

Part 3: Responsibility for Functions

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Section I: Functions Reserved to the Council

Table 1A : Functions for Which the Council Must Be Responsible by Law

1. This table sets out those functions, which the Council must be responsible for by law. It shows
 - which functions it will carry out itself
 - which of its functions are the responsibility of committees
 - which of its functions are delegated to officers to exercise
2. Where a function is the responsibility of a committee but is to be exercised by an officer
 - the committee may determine to take such action in the exercise of the function as it deems fit in relation to any particular matter at any time before any such action has been taken by the officer but the Committee may not rescind the officers delegation generally
 - the officer shall be accountable to the Committee for any action taken in accordance with his or her delegated authority
3. Where a function is to be exercised by any officer in consultation with any other person, the responsible officer's decision shall be final
4. Where any function is delegated to two or more officers or members acting jointly, no action shall be taken unless they are unanimous. If they are not unanimous, the matter shall be referred to the responsible committee for determination.

Function	Responsible Committee	Delegation to Officer
Adopting and changing the Constitution	--	City Solicitor (minor amendments such as changes in job titles/responsibilities or mandatory changes in legislation)
Approving or adopting the policy framework, the budget and any application for Housing Land Transfer	--	--
Appointment of the Leader	--	--
Agreeing and/or amending the terms of reference for committees	--	--
<p>To be responsible in so far as such powers can lawfully be discharged by an officer of the authority under section 101 of the Local Government Act 1972</p> <p>(1) all non – executive powers currently delegated to any committee or sub – committee of the Council and</p> <p>(2) allocates to the Chief Executive under Section 15 (2) of the Local Government Act 2000 all executive powers which are currently reserved to the Leader, the Executive or any member of the Executive.</p> <p>Such delegation and allocation to only continue until the Council appoints a Leader, an Executive and/or Committee capable of discharging those functions.</p>		Chief Executive and any officer authorised by the Chief Executive who can discharge such functions following consultation with relevant members of the authority
Appointing representatives to outside bodies	--	--
Adopting an allowance scheme as prescribed for in Article 2	--	--

Function	Responsible Committee	Delegation to Officer
Changing the name of the area	--	--
Conferring the freedom of the borough on Citizens of the City of Lincoln	--	--
Confirming the appointment of the Head of Paid Service	--	--
Duty to designate officer as the monitoring officer and to provide staff, etc	--	--
Duty to approve authority's statement of accounts, income and expenditure and balance sheet, or record of payments and receipts (as the case may be)	--	--
Making, amending, revoking, re-enacting or adopting byelaws	--	--
Promoting or opposing the making of local legislation or personal Bills in Parliament	--	--
Appointment of Review Boards	--	--
Passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply to the area	--	--
Duty to appoint an electoral registration officer	--	--
Power to assign officers in relation to requisitions of the registration officer	--	Chief Executive
Duty to appoint returning officer for local government elections	--	--
Duty to divide constituency into polling districts		Chief Executive
Power to pay expenses properly incurred by electoral registration officers	--	Chief Executive
Duty to declare vacancy in office in certain cases	--	Chief Executive

Function	Responsible Committee	Delegation to Officer
Duty to give public notice of a casual vacancy	--	Chief Executive
Power to determine fees and conditions for supplies of copies, or extracts from, election documents	--	Chief Executive
Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000	--	--
Power to appoint staff	--	All Chief Officers in accordance with the General Delegations set out in Section 4 except where the Officer Employment Procedure Rules provide otherwise
Power to determine the terms and conditions on which staff hold office (including procedures for their dismissal) but excluding remuneration	--	
Power to sign off Local Agreements in relation to Terms and Conditions	Employee JCC	-
Power to delete vacant established posts of employment.	Executive	Chief Executive in consultation with the Leader and the relevant Portfolio Holder
Power to make procedure rules as to contracts	--	--

Function	Responsible Committee	Delegation to Officer
Power to make payments or provide other benefits in cases of maladministration, etc	--	--
Power to appoint proper officers	--	--
Duty to make arrangements for proper administration of financial affairs, etc	--	--
Power to appoint Independent Person(s) in relation to Ethics and Engagement Committee and member code of conduct	--	--

Function	Responsible Committee	Delegation of Function
<p>Power to approve planning and related applications (planning, listed building, conservation area consent and advertisement applications).</p>	<p>Planning Committee</p>	<p>Strategic Director – Communities and Environment and Planning Manager except where the application –</p> <ul style="list-style-type: none"> • is a significant departure from the Local Plan or conflicts with the policies and proposals of that Plan, unless the principle of such development has been accepted. • Materially conflicts with Council or national policies and guidelines. • Has resulted in a request being received from a Member of the Council for the matter to be referred to the Planning Committee. • Has resulted in four or more objections from separate addresses being received in writing (for clarification, a petition and/or a bundle of standard

Function	Responsible Committee	Delegation of Function
		<p>letters shall be regarded as one objection) unless the matters raised have been satisfied by the imposition of conditions or receipt of amended plans or relate only to non-planning matters.</p> <ul style="list-style-type: none"> • Has resulted in a significant objection from a technical consultee. • Is for development by the local authority (this does not include prior approval applications and certificate of lawfulness applications when the application relates to land owned by the City of Lincoln Council)

Function	Responsible Committee	Delegation of Function
		<p>OR,</p> <ul style="list-style-type: none"> Strategic Director – Communities and Environment or Planning Manager decide not to exercise the delegation eg because the application site has a significant or controversial planning history or previous Committee consideration.
Power to refuse planning and related applications where the information submitted is inadequate for the merits of proposals to be properly considered and determined.	Planning Committee	Strategic Director – Communities and Environment or Planning Manager
Power to refuse planning and related applications which are, in the opinion of the Planning Manager, contrary to the Council's adopted policies or SPD	Planning Committee	<p>Strategic Director – Communities and Environment and Planning Manager except where an application:</p> <ul style="list-style-type: none"> Has resulted in four or more letters of support from separate addresses (for clarification, a petition and/or a bundle of

Function	Responsible Committee	Delegation of Function
		<p>standard letters shall be regarded as one objection);</p> <ul style="list-style-type: none"> • Has resulted in a request being received from a Member of the Council for the matter to be referred to the Planning Committee • Is for development by the local authority <p>OR</p> <ul style="list-style-type: none"> • Strategic Director – Communities and Environment or Planning Manager decide not to exercise the delegation.
<p>In respect of agricultural and telecommunications development permitted by the Town and Country Planning (General Permitted Development) Order 1995, the power:</p> <ul style="list-style-type: none"> • To determine whether to request further details of proposals. • The approval of submitted details, provided that if objections have been received, consultation is undertaken with the Chairman and Vice-Chairman of the Planning Committee. • Refusal of submitted details, whether or not objections have been received from third parties. 	Planning Committee	Strategic Director – Communities and Environment and Planning Manager

Function	Responsible Committee	Delegation of Function
To make determinations as to whether planning permission is required, subject to consultation with the Legal and Democratic Services Manager	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To issue certificates of lawful use, subject to consultation with the Legal and Democratic Services Manager.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To agree and adopt screening opinions with regard to the need for Environmental Impact Assessments and scoping opinions with regard to matters to be included in Environmental Statements.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To decline to determine applications for planning permission where a previous application has been dismissed on appeal and there has been no change in circumstances.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine applications for hazardous substances consent and related powers	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine submissions for approval in respect of planning conditions	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine applications for minor material amendments and non – material amendments	Planning Committee	Strategic Director – Communities and Environment and Planning Manager

Function	Responsible Committee	Delegation of Function
To agree or refuse to accept amendments to planning applications prior to determination.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To give observations upon proposals for developments by Government Departments, Statutory Undertakers, the Health Authority, Regional Water Company and other local authorities.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To enter into agreements (including amendments to existing agreements) regulating development or use of land under Section 106 Town and Country Planning Act 1990 (joint delegation with Legal and Democratic Services Manager), to take enforcement action against a breach of a Section 106 agreement, subject to consultation with Legal and Democratic Services Manager and agreement of the Chairman of Planning Committee, to agree the appropriate spend of any monies received under a Section 106 agreement and to implement the Council's Community Infrastructure Levy Charging Schedule.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager in consultation with the Legal and Democratic Services Manager.
To authorise the making, but not confirmation (this lies with Planning Committee), of provisional Tree Preservation Orders.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
To determine applications for works to trees included in a Tree Preservation Order or in a Conservation Area or protected by a planning condition.	Planning Committee	Strategic Director – Communities and Environment and Planning Manager

Function	Responsible Committee	Delegation of Function
To determine applications under the Hedgerow Regulations	Planning Committee	Strategic Director – Communities and Environment and Planning Manager
<p>Authority to :</p> <ul style="list-style-type: none"> • Issue a Planning Contravention Notice • Issue a Section 16 and Section 330 Request for Information • Carry out Formal Cautions • Issue a Breach of Condition Notice <p>Authority to :</p> <ul style="list-style-type: none"> • Issue a Temporary Stop Notice • Prosecution for non-compliance with a temporary Stop Notice • Issue a Stop Notice <p>Authority to serve or institute</p> <ul style="list-style-type: none"> • Fly posting prosecutions • Prosecution for non – return of Planning Contravention Notice • Prosecution for non – compliance with a Breach of Condition Notice • An Enforcement Notice 	<p>Planning Committee</p> <p>Planning Committee</p> <p>Planning Committee</p>	<p>Strategic Director – Communities and Environment and Planning Manager following consultation and agreement with the Chair of the Planning Committee and the Legal and Democratic Services Manager.</p> <p>Strategic Director – Communities and Environment and Planning Manager following consultation and agreement with the Chair of the Planning Committee and the Legal and Democratic Services Manager.</p> <p>Strategic Director – Communities and Environment and Planning Manager following consultation and agreement with the Chair of the Planning Committee and the Legal and Democratic Services Manager.</p>

Function	Responsible Committee	Delegation of Function
<ul style="list-style-type: none"> • A Section 215 Notice • Prosecution for non – compliance with a Section 215 Notice • Prosecution for Unauthorised Display of Advertisement • Notice for the removal of posters and placards and any structures displayed in contravention of the Advertisement Regulations • Prosecution for unauthorised work to a Conservation Area tree • Prosecution for unauthorised work to a tree covered by a Tree Preservation Order • Prosecution for unauthorised work to a Listed Building • Replanting tree notice • Prosecution for non-compliance with Section 16 and Section 330 Request for Information <p>To determine not to take enforcement action, either:</p> <ul style="list-style-type: none"> • Where there is no breach of planning control or, • Where the breach has not been regularised by submission of a planning application, but no or insufficient harm is considered to be caused by the unauthorised development to justify formal enforcement action. 	<p>Planning Committee</p>	<p>Strategic Director – Communities and Environment and Planning Manager except where it has resulted in a request being received from a Member of the Council for the matter to be referred to the Planning Committee.</p>

Function	Responsible Committee	Delegation of Function
Power to authorise entry onto land	Planning Committee	Relevant Chief Officer
All powers delegated to the Planning Committee and to the Planning Manager shall be delegated to the Planning Team Leader in the absence of the Planning Manager.	Planning Committee	Planning Team Leader
To determine the content of the Brownfield Land Register (Parts 1 and 2)	Planning Committee	--
Power to issue licences authorising use of land as a caravan site ("site licences")	Licensing Committee	Strategic Director – Communities and Environment
Power to licence the use of moveable dwellings and camping sites	Licensing Committee	--
Power to licence Hackney Carriages and Private Hire vehicles	Licensing Committee	Strategic Director – Communities and Environment
Power to licence drivers of Hackney Carriages and Private Hire vehicles	Licensing Committee	Strategic Director – Communities and Environment
Power to licence operators of Hackney Carriages and Private Hire vehicles	Licensing Committee	Strategic Director – Communities and Environment
Power to licence sex shops and sex cinemas	Licensing Committee	Strategic Director – Communities and Environment
Power to licence performances of hypnotism	Licensing Committee	
Power to licence premises for acupuncture, tattooing, ear-piercing and electrolysis	Licensing Committee	

Function	Responsible Committee	Delegation of Function
Power to licence pleasure boats and pleasure vessels	Licensing Committee	
Power to grant consent for street trading	Licensing Committee	Strategic Director – Communities and Environment
Power to register and licence premises for the preparation of food	Licensing Committee	Strategic Director – Communities and Environment
Registration of premises for the preparation of fish	Licensing Committee	Strategic Director – Communities and Environment
Power to register scrap metal dealers	Licensing Committee	Strategic Director – Communities and Environment and Legal and Democratic Services Manager
Power to determine applications under the Building Regulations	Licensing Committee	Strategic Director – Communities and Environment
Power to enforce the Building Regulations	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Power to issue dangerous structure notice	Licensing Committee	Strategic Director – Communities and Environment
Power to issue demolition notices	Licensing Committee	Strategic Director – Communities and Environment
Power to issue, amend or replace safety certificates (whether general or specific) for sports grounds	Licensing Committee	Strategic Director – Communities and Environment
Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds	Licensing Committee	Strategic Director – Communities and Environment
Power to issue fire certificates	Licensing Committee	Strategic Director – Communities and Environment
Power to licence pet shops	Licensing Committee	Strategic Director – Communities and Environment
Power to licence establishments where animals are bred or kept for the purposes of carrying on a business (Dogs, cats and horse riding establishments)	Licensing Committee	Strategic Director – Communities and Environment
Power to register animal trainers and exhibitors	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Powers to licence zoos	Licensing Committee	Strategic Director – Communities and Environment
Power to licence dangerous wild animals	Licensing Committee	Strategic Director – Communities and Environment
Power to licence persons to collect for charitable and other purposes	Licensing Committee	Strategic Director – Communities and Environment
Power to grant consent for the operation of a loudspeaker	Licensing Committee	Strategic Director – Communities and Environment
Power to approve meat product premises	Licensing Committee	Strategic Director – Communities and Environment
Power to approve premises for the production of minced meat or meat preparations	Licensing Committee	Strategic Director – Communities and Environment
Power to approve dairy establishments	Licensing Committee	Strategic Director – Communities and Environment
Power to approve egg product establishments	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready to eat foods	Licensing Committee	Strategic Director – Communities and Environment
Power to approve fish products premises	Licensing Committee	Strategic Director – Communities and Environment
Duty to keep register of food business premises	Licensing Committee	Strategic Director – Communities and Environment
Power to register food business premises	Licensing Committee	Strategic Director – Communities and Environment
Health and Safety and welfare functions in connection with work, and control of dangerous substances to the extent that those functions are discharged otherwise than in the authority's capability as an employer	Licensing Committee	Strategic Director – Communities and Environment
The promotion and maintenance of high standards of conduct within the Council in accordance with Article 9	Ethics and Engagement Committee	
To make recommendations on any policy or other matters affecting the terms and conditions on which staff hold office including disciplinary and grievance procedures	Employee JCC	
To monitor and review the effectiveness of the Council's health and safety at work policies and to make recommendations on any matters relating to health and safety at work in respect of employees of the City Council	Employee JCC	

