

# Greater Lincolnshire Combined County Authority Constitution

**Greater Lincolnshire**  
Combined County Authority 



**February 2026**

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# PART 1 – Introduction

## 1. Background

- 1.1 The Greater Lincolnshire Combined County Authority (the Authority) was established pursuant to the Greater Lincolnshire Combined County Authority Regulations 2025 (the GLCCA Regulations) on 5 February 2025 in order to bring together the three upper tier councils of Greater Lincolnshire, working collaboratively with Lincolnshire district, city and borough councils, and business and partners to champion the interests of the Greater Lincolnshire area nationally and internationally.
- 1.2 The Greater Lincolnshire Combined County Authority will have its offices at County Offices, Newland, Lincoln, LN1 1YL.
- 1.3 The Constituent Councils of the Authority are:
  - Lincolnshire County Council
  - North Lincolnshire Council
  - North East Lincolnshire Council
- 1.4 The Non-Constituent Councils of the Authority area are:
  - Boston Borough Council
  - City of Lincoln Council
  - East Lindsey District Council
  - North Kesteven District Council
  - South Holland District Council
  - South Kesteven District Council
  - West Lindsey District Council
- 1.5 Other Non-Constituent Members of the Authority Area are:
  - Police and Crime Commissioner for Lincolnshire
  - Police and Crime Commissioner for Humberside
- 1.6 The Authority is responsible for a range of functions across Greater Lincolnshire, these include:
  - **Adult education and skills functions**
  - **Land and housing powers**
  - **Net Zero, energy and environment functions**
  - **Business growth and innovation functions**
  - **Transport Functions**
- 1.7 The functions of the Authority are those functions conferred or imposed on it by the GLCCA Regulations or any other enactment (whenever passed or made) or as may be delegated to it. The Authority will exercise all its powers and duties in accordance with the law and this Constitution.

## 2. The Constitution

- 2.1 This Constitution sets out how the Authority works, makes decisions, and the procedures the Authority will follow to make sure its work is efficient, and effective, and is both transparent and accountable to residents, businesses and wider stakeholders. Some of these procedures are set by law, while others are ones the Authority have chosen to follow.

2.2 The Constitution has 7 parts, plus several appendices. These are outlined below as follows:

**Part 1: Introduction** to the Authority and the Authority's Constitution, including how the Constitution is arranged and an index of definitions used in the Constitution.

**Part 2: Articles** of the Constitution which set out the underpinning legal framework of the Authority and signpost readers to relevant aspects throughout the Constitution.

**Part 3: Responsibility for Functions** setting out who is responsible for exercising each function of the Authority.

**Part 4: Procedure Rules** which govern how the Authority, and its decision-makers operate, including:

- formal meetings of the Authority and its Boards and Committees,
- how to access information, and
- procedures relating to finance and contracts.

**Part 5: Ethical Standards** including codes of conduct for Members and officers of the Authority, and protocols relating to conduct, conflicts of interest and relationships between officers and members.

**Part 6: Member allowances scheme**

**Part 7: Management structure**

2.3 The purpose of the Constitution is to:

- enable the Authority to provide leadership to the community in partnership with councils, citizens, businesses, and other organisations.
- support the involvement of citizens in the process of local decision-making.
- enable decisions to be taken efficiently and effectively.
- provide ways to hold decision-makers to public account.
- ensure that no one reviews or scrutinises a decision in which they have been directly involved.
- clarify who takes decisions and ensure that decision-makers explain the reasons for decision, and
- help achieve the Authority's ambitions and outcomes for Greater Lincolnshire (as set out in the Greater Lincolnshire Plan)

2.4 The Monitoring Officer will regularly monitor and review the operation of the Constitution; this will include an annual review to ensure that it remains fit for purpose.

2.5 The Monitoring Officer is authorised to make the following changes to the Constitution:

- (a) Amendments required by changes in the law or requirements from regulatory or statutory bodies.
- (b) Amendments to remove any inconsistency, ambiguity, or typographical error.
- (c) Consequential amendments arising from the decision of the Authority, Mayor, Board or Committee, sub-Committee or officer exercising delegated powers; or
- (d) Amendments required to reflect changes to the functions or role titles of staff or the names or roles of other organisations.
- (e) Changes specifically delegated to the Monitoring Officer to meet statutory or other deadlines.

Any such amendments must be reported retrospectively to the Authority for noting.

- 2.6 A majority of the Authority Constituent representatives can propose a review of the Constitution, without the majority needed to include the Mayor.
- 2.7 Any amendments or changes proposed by such a review require a majority vote which does include the Mayor in order to be accepted.
- 2.8 Changes to the Constitution will only be approved by the Authority unless arrangements are solely the responsibility of the Mayor.
- 2.9 The s. 73 Officer shall be responsible for monitoring and keeping under review the Financial Procedural Rules set out in the Constitution.
- 2.10
- 2.11 The Monitoring Officer shall make any final decision regarding the interpretation and application of the Constitution.

