civil Contingencies Act and business continuity;
- 5.4.4 Assistant Director Safer, Towns and Communities

6. Powers delegated to the Director of Children's Services

6.1. Subject to compliance with legislation and the Constitution:

- 6.1.1. to act as the Designated Director of Children's Services for the purposes of the Children Act 2004;
- 6.1.2. to discharge the functions conferred on or exercisable by the Council in its capacity as local education authority and children services authority;
- 6.1.3. to discharge any function exercisable by the Council under Section 75 of the National Health Service Act 2006 on behalf of an NHS body, so far as those functions relate to children and young people and subject to the CCG arrangements;
- 6.1.4. to exercise all functions and responsibilities in so far as they relate to: Skills, specifically related to children and careers education;
- 6.1.5. to discharge the functions conferred on or exercisable by the authority which are Social Services functions (within the meaning of the Local Authority Social Services Act 1970), so far as those functions relate to children;
- 6.1.6. to discharge the functions conferred on the authority under Sections 23 to 24D of the Children Act 1989;
- 6.1.7. to discharge the functions conferred on the authority under Sections 10 to 12 and 17 of the Children Act 2004;
- 6.1.8. to exercise all relevant children social services functions as conferred by the Children Act 1989, the Adoption and Children Act 2002, the Local Authority Social Services Act 1970, the Children (Leaving Care) Act 2000 and the Safeguarding Vulnerable Groups Act 2006 in the interests of safeguarding and promoting the welfare of children and young people;
- 6.1.9. to have responsibility for Youth Services and Youth Justice Services;
- 6.1.10. to exercise all functions and responsibilities in so far as they relate to: School Improvement and Education;
- 6.1.11. to authorise officers to exercise powers of entry in relation to the Director of Children's Services delegated functions and responsibilities;
- 6.1.12. to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Children's Services delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;
- 6.1.13. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Children's Services delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

6.2. Pursuant to the cascade principle (at para 1.5 above) the Director of Children's Services hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Children's Services shall have oversight of the functions and responsibilities so delegated to them. For the avoidance of doubt the term "Service Director" shall be deemed to be commensurate with the term "Assistant Director" and shall in all cases be read as such:

- 6.2.1. Service Director Safeguarding and Early Help;
- 6.2.2. Service Director Regulated Provision; and
- 6.2.3. Assistant Director Education and Inclusion.

7. Powers delegated to the Director of Adults Housing and Communities

7.1 Subject to compliance with legislation and the Constitution:

7.1.1. to act as the Designated Director of Adult Social Services (DASS), for the purposes of the Local Authority Social Services Act 1970, such responsibilities exercised pursuant to

- 7.1.1.1. any statutory guidance issued, from time to time, by the Secretary of State for Health; and
- 7.1.1.2. existing and future partnership arrangements.

7.1.2. to exercise all functions of the Council in respect of Adult Safeguarding;

7.1.3. These responsibilities include:

- 7.1.3.1. Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
- 7.1.3.2. Management of the Disabled Facilities Grant;
- 7.1.3.3. Professional leadership, including workforce planning;
- 7.1.3.4. Leading the implementation of standards;
- 7.1.3.5. Managing cultural change;
- 7.1.3.6. Promoting local access and ownership and driving partnership working;
- 7.1.3.7. Delivering an integrated whole systems approach to supporting communities; and
- 7.1.3.8. Promoting social inclusion and wellbeing.

7.1.4. To exercise all functions in connection with the Council's strategic and operational housing services (except enforcement) but including:

- 7.1.4.1. the provision of services regarding housing allocation and homelessness;
- 7.1.4.2. the provision of all housing services that have not been transferred via Large Scale Voluntary Transfer;

7.1.5. to be the lead Council officer for co-ordination and engagement with the voluntary and community sector, including but not limited to infrastructure development, community resilience and financial inclusion;

7.1.6. to be the lead Council officer in respect of the equality and diversity agenda;

7.2. to authorise officers to exercise powers of entry in relation to the Director of Adults Housing and Communities delegated functions and responsibilities;

7.3. to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Adults Housing and Communities delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;

7.4. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Adults Housing and Communities delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.