Function	Responsible Committee	Delegation of Function
To consider appeals against dismissal grading and grievances by employees of the Council	Personnel Appeals Panel	
To determine appeals from any decision of the Director of Housing and Regeneration taken under powers delegated to him/her under Table IIC below (other than any decision to issue a notice of seeking possession or to take any subsequent steps in the County Court.	Housing Appeals Panel	
Power to grant Premises Licences/Club Premises Certificate	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Personal Licences	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Temporary Licences	Licensing Committee	Strategic Director – Communities and Environment
Power to register societies or individuals wishing to promote lotteries	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Premises Licences under the Gambling Act 2005	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Gaming Machines Permits	Licensing Committee	Strategic Director – Communities and Environment

Function	Responsible Committee	Delegation of Function
Power to grant Club Gaming Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Club Gaming Machine Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Prize Gaming Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Family Entertainment Centre Gaming Permit	Licensing Committee	Strategic Director – Communities and Environment
Power to grant Temporary Use Notice	Licensing Committee	Strategic Director – Communities and Environment
Power to determine minor variations made under Sections 41A and 86A of the Licensing Act 2003	Licensing Committee	Strategic Director – Communities and Environment

NB. Powers under the Licensing Act 2003 and Gambling Act 2005 are the responsibility of the Licensing Committee created under the Licensing Act 2003.

Table 1B: Functions Which May by Law Be the Responsibility of the Executive but Which Are Reserved to the Council

FUNCTION	DELEGATION TO COMMITTEE	DELEGATION TO OFFICER
<p>The following functions under the Lincoln City Council Act 1985</p> <ul style="list-style-type: none"> • Grazing of horses on the Commons • Parking on the Commons 	<p>Licensing Committee</p>	<ol style="list-style-type: none"> 1. Strategic Director – Communities and Environment in consultation with the Portfolio Holder for Recreational Services and Health be authorised to increase parking charges; 2. Strategic Director – Communities and Environment be authorised to agree the level of costs to be offset against income. 3. Strategic Director – Communities and Environment be authorised to issue licences to graze horses on the Commons

Section II: Executive Functions

Table 2A: Functions Which May by Law Be the Responsibility of the Council but Are the Responsibility of the Executive

Function	Delegation of Function
Functions relating to contaminated land	Strategic Director – Communities and Environment
Functions relating to pollution management and air quality	Strategic Director – Communities and Environment
Service of Abatement Notices	Strategic Director – Communities and Environment
Detection of Statutory Nuisance	Strategic Director – Communities and Environment
Obtaining information in respect of interest in land	All Chief Officers

Table 2B: Functions for Which the Executive Must Be Responsible by Law

All functions of the Council EXCEPT :

- 1. those set out in Table I AND**
- 2. the following functions in the following circumstances:**

FUNCTION	CIRCUMSTANCES
1. The adoption of any strategy or plan, other than a plan or strategy of a description referred to in regulation 4 (1) (b) or Schedule 3	The authority determines that the decision whether the plan or strategy should be adopted or approved should be taken by them
2. The determination of any matter in the discharge of a function which: <ol style="list-style-type: none"> (a) is the responsibility of the executive; and (b) is concerned with the authority's budget, or their borrowing or capital expenditure 	<p>The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made:</p> <ol style="list-style-type: none"> (a) is minded to determine the matter contrary to, or not wholly in accordance with: <ol style="list-style-type: none"> (i) the authority's budget; or (ii) the plan or strategy for the time being approved or adopted by the authority in relation to their borrowing or capital expenditure; and (b) is not authorised by the authority's executive arrangements, financial regulations, standing orders or other rules or procedures to make a determination in those terms
3. The determination of any matter in the discharge of a function— <ol style="list-style-type: none"> (a) which is the responsibility of the executive; and (b) in relation to which a plan or strategy (whether statutory or non-statutory) has been adopted or approved by the authority 	The individual or body by whom, by virtue of any of sections 14 to 17 of the Local Government Act 2000 or provision made under section 18 or 20 of that Act, the determination is to be made, is minded, to determine the matter in terms contrary to the plan, or, as the case may be, the strategy adopted or approved by the authority.

Table 2C: Delegations of Responsibility for Executive Functions to Officers

This table sets out the functions of the Executive which are delegated to officers. The Officer to whom the power is delegated is accountable for the exercise of those powers the primary responsibility in relation to the functions assigned to him or her, but a delegation may also be exercised by any officer designated as the other authorised officer in respect of that function.

CHIEF EXECUTIVE		Authorised Officer
1	To be the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989	Chief Executive (CX)
2	To be the Returning Officer (including Acting and Deputy) for local, County, (combined county authority) mayoral, and parliamentary elections	CX
3.	To be the Electoral Registration Officer for the City of Lincoln	CX
4	In accordance with the provisions of the Local Government (Committees and Political Groups) Regulations 1990, to determine the overall allocation of seats to Groups resulting from the application of rounding.	CX or the Council's Monitoring Officer
5	To take all such action and proceedings and to sign all such directions, notices applications or other process in relation to Sections 77, 78 and 79 of the Criminal Justice and Public Order Act 1994 as deemed to be necessary and appropriate on behalf of the Council.	City Solicitor
6	To take all such action and proceedings and to sign all such directions, notices, applications or other process in relation to obtaining possession of any part of the Council's land holding from unauthorised campers, travellers and other trespassers as are deemed to be necessary and appropriate on behalf of the Council.	City Solicitor
7	To agree Building Society variations to mortgage of property subject to "Right to Buy" provisions.	City Solicitor in consultation with the Chief Finance Officer
8	To postpone the discount charge for all organisations specified by Section 156 of the Housing Act 1985 and any other financial organisation where the mortgagor account has not been conducted satisfactorily.	City Solicitor in consultation with the Chief Finance Officer

CHIEF EXECUTIVE		Authorised Officer
9	To approve the transfer of mortgaged property in circumstances covered by the exemption provisions of the Housing Act 1985 or as a result of family circumstances	City Solicitor in consultation with the Chief Finance Officer
10	To be responsible for the sealing of legal documentation.	City Solicitor / Legal and Democratic Services Manager
11	To make and account for appropriate deductions from pay and to make appropriate employer contributions in respect of income tax, national insurance and the superannuation fund.	HR/WBL Manager

		Other Authorised Officer
12	To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, Section 141 of the Local Government Finance Act 1988 and Section 6 of the Local Government and Housing Act 1989.	Chief Finance Officer
13	To report on apparent unlawful expenditure, unlawful action causing loss or deficiency, or unlawful items of account in accordance with Section 114 of the Local Government Finance Act 1988.	Chief Finance Officer in consultation with the Monitoring Officer
14	To operate the Council's bank account(s) including confirmation of alterations to authorised signatory lists of agents.	Chief Finance Officer
15	To exercise the Council's statutory borrowing powers to finance capital and revenue expenditure pending the receipt of income and the lawful investment of surplus cash and external funds.	Chief Finance Officer
16	To sign all necessary claim forms and certificates in respect of any grants or other funds payable to the Council under any statutory or other powers.	Chief Finance Officer
17	To negotiate with the Council's external auditor on the level and type of audit resources required to carry out the statutory and management of the audit requirements of the Council.	Chief Finance Officer
18	To maintain adequate insurance cover on behalf of the Council and to negotiate the settlement of any claims arising either with the Council's insurers or their appointed agents.	Chief Finance Officer
19	To write off irrecoverable amounts below £5000 in respect of outstanding Council Tax, Business Rates, the Business Improvement District Levy, Sundry Debtors, Housing Benefit Overpayments. Current Rent and Former Tenants Arrears for any of the following reasons:- <ul style="list-style-type: none"> a) bankruptcy, liquidation or insolvency b) whereabouts of the debtor unknown c) the debtor has deceased and there are no funds available to pay the outstanding debt d) debts are out of time e) small balances which are uneconomic to collect 	All Assistant Directors within the Chief Executive's Directorate

		Other Authorised Officer
20	To accept interest only payments in respect of outstanding mortgage loans where not to do so would cause undue hardship; such arrangements to run for a period of one year at a time, until the property is sold or until the mortgagor is no longer in receipt of income support benefit, whichever is the sooner.	Chief Finance Officer
21	To terminate leases and licences, including issuing Notices to Quit and Notices under the provisions of the Landlord and Tenant Act 1954, where possession is required by the Council for an approved purpose	City Solicitor/Legal and Democratic Services Manager
22	To make Ex Gratia payments in respect of claims for compensation	Chief Finance Officer
23 (a)	In the absence of the Chief Finance Officer, to undertake any of the powers delegated to the Chief Finance Officer by the Council or another related body.	Financial Services Manager
23 (b)	To nominate another postholder to carry out the duties of Chief Finance Officer in the absence of the Financial Services Manager.	Chief Finance Officer
23 (c)	In the absence of the Chief Finance Officer, to nominate another postholder to carry out the duties of the Chief Finance Officer and the Financial Services Manager.	Financial Services Manager
24	To authorise applications to the Magistrates' Court before the provisions of the Regulation of Investigatory Powers Act 2000 can be used to access: <ul style="list-style-type: none"> • Communications data; or • Authorise directed surveillance; or • A Covert Human Intelligence Source 	City Solicitor or Legal and Democratic Services Manager
25	To be the Council's Corporate Property Officer.	Strategic Property Manager
26	To dispose of land provided that: <p>(a) The relevant land has been declared surplus to the Council's requirements by the Executive or a sub committee thereof</p>	Strategic Property Manager or Chief Finance Officer

		Other Authorised Officer
	(b) the disposal is certified by a Fellow or Associate of the R.I.C.S. as being for the best consideration	
	(c) the disposal is carried out in accordance with the requirements of the Contracts Procedure Rules	
27	To approve requests for the assignment of Leases and changes of use of land or premises	Strategic Property Manager or Chief Finance Officer
28	To negotiate and settle Rent Reviews	Strategic Property Manager
29	To negotiate and agree terms for Annual Grazing Rights	Strategic Property Manager
30	To agree terms for Licences and Wayleaves affecting Council land	Strategic Property Manager
31	To approve miscellaneous short-term lettings	Strategic Property Manager
32	To negotiate and agree terms for the renewal of leases and licences	Strategic Property Manager
33	To approve or refuse requests for variations in and the surrender of leases	Strategic Property Manager
34	To negotiate terms to take a lease or licence of land or premises where a service need has been identified and budgetary provision made	Strategic Property Manager
35	To submit, offer and negotiate terms to acquire the freehold of land or premises relating to the General Fund or Housing Revenue Account, in consultation with the City Solicitor, Chief Finance Officer, Leader of the Council, Deputy Leader of the Council and Portfolio Holder for Economic Growth	Strategic Property Manager
36	To submit applications for planning permission, listed building consent and other necessary consents in respect of any works on Council land included in the approved capital or revenue programme	Strategic Property Manager
37	To enter into Agreements relating to the adoption of sewers on Council land	Strategic Property Manager

		Other Authorised Officer
38	To approve or refuse requests for variations in and the surrender of leases	Strategic Property Manager

STRATEGIC DIRECTOR – COMMUNITIES AND ENVIRONMENT

In the absence of the named authorised officer listed in the table below, the Strategic Director has authority to carry out all listed functions:

	<u>Other Authorised Officer</u>
<p>1 To authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Proper Officer, Alternative Proper Officers and Powers of Entry, under the following statutes and regulations and orders made thereunder, except where otherwise provided in this Constitution.</p> <p>Public Health Act 1936 Public Health Act 1961 Prevention of Damage by Pests Act 1949 Clean Air Act 1993 Local Government (Miscellaneous Provisions) Act 1976 Local Government (Miscellaneous Provisions) Act 1982 Rag, Flock and other Filling Materials Act 1951 Control of Pollution Act 1974 Building Act 1984 Food & Environment Protection Act 1985 Environment Act 1995 Water Act 1989 Water Industry Act 1991 Food Safety Act 1990 Public Health (Control of Diseases) Act 1984 Public Health (Infectious Diseases) Regulations 1988 Slaughter of Poultry Act 1967 National Assistance Act 1948 (as amended) The Agriculture (Miscellaneous Provisions) Act 1968 Natural Mineral Waters Regulations 1985 Health & Safety (Enforcing Authority) Regulations 1989 Sunday Trading Act 1994 Zoo Licensing Act 1981 Performing Animals Act 1925 The Control of Pesticides Regulations 1986 Criminal Justice and Public Order Act 1994 Health and Safety at Work Act 1974 Control of Asbestos Regulations 2012 Food Safety & Hygiene (England) Regulations 2013 The Energy Act 2011 Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015</p>	<p>Assistant Director (Health and Environmental Services)</p>