### 3. Definitions

2.10 Throughout the Constitution, unless otherwise expressly stated, the following definitions shall apply:

‘the 2023 Act’	the Levelling Up and Regeneration Act 2023
‘the Authority’	the Greater Lincolnshire Combined County Authority as defined by Regulation 3 of the GLCCA Regulations 2025.
‘the Constituent Councils’	Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council
‘the Deputy Mayor’	the member of the Authority appointed by the Mayor to be the Mayor’s deputy pursuant to section 29(1) of the 2023 Act
‘The GLCCA Regulations’	(a) the Greater Lincolnshire Combined County Authority Regulations 2025 (b) Such other secondary legislation made by the Secretary of State in relation to the GLCCA pursuant to the 2023 Act
‘the Mayor’	the person elected as mayor by the local government electors for the Combined County Authority Area
‘Mayoral functions’	any function of the Authority which is exercisable only by the Mayor (or the Mayor’s delegate) by virtue of the GLCCA Regulations or any other enactment (whenever passed or made)
‘Nominating body’	a body designated by the Authority under section 11(1) of the 2023 Act
‘Non-Constituent Member’	A non-constituent member is an individual Member nominated as a representative by a nominating body designated as such by the Authority in accordance with section 11 of the 2023 Act.

'Associate Member'	An associate member is an individual appointed to be a member of the Authority in accordance with section 12 of the Levelling-up and Regeneration Act 2023
'Concurrent function'	Any function of the Combined County Authority (including a function exercisable by the Mayor) conferred by the GLCCA Regulations which is exercisable concurrently with the Constituent and/or the District and Borough/ Councils of the Authority area. That is, both the Authority and Constituent and/or District and Borough Councils of the Authority may exercise the function independently of one another.

## **PART 2 – Articles**

The Articles of the Constitution set out the underpinning legal framework of the Authority and signpost readers to relevant aspects throughout the Constitution.

### **Article 1. The Combined County Authority (The Authority)**

- 1.1 The Authority is a body corporate and was established under the GLCCA Regulations 2025 on 5 February 2025 as the Combined County Authority.
- 1.2 The Mayor and the Authority, and its supporting governance framework will work together in collaboration, in the interests of the people of Greater Lincolnshire. This Constitution sets out arrangements to ensure the effective conduct of the Authority's business, in this spirit of collaboration, mutual respect and transparency.
- 1.3 All Members will strive to work on the basis of consensus, taking decisions through agreement wherever possible. These principles shall apply irrespective of the statutory basis for the exercise of those powers, whether through the powers and responsibilities of the Mayor or the Authority.
- 1.4 The powers of the Mayor are to be exercised through collaboration within the Authority, its Boards, Committees, and in partnership with all relevant stakeholders wherever possible.

#### **1. Membership of the Authority**

- 1.5 The Authority comprises six Constituent Members in addition to the Mayor, who is a member of the Authority by virtue of that office.
- 1.6 Each of the Constituent Councils will appoint two of its elected members to be a Member of the Authority.
- 1.7 Each of the Constituent Councils must designate one of the members appointed 1.6 above as the Lead Member.
- 1.8 In addition, each Constituent Council will appoint two named elected members for each member appointed at Article 1.6 above, who will act as a Member of the Authority in the absence of the member appointed under Article 1.6 ('the Substitute Members'). The Substitute Members will be entitled to discharge all of the roles and responsibilities of the Member that they are acting on behalf of.
- 1.9 The Mayor must appoint one of the members of the Authority to be the Deputy Mayor.
- 1.10 Except to the extent that various functions are to be exercised only by the Mayor (or may be exercised by the Mayor's delegate) all Members will:
  - (a) collectively be the ultimate policy makers of Authority
  - (b) bring views of their communities into the Authority decision-making process; and
  - (c) maintain the highest standards of conduct and ethics
- 1.11 Members will at all times observe the Code of Conduct for Members set out in **Part 5** of this Constitution.
- 1.12 A person will cease to be a Member or a Substitute Member of the Authority if they cease to be a Member of the Constituent Councils that appointed them. The Constituent Councils shall appoint or nominate a replacement as soon as possible.

- 1.13 A person may resign as a Member or Substitute Member of the Authority by written notice served on

the Proper Officer of the Constituent Council that appointed them, and the resignation takes effect on receipt of the notice by the Proper Officer of the Council.

- 1.14 Where a Member or Substitute Member of the Authority's appointment ceases by virtue of 1.12 or 1.13 above the Constituent Council that made the appointment must, as soon as practicable, give written notice of that fact to the Authority and appoint another of its elected Members in that member's place.
- 1.15 A Constituent Council may at any time terminate the appointment of a Member or Substitute Member appointed by it to the Authority and appoint another one of its elected members in that Member's place.
- 1.16 Where a Constituent Council exercises its power under sub-paragraph 1.15 above, it must give written notice of the new appointment and the termination of the previous appointment to the Authority and the new appointment takes effect and the previous appointment terminates.
- 1.17 The Authority may also appoint up to six Non-Constituent and associate Members in total.
- 1.18 Four of the Non – Constituent Members will be from the Non Constituent Councils and one other non-constituent member will be a Police and Crime Commissioner from within the Authority's area.
- 1.19 Each Nominating Body of the Authority must nominate another Member to act as the Member of the Authority in the absence of the Member appointed under section 11(3) of the 2023 Act (non-constituent members of a Combined County Authority) to be known as Delegate Members.
- 1.20 An Associate Member appointed under section 12(1) of the 2023 Act (associate members of a Combined County Authority) must nominate another person to act as a Member of the Authority in their absence.
- 1.21 All Members of the Authority may speak on items on the agenda of meetings irrespective of whether they have a vote at the meeting.