7.5. Pursuant to the cascade principle (at para 1.5 above) the Director of Adults Housing and Communities hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Adult Social Services shall have oversight of the functions and responsibilities so delegated to them:

7.5.1. Assistant Director Adult Social Care.

7.5.2. Assistant Director Housing and Communities.

8. Powers delegated to the Director for Public Health

8.1. The Director of Public Health is a multi-faceted role between the Council, the wider Integrated Care System and (whilst formal arrangements remain extant) as Director for Public Health to North Lincolnshire Council.

8.2. Subject to compliance with legislation and the Constitution:

8.2.1. to undertake overall responsibility for all of the Council's duties to take steps to improve public health and to provide officers and elected members with appropriate advice and guidance;

8.2.2. to undertake any of the Secretary of State's public health protection or health improvement functions delegated to local authorities, either by arrangement or under regulations, – including services mandated by regulations made under section 6C of the National Health Service Act 2006;

8.2.3. to plan for, and respond to, emergencies that present a risk to public health, in consultation with the Council's emergency planning officer where appropriate;

8.2.4. to undertake the Council's role in co-operating with the police, the probation service and the prison service to assess the risks posed by violent or sexual offenders;

8.2.5. to be responsible for the Council's public health response as a responsible authority under the Licensing Act 2003, including making representations about licensing applications under sections 5(3), 13(4), 69(4) and 172B(4) of the Licensing Act, as amended by Schedule 5 of the Health and Social Care 2012;

8.2.6. to produce and update as necessary the Joint Strategic Needs Assessment in consultation with the appropriate forum of the Integrated Care System;

8.2.7. to lead on and co-ordinate the development, production, publication and updating of the Joint Health and Wellbeing Strategy in consultation with the appropriate forum of the Integrated Care System;

8.2.8. to develop and implement a system for collecting and analysis data to deliver the Public Health Outcomes Framework;

8.2.9. to produce the Director of Health and Well Being's annual report;

8.2.10. to provide public health advice to NHS commissioners to help secure:

8.2.10.1. commissioning strategies that meet the needs of vulnerable groups;

8.2.10.2. the development of evidence-based care pathways and service specifications;

8.2.10.3. evidence-based prioritisation policies;

8.2.10.4. health needs audits and health equity audits and health impact assessments.

- 8.2.11. to ensure delivery of the National Child Measurement Programme;
 - 8.2.12. to secure the delivery of the NHS Health Check assessment;
 - 8.2.13. to ensure appropriate access to sexual health services;
 - 8.2.14. to ensure appropriate clinical governance arrangements are in place in respect of any clinical services commissioned, including sexual health and drug and alcohol services;
 - 8.2.15. to maintain a particular focus on ensuring vulnerable and disadvantaged groups receive the attention they need, with the aim of reducing health inequalities and with particular reference to those who are or have suffered from domestic violence and those seeking asylum, operating in consultation with the Executive Director for Place and Resources and Director for Economy Environment and Infrastructure;
 - 8.2.16. to provide appropriate support to the Health and Well Being Board or its equivalent;
 - 8.2.17. to authorise officers to exercise powers of entry in relation to the Director of Public Health delegated functions and responsibilities;
 - 8.2.18. to authorise the issue of statutory notices, licenses and permissions in relation to the Director of Public Health delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate;
 - 8.2.19. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Director of Public Health delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Monitoring Officer as appropriate.
- 8.3. Pursuant to the cascade principle (at para 1.5 above) the Director of Public Health hereby delegates such of the above functions (interpreted in their widest sense) to the following Assistant Directors (and equivalents; to include any and all Deputy Directors, Deputy Service Directors, and Deputy Statutory Officers) commensurate with their duties and responsibilities and the Director of Public Health shall have oversight of the functions and responsibilities so delegated to them:
- 8.3.1. Assistant Director Public Health.