	<u>Other Authorised Officer</u>
<p>2 To appoint named Officers as Inspectors to exercise the powers of an inspector in:</p> <p>(i) Section 20 (2)(a) to (m) inclusive, Sections 21, 22 and 25 of the Health and Safety at Work Act 1974.</p> <p>(ii) Any Health and Safety Regulations.</p> <p>(iii) Any of the appropriate provisions of the Acts mentioned in Schedule 1 of the 1974 Act which are specified in the third column of the Schedule and of the Regulations, Order or other instruments of a legislative character made or having effect under any provisions so specified which may be in force from time to time.</p>	Assistant Director (Health and Environmental Services)
<p>3 To maintain a register of buildings with cooling towers and evaporative condensers.</p>	Assistant Director (Health and Environmental Services)
<p>4 To appoint named Officers to exercise the powers of an inspector under the Food Safety Act 1990 ('the Act') and the Food Safety & Hygiene (England) Regulations 2013:</p> <ul style="list-style-type: none"> • Section 9 of the Act (Inspection and Seizure of Suspected Food) • Regulation 6 hygiene improvement notices • Regulation 7 hygiene prohibition orders • Regulation 8 hygiene emergency prohibition notices and orders • Regulation 9 remedial action plans • Regulation 10 detention notices • Regulation 14 procurement of samples • Regulation 15 analysis etc of samples • Regulation 16 powers of entry • Regulation 29 food which has not been produced, processed or distributed in accordance with the Hygiene Regulations 	Assistant Director (Health and Environmental Services)
<p>5 To appoint such persons as necessary to act as inspectors within the provisions of Part 1 of the Environmental Protection Act 1990.</p>	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
<p>6 To appoint named Officers to act under the provisions of Part III of the Food and Environmental Protection Act 1985 and Control of Pesticides Regulations 1986 in respect of the advertisement, supply, sale, storage and use of pesticides except where the Health and Safety Executive (Enforcing Authority) Regulations 1989, and the use of pesticides in domestic premises by the occupier of those premises, provided such use does not form part of a work activity.</p>	Assistant Director (Health and Environmental Services)
<p>7 Subject to the availability of budgetary provisions to appoint in writing:</p> <p>(i) Under Section 19 of the Health and Safety at Work Etc Act 1974, any Specialist or Consultant as may be required as an inspector and to authorise such appointee to exercise such powers under Section 20 as may be required.</p> <p>(ii) any Specialist or Consultant as may be required to accompany an inspector pursuant to Section 20 (2) (c) (i) and to authorise such appointee to exercise such powers as may be required.</p>	Assistant Director (Health and Environmental Services)
<p>8 To act under the Water Act 1989 and Water Industry Act 1991.</p>	Assistant Director (Health and Environmental Services)
<p>9 To act under the Public Health (Control of Disease) Act 1984 and to carry out in appropriate circumstances the functions detailed in paragraph 3 of Schedule 3 and paragraph 3 of Schedule 4 of the Public Health (Infectious Disease) Regulations 1988.</p>	Assistant Director (Health and Environmental Services)
<p>10 To exercise the discretionary powers of the Council contained in the Control of Asbestos Regulations 2012.</p>	Assistant Director (Health Environmental Services)
<p>11 To agree that any notice required to be given by the Sunday Trading Act 1994 should take effect within a shorter period than that provided by the Act.</p>	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
12 To act and be responsible for the implementation of the procedures prescribed in Section 47 of the National Assistance Act 1948 as amended by the National Assistance (Amendment) Act 1951 in consultation with the Director of Housing and Investment.	Assistant Director (Health and Environmental Services)
13 To give a direction under Section 77 of the Criminal Justice and Public Order Act 1994 and to give notice of such a direction to those persons to whom the direction applies.	Assistant Director (Health and Environmental Services)
14 To make arrangements for the disposal of the remains of the deceased under Section 46 of the Public Health (Control of Diseases) Act 1984.	Assistant Director (Health and Environmental Services)
15 To obtain particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 and information under Section 19 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
16 In accordance with Section 140 of the Public Health Act 1936, to apply to the Magistrates Court for an Order to close or restrict the use of water from a polluted source of supply.	Assistant Director (Health and Environmental Services)
17 To determine, in accordance with Section 61 of the Control of Pollution Act 1974, applications for prior approval of noise control measures from persons intending to carry out construction work etc.	Assistant Director (Health and Environmental Services)
18 To determine the requirement for providing sanitary appliances at places of public entertainment (either permanently or on occasions) in accordance with the provisions of Section 20 of the Local Government (Miscellaneous Provisions) Act 1976.	Assistant Director (Health and Environmental Services)
19 To determine the standards of hygiene in accordance with: (a) Food Safety & Hygiene (England) (General) Regulations 2013 and (b) EU Hygiene Regulations.	Assistant Director (Health and Environmental Services)
20 To determine standards and requirements regarding the sale of food etc in accordance with the Food Safety Act 1990.	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
21 To determine applications to install boilers in accordance with the provisions of the Clean Air Act 1993.	Assistant Director (Health and Environmental Services)
22 To record notifications of aerial crop spraying in accordance with the provisions of the Control of Pesticides Regulations 1986.	Assistant Director (Health and Environmental Services)
23 If no objections are raised from the keepers of takeaway food shop premises, to make Closing Orders under Sections 4 and 5 of the Local Government (Miscellaneous) Provisions Act 1982.	Assistant Director (Health and Environmental Services)
24 To revoke or modify any relaxation of the provision of Part II of the Private Water Supplies Regulations 1991 regarding the wholesomeness of private water supplied.	Assistant Director (Health and Environmental Services)
25 To consider applications for authorisations, transfers, variations and renewals of authorisations in connection with air pollution control and to issue authorisations with appropriate conditions as considered necessary in accordance with the provisions of Sections 6,7,9,10 and 11 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
26 To determine confidential matters for exclusion from public registers in accordance with Section 22 of the Environmental Protection Act 1990.	Assistant Director (Health and Environmental Services)
27 To determine which samples of water or any land or articles shall be considered appropriate in any circumstances under Section 59(2) of the Water Act 1989.	Assistant Director (Health and Environmental Services)
28 To require the provision of an alternative supply of water by a water undertaker under Section 79 of the Water Industry Act 1991 and to recover the costs from the owner or occupier of the premises so served or from any other relevant person.	Assistant Director (Health and Environmental Services)
29 To exercise the powers contained in Sections 1, 2, 4, 5, 8, 9, 12, 14, 20, 23, 33, 36, 51 and 57 of the Clean Air Act 1993.	Assistant Director (Health and Environmental Services)

	<u>Other Authorised Officer</u>
30 To appoint casual/temporary manual workers.	Assistant Director (Health and Environmental Services)
31 To serve notices to remedy the condition of watercourses under Section 18 of the Land Drainage Act 1976	Assistant Director (Health and Environmental Services)
32 To exercise the powers concerned in Section 25 of the Land Drainage Act 1991 relating to powers to require works for maintaining flow of watercourses	Assistant Director (Health and Environmental Services)
33 To appoint staff as authorised persons in accordance with Section 64 of the Land Drainage Act 1991	Assistant Director (Health and Environmental Services)
34 To deal with all matters relating to the grant of exclusive rights of burial and to agreements for the maintenance of graves	Assistant Director (Health and Environmental Services)
35 To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations (as amended) relating to the removal and disposal of abandoned vehicles and the recovery of costs.	Assistant Director (Communities and Street Scene)
36 To release CCTV footage in accordance with the Council's current protocol for the release/use of CCTV footage.	Assistant Director (Communities and Street Scene)
37 To waive fees and charges for an allotment plot or plots, at a level and for a duration of his choosing, where he is satisfied that an individual or group is prepared to undertake work so as to bring a plot or plots into allotment cultivation.	Assistant Director (Communities and Street Scene)
38 To make decisions on lettings for the following purposes: (a) use of sports pitches (b) use of parks, recreation grounds and other land or premises for special events provided that if no fee has been fixed for such the fee shall be determined by the relevant portfolio holder.	Assistant Director (Communities and Street Scene)

	<u>Other Authorised Officer</u>
<p>39 To undertake the following actions and to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including but not limited to:</p> <p>Public Health Act 1936 Caravan Sites and Control of Development Act 1960 Local Government (Miscellaneous Provisions) Act 1982 Building Act 1984 Housing Act 1985 Local Government and Housing Act 1989 Environmental Protection Act 1990 Housing Act 2004 Housing, Grants, Construction and Regeneration Act 1996 Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 Enterprise and Regulatory Reform Act 2013: The Redress Scheme for Lettings Agency Work and Property Management Work and Property Management Work (Requirement to Belong to a Scheme etc)(England) Order 2014 Energy Act 2013: Smoke and Carbon Monoxide Alarm (England) Regulations 2015 Housing and Planning Act 2016 Protection from Eviction Act 1977</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>40 To approve financial grants to property owners and tenants to assist in the improvement, adaptation, conversion and renovation of dwellings and houses in multiple occupation.</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>41 To take action in respect of the repair, closing or demolition of dwellings unfit for human habitation or otherwise in a state of disrepair, the designation and treatment of clearance and renewal areas, the abatement of overcrowding and the control of houses in multiple occupation.</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>42 To decide on applications for home improvement grants and for home repairs assistance.</p>	<p>Assistant Director (Health and Environmental Services)</p>
<p>43 To serve notices for execution of repairs to privately owned dwellings, including houses in multiple occupancy and, if necessary, to exercise the Council's powers to institute or secure the institution of works in default of compliance with such notices.</p>	<p>Assistant Director (Health and Environmental Services)</p>

	<u>Other Authorised Officer</u>
44 To serve notices requiring abatement of overcrowding of dwellings and houses in multiple occupation.	Assistant Director (Health and Environmental Services)
45 Apply for a Rent Repayment Order.	Assistant Director (Health and Environmental Services)
46 Set Civil Penalties.	Assistant Director (Health and Environmental Services)
47 To waive any unpaid Fixed Penalty Notices and Penalty Charge Notices issued under the Clean Neighbourhood and Environment Act and the Dogs Fouling of Land Act.	Assistant Director (Health and Environmental Services)
48 To waive any unpaid Fixed Penalty Notices and Penalty Charge Notices issued under the Road Traffic Act.	Assistant Director (Communities and Street Scene)
49 To authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities, including Proper Officer, Alternative Proper Officers and Powers of Entry, under the following statutes and regulations and orders made thereunder, except where otherwise provided in this Constitution: Refuse Disposal (Amenity) Act 1978 Pet Animals Act 1951 Riding Establishments Act 1964 and 1970 Animal Boarding Establishments Act 1963 Breeding of Dogs Act 1973 Dangerous Wild Animals Act 1976 Environmental Protection Act 1990 Dangerous Dogs Act 1991 Dogs Fouling of Land Act 1996 Animal Health Act 1981 Noise and Statutory Nuisance Act 1993 Noise Act 1996 Controlled Waste Regulations 1992 Parts 1, 2, 3 and 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.	Assistant Director (Health and Environmental Services)

		<u>Other Authorised Officer</u>
50	To review applications following the request for a review of the way in which an application for a Community Trigger has been dealt with.	Assistant Director (Health and Environmental Services)
51	To appoint inspectors in relation to the Animal Welfare Act 2006.	Assistant Director (Health and Environmental Services)

STRATEGIC DIRECTOR – HOUSING AND INVESTMENT

In the absence of the named authorised officer listed in the table below, the Strategic Director has authority to carry out all listed functions:

		Other Authorised Officer
1	To approve applications to be placed on the Council's Housing Register which fall within the criteria for acceptance.	Assistant Director (Housing)
2	To determine housing applications, including registration and priority rehousing.	Assistant Director (Housing)
3	To grant and determine Introductory, Secure, Demoted and Intervention Tenancies	Assistant Director (Housing)
4	To make nominations to RSLs and other agencies in accordance with the Council's approved housing allocation policies.	Assistant Director (Housing)
5	To authorise transfers and exchanges.	Assistant Director (Housing)
6	To authorise applications to the County Court for the possession of dwellings and for enforcing judgements obtained and garages.	Assistant Director (Housing) or the Tenancy Services Manager
7	To grant or refuse applications for aids and adaptations.	Assistant Director (Housing)
8	To approve or refuse tenants' proposals for improvements.	Assistant Director (Housing)
9	To promote energy efficiency measures within the District's housing stock.	Assistant Director (Housing)
10	To negotiate and approve the disposal of landlocked areas of land on Council Estates provided that: a) there is no potential for development for Affordable Housing; b) the land is incorporated into existing, and used for garden purposes; and c) the disposal is done subject to legal and planning guidance.	Assistant Director (Housing)

		Other Authorised Officer
11	To administer the provisions of the Refuse Disposal (Amenity) Act 1978 in respect of the Regulations relating to anything (other than motor vehicles) abandoned without lawful authority and the recovery of costs.	Assistant Director (Housing)
12	<p>To undertake the following actions and to authorise persons, whether employed by the Council or not, to act in a statutory role as appropriate to undertake duties and responsibilities in accordance with the housing law framework, including but not limited to:</p> <p>Parts 1, 2, 3 and 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 Environmental Protection Act 1990 Public Health Act 1936</p>	Assistant Director (Housing)
13	To appoint Consultants where necessary within the budget to ensure compliance with the Council's Capital Works Programme, or to provide technical advice on work of a specialist nature.	Assistant Director (Housing) and Assistant Director (Growth and Regeneration)

PROVIDED THAT a tenant dissatisfied with any decision taken under items 1, 2, 3, 4, 5, 7 and 8 will be entitled to appeal against it to the Housing Appeals Panel.

URGENCY PROVISIONS

To act on behalf of the Council in cases of urgency in discharge of any function of the Council for which his/her Directorate or service has responsibility other than those:-

- (i) which are already delegated to an Officer under this Scheme of Delegation; or
- (ii) which by law can be discharged only by the Council.

To be exercised in consultation with the appropriate Executive Member or the Chairman of the appropriate Committee.

Cases of urgency are limited to instances where the failure to act immediately would lead to foreseeable and imminent loss of life or serious injury and or foreseeable and imminent significant financial loss to the Authority

In the absence of the relevant Chief Officer this delegated power shall be exercised by the relevant Assistant Director.

Any action taken under this power shall be reported by the Chief Officer or Assistant Director who took the decision to the Executive or appropriate Committee.