## **2. Chair of GLCCA**

- 2.1 The Mayor is the Chair of the Combined County Authority.
- 2.2 The procedure for the appointment of the Chair and Vice Chair is set out in the Combined County Authority Procedure Rules in **Part 4** of this Constitution.

## **3. Meetings and Procedure**

- 3.1 The Combined County Authority will usually meet bi-monthly (*once every 2 months*), but additional meetings may take place within the monthly period should the need arise.
- 3.2 There are three types of Combined County Authority meeting:
- (a) the annual meeting;
  - (b) ordinary meetings; and

(c) extraordinary meetings.

they will be conducted in accordance with the Combined County Authority Procedure Rules set out in **Part 4** of this Constitution.

## **4. Responsibility for Functions**

- 4.1 Only the Combined County Authority will exercise Authority functions set out in **Part 3 Section 2** of this Constitution.
- 4.2 Only the Mayor will exercise mayoral functions set out in **Part 3 Section 3** of this Constitution.
- 4.3 The Authority may delegate the discharge of its functions which are not reserved to the Authority to Boards, committees, sub-committees, officers, joint committees or other local authorities, pursuant to section 101 of the Local Government Act 1972.
- 4.4 The Mayor may delegate the discharge of mayoral general functions (which are not reserved to the Mayor) to the Deputy Mayor or any member or officer of the Authority.
- 4.5 The Authority has delegated the discharge of the Authority functions to boards, committees and officers in accordance with the scheme of delegation contained in **Part 3 Section 6** of this Constitution.
- 4.6 The Mayor has delegated the discharge of mayoral general functions in accordance with the scheme of delegation contained in **Part 3 Section 6** of this Constitution.
- 4.7 The Authority and the Mayor will review their scheme of delegation regularly, in consultation with the Monitoring Officer.

## **5. Committees of the Combined County Authority**

- 5.1 The Combined County Authority is required to appoint an Audit Committee and one or more Overview and Scrutiny Committees. These are statutory committees – see **Part 3** for relevant terms of reference.
- 5.2 The Authority may establish other Boards and committees as it thinks fit to discharge its functions. The Authority has established a number of Boards and Committees to discharge the functions set out in Part 3 of this Constitution.

# **Article 2. The Mayor**

## **1. Election of the Mayor**

- 1.1 The Mayor is elected by the local government electors for the Authority's Area.
- 1.2 The first election for the return of a Mayor for the Area is to take place on 1st May 2025.
- 1.3 Subsequent elections for the return of a mayor for the Area are to take place:
  - (a) on the ordinary day of election in 2029, and
  - (b) in every fourth year thereafter on the same day as the ordinary day of election.
- 1.4 The term of office of the mayor returned at an election in 2025 for the return of a mayor for the Area:
  - (a) begins with 6th May 2025, and

(b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area

1.5 The term of office of the Mayor returned in each subsequent fourth year:

(a) begins with the fourth day after the day of the poll at the election for the return of the Mayor for the Area; and

(b) ends with the third day after the day of the poll at the next election for the return of the Mayor for the Area

## **2. General**

2.1 The Mayor is the Chair of the Combined County Authority.

## **3. Deputy Mayor**

The Mayor must appoint one of the Constituent Council Members to be the Mayor's deputy (the Deputy Mayor).

The Mayor must notify the Monitoring Officer of any such appointment in writing. The Monitoring Officer shall report the appointment to the next meeting of the Authority.

## **4. Incapacity or Vacancy of the Mayor**

4.1 The Deputy Mayor must act in place of the Mayor if for any reason:  the Mayor is unable to act, or

the office of Mayor is vacant.

4.2 If for any reason:

the Mayor is unable to act, or the office of Mayor is vacant, and

the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, the other Combined County Authority Members must act together in place of the Mayor, taking decisions by a simple majority.

## **5. Mayoral Functions**

5.1 The Mayoral Functions of the Authority are functions of the Authority exercisable only by the Mayor set out in Regulation 21 of the GLCCA Regulations.

5.2 For the purposes of the exercise of the Mayoral Functions, the Mayor has the general powers of the Combined County Authority set out in section 49 of the 2023 Act.

5.3 The Mayor may exercise the general powers referenced in 5.2 above subject to the restrictions which apply to the exercise of that power and after having due regard to advice from the Monitoring Officer and Chief Finance Officer.

## **6. Mayoral Decision-Making**

6.1 The Mayor must comply with the Mayoral Procedure Rules in **Part 4 Section 2** and make decisions in accordance with the principles of decision-making set out in Article 6 (Decision-making).

## 7. Advisory Groups

7.1 The Mayor may appoint an Advisory Group to inform the development of strategic and policy matters which relate to any Mayoral General Function. The Mayor cannot delegate authority to any Advisory Group to act on behalf of the Mayor nor on behalf of the Combined County Authority. The Mayor and Authority are expected to work together around the establishment of advisory groups to avoid duplication and to bring together similar workstreams.

## 8. Conduct

8.1 The Mayor must at all material times comply with any applicable Code or Protocol set out in **Part 5** of the Constitution, including the Members' Code of Conduct.