9. Powers delegated to the Monitoring Officer (Assistant Director Law and Governance)

9.1. Subject to compliance with legislation and the Constitution:

- 9.1.1. to act as Solicitor to the Council and designated Monitoring Officer in accordance with the relevant provisions of the Local Government and Housing Act 1989 and [Article 12](#) of this Constitution;
- 9.1.2. To act as the Proper Officer for the purposes of the arrangements for the discharge of standards responsibilities, including maintaining the Register of Members' Interests and administering the complaints process for Member misconduct;
- 9.1.3. to authorise the institution, defence, withdrawal or compromise of any claims or legal proceedings whether civil or criminal and to authorise officers of the Council to appear before the Courts;
- 9.1.4. to attest the Common Seal of the Council on any legal documentation required to be executed under Seal, unless delegated by the Chief Executive to another named Officer(s);
- 9.1.5. to determine and issue general guidelines to members and officers on legal, procedural and probity issues and to liaise between Standards and Adjudication Committee, the Audit and Governance Committee and such

- other bodies as necessary and to hold all records and registers relating to conduct and probity issues;
- 9.1.6. to issue any statutory notice (unless another officer is exclusively empowered by law) which may be deemed necessary in the interests of the Council and to negotiate the terms of and to sign any document, lease, contract, licence or otherwise on behalf of the Council, unless delegated to another named officer or postholder;
 - 9.1.7. to exercise all functions relating to legal services, democratic services and HM Coroner for North and North East Lincolnshire;
 - 9.1.8. to have responsibility for partnership governance.
 - 9.1.9. to have oversight and lead responsibility for the Armed Forces Covenant statutory duty
 - 9.1.10. To act as the Council's Deputy Electoral Registration Officer by virtue of the Representation of the People Act 1983 and to carry out all duties and responsibilities under that office.
 - 9.1.11. to exercise all functions (save where otherwise specifically mentioned) in respect of civic and mayoral services; elections and electoral registration, and Registration and Celebratory Services;
- 9.2. to authorise the issue of statutory notices, licenses and permissions in relation to the Monitoring Officer's delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Executive Director Place and Resources as appropriate.
- 9.3. to authorise the withdrawal, review and cessation of any licenses, permissions or agreements in relation to the Monitoring Officer's delegated functions and responsibilities and subject to any limitations set out in the Constitution, acting in consultation with the Executive Director Place and Resources as appropriate
- 9.4. Pursuant to the cascade principle (at para 1.5 above) the Monitoring Officer hereby delegates such of the above functions (interpreted in their widest sense) to the Deputy Monitoring Officer, commensurate with their duties and responsibilities, and the Monitoring Officer shall have oversight of the functions and responsibilities so delegated.

10. Authority to authorise directed surveillance.

- 10.1. Only the Monitoring Officer and the Chief Executive (in consultation with the Monitoring Officer) shall be "Authorising Officers" for the purposes of authorising applications for directed surveillance.
- 10.2. Only the Monitoring Officer may delegate the authority to authorise directed surveillance to a named officer of at least "service manager level" where the Monitoring Officer is satisfied that the officer has completed the appropriate training.

APPENDIX 2**SCHEDULE 1****GOVERNANCE ARRANGEMENTS****PART 1 JOINT COMMITTEE HEALTH AND CARE – TERMS OF REFERENCE**

(PURSUANT TO THE SECTION 75 AGREEMENT MADE BETWEEN NORTH EAST LINCOLNSHIRE COUNCIL AND HUMBER AND NORTH YORKSHIRE INTEGRATED CARE BOARD)

In this Schedule 2, words shall have the meaning set out in the main body of this Agreement and as set out in this Schedule 2. In the event of a conflict, the definitions in this Schedule 2 shall take precedence over the definitions in the main body of this Agreement.

If any part of this Schedule 2 conflicts with Law, it shall be deemed deleted, but that shall not affect the validity and enforceability of the rest of this Agreement.