Table 2D: Terms of Reference and Delegations to Executive Members

All Executive Members shall:

- Individually and collectively, ensure the implementation of corporate priorities as agreed by Council.
- Provide effective leadership and clear political guidance to members and officers.
- Have a clear understanding of the portfolio, the scope and range of services for which they are responsible and council policies in respect of those services and the role of officers relevant to that portfolio.
- Ensure the delivery of best practice and continuous improvement in services and implementation of best practice in the authority.
- Ensure an appropriate consultation programme is developed for their area of responsibility, to involve local people and communities in the decisions of the Council as fully as possible.
- Respond within agreed timescale to the recommendations of relevant scrutiny panel(s), setting out what action is proposed, if any, and giving full reasons for decisions taken.
- Meet with Chairs of relevant scrutiny panel(s) on a regular basis to discuss progress in their area of responsibility, responses to concerns raised by the scrutiny panel(s) and future programmes of work.
- Ensure that members are briefed at the appropriate time on significant issues ie those that may:
 - Result in a change to established policy
 - Have major resource implications
 - Be contentious or politically sensitive
- Seek to involve and consult non-executive members in the area of work for which they have responsibility, particularly lead members and members of relevant scrutiny panel(s).

Inclusive Economic Growth

1. Building Control
2. Car Parks
3. Commercial Development
4. Contaminated Land
5. Cultural and Events Activities Including:
 - Christmas Lights
6. Economic Development and Growth, including:
 - Western Growth Corridor
 - Sustainable Urban Extensions
7. Heritage
8. Innovation and Inward Investment including:
 - Lincoln Science and Innovation Park
 - Smart City initiatives
9. Markets
10. Planning, including:
 - Central Lincolnshire Local Plan
 - Regional and National Planning Policies
11. Public Realm including:
 - City Centre Masterplan
 - Cornhill Area Redevelopment
12. Regeneration Including:
 - Neighbourhood Revitalisation
 - Community Planning
13. Small Business Support
14. Tourism and Marketing
15. Transport including:
 - Transport Hub
 - Connectivity
 - Infrastructure

Reducing Inequality

1. Anti-Poverty Strategy
2. Asylum Seekers
3. Benefits Advice and take-up, including:
 - Housing Benefit
 - Council Tax Support
4. Community Cohesion Strategy
5. Community Strategies and Policies
6. Corporate Social Responsibility including:
 - Hate Crime
 - Lincolnshire Safer Communities
7. Discretionary Rate Relief Policy
8. Financial Inclusion, including:
 - Adult Learning;
 - Young People.
9. Prevent
10. Public Protection including:
 - Antisocial Behavior
 - Noise Nuisance
 - CCTV
 - Domestic Violence
11. Skills and Training, including The Network;
12. Social Value Policy
13. Universal Credit
14. Welfare Advice
15. Welfare Reform

Quality Housing

1. Affordable Housing
2. Discretionary Housing Payments
3. Estate Management
4. Fleet Management
5. Health and Wellbeing, particularly its links to good quality housing
 - Physical and Mental Health
 - Suicide
6. Homelessness Prevention
7. House Building
8. Housing Investment and Decent Homes
9. Housing Repairs and Maintenance
10. Housing Revenue Account and Landlord Services including:
 - Tenant Engagement
 - Housing Stock Options
11. Lettings and Allocations including:
 - Rogue Landlords
 - Trusted Landlord Accreditation Scheme
12. Rough Sleepers
13. Strategic Housing
14. Supported Housing

Remarkable Place

1. Allotments
2. Cemeteries and Crematorium
3. Community Centres
4. Environmental Contracts including:
 - Refuse Collection and Recycling
 - Highways
 - Open Space and Grounds Maintenance

- Public Conveniences
 - Cleansing
5. Food Health and Safety
 6. Licensing
 7. Parks and Recreation
 8. Pollution Control
 9. Sport and Leisure facilities to promote physical activity

Climate and Corporate Strategy

1. Climate Change (linkage to Local Plan)
2. Low Carbon Agenda
3. Equality and Diversity: Employer perspective
4. Corporate Communications and Media Relations
5. Corporate Strategy including:
 - Strategic Plan (Vision 2020)
 - Annual Report
 - Strategic Partnerships
6. Human Resources including:
 - People Strategy
 - Apprenticeships
 - Trade Union Liaison
 - Organisational Culture and Core Values
7. Regional and Sub-Regional Governance Arrangements including Devolution
8. Legal (excluding Electoral and Democratic Services)

Customer Experience, Review and Resources

1. Audit
2. Central Support Services
3. Complaints Handling
4. Corporate Reviews
5. Customer Engagement including:
6. Customer Services
7. Contact Centre
8. Democratic and Electoral Services including:
 - Voter Registration
 - Democratic Engagement
9. ICT
10. Performance including Systems and Process
11. Strategic Information including:
 - Corporate Evidence Bases
 - Lincoln City Profile

12. Asset Management
13. Civic and Twinning
14. Corporate Health and Safety
15. Emergency Planning
16. Finance including:
 - Financial Strategy
 - Financial Position
17. Procurement (excluding social value)
18. Revenues
19. Risk Management and Governance including:
 - Insurance
20. Specific Major Projects (Excluding Major Developments)
21. Towards Financial Sustainability including Commercialisation
22. Equality and Diversity:
 - Service user perspective

All functions of the Executive will be discharged by the Executive as a body except those delegated to a Committee of the Executive, an individual member of the Executive, or an officer

1. General Delegations to Executive Members

- 1.1 In relation to any matter within the ambit of his or her portfolio as defined in Article 7.5 of the Constitution each member of the executive is authorised:
 - 1.1.1 to respond or approve any response to any consultation by any national, regional or local government or other body, organisation or individual in accordance with Council policy (if any) relating to the subject matter of the consultation.
 - 1.1.2 to exercise the functions of the Executive under rules 3 to 6 of the Budget and Policy Framework Procedure Rules.
 - 1.1.3 to approve where necessary any submission for external funding or support for any project or proposal calculated to deliver any objective within the Council's budget and policy framework or which is otherwise in pursuance of its Main Aims and Core Values.

- 1.1.4 to approve when necessary the contents of any press release, or any information or advisory leaflet, or other document publicising Council services.
- 1.1.5 to approve fees and charges for any service or item for which no fee or charge has been fixed by the Council.
- 1.1.6 To approve any exemption to contract procedure rules in agreement with the monitoring officer.
- 2. Where any matter falls within the ambit of more than one portfolio, action may only be taken under paragraph 1.1 with the unanimous agreement of all the executive members holding the relevant portfolios. In the event of any difference of opinion the matter shall be referred to the Executive for determination.
- 3. In the absence or indisposition of the Executive member holding the relevant portfolio, the Leader is authorised to discharge any of the functions delegated to him or her under paragraph 1.1 above.
- 4. For the avoidance of doubt, a member of the Executive having delegated authority to take action in relation to any matter under paragraphs 1-3 above may elect to refer the matter to the Executive for consideration.

Section III: Proper Officers

Table 3: Designation of Proper Officers and Authorised Deputies

The Officers specified in Column 3 of this Table are the Officers appointed by the Council to carry out the statutory functions specified in Columns 1 and 2, and the officers specified in column 4 are authorised to deputise for the relevant proper officer in his or her absence. Furthermore, the Chief Executive and Town Clerk has the following powers in relation to the delegation of powers on a temporary basis:

1. To exercise any power delegated by the Council, Executive or a subordinate body to another officer provided that the following criteria are met:
 - a) That one or more of the following criteria apply to the post to which the powers were originally delegated
 - The post is vacant; or
 - The postholder has been absent for a continuous period of one calendar month; or
 - The postholder has authorised the Chief Executive and Town Clerk to exercise the delegation during a period of anticipated absence.
 - b) The delegated power is not being exercised in the postholder's capacity as either the Monitoring Officer or the Chief Finance Officer.
 - c) The delegated power has no alternative nominated postholder who is able to exercise the power.
 - d) The delegated power is not being exercised as part of a shared services agreement with another local authority.
 - e) The Chief Executive and Town Clerk has any qualification or prerequisite skill or knowledge which the proper exercise of the delegated power requires.
 - f) There is no other substantial reason which would make the exercise of the power by the Chief Executive and Town Clerk instead of the original postholder inappropriate.
2. To empower another officer to exercise a relevant delegation provided that the criteria above are met.

LOCAL GOVERNMENT ACT 1972

Section of Local Government Act 1972	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Chief Executive	Monitoring Officer
Section 84	Receipt of declaration of resignation of office	Chief Executive	Monitoring Officer
Section 88 (2)	Convening of meeting of Council to fill casual vacancy in the office of Chairman	Chief Executive	Monitoring Officer
Section 89 (1) (b)	Receipt of notice of casual vacancy from two local government electors	Chief Executive	Democratic Team Leader and Elections Manager
Section 100 (B) (2)	Excluding from public inspection documents which relate to items likely to be considered in private	Monitoring Officer	Legal and Democratic Services Manager and Democratic Team Leader and Elections Manager
Section 100 (B) (7) (c)	Supplying to the press copies of documents supplied to Members of the Council	Monitoring Officer	Democratic Team Leader and Elections Manager
Section 100 (C) (2)	Summarising business considered in private	Monitoring Officer	Democratic Team Leader and Elections Manager
Section 100 (D) (1) (a)	Compiling lists of background papers	Monitoring Officer	Democratic Team Leader and Elections Manager
Section 100 (D) (5)	Determining which documents constitute background papers	Monitoring Officer	Legal and Democratic Services Manager and Democratic Team Leader and Elections Manager
Section 100 (F) (2)	Deciding where documents should be withheld from Members on the grounds that they disclose exempt information	Monitoring Officer	Chief Executive

Section of Local Government Act 1972	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 115 (2)	Receipt of money due from officers	Chief Finance Officer	Financial Services Manager
Section 146 (1) (a) and (b)	Declarations and certificates with regard to securities	Chief Finance Officer	Financial Services Manager
Section 191	Functions with respect to ordnance survey	Strategic Director – Housing and Investment	Assistant Director (Growth and Regeneration)
Section 210 (6) and (7)	Charity function of holders of offices with existing authorities transferred to holders of equivalent office with new authorities or if there is no such office to proper officers	City Solicitor	Legal and Democratic Services Manager
Section 225 (1)	Deposit of documents	City Solicitor	Legal and Democratic Services Manager
Section 229 (5)	Certification of photographic copies of documents	City Solicitor	Legal and Democratic Services manager
Section 234 (1) and (2)	Authentication of documents	City Solicitor	Legal and Democratic Services Manager
Section 236 (10)	Byelaws – Receipt and despatch of copies	City Solicitor	Legal and Democratic Services Manager
Section 238	Certification of Byelaws	Chief Executive	City Solicitor
Section 248	Keeping of Roll of Freemen	Chief Executive	Civic and Executive Office Manager
Schedule 12 para 4 (2) (b)	Signature of Summonses to Council meetings	Chief Executive	City Solicitor
Schedule 12 para 4 (3)	Receipt of notices of address to which summons to meetings is to be sent	Chief Executive	Democratic Team Leader and Elections Manager
Schedule 14 para 25 (7)	Certifying copy resolution of	City Solicitor	Legal and Democratic Services

Section of Local Government Act 1972	Proper Officer Functions	Proper Officer	Authorised Deputy
	the Council as a true copy in connection with legal proceedings		Manager
Schedule 16 para 28	Receipt on deposit of list of protected buildings	Strategic Director – Communities and Environment	Planning Manager

LOCAL GOVERNMENT ACT 1974

Section of Local Government Act 1974	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 30 (5)	Publication of reports of Local Commissioner	Chief Executive	Monitoring Officer

LOCAL LAND CHARGES ACT 1975

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 3	Registrar of Local Land Charges	Strategic Director – Housing and Investment	Assistant Director (Growth and Regeneration)

LOCAL GOVERNMENT [MISCELLANEOUS PROVISIONS] ACT 1976

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 41	Certification of copies of resolutions, minutes and other documents	City Solicitor	Legal and Democratic Services Manager

REPRESENTATION OF THE PEOPLE ACT 1983

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 10ZE	To undertake hearings after a person has been advised that they are not eligible to be registered and have requested a Hearing.	Legal & Democratic Services Manager (acting as Deputy Electoral Registration Officer)	N/A

BUILDING ACT 1984

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 78	Dangerous buildings – emergency measures	Strategic Director – Communities and Environment	Building Control Services Manager

HOUSING ACT 1985

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 351	Authentication of copies of registration schemes in connection with legal proceedings	City Solicitor	Legal and Democratic Services Manager

LOCAL GOVERNMENT & HOUSING ACT 1989

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 2	Receipt of list of politically restricted posts	Chief Executive	HR/WBL Manager
Sections 15 to 17	Receipt of various notices relating to political groups under relevant regulations	Chief Executive	Democratic Team Leader and Elections Manager
Section 18	Implementation of Scheme of Members' Allowances	Chief Executive	Democratic Team Leader and Elections Manager

ENVIRONMENTAL PROTECTION ACT 1990

Section of Act	Proper Officer Functions	Proper Officer	Authorised Deputy
Section 149	Discharging the functions in the section for dealing with stray dogs	Strategic Director – Communities and Environment	Assistant Director (Health and Environmental Services)

SHARED REVENUES AND BENEFITS – Functions to be delegated

The following functions are delegated to the Head of Shared Revenues and Benefits by Lincoln and North Kesteven to be carried out on behalf of those Member Authorities the delegations of these services are as set below:-

No	Function
1.1	<p>To take all decisions relating to the entitlement of any claimant to Council Tax, Housing Benefit or Discretionary HOUSING Payment, including:</p> <ul style="list-style-type: none">• The award of any benefit• Calculation of the amount of any benefit awarded• Suspension of benefit where a doubt arises to entitlement• Withdrawal of benefit on cessation of a claimant's entitlement• Determination of any request for the first review of any decision taken in relation to any claim for or withdrawal of benefit• Recovery of any benefit overpaid and Administrative Penalties• Sanctions in relation to benefit fraud• Taking action where necessary in relation to any offence or suspected offence under the Social Security Act 1997 in accordance with the Council's adopted policy.
1.2	<p>To act on behalf of either Council on matters relating to National Non Domestic Rates/Council Tax as follows:</p> <ul style="list-style-type: none">a) Making proposals for alterations to the rating/banding listb) Objections to proposals to amend the rating/banding listc) Agreeing to alterations to the rating/banding listd) Ensuring there is appropriate representation at a Valuation Tribunal on behalf of either Council in respect of appeals against National Non Domestic Rate/Council Tax
1.3	<p>To agree the apportionment of rateable values as determined by the Valuation Office Agency on application, in accordance with Section 44a of the Local Government Finance Act 1988.</p>
1.4	<p>To ensure appropriate representation on behalf of either Council at a Benefit Appeal Tribunal</p>
1.5	<p>To impose penalties in accordance with Section 14(2) and Schedule 3 of the Local Government Finance Act 1992 on persons failing to supply information on request.</p>
1.6	<p>To determine applications for the remittance or reduction of Council Tax payable in accordance with Section 13A of the Local Government Finance Act 1992 and that the applicant shall have the right to have the matter referred to the Joint Committee.</p>