## 9. Remuneration

9.1 Any allowance payable to the Mayor shall not exceed a sum determined by the Independent Remuneration Panel. The Mayor's allowance is set out in the Members' Allowances Scheme in **Part 6** of this Constitution.

## 10. Budget and Finance

10.1 The Mayor must comply with the **Part 4** of this Constitution including Budget and Policy Procedure Rules, Contracts Standing Orders and Financial Regulations; see further also Article 9 (Finance, Contracts and Legal matters).

# Article 3. Citizens and the Combined County Authority

## 1. Voting

1.1 Local government electors for the Combined County Authority's Area have the right to vote directly for the office of the Mayor on the ordinary polling day every fourth year from 2025.

## 2. Information

The Access to Information Rules in **Part 4** of the Constitution set out the public's rights to information held by the Authority, including:

- in relation to meetings of the Authority and its Boards, committees and sub-committees, (subject to exceptions including in relation to confidential or information information), rights:
  - to attend meetings,
  - to inspect agendas of and reports to meetings and background ○ documents, ○ to access documents after a meeting including minutes, and ○ to report on and record a meeting.
- to inspect the Forward Plan to find out about:
  - any Key Decision to be made by the Authority, and
  - any request to be made to a Constituent Council for a Statutory Consent to exercise a concurrent function or in respect of a decision of the Mayor which gives rise to a financial liability,
- to inspect written records of decisions made by the Mayor and others authorised to make decisions under arrangements agreed by the Mayor,
- to inspect written records of decisions made by officers,
- to access information generally held by the Combined County Authority
- to inspect a list of Authority Members

### **3. Consultation**

3.1 The Combined County Authority must consult with citizens in accordance with any statutory requirement to do so.

### **4. Petitions**

4.1 The Combined County Authority does operate a Petitions Scheme.

### **5. Complaints**

5.1 Citizens have the right to complain to the Authority under its complaints scheme, or to the Local Government and Social Care Ombudsman (after exhausting the Authority's complaints scheme).

5.2 Citizens may submit any complaint about the conduct of a Combined County Authority Member whilst acting as a member of the Combined County Authority, to the Combined County Authority's Monitoring Officer in writing, in accordance with the procedure for considering complaints alleging a failure to comply with the Members' Code of Conduct in **Part 5** of this Constitution. This includes complaints about the conduct of the Mayor.

## **Article 4. Joint Arrangements**

1.1 The Authority has power pursuant to Section 101(5) of the Local Government Act 1972 to make arrangements with other local authorities to discharge their functions jointly.

1.2 Such arrangements may involve the discharge of those functions by a joint committee of such authorities or by an officer of one of them.

1.3 The Mayor may enter into arrangements jointly with the Combined County Authority and with the Constituent Councils in accordance with Section 101(5) of the Local Government Act 1972 for the discharge of Mayoral Functions listed in Regulation 23 of the GLCCA Regulations.

1.4 The Terms of References for any Joint committees or arrangements will be added to the respective Constitutions.

## Article 5 Officers

### Chief Officers

The Authority has appointed the following as Chief Officers for the purposes of **Part 3** (Scheme of Delegation of Functions to Chief Officers) of this Constitution.

- Chief Operating Officer (Head of Paid Service)
- Deputy Director
- Strategic Finance and Investment Officer (s.73 Chief Finance Officer)
- Monitoring Officer

## 2. Statutory Officers

2.1 The Combined Authority is required to appoint or designate the following statutory officers:

- Head of Paid Service
- Monitoring Officer, and
- Section 73 Chief Finance Officer

2.2 By law, some functions must be carried out personally by the statutory officer or carried out by a deputy nominated by them in cases of absence or illness. Officers who carry out functions directly delegated by statute are referred to as Proper Officers, the list of Proper Officers for the authority is contained in Part 3.

### Head of Paid Service – Statutory Functions

2.3 The Head of Paid Service, where the Head of Paid Services considers it appropriate, must prepare a report to the Authority setting out their proposals in relation to:

- the manner in which the discharge by the Authority of its different functions is coordinated,
- the number and grades of staff required by the Authority for discharging its functions,
- the organisation of the Authority's staff, and
- the appointment and proper management of the Authority's staff.

2.4 The Authority must consider any such report at a meeting within three months of the report first being sent to the Combined County Authority Members.

2.5 The Head of Paid Service must consider any application for exemption from political restriction in respect of any post in the Authority by the holder for the time being of that post and may give directions to the Authority to include a post in the list of politically restricted posts.

### Monitoring Officer – Statutory Functions

2.6 If it appears to the Monitoring Officer that any proposal, decision, or omission by the Combined County Authority would give rise to unlawfulness or to maladministration, the Monitoring Officer must send a report to each Combined County Authority Member (after consulting so far as practicable with the Head of Paid Service and Section 73 Chief Finance Officer). The Combined County Authority must consider any such report at a meeting not more than 21 days after copies of the report are first sent to the Combined County Authority Members.

The Authority must ensure that the implementation of the proposal or decision must be suspended until the report has been considered.