1. BACKGROUND

- 1.1 The Partners have developed commissioning arrangements for the s75 Services as defined in the s75 Agreement.
- 1.2 The Partners have agreed to comply with the framework for making decisions as set out at Clause 4 of the s75 Agreement and have regard to the matters specified in paragraph 7.
- 1.3 This document describes the role and workings of the Joint Committee Health and Care.

2. ROLE OF THE JOINT COMMITTEE HEALTH AND CARE

- 2.1 The Joint Committee Health and Care will be responsible for:
 - 2.1.1 leading the development of the s75 arrangements in accordance with the Principles of Collaboration;
 - 2.1.2 oversight, strategic direction and leadership of the s75 arrangements and the development, implementation and on-going operation of the s75 Services which shall be documented in the Strategic Plan;
 - 2.1.3 receiving the Annual Strategic Plan Review and providing any necessary approvals;
 - 2.1.4 receive the Joint Committee Health and Care Quarterly Reports from the Pooled Fund Manager(s);
 - 2.1.5 receive reports and assurances from the HCCG;
 - 2.1.6 improving the Place population's health and wellbeing in line with Schedule 1 (Aims and Outcomes);
 - 2.1.7 receiving notifications as regards "high" residual risks in relation to the delivery of the Commissioning Plans;
 - 2.1.8 receiving notifications and assurances of actions taken to appropriately address any complaints in relation to the operation of the s75 arrangements;

- 2.1.9 monitoring and reviewing the effectiveness of the arrangements and making recommendations to the Partners (for example, in the event of any changes to legislation, developments in best practice or requirements imposed by or on the Partners) in relation to the s75 arrangements;
- 2.1.10 making recommendations to each of the Partners regarding budget and resources and by no later than early December in each year submitting these to the Partners for approval and each Partner's budget setting process;
- 2.1.11 agreeing the Financial Contributions to be included within each of the Commissioning Plans for each of the relevant financial years and where appropriate any variations to the same;
- 2.1.12 considering and agreeing redeployment, retention or apportionment of any projected or unplanned underspend in respect of a Pooled Fund;
- 2.1.13 co-operating with and participating in Overview and Scrutiny exercises of the Partners regarding the s75 Services and ensuring that the engagement and consultation obligations of the Partners are undertaken appropriately;
- 2.1.14 self-reviewing and reporting to the Partners on the operation and effectiveness of the Joint Committee Health and Care arrangements and the s75 Agreement at least every two years (having regard to Aims and Outcomes) and considering ways in which the arrangements can be developed and continuously improved; and
- 2.1.15 identifying, developing and approving appropriate methodologies to support further integration of the Partners so as to achieve the objectives of efficiency and value for money across the Partners as against the Aims and Outcomes.
- 2.1.16 responding to any questions or issues raised by either of the Partners or their statutory or governance committees

3. MEMBERSHIP

- 3.1 Each Partner will nominate three or more members (for the Council drawn from the Council's Cabinet and for the ICB drawn from the Place arrangements of the ICB or the wider ICB where this is considered necessary) to attend meetings of the Joint Committee Health and Care ("Joint Committee Health and Care Members") provided always that each Partner shall have an equal number of members.
- 3.2 Each Member will nominate a substitute member (for the Council drawn from the Council's Cabinet and for the ICB drawn from the Place arrangements of the ICB or the wider ICB where this is considered necessary) to attend meetings of the Joint Committee Health and Care in the event that a Member is unable to attend. The Nominated Substitute will be entitled to be considered a Member, where the Member is not personally present and do all the things which the appointing Member is entitled to do. In the event that Nominated Substitutes cannot be identified or cannot attend, the Partners shall rearrange the meeting at a time suitable for the Members.
- 3.3 The Partners will ensure that, except for urgent or unavoidable reasons, their respective Joint Committee Health and Care Members (or their Nominated Substitute) attend and fully participate in the meetings of the Joint Committee Health and Care .

4. STANDING

- 4.1 Joint Committee Health and Care Members shall at all times act in accordance with, and within the limits of, the powers and delegations accorded to them by law and the internal governance arrangements of their nominating Partner.