- 1.7 Within the area of responsibility for local taxation, to institute proceedings by way of:
- (a) applying a signature or facsimile of a signature to a complaint to the Magistrates' in respect of non-payment of Council Tax or National Non Domestic Rates, requesting issue of a liability order,
 - (b) applying a signature or facsimile of a signature to a complaint to the Magistrates' regarding non-payment of Council Tax or National Non Domestic Rates, requesting issue of a committal warrant
 - (c) applying a signature or facsimile of a signature to Attachment of Earnings Orders, Applications for Deductions from Income Support, Job Seekers Allowance or Guaranteed Pension Credit, in respect of non-payment of Council Tax.
- 1.8 In accordance with the provisions of Section 101 and 223 of the Local Government Finance Act 1972 to prosecute and defend on behalf of either Council, or to appear on the Councils' behalf in proceedings before a Magistrates' Court or County Court relating to all and/or any of the matters referred to in the sub – paragraphs below:-
- a) Proceedings relating to the obtaining of Liability Orders in respect of unpaid Council Taxes and National Non Domestic rates;
 - b) Proceedings relating to the collection and recovery of penalties;
 - c) Committal proceedings relating to unpaid Council Taxes and National Non Domestic rates;
 - d) Proceedings relating to the recovery of monies due to either Council either directly or under agency arrangements;
 - e) Proceedings relating to benefit fraud.
- 1.9 To determine applications for National Non Domestic rate mandatory relief in accordance with Section 43 and Section 45 of the Local Government Finance Act 1988.
- 1.10 Responding to all requests for information in accordance with the Freedom of Information Act 2000 in respect of the functions delegated to the Joint Committee or the Head of Shared Revenues and Benefits (whether such requests are addressed to the Joint Committee or any Member Authority).
- 1.11 Responding to all requests for information in accordance with the Data Protection Act 1998 in respect of the functions delegated to the Joint Committee or the Head of Shared Revenues and Benefits (whether such requests are addressed to the Joint Committee or any Member Authority)

- 1.12 To determine applications for national non-domestic rate relief on hardship grounds in accordance with Section 49 of the Local Government Finance Act 1988, with reference to the Council's approved guidance, and that an applicant shall have the right to have the matter referred to the Joint Committee.
- 1.13 To determine applications for national non-domestic rate discretionary relief in accordance with Section 47 of the Local Government Finance Act 1988, with reference to the Council's approved policy, and that applicant shall have the right to have the matter referred to the Joint Committee.
- 1.14 To provide data as required to other agencies – including statutory information as required by the Department for Work and Pensions.
- 1.15 Any other matter delegated to the Head of Shared Revenues and Benefits in accordance with the Constitution of each Council.
- 1.16 Administrative and other support services required to ensure that functions set out in **paragraphs 1.1 to 1.14** are carried out.

The following functions are delegated to the Joint Committee by the City of Lincoln and North Kesteven to be carried out on behalf of those Member Authorities the delegations of these services are as set out in the Constitution of each Council.

- 1.17 Determining management structures and any associated redundancies in relation to those employees of the Host Authority who wholly or mainly carry out the functions set out in **paragraphs 1.1 to 1.14** above.
- 1.18 The appointment of a Head of Shared Revenues and Benefits with responsibility to report to the Joint Committee (such officer to be employed by the Host Authority) who shall be authorised to engage such employee (to be employed by the Host Authority) as may be required in connection with the functions delegated in **paragraphs 1.1 to 1.14** above and in respect of which budget provision has been made by the Joint Committee/Member Authorities
- 1.19 Awarding contracts for ICT and other supplies required by the service to carry out the functions delegated in **paragraphs 1.1 to 1.14**
- 1.20 Any other matter delegated to the Joint Committee in accordance with the Constitution of each Council.

2. The functions delegated to the Joint Committee shall be exercised subject to any proposed expenditure being contained in the annual Revenues and Benefits budget approved by the Member Authorities and any proposed activities being within the Business Plan approved by the Member Authorities provided that:
- 2.1 the Finance Officer to the Joint Committee may agree virement in between budget heads up to a maximum of £50,000 in any year provided that the overall approved budget is not exceeded and the expenditure does not occur in future years.
- 2.2 Any virement above £50,000 will be dealt with by the Joint Committee provided that the overall approved budget is not exceeded.
3. The following functions and matters shall be reserved to and decided by each Member Authority from time to time; all decisions and policies on such matters shall be notified to the Joint Committee as necessary as soon as reasonably practicable after such decision is made and the Joint Committee shall give effect to all such policies and decisions of the Member Authorities in the exercise of the functions delegated to it:
- Collection of payments of Council Tax and national non – domestic rates (“NNDR”)
 - Calculation of Council tax base
 - Council tax setting
 - Collection fund accounting
 - Submission of benefit subsidy claims
 - Submission of statutory information/data – for example, as required by the Department for Work and Pensions
 - Determination of the policy for discretionary Council tax reductions and housing payments
 - Determination of applications for discretionary NNDR relief
 - Determination of applications for NNDR hardship relief
 - Determination of policy for second homes
 - Determination of policy for local war pension and associated schemes
 - Determination of the policy for and authorisation of write off/unrecoverability of debts

Section IV: Terms of Reference of Committees

This section contains terms of reference for the following bodies appointed to by the City of Lincoln Council.

- City of Lincoln Council and Employee Joint Consultative Committee
- Commons Advisory Panel
- Community Leadership Scrutiny Committee
- Equality and Diversity Group
- Historic Environment Advisory Panel
- Housing Appeals Panel
- Housing Scrutiny Sub-Committee
- Performance Scrutiny Committee
- Policy Scrutiny Committee
- Select Scrutiny Committee

Further terms of reference are also available in other parts of the Constitution, as follows:

Body	Relevant Part of Constitution
Audit Committee	Part 2: Article 9
Council	Part 2: Article 4
Ethics and Engagement Committee	Part 2: Article 10
Executive	Part 2: Article 7

City of Lincoln Council and Employee Joint Consultative Committee (forms part of the Collective Consultation and Communication Agreement last revised on 6 December 2016)

Joint Consultative Committee Constitution

1. Membership

1.1 The Management side of the JCC will consist of:

- Eight elected members of the council
- A member of the Corporate Management Team
- The Human Resources Manager or Human Resources Associate
- And any other senior manager as relevant to the agenda items to be discussed who will attend in an advisory capacity.

The Staff side will consist of two nominated representative from each of the following unions:

- Unison
- GMB
- Unite

These representatives will be accredited members of the trade union and employed by the Council

All members of the Employee joint consultative committee will retire annually; new appointments or re-appointments will be confirmed at the beginning of each municipal year.

7.2 If a JCC management side member ceases to be an elected member or a staff side member ceases to be employed by the Council their membership will stop with immediate effect and the Council or Trade Union will fill the vacant position.

7.3 Full time Trade Union Officers of recognised Trade Unions may attend JCC meetings by reason of their office. Their attendance must be notified to Committee Services prior to the meeting.

7.4 Other local Trade Union Representatives may attend JCC with the agreement of the chair in relation to a specific agenda item. Their attendance must be notified to Committee Services prior to the meeting.

7.5 The quorum for the JCC will be at least three councillors and at least three staff side representatives from different trade unions. Regional Trade Union Representatives and senior officers will not count. Should the meeting not be quorate, the body can still meeting informally and act in an advisory capacity to the Executive.

7.6 Voting rights will be restricted to elected members and those elected local representatives of the recognised Trade Unions

7.7 The Chair of the JCC will alternate between the management side and the staff side each year. The management side chair will be appointed by the Council. It will be the responsibility of the staff side to appoint one of its representatives as chair. The vice chair will always be from the other side to that of the chair.

7.8 Any substitute members / Trade Union Representatives will be allowed to attend meetings as long as their names are provided to Committee Services at least 7 days before the meeting. Committee Services will then provide them with a copy of the agenda and reports.

2. Meetings

2.1 Meeting dates for the year will be published along with the dates for submission of agenda items and reports by Democratic Services and circulated to all JCC members

2.2 Attendance of JCC, and pre meetings by employees of the Council elected to JCC will be recognised as appropriate paid time off.

2.3 Each side will make its own arrangements for pre-meetings which will be appropriate to the business to be discussed.

2.4 Either side may call a special meeting in the following circumstances:

- Where an item is considered by the chair and vice chair, to be sufficiently urgent that it cannot wait for the next scheduled meeting
- A request for a special meeting containing the reasons why it is required is received and agreed by the chair

2.5 Items of business from either side must be communicated to Democratic Services in line with the published agenda list. Reports must be in writing and on the corporate template. Democratic services will support officers and trade union representatives with report formatting. Where possible reports should be sent to the relevant officers for their comments before being placed on the agenda.

2.6 Copies of the agenda, including a forward plan of items of business which are outstanding, and reports will be circulated to members of the JCC at least five clear days before the meeting. Any requests for additional items to be added after this date will only be permissible with the agreement of the chair in exceptional circumstances, and details must be made available 24 hours before the meeting. No additional items of business will be admissible after the meeting has begun.

2.7 Minutes of the meeting will be taken by a member of Democratic Services. The minutes will be circulated to all members with the agenda for the next meeting.

3. Procedure for recommendations for approval

3.1 The JCC has delegated decision making powers in respect of signing off local collective agreements.

3.2 In the event of a failure to agree the matter will be referred to the Executive Committee of the Council for a recommendation. The Executive committee can also refer the matter back to JCC with guidance, or a recommendation to seek conciliation or binding arbitration through ACAS if both sides agree, in accordance with the national terms and conditions.

Commons Advisory Panel (last revised on 19 December 2016)

1. Adoption

This Constitution was approved by the Executive on 19 December 2016..

2. Name and Definitions

The name of the Panel is the City of Lincoln Commons Advisory Panel afterwards referred to as the "Panel".

"City of Lincoln Council" shall be referred to as "the City Council"

"Members of City of Lincoln Council" shall be referred to as "Councillors"

"Council Executive" means the Council's Executive as defined in the City Councils Constitution.

"The Commons" (West Common, South Common, and Cow Puddle Common) referred to are those tracts of land defined by the Lincoln City Council Act 1985.

"Members" shall refer to all those given formal membership of the committee without distinction.

"Nominated substitute/representative" shall mean a person who is representing a group, with the express authorisation as a group. The person replacing a representative. (see below)

"Representative". A person who represents a Member Group on the Panel. "The undertaking" is the agreement to meet with specified bodies as described in the document between the City Council and the Open Spaces society et al dated 22nd March 1985

"Standing Orders" shall mean the guidance notes as to the expected conduct of members, and associated sanctions

3. Objectives

The Panel's specific objectives are as follows:

- a) To Advise the City Council in the care, maintenance, protection and preservation of the Commons.
- b) To represent and protect the interests of all lawful users of the Commons, having in mind the well being of the commons in general.
- c) To take due regard to previous undertakings (including the undertaking given to the Open Spaces Society on 22nd March 1985)

4. Membership

The Panel shall have one membership; Full Members. From here forth the term Members refers to Full Members.

Members shall be those identified in the Undertaking to the Open Spaces Society in 1985, as well as those voted onto The Panel following submission of a request for inclusion from any group pertaining to have an interest in the Commons. Additional requests shall be considered by the full Panel. All Members hold decision-making responsibilities in relation to recommendations for membership.

Each community or user group or other organisation whose members use one or more of The Commons shall be entitled to nominate a representative to serve on The Panel as a Panel Member. The Panel shall not be responsible for notifying groups of this entitlement. All Panel Members shall be entitled to vote. Recommendation of entitlement of a group to representation shall be determined by The Panel by way of vote, the Chair taking advice with regards to eligibility as appropriate and having a vote and additional casting vote if required. Recommendations for membership will only take effect with the final approval of the council Executive. The expectation shall be that all groups represented will have a Constitution and be able to demonstrate good governance.

If a Member's representative is absent from three consecutive meetings of the Panel, without prior notification to the Secretary, he or she shall be deemed to have resigned. It will be permissible for a substitute to be nominated by a representative Group. Details of the person attending must be provided to the Secretary prior to the commencement of the meeting.

5. Councillor Members and Chair of the Panel.

The Chair of the Panel and a Vice-Chair shall be appointed by City of Lincoln Council, which will also provide a Secretary. The Council shall have a total of five Council members on the Panel, with each Councillor being a Member and entitled to a vote.

6. Voting

Members and Councillors shall be entitled to vote. However many groups a Member may represent, he or she shall only be entitled to a single vote. The Chair shall have a vote, and also a casting vote in the event of a tie.

Any member of the Panel may request a recorded vote being taken provided that they have the support of one third of the non councillor members in attendance.

7. Funds

The Panel shall not hold funds. The council shall not reimburse Members' expenses

8. Committees

Sub committees may be formed with the approval of the chair. Sub committees shall report to meetings of the Panel. The membership and terms of reference of such Subcommittees shall be voted upon by the Panel. The Panel shall not have an Executive Committee

9. Meetings

The Panel shall meet at least four times per year, with an additional 'tour of inspection' of The Commons. Meetings shall be open to members of the public, however they will not be entitled to speak unless with the prior agreement of the Chair. The Chair may invite Council officials to attend and take part in discussions. Notice of meetings shall be published on the City Council's website.

Notice of meeting shall be issued by Secretary to Members in a timely manner together with an invitation to submit agenda items. The Secretary shall send out an agenda not less than five working days (not including the day of the meeting) prior to the day of the meeting.

Meetings shall be quorate if the Chair (or Vice Chair) and three of the non-Council members are present'

Meetings shall take the following form:

- i. Confirmation of minutes of previous meeting.
- ii. Review of matters arising.
- iii. Submitted agenda items

Minutes of meetings shall be circulated by the Secretary as soon as practicable after the meeting.