## Section 73 Chief Finance Officer – Statutory Functions

- 2.7 The Section 73 Chief Finance Officer is responsible for the administration of the financial affairs of the Combined County Authority, in accordance with Section 73 of the Local Government Act 1985.2.8 After consulting so far as practicable with the Head of Paid Service and the Monitoring Officer, the Section 73 Chief Finance Officer must prepare a report if it appears to the Section 73 Chief Finance Officer that the Combined County Authority:
- has made or is about to make a decision which involves or will involve incurring unlawful expenditure, or
  - has taken or is about to take a course of action which would be unlawful or is likely to cause a loss or deficiency, or
  - is about to enter an item of account unlawfully.
- 2.9 The Section 73 Chief Finance Officer must also make such a report if it appears that the expenditure of the Authority incurred in a financial year is likely to exceed the resources available to the Authority.
- 2.10 The Section 73 Chief Finance Officer must send a copy of any such report to the Local Auditor and to each Combined County Authority Member. The Authority must consider the report at a meeting not later than 21 days after the report has been sent to Combined County Authority Members and decide whether to agree or disagree with the views contained in it, and what action it proposes to take. The Local Auditor must be notified of the meeting and as soon as practicable, any decision taken at the meeting.

## Statutory Scrutiny Officer

- 2.11 The Authority must designate one of its officers as the Statutory Scrutiny Officer, whose responsibilities and functions are set out in the Overview and Scrutiny Procedural Rules of this Constitution. They may not be an officer of a Constituent Council.

## Data Protection Officer

- 2.12 The Authority must appoint a Data Protection Officer in accordance with the UK General Data Protection Regulations.

## Head of Internal Audit

- 2.13 The Authority will appoint a Head of Internal Audit in order to comply with its internal audit obligations contained in the Accounts and Audit Regulations 2015.

## 3. General

- 3.1 The Authority may appoint officers, as it considers necessary to carry out its functions.
- 3.2 Officers will comply with the Code of Conduct for Officers.

# 6. Decision-Making

## 1. Responsibility for Decision-Making

The Authority and the Mayor will issue and keep up to date a record of what part of the Authority or which individual has responsibility for particular types of decisions or decisions relating to particular functions. This record is set out in **Part 3** of this Constitution.

## 2. Principles of Decision-Making

- 2.1 All decisions of the Authority should be made in accordance with the following principles:
- (a) due regard to all relevant and material considerations and without regard to any irrelevant considerations;
  - (b) where appropriate, the realistic evaluation of alternatives;
  - (c) proportionality (i.e., the action must be proportionate to the desired outcome);
  - (d) due consultation and the taking of professional advice from officers;
  - (e) respect for human rights and equalities;
  - (f) a presumption in favour of openness;
  - (g) clarity of aims and desired outcomes; and
  - (h) reasons being given for the decision, as appropriate.

## 3. Key Decisions

- 3.1 A “key decision” means a decision, which is likely to:
- (a) result in the Authority or the Mayor spending or saving a significant amount, compared with the budget for the service or function the decision relates to; or
  - (b) be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the combined authority.
- 3.2 When assessing whether or not a decision is a key decision, Members must consider all the circumstances of the case. However, a decision which results in a significant amount spent or saved will not generally be considered to be a key decision if that amount is less than £500,000.
- 3.3 A decision-maker may only make a Key Decision in accordance with the requirements of the:
- Access to Information Rules, and
  - Combined County Authority Procedure Rules , or
  - Mayoral Procedure Rules
- 3.4 Decisions may be reviewed or scrutinised by way of call in by an overview and scrutiny committee in accordance with the Overview and Scrutiny Procedure Rules.

## 4. Types of Decisions

### (a) Decisions reserved to the Combined County Authority

Decisions relating to the functions listed in **Part 3 Section 2** of this Constitution will be made by the Combined County Authority and not delegated. The Combined County Authority meeting will follow the Rules of Procedure set out in **Part 4** of this Constitution when considering any matter.

### (b) Decisions reserved to the Mayor

Decisions relating to the Mayor’s general functions listed in **Part 3 Section 3** of this Constitution specified as being reserved to the Mayor will be made by the Mayor and not delegated, apart from those functions that can be delegated to a Deputy Mayor.

### (c) Decision making by Boards, Committees and Joint Committees established by the Combined County Authority

Boards, Committees and Joint Committees established by the Combined County Authority will follow those parts of the Rules of Procedure set out in **Part 4** of this Constitution as apply to them.

### (d) Decision making by Officers

Officers will exercise their delegated authority in accordance with the Scheme of Delegation to Officers set out in **Part 3 Section 6** of this Constitution and other provisions of this Constitution.

## **5. Recording Decisions**

Any decision taken at a meeting of the Combined County Authority or one of its Boards, Committees or sub- committees will be recorded in the minutes of the meeting. Any other decision will be recorded in accordance with Access to Information Rules in **Part 4** of this Constitution.

# **7. Finance, Contracts and Legal Matters**

## **1. Financial Management**

The management of the Authority's financial affairs will be conducted in accordance with the Financial Procedures set out in **Part 4** of the Constitution.

## **2. Legal Proceedings**

The Monitoring Officer is authorised to institute, settle, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Authority or in any case where the Monitoring Officer considers that such action is necessary to protect the interests of the Authority.