5. PRINCIPLES OF COLLABORATION

- 5.1 The partners collaborative efforts will be taken forward with a view to supporting equity for the local population, the sustainability of services and learning from one another to improve.
- 5.2 The Partners will have regard to the likely effects of their work on the health and well-being of Service Users living within NEL Place and outside of the area they serve and on the quality, efficiency and sustainability of services.
- 5.3 The Partners will aim to put Service Users first and work to deliver care to the communities they serve by focusing on population need.
- 5.4 The Partners will work to reduce inequalities, level up care and promote opportunities to address inequalities including those related to access and outcomes from services.
- 5.5 Given the increasing complexity of the health and care system, the Partners recognise the importance of establishing good relationships (based on a commitment to trust, honesty, collaboration, innovation and mutual support across stakeholders) within the health and care system locally and will work to develop and strengthen connections with community based services (such as primary care, mental health, social care, care homes and voluntary and community sector health and care providers) so they can safely manage care for people in the community.
- 5.6 The Partners commit to giving timely reasoned responses to proposals for collaboration between them and will consult with other parties before unilaterally taking any step related to or having a significant impact on current or planned collaborative activities.
- 5.7 The Partners recognise that their workforces are central to the achievement of their collaboration ambitions and will commit to optimising their combined workforce by identifying and solving problems and working as one team where possible.
- 5.8 Recognising the significant financial challenges confronting the health and care services the Partners will work together to deliver efficiencies while continuing to improve quality and will engage constructively with other stakeholders in developing system wide initiatives.

6. PROCEEDINGS OF THE JOINT COMMITTEE HEALTH AND CARE

- 6.1 Subject to the provisions of this paragraph, the Joint Committee Health and Care may regulate their proceedings as they see fit.
- 6.2 The Joint Committee Health and Care will meet at least quarterly, or more frequently if the Joint Committee Health and Care so requires.
- 6.3 The Partners have agreed that the chair of the Joint Committee Health and Care shall be the Executive Place Lead which shall be reviewed annually.
- 6.4 The Partners have agreed that the Place Director will deputise as chair the Joint Committee Health and Care meetings which shall be reviewed annually.
- 6.5 The resignation of a Member from their role with a Partner shall require resignation from the Joint Committee Health and Care and replacement of that Member with another Member in accordance with Paragraph 3.1 before the next meeting of the Joint Committee Health and Care.
- 6.6 Meetings of the Joint Committee Health and Care shall take place in public to facilitate open and transparent decision-making, save where statutory exceptions apply, consistent with Schedule 12A to the Local Government Act 1972.

- 6.7 For Joint Committee Health and Care meetings to be quorate, each of the Partners must be represented by three Members, or their Nominated Deputies. No decision may be taken at any Joint Committee Health and Care meeting unless a quorum is present.
- 6.8 Declarations and notifications of interests in relation to an item of scheduled or likely business must be made at the beginning of each meeting in accordance with the ICB's Constitution and Standards of Business Conduct / Conflicts of Interest policies (ICB Joint Committee Health and Care Members) or the Council's Constitution and Members Code of Conduct (Council Joint Committee Health and Care Members), together with NHS England statutory guidance on managing conflicts of interest. The chair shall be responsible for ensuring the management of conflict of interest at each meeting of the Joint Committee Health and Care.
- 6.9 Joint Committee Health and Care meetings may (where the Partners governance allows) take place remotely by telephone or video conference, provided each Member participating is able to speak to each of the others, and to be heard by each of the others simultaneously.
- 6.10 Each Joint Committee Health and Care Member will have an equal say in discussions and will look to agree recommendations in line with the Principles of Collaboration.

7. DECISION MAKING WITHIN THE JOINT COMMITTEE HEALTH AND CARE

- 7.1 The Joint Committee Health and Care must comply with the framework for making decisions as set out at Clause 4.15 of the s75 Agreement and have regard to the matters specified in this paragraph.
- 7.2 Recognising that some decisions may not be of obvious benefit to or impact directly upon the Partners, when making decisions at Joint Committee Health and Care meetings Joint Committee Health and Care Members shall have regard to the need to invest in a sustainable system of health and care which is in the best interests of the wider population, and act in accordance with the Principles of Collaboration.
- 7.3 The Joint Committee Health and Care will seek to make decisions on a consensus basis.