10. Procedures at meetings

Motions may be proposed by Members or the Chair (or Vice-Chair), they must be seconded. They shall be voted on by those entitled to vote. The conduct at meetings shall be in accordance with the Standing Orders detailed below.

11. Amendment of the Constitution

Recommendations for amendments to this Constitution can only be by majority vote of the Members of the Panel. Any such recommended amendments can only be put into effect with the agreement of the Chair, and with ratification from the Council's Executive.

12. Dissolution

The Panel can be dissolved by recommendation of the Executive of the City Council after consultation with the Open Spaces Society having reference to the obligations contained in the Undertaking.

Standing Orders

The meeting should start on time.

It should follow the agenda unless there is a good reason for the chairman to revise it.

Members should follow the chair's reasonable requests and instructions for the conduct of the meeting.

The chair should have the power to exclude a member who unreasonably persists in interrupting or disrupting the meeting

If the problem occurs again at the next meeting the member may be asked to stand down from CAP, either permanently or for a fixed period of time at the Chair's discretion.

Any member who is deemed to have breached the rules will have the right to appeal. Appeal will be by letter to the Executive Portfolio Holder, who will respond within one month of receipt. If the member remains unhappy with the outcome from this appeal, they will have the right to have the appeal reviewed by the Chief Executive. The Chief Executive will consider the appeal in consultation with the representatives named in the Undertaking, and respond within one month of receipt.

Community Leadership Scrutiny Committee (last revised on 17 May 2016)

Purpose of the Committee:

To actively promote and strengthen the City of Lincoln Council's community leadership role of speaking up for the people of Lincoln on any matters which affect their well being

Terms of Reference:

- 1** To engage and consult with Lincoln residents to assist the Council in being fully aware of their issues concerns and aspirations so these inform the policies and decision making of the Council, giving particular attention to the needs of disadvantaged groups.
- 2** To engage with all relevant stakeholders including all public, private and third sector organisations, seeking to promote effective partnerships for meeting the needs of the City
- 3** To exercise the powers granted to the Council by Parliament for the scrutiny of the decisions of external organisations or groups whose decisions appear to have an impact on the people of the City of Lincoln and seek to influence these in the interests of local people
- 4** To enhance the transparency of local decision making by enabling elected members to have the opportunity to hold service providers to account for their performance
- 5** To scrutinise any emerging legislation which directly impacts on people in Lincoln, seeking to exert influence on behalf of local people
- 6** To respond, in collaboration with the Council's Executive to any Government or other external consultation process ensuring that the Council's voice is heard on all matters affecting the well being of the City

Membership:

The Committee will consist of 11 Elected Members

Equality and Diversity Advisory Panel (last revised in October 2020)

The Equality and Diversity Advisory Panel is a working group comprising members and officers of the City of Lincoln Council. The panel will report to Full Council and operate in accordance with the key functions set out below. The panel's role within the decision-making structure of the Council is that of an advisory group.

Key Functions

- 1)** To recommend strategic direction and provide community leadership on equality and diversity issues relating to City of Lincoln Council services and their impact on all members of our local communities.
- 2)** To keep under review the City of Lincoln Council's interface with equality and diversity across Lincolnshire and seek to influence partner organisations.
- 3)** To monitor the embedment of equality and diversity issues within the authority, particularly through the service planning and risk management processes.
- 4)** To monitor progress and compliance with the Council's duties under the Equality Act 2010 and the Public Sector Equality Duty.
- 5)** To contribute to and subsequently monitor delivery of the corporate Equality Objectives and supporting action plan.
- 6)** To champion equality and diversity issues at all levels within each directorate, at Corporate Management Team level, and amongst Members.
- 7)** To contribute to the review of key equality and diversity related strategies, including the Equality and Diversity and Human Rights Policy.
- 8)** To authorise major consultation by the Council with relevant representative organisations on strategic equality and diversity issues once considered and debated by the core panel.
- 9)** To refer proposed amendments to City of Lincoln Council strategies and action plans relating to equality and diversity to Executive for approval.
- 10)** To receive regular reports from officers and to debate solutions to emerging issues prior to seeking authority to proceed from the Corporate Management Team, Executive and others.

Membership

1) The advisory panel will consist of:

- The Chairperson
- The Leader of the City Council
- The Portfolio Holder for Reducing Inequality
- A representative from the Policy Team
- The Customer Services Manager
- The Legal Services Manager
- The Democratic Services and Elections Manager
- The Human Resources and Work Based Learning Manager
- The Corporate Management Team Equality Champion
- A minimum of two councillors

2) In addition to the two councillors, the panel would be happy to invite other members to attend and, while an advisory group, will still seek to appoint in accordance with political proportionality rules. Officers may send a deputy if they are unable to attend and other officers may be asked to attend for specific issues.

3) The panel may also call upon relevant representatives of organisations to assist on particular issues. All organisations so invited are seconded to debate and contribute to the issue of concern. Once such support has been provided the secondment will end, thereby relieving such organisations of the burden to attend every ongoing meeting.

Frequency of Meeting

1) The advisory panel will meet twice each year (unless determined otherwise by Council or the Equality and Diversity Advisory Panel) to make sure progress is maintained.

2) Additional meetings may be required and will be called at the discretion of the chair with at least five working days' notice to all members.

Secretarial Support

The Equality and Diversity Advisory Panel will benefit from secretarial support from Democratic Services.

Historic Environment Advisory Panel (last revised on 14 October 2008)

1. Objectives:

- i. **To advise on, promote and assist in the protection of the City of Lincoln's historic environment.**

This to be achieved through assisting in and supporting the development of a Heritage Strategy as a framework for the work of the Heritage Team within the Directorate of Communities and Environment; The Heritage Strategy would represent a vehicle for engaging with both the private and public sector and would provide advice internally within the Council on heritage matters, ensuring that the historic environment is embodied in emerging Council policies and management practices and ensuring that the historic environment is seen as integral in supporting restoration and regeneration proposals as well as employment and education opportunities.

- ii. **To place the historic environment high on the Council's agenda and link up historic environment policy across directorates.**

Ensure that heritage issues are prominent in the authority's agenda and taken into account in the development of future policies and strategies.

- iii. **To engage with and support partners in the delivery of heritage projects.**

This to be achieved through working with and supporting the work of partnerships entered into by the City of Lincoln Council and Lincolnshire County Council for the promotion of Lincoln and to receive from them reports and presentations; to advise and support the procurement of grants, trigger restoration and renewal and boost the City's culture and tourism.

- iv. **To engage with the community and community groups in fostering a better understanding of the historic environment as part of their cultural and natural heritage.**

This to be achieved through engaging with and receiving reports from community and heritage groups in connection with both the natural and built environment and associated cultural matters.

- v. **To support the role of the Council's Heritage Advocate.**

Assist in the promotion of the City's built and natural heritage and to foster joined-up thinking within the Council's group of Advocates and Champions.

Housing Appeals Panel (last revised on 5 December 2017)

THE HOUSING APPEALS PANEL PROTOCOL AND PROCEDURE

Terms of Reference	<p>To determine appeals from any decision of the Director of Housing and Investment taken under powers delegated to him on housing matters by resolution or decision of the Council or any competent body or Executive member or under the Constitution. Primarily any decisions to issue a notice of seeking possession or to take any subsequent steps in the County Court and to review his decisions to extend the trial period of or determine (as the case may be) introductory tenancies pursuant to requests made under the provisions of section 125B or 129 of the Housing Act 1996 respectively.</p> <p>To also review decisions to seek possession of dwelling-houses on the absolute ground for anti-social behaviour as required by section 85ZA of the Housing Act 1985 and to review decisions to seek possessions of dwelling-houses following a Demoted Tenancy under section 82A Housing Act 1985.</p>
Composition	<p>The Appeals Panel shall consist of a minimum of 3 members which shall be made up from those members appointed to the Panel by the Council.</p>
Meetings	<p>Meetings of the Appeals Panel shall be called as and when required so as to determine appeals and/or review requests within statutory or the Council's own laid down time limits</p>
Independence	<p>No member shall sit on the Appeals Panel where he/she has had some direct personal involvement in a matter to be determined</p> <p>In particular, in accordance with the Allocation of Housing (Procedure) Regulations 1997, no member shall sit on the Appeals Panel in respect of an appeal against an allocation decision, when either:</p> <ul style="list-style-type: none">(a) the unit of housing accommodation concerned is situated in his/her electoral ward; or(b) the person subject to the decision has their sole or main residence in the member's ward

RIGHT OF APPEAL/REVIEW

1. Decisions which may be reviewed or appealed

- 1 (a) Any decision on housing matters made by the Director of Housing and Investment, or his officers, in exercise of delegated powers conferred under the Constitution or by resolution or decision of the Council or any competent body or Executive member

2. Method and Time Limits for Appeal/Review Request

- 2 (a) **EXCEPT** for a review request made under paragraph 2 (b) below, a person wishing to exercise the right of appeal or review request **MUST** do so in writing within 14 days of receipt of the decision from the Director of Housing and Investment.
- 2 (b) **A request for a review of the landlord's decision**
- to extend a trial period of or
 - to seek an order for possession of a dwelling-house let under an introductory tenancy or under a demoted tenancy must be made before the end of the period of 14 days beginning with the day on which either the notice of extension or proceedings is served.
 - to seek possession on the absolute ground for anti-social behaviour must be made before the end of 7 days beginning with the day on which the notice is served.
- 2 (c) **For the purpose of determining the date of receipt of any written decision or appeal or review request any communication:**
- (i) sent by 1st class post shall be deemed received the second day after it was posted,
 - (ii) sent by 2nd class post shall be deemed received the fourth day after it was posted,
 - (iii) delivered to or left at the address on the communication shall be deemed received the day after it was delivered or left at the address,
 - (iv) sent by fax shall be deemed received on that day if transmitted before 4pm or otherwise on the day after the day upon which it was transmitted
 - (v) sent by other electronic method shall be deemed received the day after the day on which it was transmitted.

3. Receipt of Appeal/Review Request

- 3 (a) **Upon receipt, the Director of Housing and Investment shall arrange for the appeal/review request to be referred to the Housing Appeals Panel for determination.**

4. Determination Date

- 4 (a) **Requests for review of a decision**
- (i) to seek an order for possession of a dwelling-house let under an introductory tenancy or a demoted tenancy shall be carried out and the tenant notified before the date specified in the notice of proceedings as the date after which possession proceedings may be begun and
 - (ii) to extend the trial period of an introductory tenancy shall be carried out and the tenant notified before the original expiry date of the trial period.
 - (iii) to seek possession on the absolute ground for anti-social behaviour shall be carried out and the tenant notified before the date specified in the notice under section 83ZA of the Housing Act 1985 as the day after which proceedings for possession of the dwelling-house may be begun.
- 4 (b) Following receipt of a request for a review hearing the Appellant will be notified of the time, date and place of the hearing no less than 5 days after the receipt of the review request.

4 (c) All review hearings will be heard by the panel within 6 weeks of the date of receipt of the review request unless an adjournment has been granted.

5. Procedure

- 5 (a) **The procedure contained within the Introductory Tenants (Review) Regulations 1997 or the Introductory Tenancies (Review of Decisions to Extend a Trial Period) (England) Regulations 2006 or The Absolute Ground for Possession for Anti-social Behaviour (Review Procedure) (England) Regulations 2014 (as appropriate) shall be followed in respect of any review conducted into a decision by the Director of Housing and Investment to seek an order for possession of a dwelling-house let under, an introductory tenancy or a demoted tenancy, or to extend a trial period of an introductory tenancy or to seek possession of a dwelling-house on the absolute ground for anti-social behaviour and the remaining paragraphs hereof shall not apply except in so far as they are consistent with those Regulations**
- 5 (b) **In respect of all other decisions, including all tenancy matters, housing applications, discretionary renovation grant matters and other operational decisions, the procedure for dealing with appeals will be as follows:**
- (i) an officer will be appointed to review the decision who will have had no prior involvement in the matter**
 - (ii) the Appellant will be given a written explanation of the decision taken within 15 working days**
 - (iii) if the Appellant remains dissatisfied with the decision he/she will have the right to appeal to the Housing Appeals Panel and will be notified of that right with the written explanation**
 - (iv) for the purpose of paragraph 2 (a) above the period of 28 days shall be calculated from the date of receipt of the written explanation**
- 5 (c) (i) **There shall be a presumption that all appeals or review requests shall be by way of an oral hearing (the provisions within the aforementioned Regulations notwithstanding) **UNLESS** the appellant informs the Director of Housing and Investment that he/she wishes the matter to be determined by way of written representations**
- (ii) **Such notice **MUST** be given by the Appellant in writing when submitting his/her appeal/review request**

6. Appeals/Reviews by written representations

- 6 (a) **Where the appeal/review request is by way of written representations the Housing Appeals Panel shall consider all properly submitted representations and the appellant shall be notified by the Council of the date by which such representations must be received which cannot be earlier than 5 clear days after receipt of such notification**
- 6 (b) **When any appeal or review request is dealt with by written representations the Appellant will receive a copy of the written representations to be submitted by the Director of Housing and Investment with the notice of hearing as provided for in paragraph 8 below. The Appellant will also be invited to submit supplementary written representations for consideration by the Housing Appeals Panel. Written representations must be received 5 working days before the appeal date.**

7. The Hearings

- 7 (a) The Housing Appeals Panel shall follow the procedure set out in the Appendix hereto and the Appellant has the right to:-
- (i) be heard, to be accompanied and may be represented by another person whether that person is professionally qualified or not and for the purpose of the appeal proceedings any representative shall have the same rights and powers as the Appellant given in paragraphs 7 (ii) – (v) below
 - (ii) call persons to give evidence
 - (iii) put questions to any person who gives evidence at the hearing; and
 - (iv) Make representations in writing
 - (v) To assist you during the hearing a translator may be appointed

Director of Housing and Investment will be represented during the review by a duly Authorised Officer and where possible this should be the Housing Officer for the Appellant.