## **3. Authentication of Documents**

- (a) Where any document is necessary to any legal procedure or proceedings on behalf of the Combined County Authority, it will be signed by the Monitoring Officer or some other person duly authorised by the Combined County Authority or the Monitoring Officer, unless any enactment otherwise authorises or requires.
- (b) Any contract with a value exceeding £50,000 entered into by the Combined County Authority shall be made in writing. Such contracts must be signed by the Monitoring Officer and those authorised by the Monitoring Officer to sign on his/her behalf or made under the Common Seal of the Combined County Authority attested by an authorised officer. Any contract which in the opinion of the Monitoring Officer should be sealed must be made under the Common Seal of the Combined County Authority attested by an authorised officer.

## **4. Common Seal of the Combined County Authority**

The Common Seal of the Combined County Authority will be kept in a safe place in the custody of the Monitoring Officer. A decision of the Combined County Authority, or any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Monitoring Officer should be sealed. The affixing of the Common Seal will be attested by the Monitoring Officer, or some other person authorised by the Monitoring Officer.

# PART 3 – Responsibility for Functions

## 3.1. Introduction

Part 3 sets out the responsibility for the functions of the Combined County Authority and functions of the Mayor.

- 1.1 Authority Functions are functions of the Combined County Authority which are not exercisable by the Mayor. **Part 3 - Section 2** sets out an overview of the Authority Functions, including those conferred by the GLCCA Regulations.
- 1.2 Authority Functions are exercised by the Combined County Authority at a meeting of the Authority or in accordance with arrangements agreed by the Authority.
- 1.3 Certain Authority Functions can only be exercised with the consent of a relevant constituent council, district, borough or city council. These are identified in **Part 3 - Section 2**.
- 1.4 The Authority may make arrangements for any Authority Function, except those reserved to the Authority, to be exercised:
  - by a Board, committee or sub-committee of the Authority,
  - by an officer of the Authority,
  - by another local authority, or
  - under joint arrangements with one or more other local authorities.
- 1.5 **Part 3 – Section 4** sets out the Authority Functions which have been reserved to the Authority and must be taken at a meeting of the Authority.
- 1.6 **Part 3 - Section 5** sets out the Authority Functions which have been delegated to Boards, committees or sub- committees of the Authority and the terms of reference agreed for those Boards, committees and sub- committees.
- 1.7 **Part 3 - Section 6** sets out the Authority Functions which have been delegated to officers of the CCA.
- 1.8 **Part 3 - Section 7** sets out the Authority Functions which are to be exercised by another local authority or under joint arrangements with one or more other local authorities.
- 1.9 Where an Authority Function has been delegated under arrangements, this does not prevent the Authority exercising the function.

## 2. Mayoral Functions

2.1 Mayoral Functions are functions of the Combined County Authority exercisable only by the Mayor or under arrangements made by the Mayor. **Part 3 - Section 3** sets out an overview of the Mayoral Functions, including those conferred by the GLCCA Regulations.

2.2 Mayoral Functions are exercised by the Mayor acting individually, or in accordance with arrangements made by the Mayor.

2.3 Certain Mayoral Functions can only be exercised with the consent of a lead member of a Constituent Council given at a meeting of the Combined County Authority. These are

identified in **Part 3 – Section 2**.

2.4 Certain Mayoral Functions can only be exercised with the consent of a constituent council or relevant district council. These are identified in **Part 3 - Section 3**.

2.5 The Mayor may arrange for any of the following to exercise any Mayoral Function, except those reserved by law to the Mayor:

- (a) the Deputy Mayor,
- (b) another Authority member, or
- (c) an officer of the Authority.

2.6 The Mayor may enter into arrangements jointly with the Authority, the Constituent Councils and other Councils in accordance with section 101(5) of the Local Government Act 1972 for the discharge of the Mayoral Functions.

2.7 The Mayoral Functions which have been delegated to the Deputy Mayor or another Member of the Authority will be set out in the Constitution once they have been made.

2.8 **Part 3 - Section 6** sets out the Mayoral Functions which have been delegated to officers of the Authority.

2.9 Where a Mayoral Function has been delegated under arrangements, this does not prevent the Mayor exercising the function.

2.10 The Mayor may amend their arrangements at any time.

### **3. Statutory Consents**

3.1 Statutory Consents shall be followed in respect of:

- a. Authority Functions that can only be exercised with the consent of a relevant constituent council;
- b. Authority Functions that can only be exercised with the consent of a relevant district, borough or city council;
- c. Mayoral Functions that can only be exercised with the consent of a lead member of a Constituent Council given at a meeting of the Combined County Authority; and
- d. Mayoral Functions that can only be exercised with the consent of a relevant district, borough or city council.