8. INVOLVEMENT AND ATTENDANCE OF THIRD PARTIES AT JOINT COMMITTEE HEALTH AND CARE MEETINGS

- 8.1 The Joint Committee Health and Care may have regard to the impact of its work on the Partners (outside of the s75 Agreement), the wider Humber and North Yorkshire Health and Care Partnership parties and other partners and potential partners outside of partnership (together, "stakeholders") and the work of those stakeholders on the s75 arrangements. It may give consideration to involving stakeholders in specific items of business to be considered at Joint Committee Health and Care meetings.
- 8.2 The Joint Committee Health and Care may invite any person to attend but not take part in making decisions at meetings of the Joint Committee Health and Care.

9. ADMINISTRATION OF THE JOINT COMMITTEE HEALTH AND CARE

- 9.1 The administration of Joint Committee Health and Care meetings, including the provision of any governance advice, maintaining the register of interests, the preparation of minutes, and decision notices will be provided by the ICB or, in exceptional circumstances, the Council.
- 9.2 Agendas for meetings will be determined by the Executive Place Lead in consultation with the deputy chair.
- 9.3 No matters shall be considered which are not included in the agenda for the meeting unless this is agreed by the chair and the Executive Place Lead. The reason for urgency shall be minuted.

- 9.4 At least 10 clear working days prior to a meeting of the Joint Committee Health and Care:
 - 9.4.1 notice of the time and place of the intended meeting shall be published by the Partners; and
 - 9.4.2 an invitation to attend the meeting shall be sent in writing (email permitted) to each Joint Committee Health and Care Member and any other stakeholders.
- 9.5 Papers for each meeting will be sent by email to Joint Committee Health and Care Members no later than five clear working days prior to the meeting. By exception, and only with the agreement of the Chair or Executive Place Lead, acting reasonably, amendments to papers may be tabled before the meeting.
- 9.6 The draft minutes of each Joint Committee Health and Care meeting will be circulated promptly to all Joint Committee Health and Care Members as soon as reasonably practical after the date of the meeting to ensure their inclusion in the agenda of each of the Partners' respective Cabinet and Board meetings. The Chair of the meeting will be responsible for approving the first draft set of minutes for circulation to members.
- 9.7 The Joint Committee Health and Care will prepare an annual report to the respective Cabinet and Board of each of the Partners (and any other statutory or other committees as notified by that Partner).

10. REVIEW

- 10.1 The Joint Committee Health and Care will review these Terms of Reference at least annually and provide a report to the Partners.

The Greater Lincolnshire Combined County Authority Protocol for the Exercise of Concurrent Functions and Associated Statutory Consents

Parties

1. **THE GREATER LINCOLNSHIRE COMBINED COUNTY AUTHORITY**, care of County Offices, Newland, Lincoln, Lincolnshire, LN1 1YL (“Combined County Authority”).
2. **LINCOLNSHIRE COUNTY COUNCIL**, of County Offices, Newland, Lincoln, Lincolnshire, LN1 1YL.
3. **NORTH LINCOLNSHIRE COUNCIL**, of Church Square House, 30-40 High Street, Scunthorpe, North Lincolnshire, DN15 6NL
4. **NORTH EAST LINCOLNSHIRE COUNCIL**, of Municipal Offices, Town Hall Square, Grimsby, North East Lincolnshire, DN31 1HU.

Each a **party** together the **parties**, and the parties (2) to (4) above collectively the “**Constituent Councils**” of the Combined County Authority.