A Clerk will be present throughout the hearing and the decision making process. The Clerk will be a member of Legal or Democratic Services and will give legal advice to the Panel. The Clerk will record the decision of the Panel and notify the Appellant of the decision in writing.

8. Notice of Hearings

- 8 (a) The Council shall give an Appellant written notice of the date, time and place of the meeting of the Housing Appeals Panel that shall determine his/her appeal/review request
- 8 (b) The date for the Appeal will be sent to the Appellant no more than 5 days after receipt of the appeal/review request
- 8 (c) If no, or inadequate, notice of the date of the meeting is given the matter may only proceed with the consent of the Appellant or his/her representative

9. Absence of Appellant/Tenant

- 9 (a) Where an Appellant requests an oral hearing and fails to appear, the Housing Appeals Panel, being satisfied proper notice has been given, may, having regard to all the circumstances including any explanation offered for the absence, proceed with the hearing notwithstanding his/her absence or adjourn the hearing or give such directions as to the further conduct of the appeal/review request as it may think proper

10. Postponement of Hearing

- 10 (a) The Appellant may apply to the Housing Appeals Panel requesting a postponement of the hearing, any such request will be considered by the Clerk to the panel in consultation with the Chair. The application may be granted or refused but reasons must be given in writing for any refusal. Any postponement will not be granted for longer than 14 days.

10 (b) The Director of Housing and Investment or an Authorised Officer may apply to the Housing Appeals Panel requesting a postponement of the hearing, any such request will be considered by the Clerk to the panel in consultation with the Chair. Such a request will only be granted where it is considered that there will be no prejudice to the Appellant and a postponement will not be granted for more than 14 days. Once a postponement under this subsection has been granted the Appellant must be notified in writing within 3 days. Requests

for postponement of a hearing made by an Authorised Officer will not be considered if they are simply that the Applicant's Housing Officer is not available on the date of the Panel as it would be expected that another Housing Officer could take conduct of the Appeal.

10 (c) a review hearing can only be postponed once unless exceptional circumstances have been presented to the Clerk and the Chair.

10 (d) Where no request for a postponement has been made but information has come to light that could lead to an application for a postponement the Clerk, in consultation with the Chair, may consider a postponement.

11. Adjournment of Hearing

- 11 (a) The Housing Appeals Panel may, at any time, adjourn the hearing of any appeal/review request on the application of either party
- 11 (b) If a matter is adjourned part heard the authority will, wherever possible endeavour to reconvene the same panel to sit on the reconvened panel. This will ensure that the reconvened panel is quicker and that evidence already given does not have to be repeated. Where the same panel cannot be reconvened for whatever reason the Clerk to the panel will summarise the evidence already heard by the panel at the previous hearing.
- 11 (c) In the case of a review of a decision to seek possession on Absolute Grounds for anti-social behaviour, where the hearing is adjourned for more than one day, the Housing Appeals Panel must specify a date on which the hearing is to be resumed by sending a notice in writing to that effect to the Appellant and any other person whose attendance is required at the resumed hearing

12. The Decision

- 12(a) The Housing Appeals Panel after considering the written representations and/or the evidence may:
 - 1. Uphold the Director of Housing and Investment decision to serve Notice of Proceedings on the Tenant and authorise court proceedings for possession of the dwelling-house.
 - 2. Uphold the Director of Housing and Investment decision to serve Notice of Proceedings on the Tenant but to stay the application for possession to the court pending a further review of the case by the Panel.
 - 3. Uphold the Director of Housing and Investment decision to serve Notice of Proceedings on the Tenant but to stay the application for possession to the court pending monitoring by officers of a consistent and acceptable pattern of payment of the rent arrears.
 - 4. Extend the period of the introductory tenancy by six months and either options 2 or 3 above apply.
 - 5. N.B this is only an option if the Appeal hearing is at least eight weeks before the twelve month introductory tenancy period ends.
 - 6. Rescind the Notice of Proceedings.

- 2(b) The Council will notify the Appellant in writing of the Housing Appeal Panel's decision, including (where appropriate) the reasons for reaching that decision, within 7 working days of the date the decision is made. The decision letter will include a copy of the decision notice signed by the Chair or Vice Chair of the Panel.

13. Procedure for Oral Hearings

- (a) The Chair will introduce himself/herself and state the nature of the matter to be considered.
- (b) The Chair will then introduce the other members of the Appeals Panel, the Clerk, the officers present to advise the Panel and any witnesses.
- (c) The Chair will confirm that none of the members sitting on the Appeals Panel were involved in the decision the subject of appeal/review.
- (d) The Chair will take the details of the authority's representative and the appellant's representative (if any) who will both state their name and position and the names and positions of any witnesses they intend to call.
- (e) The Chair will ask the officers to confirm whether or not the requisite notice has been given to the appellant of the date, time and place of the hearing.

If the requisite notice has not been given the Chair will enquire of the appellant or his/her representative whether it is agreed that the hearing proceed.

If it is not agreed, the hearing will be adjourned to a future suitable date.

- (f) If there is no appearance by the appellant the Appeals Panel shall, on being satisfied proper notice has been given, and having regard to all the circumstances including any explanation offered for the absence, decide whether the hearing shall proceed notwithstanding the appellant's absence, or give such directions with a view to the conduct of the appeal/review request as it may think proper.
- (g) Witnesses shall be present from the start of the hearing **ONLY** if **BOTH** parties agree and the Chair retains the right to request that witnesses give their evidence without the other witnesses being present even when both parties are in agreement. The Authority's representative and the Appellant and his/her representative will be present throughout the presentation of the case.
- (h) The Chair will then outline the procedure for the hearing, which shall be as follows:
 - (i) The authority's representative summarises his/her case.
 - (j) The authority's representative may then call witnesses to give evidence. (Hearsay evidence of witnesses is admissible although direct evidence shall carry more weight).

Where witnesses are called each in turn:-

- (i) gives evidence;
- (ii) may be questioned by the Appellant or the Appellant's representative;
- (iii) may be questioned by members of the Appeals Panel;
- (iv) may, if necessary, be re-questioned by the authority's representative.

- (k) The Appellant or the Appellant's representative summarises his/her case.
- (l) The Appellant or the Appellant's representative may then call witnesses to give evidence which may include the Appellant. Each witness in turn:-
 - (i) gives evidence;
 - (ii) may be questioned by the authority's representative;
 - (iii) may be questioned by members of the Appeals Panel;
 - (iv) may, if necessary, be re-questioned by the Appellant or the Appellant's representative.
- (m) Upon completion of all or any oral evidence from the Appellant and/or the Appellant's witnesses the Appellant or the Appellant's representative may submit any written representations
- (n) On completion of the evidence each party will be given the opportunity of summing up his/her case; firstly the authority's representative, secondly the Appellant or the Appellant's representative.
- (o) Members of the Appeals Panel may ask the parties or any witness for any additional information or clarification required.
- (p) The Chair should ask the Housing Officer for their recommendation in each case. The Appellant will then be afforded the opportunity to express their views on this recommendation and make their own request of the Panel.
- (q) The Chair will then
 - (i) advise the parties that the Appeals Panel will consider its decision;
 - (ii) advise the appellant that he/she will be notified of the Appeals Panel's decision in writing, and, where appropriate, the reasons for the decision;
 - (iii) advise the appellant he/she will receive the notification within 7 working days;
 - (iv) invite the parties, their representatives and witnesses to withdraw.
- (r) The Appeals Panel will consider its decision. The decision of the majority of the Appeals Panel shall be the decision of the Panel, and where the Panel consists of an even number, the Chair shall have a second or casting vote.
- (s) It is at the discretion of the Chair of the Appeals Panel to announce the Appeals Panel's decision together, where appropriate with the reasons, for the decision. Where the Chair of the Appeals Panel chooses the Appellant will not be notified on the day but will receive notification in writing from the Clerk to the Panel.
- (t) A written record of the Appeals Panel's decision including a statement of the reasons for its decision signed by the Chair shall be retained by the Authority.
- (u) The appellant will be notified of the Appeals Panel's decision by written notice given by the Chief Executive, under the hand of the Clerk to the Panel. This will be given as soon as possible after the hearing and, in any event, to reach the Appellant within 7 working days.

- (v) Where the decision of the Panel is to uphold the decision of the Director of Housing and Investment but stay the proceedings pending a further review or monitoring by Officers the further review should (where possible) be conducted by the same Panel. The Panel should restrict themselves to only considering new evidence (things that have happened since the first review) presented by the Appellant or the Authorised Officer as all pertinent evidence should have been presented at the first review hearing. Evidence that pre-dates the panel's decision for a review hearing will only be heard under exceptional circumstances. Evidence already heard should not be reheard except where 11b applies.

14. POINTS TO NOTE RELATING TO HEARINGS

- (a) Members must remain throughout all of the hearing.
- (b) Members must confine themselves to questions and **NOT** embark on discussions upon the merits or otherwise of the application or evidence until they consider their decision.
- (c) An Appellant may apply to the Appeals Panel requesting a postponement of the hearing and the Appeals Panel may grant or refuse the application as it sees fit.
- (d)
 - (i) A hearing may be adjourned by the Appeals Panel at any time during the hearing on the application of the Appellant, his/her representative or at the motion of the Appeals Panel. If a hearing is adjourned part heard and after the adjournment the persons constituting the Appeals Panel differ from those appearing at the first hearing, proceedings shall be by way of a complete rehearing.
 - (ii) Where the Appeal is quorate any hearing may, with the consent of the Appellant or his/her representative but not otherwise, be proceeded with in the absence of one of the persons who is to determine the review providing that there are still 3 members of the Panel.

Housing Scrutiny Sub-Committee (last revised on 17 May 2016)

The Terms of Reference of the Housing Scrutiny Sub Committee are:

- 1) To inform Elected Members and Tenant Representatives on the development and implementation of the Housing Revenue Account Business Plan.
- 2) To monitor the performance and delivery of the Council's landlord services and functions.
- 3) To enable the Portfolio Holder and housing officers to brief and consult on any proposed policy and procedural changes that might affect the Council's housing scrutiny functions.

The Sub-Committee was established as a sub-committee of the Council's Performance Scrutiny Committee and be chaired by the Chair of the Performance Scrutiny Committee and that membership of the Group comprise:

- Up to 6 elected members
- Up to 4 tenant representatives (to be nominated by the Tenant Advisory Panel)

Whilst the Housing Portfolio Holder and any other Member of the Executive Committee cannot legally be a member of the sub-committee, they may be invited to the meetings when appropriate to ensure effective liaison and consultation.

In order to avoid duplication between the Housing Scrutiny Sub-Committee and the other three Scrutiny Committees it will be necessary for the three scrutiny committees to refer any specific housing landlord issues to this Sub Committee with the exception of the right to call-in decisions of the Executive Committee (in respect of any decisions relating to housing management functions) which should be retained by the Select Scrutiny Committee.

However any report or recommendations of the Sub Committee will be reported directly to the referring Scrutiny Committee before going to the Executive for consideration.

The sub-committee should meet on an 8 weekly cycle.

Performance Scrutiny Committee (last revised in September 2014)

Function:

1. To scrutinise the authority's key performance measures and draw areas of concern to the attention of individual portfolio holders, the Executive or the Council.
2. To monitor on a quarterly basis the progress of the Council's budget programme, and draw areas of concern in performance to the attention of individual portfolio holders, the Executive or the Council.
3. To advise on the performance implications of service reviews including lean reviews.
4. To monitor the implementation of service improvement action plans and draw areas of concern to the attention of individual portfolio holders, the Executive or the Council recommending alternative time or resource needs.
5. To consider and make recommendations on the Council's Annual Report prior to publication.
6. To monitor the progress of all key projects as reported by the Strategic Plan Implementation Team and draw areas of concern to the attention of individual portfolio holders, the Executive or Council.
7. To scrutinise the use of Council's budgets, including Treasury Management, and draw any areas of concern to the attention of the Executive or Council.
8. To monitor complaints originating from the Council's complaints system to determine if there are patterns which would identify areas of poor performance.
9. To consider the CMS Annual Report.
10. To prepare an annual work programme for approval by the Council having regard to any recommendations by the Council or the Executive.
11. To ensure that all matters provided within the work programmes are carried out efficiently including reporting to Council or the Executive.
12. To respond, in consultation with the Executive to any Government or external consultation concerning any issues within their remits.
13. To appoint any Panels as is considered appropriate to fulfil their functions.
14. To question members of the Executive, Chairs of Committees and Panels and appropriate officers about their decisions where necessary subject to any applicable codes of conduct.
15. To monitor the performance of the authorities risk management arrangements and make recommendations to the Executive on any matters arising
16. To consider the annual income/arrears monitoring report.
17. To receive update reports from Housing Scrutiny Committee on housing matters
18. To request that each Portfolio Holder attends on an annual basis to present a complete overview of performance across their portfolio.
19. To identify thematic reviews for scrutiny according to need for alternate Performance Scrutiny Committee meetings.

Membership:

1. The Committee will consist of 9 Members.

Policy Scrutiny Committee (last revised on 19 April 2016)

1. To ensure that needs and aspirations of the citizens of Lincoln are recognised through our community.
2. To assist the Council and the Executive in the reviewing of policy by analysing the communities unmet needs and wants and evaluating areas by:-
 - Undertaking consultation within communities to assist in policy development/review.
 - Recommending mechanisms to encourage and enhance community participation in the development of policy options
3. To establish gaps in policy and any unmet policy issues facing the authority and make recommendations to the Executive and/or Council on their development.
4. To act as a consultation forum for the development of the Council's budget and policy framework.
5. To scrutinise and monitor the development of the Local Plan.
6. To prepare an annual work programme for approval by the Council having regard to any recommendations by the Council, or the Executive and Select Scrutiny Committee.
7. To ensure that all matters provided within the work programmes are carried out efficiently including reporting to Council or the Executive.
8. To respond, in consultation with the Executive to any Government or external consultation concerning any issues within its remits.
9. To appoint any Panels as is considered appropriate to fulfil its functions.
- 10 To look at areas of concern in the Council where policies or processes are not enabling the authority to meet its targets and objectives, or where objectives have changed and policy needs to reflect those changes. To recommend to the Executive and or Council changes in policy or process.
- 11 To review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive, whether taken by the Executive itself, any committee of the Executive, any individual member of the Executive or any officer.
- 12 To hold the Executive to account by reviewing the Executive Work Programme.