## 3.2 Combined County Authority Functions

Combined County Authority Functions conferred by the GLCCA Regulations  
 The Transitional period will run from the first day of the Combined County Authority until 31 March 2026.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
<b>Finance, Investment, Innovation and Trade</b>							
Duty to prepare assessment of economic conditions	Section 69 Local Democracy, Economic Development and Construction Act 2009	Reg 28(1)	Y	N		Simple majority which includes the Mayor	
<b>Housing and Planning</b>							

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to compulsorily acquire land for development / planning purposes	Section 226 Town and Country Planning Act 1990	Reg 7(1)(f)	Y (and concurrent with Districts)	Y - requires the consent of: <ul style="list-style-type: none"> <li>the lead member for any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member; and</li> <li>each district council whose local government area contains any part of the land subject to the proposed compulsory acquisition</li> </ul>		Simple majority which includes the Mayor	Y
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Reg 7(1)(g)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Reg 7(1)(h)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to acquire land for exchange	Section 230(1)(a) of Town and Country Planning Act 1990	Reg 7(1)(i)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Reg 7(1)(j)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Reg 7(1)(k)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Reg 7(1)(l)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Reg 7(1)(m)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Reg 7(1)(n)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Reg 7(1)(o)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y

Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Reg 7(1)(p)	Y (and concurrent with Districts)	N		Simple majority which includes the Mayor	Y
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to provide housing or other land	Section 5 Housing and Regeneration Act 2008	Reg 6(1)(a)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	
Power for regeneration, development or effective use of land	Section 6 Housing and Regeneration Act 2008	Reg 6(1)(b)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	
Powers in relation to infrastructure	Section 7 Housing and Regeneration Act 2008	Reg 6(1)(c)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	
Powers to deal with land	Section 8 Housing and Regeneration Act 2008	Reg 6(1)(d)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	
Power to acquire land (other than compulsory acquisition)	Section 9 Housing and Regeneration Act 2008 (excluding Section 9(2))	Reg 6(1)(e)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	
Restrictions on disposal of land	Section 10 Housing and Regeneration Act 2008	Reg 6(1)(f)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	
Powers in relation to burial grounds and consecrated land etc	Paragraphs 19 and 20 of Schedule 3 Housing and Regeneration Act 2008	Reg 6(1)(g)	N (Concurrent with Homes England)	N		Simple majority which includes the Mayor	

<p>Extinguishment or removal powers, counter-notices and notification of proposal to make order</p>	<p>Paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 Housing and Regeneration Act 2008</p>	<p>Reg 6(1)(h)</p>	<p>N (Concurrent with Homes England)</p>	<p>N</p>		<p>Simple majority which includes the Mayor</p>	
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duty to conduct periodical review of Housing needs	Section 8 Housing Act 1985	Reg 7(1)(a)	Y (and District Councils)	N		Simple majority which includes the Mayor	Y
Power to make provision of board and laundry facilities	Section 11 Housing Act 1985	Reg 7(1)(b)	Y (and District Councils)	N		Simple majority which includes the Mayor	Y
Power to make provision of shops, recreation grounds, etc	Section 12 Housing Act 1985	Reg 7(1)(c)	Y (and District Councils)	N		Simple majority which includes the Mayor	Y
Power to acquire land for housing development (other than compulsory purchase)	Section 17 Housing Act 1985 (excluding 17(3))	Reg 7(1)(d)	Y (and District Councils)	N		Simple majority which includes the Mayor	Y
Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Reg 7(1)(e)	Y (and District Councils)	N		Simple majority which includes the Mayor	Y
<b>Transport</b>							

Duties of Integrated Transport Authority to apply to Metropolitan District Councils	Section 113 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to make Advanced Quality Partnership Scheme	Section 113C Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to impose Registration Restrictions in connection with Quality Partnership Schemes	Section 113D Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Facilities, measures and standards of advanced quality partnership schemes	Section 113E Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Requirements relating to advanced quality partnership schemes including traffic regulation orders	Section 113F Transport Act 2000 Section	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties relating to notice and consultation	Section 113G Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Requirements for inclusion in scheme	Section 113H Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Powers to postpone schemes	Section 113I Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duties in respect of schemes	Section 113J Act Transport 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Regulations about schemes involving existing facilities or measures	Section 113K Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to vary or revoke scheme	Section 113L Act Transport 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Supplementary provisions relating to variation of schemes	Section 113M Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS power to make regulations about schemes	Section 113N Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS power to issue guidance about schemes	Section 113O Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to make quality partnership scheme	Section 114 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Notice and consultation duties in respect of quality partnership schemes	Section 115 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duty to include certain specifications in schemes	Section 116 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to postpone schemes	Section 117 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Obligations in respect of implementation of schemes	Section 118 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Regulations about schemes involving existing facilities	Section 119 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to vary/revoke scheme	Section 120 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Supplementary powers and duties relating to variation of schemes	Section 121 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Regulations about schemes	Section 122 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Guidance about schemes	Section 123 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Duty to assess proposed franchising scheme	Section 123B Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duty to seek consent of SoS in relation to franchising schemes	Section 123C Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to seek audit report in relation to proposed franchising scheme	Section 123D Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to consult on franchising scheme	Section 123E Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Requirements of consultation document	Section 123F Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to publish report in response to consultation	Section 123G Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties relating to making and publication of scheme	Section 123H Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Power to postpone local service contracts	Section 123I Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Effect of local service contracts	Section 123J Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Powers/duties in relation to entering local service contracts	Section 123K Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Exceptions to 123K	Section 123L Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to vary scheme	Section 123M Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to revoke scheme	Section 123N Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to provide interim service	Section 123O Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to grant service permit	Section 123P Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Requirements relating to application for service permit	Section 123Q Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to publish notice of conditions attached to service permit	Section 123R Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to revoke or suspend service permit	Section 123S Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Appeal of refusal of service permit	Section 123T Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS may make regulations about schemes	Section 123U Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS may make regulations making transitional provisions about schemes	Section 123V Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS may issue guidance about schemes and duty to have regard	Section 123W Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Application of TUPE to local service contracts	Section 123X Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to make advanced ticketing schemes	Section 134C Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties to give notice and consult on advanced ticketing schemes	Section 134D Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Powers and duties relating to making of scheme	Section 134E Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Effect of scheme	Section 134F Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS may issue guidance, duty to have regard	Section 134G Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to make joint and through ticketing schemes	Section 135 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties to give notice and consult on advanced ticketing schemes	Section 136 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Powers and duties relating to making of scheme	Section 137 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Effect of scheme	Section 138 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to make enhanced partnership plans or schemes	Section 138A Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Further parties to scheme	Section 138B Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties in respect of local services	Section 138C Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Nature of enhanced partnership scheme	Section 138D Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to vary or revoke	Section 138E Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to prepare proposal, give notice and consult in relation to scheme	Section 138F Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Powers to make scheme	Section 138G Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties in respect of content of scheme	Section 138H Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Power to postpone all or part of scheme	Section 138I Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Effect of plans and schemes	Section 138J Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to vary scheme	Section 138K Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties in respect of variation	Section 138L Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Powers and duties in respect of making variation	Section 138M Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Supplementary requirements in respect of variation	Section 138N Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to revoke enhanced partnership plan or scheme	Section 138O Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS power to make regulations in respect of plan or scheme	Section 138P Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS may make regulations re transitional provisions about schemes	Section 138Q Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