1. Background and Introduction

- 1.1 The Greater Lincolnshire Combined County Authority Regulations 2025 made on 4 February 2025 (“the 2025 Regulations”) provide for:
 - the election of a mayor for the area of the Combined County Authority (“Mayor”) from May 2025,
 - the following functions to be conferred on the Combined County Authority:
 - functions of Homes England relating to housing and regeneration (to be exercised concurrently with Homes England),
 - functions in relation to the designation of a Mayoral Development Area (MDA) and establishing a Mayoral Development Corporation (to be exercised by the Mayor),
 - functions in relation to local passenger transport services including grants to bus service operators,
 - Power to pay grants (exercisable concurrently with a Minister of the Crown).
 - functions in relation to Business Rates Supplements (to be exercised by the Mayor),
 - functions of the Constituent Councils to be exercised concurrently by the Combined County Authority relating to:
 - housing, regeneration and planning, and
 - transport (including in relation to highways functions: permit schemes and civil enforcement of road traffic contraventions; and in relation to local transport functions: bus ticketing schemes and concessions, and workplace parking levy licensing schemes).
 - the provision for protection or improvement of public health

Concurrent Functions

- 12 The tables of functions in **Part 3** of the Constitution sets out each function (that is, power or duty) of the Combined County Authority (including a function exercisable by the Mayor) conferred by the 2025 Regulations. This table includes detail of whether functions are exercisable concurrently with the Constituent Councils (a “Concurrent Function”) and whether that concurrency is continuing or available for the duration of the transition period (“a Transitional Concurrent Function”).
- 13 Under the 2025 Regulations, if there is:
- no transfer of any Concurrent Function to the Combined County Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
 - no requirement for the joint exercise of any Concurrent Function by the Combined County Authority with Constituent Councils – that is, that they are not required to act together, and
 - no requirement for a Constituent Council to involve, consult or seek the consent of the Combined County Authority in relation to the exercise of any Concurrent Function by a Constituent Council.
- 14 That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2025 Regulations.
- 15 For the duration of the Transition Period, a Transitional Concurrent Function, the statements set out at 1.3 and 1.4 are applicable. It is envisaged that the exercise of Transitional Concurrent Functions by the Combined County Authority and the Constituent Councils will be governed by an Inter-Authority Agreement which will set out the detailed position in relation to the transition of transport functions to the CCA.

Statutory Consents

- 16 The 2025 Regulations provide that the Combined County Authority’s exercise of specified functions is subject to a consent provision, (“Statutory Consent”), to safeguard the Constituent Councils’ role in local decision-making and delivery.

Aim of this Protocol

- 17 The aim of this protocol is to promote:
- **co-operation** and **collaboration** between the Combined County Authority and the Constituent Councils in a spirit of partnership,
 - **transparency** of roles and processes to engender mutual trust and confidence, and
 - the **best use of resources** through co-ordination and reducing duplication between the parties.
- 18 The Combined County Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.
- 19 The Combined County Authority is committed to on-going engagement with Constituent and Non Constituent Councils about all aspects of its work. This includes engagement about how the Combined County Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

Miscellaneous

1. 10 For the functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (Duty to prepare an assessment of economic conditions)), the 2025 Regulations provide that a Constituent Council’s duty to exercise the Concurrent Function is met when the Combined County Authority carries it out. This means that provided the Combined County Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.

1. 11 The 2025 Regulations provide for a Statutory Consent in relation to some functions of the Combined County Authority which are to be exercised by the Mayor, including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended that this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
1. 12 It is envisaged that in any matters relevant to a Mayoral Development Corporation or any other like body, the principles of this protocol shall be applied.
1. 13 Where the Combined County Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined County Authority and Constituent Council may agree a bespoke protocol to govern the way the Combined County Authority exercises that Concurrent Function. In particular, it is anticipated that for the purpose of concurrency of transport functions, an Inter Authority Agreement may be agreed between the Constituent Councils and the Combined County Authority to govern the use and transition of functions in the transition period.
1. 14 This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
1. 15 This protocol does not address the **scrutiny** of the Combined County Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

2. *Concurrent Functions – Underlying Principles*

- 21 This protocol sets out how the Combined County Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit. The Combined County Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined County Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).
- 22 The Combined County Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 23 The Combined County Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined County Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010.
- 24 The Combined County Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary** to the exercise of the Concurrent Function by any Constituent Council.
- 25 Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined County Authority and each Constituent Council agree to **share any information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.
- 26 The parties will consult with each other before **approving, varying or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined County Authority or any Constituent Council.
- 27 The Combined County Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined County Authority.