- 13 To liaise on significant emerging issues to ensure common understanding on their impact within the authority.
- 14 To report to Full Council on any decision made by the Executive which the Committee is of the opinion that the decision was a key decision, as defined in the Access to Information Rules as contained in the Constitution, but was not dealt with by the Executive as a key decision
- 15 To consider Councillor Calls for Action.

Membership:

The Committee will consist of 7 Elected Members.

Shared Revenues & Benefits Joint Committee (two documents comprising part of the Delegation and Joint Committee agreement with the North Kesteven District Council last revised in December 2015)

SCHEDULE 2 - CONSTITUTION OF THE JOINT COMMITTEE

- 1 Each Council shall appoint two Members (being elected members of that Council) as its nominated Members of the Joint Committee. The Members appointed shall have full voting rights and shall be appointed in accordance with each Council's Constitution.
- 2 Each Council may nominate one or more named substitute Members to attend any meeting in place of an appointed Member from that Council, subject to notification being given to the Secretary to the Joint Committee before the start of the meeting. The Member appointed as a substitute shall have full voting rights where the member for whom they are substituting does not attend. If a Council's nominated Members attend a meeting of the Joint Committee, any named substitute may also attend as an observer but shall not be entitled to vote.
- 3 Each Member of the Joint Committee shall comply with the Code of Conduct of their Council when acting as a Member of the Joint Committee.
- 4 Each Council may remove any of its nominated Members or substitute Members of the Joint Committee and appoint a different Member or substitute to the Joint Committee by giving written notice to the Secretary to the Joint Committee.
- 5 Each Member of the Joint Committee shall serve upon the Joint Committee for as long as he or she is appointed to the Joint Committee by the relevant Council but a Member shall cease to be a member of the Joint Committee if he or she ceases to be a Member of the Council appointing him or her or if the relevant Council removes him or her as a Member of the Joint Committee.
- 6 Any casual vacancies howsoever arising shall be filled by the Council from which the vacancy arises by notice in writing sent to the Secretary to the Joint Committee.
- 7 Meetings of the Joint Committee shall be held at the venue or venues as agreed by both Councils.
- 8 The Council hosting the first meeting shall appoint one of its nominated members as Chairman and that member shall remain Chairman until the first meeting taking place after the elapse of one year from the time of his or her appointment unless he or she ceases to be a Member of the Joint Committee. On the expiry of the first Chairman's term of office as Chairman, the Council which did not appoint the first Chairman shall appoint one of its nominated members as Chairman for a period of one year from the time of his or her appointment. The same procedure shall be followed for the appointment of Chairman in subsequent years.

- 9 The Council which has not appointed the Chairman of the Joint Committee in any year shall appoint one of its nominated members as Vice Chairman.
- 10 The Joint Committee shall meet at least once every two months unless otherwise determined by the Joint Committee.
- 11 The Secretary to the Joint Committee may call additional meetings by providing at least five clear days' notice to Members of the Joint Committee, for the purposes of resolving urgent matters arising between the bimonthly meetings of the Joint Committee. The Secretary to the Joint Committee must call a meeting of the Joint Committee if at least one Member of the Joint Committee from each Council requests it or the Head of Paid Service of both Councils requests it.
12. Meetings shall be notified to Members of the Joint Committee by the Secretary to the Joint Committee.
13. The Secretary to the Joint Committee shall send electronically to all members and relevant officers of each Council the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant meeting. The Secretary to the Joint Committee shall send to all Members of the Joint Committee, to the Political Group Leaders of each Council and relevant officers of each Council printed copies of the agenda for each meeting of the Joint Committee no later than five clear working days before the date of the relevant meeting.
14. The Secretary to the Joint Committee shall arrange for written minutes to be taken of each meeting of the Joint Committee and shall present them to the Joint Committee at its next meeting for approval as a correct record. If the Joint Committee confirms that the minutes contain an accurate record of the previous meeting, those minutes shall be signed by the Chairman or Vice-Chairman.
15. Meetings of the Joint Committee will commence at a time to be agreed by the Joint Committee.
16. A meeting of the Joint Committee shall require a quorum of one Member of each Council who are entitled to attend and vote. If there is a quorum of members present but neither the Chairman nor the Vice Chairman is present, the Members present shall designate one Member to preside as Chairman for that meeting.
17. Subject to the provisions of any enactment, all questions coming or arising before the Joint Committee shall be decided by a majority of the Council Members of the Joint Committee immediately present and voting thereon. Subject to the provisions of any enactment, in the case of an equality of votes the Chairman shall have a second or casting vote but before exercising this, the Chairman shall consider whether it is appropriate to defer the matter to the next meeting of the Joint Committee.
18. Any Member of the Joint Committee may request the Joint Committee to

record the votes of individual Members of the Joint Committee on a matter for decision.

19. Any member of either Council who is not a Member of the Joint Committee is entitled to attend the Joint Committee but he/she shall not be entitled to vote, shall not take part in the consideration or discussion of any business, save by leave of the Chairman and comments will be recorded only on the direction of the Chairman.
20. Meetings of the Joint Committee will be open to the public except to the extent that they are excluded under paragraph 21.
21. The public may be excluded from a meeting of the Joint Committee during an item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that, if members of the public were present during that item, confidential information as defined in section 100A(3) of the Local Government Act 1972 or exempt information as defined in section 100I of the Local Government Act 1972 would be disclosed to them.
22. Any key decisions relevant to the Joint Committee shall be recorded in each Council's Forward Plan. Each Council may call in any decision of the Joint Committee in accordance with the scrutiny arrangements of that Council's Constitution. Should a decision of the Joint Committee be called in appropriate members of the other Council will be invited to attend the scrutiny meeting. If any decision of the Joint Committee is subject to call in by a Council, the Joint Committee shall take no action to implement that decision until call in procedure is completed.
23. The Joint Committee may delegate a function to an officer.
24. Any contractual arrangements that relate to the Shared Service will be undertaken by the host Council and that Council will apply its own financial regulations and contract procedure rules.
25. The Secretary to the Joint Committee shall provide governance and secretarial support services to the Joint Committee. The host Council shall make available committee officers to provide administrative services at the meetings of the Joint Committee.
26. The host Council shall provide legal advice and support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
27. The Finance Officer to the Joint Committee shall provide financial support services to the Joint Committee on such terms as may be agreed from time to time between the Councils.
28. The Joint Committee shall establish a working group of senior officers representing each partner authority and Shared Revenues and Benefits Service to be known as the Operational Board.

29. The members of the Operational Board shall comprise the following officers:
- Director of Resources, City of Lincoln Council;
 - Deputy Chief Executive, North Kesteven District Council;
 - Head of Shared Revenues and Benefits Service; and,
 - such other officers of as the Joint Committee or Operational Board may decide are required.
30. The responsibilities of the Operational Board shall be to:
- Manage the performance of the shared revenues and benefits services to be in relation to the Joint Committee Functions so as to ensure, so far as is possible and practicable, ensure the delivery of such services in accordance with the delivery plan approved by the Joint Committee and the progress and performance targets set by the Joint Committee.
 - To report to the Joint Committee meetings on the progress and performance of the services provided in connection with the performance of functions delegated to the Shared Service against the delivery plan and targets set by the Joint Committee.
 - Strive to ensure that the services provided are delivered equitably between both Councils, so far as may be practicable.
 - Prepare and submit to the Joint Committee for its approval on or before 30th November in each year an annual business plan, annual budget and annual delivery plan for the next Financial Year.
 - To report to the Joint Committee on the income and expenditure of the shared service against the approved budget.
 - To seek to ensure so far as is practicable that the functions delegated to the shared service are performed within the budget approved by the Joint Committee and to notify the Joint Committee of any material divergence from the annual budget and the reasons therefore.
 - To recommend to the Joint Committee the resources required to perform the functions delegated to the shared service to the requisite performance standards and any changes required in such resources to maintain such performance standards.
 - To make appropriate recommendations to the Joint Committee on any matter of relevance to the business of the Joint Committee and of the shared service

JOINT COMMITTEE TERMS OF REFERENCE

1. To approve and monitor the Shared Revenues and Benefits Service Delivery Plan for each Financial Year.
2. To approve the annual budget for the Joint Committee and the Shared Revenues and Benefits.

3. To approve the annual report of the Joint Committee and the Shared Revenues and Benefits.
4. To monitor expenditure and income of the Joint Committee and Shared Revenues and Benefits Service against the agreed annual budget.
5. To set progress and performance targets for the functions delegated to the shared service, approve the delivery plan for the performance of such functions and monitor and review the performance of such functions against such targets and delivery plan.
6. To approve changes to staffing structures and any associated management of change procedures including redundancies.
7. To recommend to the two Councils any amendment of the terms of reference of the Committee or Constitution.
8. To appoint one or more sub-committees of the Committee (in accordance with Regulation 11(4) of the 2000 Regulations*) as it may consider to be required and to delegate specific functions to such sub-committees. Any sub-committee shall comprise a majority of Joint Committee Members (one of whom shall chair the subcommittee) but may include non-Joint Committee Members or officers of the Committee or of the Shared Revenues and Benefits Service and the Committee shall determine terms of reference of each sub-committee, the term of office of each sub-committee member and the quorum for meetings of each sub-committee and the financial limits within which it shall operate.
9. To delegate specific functions to officers of the Committee or of the Shared Revenues and Benefits Service in accordance with the provisions of section 101 of the Local Government Act 1972 and Regulation 11(4) of the 2000 Regulations*.

* "The 2000 Regulations" means the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 as amended by the Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2001

Select Scrutiny Committee (last revised on 27 February 2024)

1. To action all requests for Call-In of an Executive decision submitted on the Call In Request Form as prescribed in paragraph 14.4 of the Scrutiny Procedure Rules.
2. To hear any decisions which are Called-In in accordance with the provisions of the Constitution including the hearing of representations from Councillors and any other interested party in accordance with the agreed procedure.
3. To act as the Council's Crime and Disorder Committee.

In its role as the Council's Crime and Disorder Committee, it will scrutinise:

- i) Decisions made, or actions taken, in connection with the discharge by the responsible authorities (as defined in the Crime and Disorder Act 1998) of their crime and disorder functions.
- ii) The collective decisions and/or actions of the Safer Lincolnshire Partnership.
- iii) Progress against the Safer Lincolnshire Partnership's action plans and improvement targets
- iv) Any local crime and disorder matter related to the council's own crime and disorder/community safety functions;
- v) Actions of other non-statutory partners who have a significant impact on tackling crime and disorder in the city.

For clarity, those partners falling within these Terms of Reference are:

- City of Lincoln Council's own community safety functions
- Lincolnshire Police
- Safer Lincolnshire Partnership
- Lincoln Business Improvement Group where their functions relate to community safety.
- Other responsible authorities (Police and Crime commissioner, Fire and Rescue, Primary Care Trust, Probation service)

Membership:

The Committee will consist of 5 Elected Members

Section V: General Delegations to Officers

1. General Conditions Applying to All Powers and Functions Delegated to Officers

The following shall apply to the exercise of all delegations to officers:

- (a) whether conferred under this Constitution or by resolution or decision of the council or any competent body or executive member; and
- (b) whether exercisable in pursuance of Council or Executive functions (if this is exercised in this manner an appropriate decision notice must be completed).

1.1 Delegations shall be exercised in accordance with:

- the Constitution
- the Council's Main Aims and Core Values
- approved budgets
- all relevant approved policies
- all relevant approved procedures
- all relevant resolutions of the Council, its Executive and Committees; and
- any decision of a member of the Executive exercising delegated powers.

1.2 Delegations shall be exercised subject to any direction given by the Chief Executive in discharge of his/her general responsibilities as Head of the Council's Paid Service.

1.3 Delegations shall be exercised only after consultation with other officers whose advice is relevant to the matter under consideration.

1.4 A power or function delegated to any Chief Officer may be exercised by any other officer authorised by him or her to exercise the delegation on his or her behalf.

1.5 For the avoidance of doubt, no officer may exercise a delegation in respect of any matter which is expressly:

- (a) reserved to Council; or
- (b) the function of the Executive or any member of the Executive; or
- (c) the function of any Committee of the Council; or
- (d) delegated exclusively to the Chief Executive; or
- (e) delegated to any other officer

2. General Delegations to Officers

In addition to those functions specifically delegated to them under Tables IA, IIA, IIC and III and elsewhere in this Constitution the Council's Chief Officers are authorised to act as follows:

2.1 To do or authorise others to do anything conducive or incidental to:

- the discharge of their functions and areas of responsibility as defined in Article 13.2(b) of this Constitution
- the performance of their principal duties as set out in the job descriptions relevant to their posts
- such other functions and duties as may be assigned to them from time to time in accordance with their contracts of employment.

2.2 Except where otherwise provided in the Officer Employment Procedure Rules, in consultation with the Human Resource Manager or his or her designated

representative:

- to appoint staff to posts within their directorates
 - to discipline and dismiss staff within their directorates
- 2.3 To approve arrangements for paid leave within their directorates and to authorise unpaid leave
- 2.4 To authorise the attendance of staff within their directorates at courses seminars week-end schools and conferences
- 2.5 To approve or refuse requests for the extension of sick pay in accordance with the adopted policy of the Council
- 2.6 To grant (but not to refuse) all licences, consents, registrations, certificates and permits appertaining to the functions of their directorates
- 2.7 To exercise the Council's statutory powers of entering on to land and premises for the purposes of inspection, survey, carrying out works, investigation of any matter, taking samples or any other purpose for which the Council is so authorised in relation to such of its functions as fall to be discharged by their respective directorates
- 2.8 To exercise the Council's statutory powers to obtain particulars of persons interested in land.
- 2.9 To instruct the City Solicitor:
- to initiate criminal and civil proceedings in the Magistrates Court and County Court
 - to defend any proceedings brought against the Council in any court inquiry or tribunal

provided that if the City Solicitor is of the opinion that there is insufficient evidence to pursue or defend any such proceedings he or she shall be entitled to refer the matter to the Council's Executive or to the relevant Committee of the Council for review.