- 28 The Combined County Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined County Authority.
- 29 It is anticipated that the areas in which it is anticipated that the Combined County Authority will exercise concurrent functions will be identified early as part of the decision making processes. This will enable early engagement and discussion with the Constituent Councils before the formal consultation stage under this protocol.

3. *Concurrent Functions: Consultation with Constituent Councils*

- 31 The Combined County Authority will consult the Constituent Councils about any proposal by the Combined County Authority to exercise any Concurrent Function, except where the Constituent Councils have agreed that no consultation is required.
- 32 The Chief Executive of the Combined County Authority will also notify the relevant Constituent Council Chief Executive (or their nominee) of any proposal to exercise a Concurrent Function which would require a Key Decision by the Combined County Authority as soon as practicable, and in any event before any Key Decision notice is published by the Combined County Authority in relation to exercising the Concurrent Function, and unless the Constituent Council Chief Executive (or their nominee) agrees that no consultation is required, the Combined County Authority will then proceed to consult the relevant Constituent Council in the manner set out in 3.3 and 3.4 below about such proposal.
- 33 The Chief Executive will consult the Chief Executive (or their nominee) of any relevant Constituent Council as soon as reasonably practicable about the proposed exercise of any Concurrent Function, including the commencement date/projected timescales and the manner in which it is to be exercised
- 34 Such consultation shall be fair and carried out with adequate notice for responses which must be conscientiously considered by the Combined County Authority with a view to reaching agreement on the exercise of the Concurrent Function.

4. *Statutory Consents: Procedure*

- 41 There are two ways in which the 2025 Regulations require consent relating to the Constituent Councils. These are either:
- The consent of the lead member of a Constituent Council, or
 - The consent of the Constituent Council
- 42 The 2025 Regulations also provide for circumstances in which the consent of a district, city or borough council Authority are required.
- 43 The 2025 Regulations provide for any **Statutory Consent** of lead members **to be given at a meeting of the Combined County Authority**. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined County Authority, and any consent will be duly recorded in the minutes of the meeting.
- 44 Where Statutory Consent is required from a Constituent Council, the Combined County Authority will seek that Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 45 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined County Authority who may provide a Statutory Consent, the Combined County Authority's Chief Executive will **notify the Chief Executive** of each relevant Constituent

Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Constituent Council Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

- 46 In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined County Authority agrees that this is subject to the Combined County Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.
- 4.7 Where Statutory Consent is required from a district or borough council the Combined County Authority will seek that Statutory Consent in a timely way. To facilitate this, the Combined County Authority will engage as soon as reasonably possible with the relevant council. A notice of the request for Statutory Consent (Statutory Consent Request Notice) shall be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 48 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the Council who may provide a Statutory Consent, the Combined County Authority's Chief Executive will notify the Chief Executive of the relevant Council as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

5. *Dispute Resolution*

- 51 The Combined County Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 52 Any dispute between the Combined County Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Chief Executive of the Combined County Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.
- 53 In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined County Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required.

6. *Review*

The Combined County Authority agree to review this protocol **annually**, and before any additional concurrent functions which may be conferred on the

Combined County Authority in the future by any other Regulations which are exercisable by the Combined County Authority.

The Combined County Authority and the Constituent Councils may revise this protocol from time to time, provided such **revisions** are **agreed in writing** by the Chief Executive of the Combined County Authority and the Chief Executives of each Constituent Councils.

In adopting this protocol, the Council authorises its duly appointed Lead Member to the Greater Lincolnshire Combined County Authority to give statutory consent to the exercise of those functions requiring such statutory consent in accordance with the Greater Lincolnshire Combined County Authority Regulations 2025.