SoS may issue guidance, duty to have regard	Section 138R Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Application of TUPE	Section 138S Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duty to determine availability of bus information	Section 139 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to make information available	Section 140 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to have regard to combination of economy, efficiency and effectiveness in respect of bus information	Section 141 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS power to require provision of information about bus services	Section 141A Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Traffic regulation to reduce or limit pollution	Section 142 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to obtain information about local services	Section 143 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Power to obtain information in relation to franchising schemes	Section 143A Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Power to obtain information for purpose of preparing enhanced partnership schemes	Section 143B Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Powers and duties in respect of mandatory concessions	Section 145A Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Supplementary provisions relating to mandatory concessions	Section 146 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Power to enforce mandatory concessions	Section 148 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duty to reimburse operators for providing concessions	Section 149 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Duties regarding procedure for reimbursement arrangements in respect of mandatory concessions	Section 150 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Concessions in Greater London	Section 151 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Agreements providing for service subsidies	Section 152 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Competition tests for the exercise of functions and agreements relating to buses	Section 153 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS power to make grants to bus operators	Section 154(2) – (6) Transport Act 2000	Reg 14(1), 18(1) and 23(1)(b)	Y during transition period	N		Simple majority which includes the Mayor	N
Sanctions against operators of bus service failing to comply	Section 155 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
SoS power to make grants for the purpose of carrying out transport functions	Section 157 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Abolition of financial plans of Passenger Transport Executives	Section 159 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N

Provisions in relation to making of regulations and orders	Section 160 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Minor and consequential amendments	Section 161 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Interpretation	Section 162 Transport Act 2000	Reg 14(1)	Y during transition period	N		Simple majority which includes the Mayor	N
Powers in relation to workplace parking levy	Chapters 2 and 3 of Part 3 of the 2009 Act	Reg 17(1)(a)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised		Simple majority which includes the Mayor	N
Provisions relating to workplace parking levy	Workplace Parking Levy (England) Regulations 2009	Reg 17(1)(b)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised		Simple majority which includes the Mayor	N
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads. (Enabling power of SoS/HE)	Section 6 Highways Act 1980	Reg 15(1)(a)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised		Simple majority which includes the Mayor	N

Power to be an authority who may be party to agreement on highway construction,	Section 8 Highways Act 1980	Reg 15(1)(b)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
improvement, maintenance etc.							
Powers in respect of Passenger Transport Authorities and Executives	Section 57 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Amendments in respect of Passenger Transport Authorities and Executives	Section 58 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Transfer of bus undertakings of Executives to companies owned by Authorities	Section 59 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Exclusion of public sector co-operation requirements and bus operating powers.	Section 60 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N

Power of SoS to give direction on proposals to divide undertaking	Section 61 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duties of passenger transport executives to protect employee benefits on transfer or division of bus undertakings	Section 62 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Duty in non-metropolitan counties to secure appropriate public passenger transport services	Section 63 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Duties regarding consultation and publicity with respect to policies and services	Section 64 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Power to co-operate with TfL or any subsidiaries	Section 65 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Exclusion of powers to provide services which require PSV operator's licence	Section 66 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N

Power to form bus companies to run council bus undertakings	Section 67 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duties with regard to transfer schemes for bus undertakings	Section 68 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Duty to submit proposals to SoS in respect of joint undertakings	Section 69 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Supplementary duties relating to transfer to joint undertakings	Section 70 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Exemption for councils running small bus undertakings	Section 71 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Definitions relevant to public transport companies	Section 72 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Duties of controlling authority in respect of public transport companies	Section 73 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N

Disabilities of directors of public transport companies	Section 74 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Powers to subscribe/acquire shares	Section 75 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Duty of controlling authority to exercise control to appoint auditors	Section 76 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Powers of passenger transport executives to enter agreements	Section 78 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Powers of passenger transport executives to make loans	Section 79 Transport Act 1985	Reg 13(1)	Y	N		Simple majority which includes the Mayor	N
Duties not to inhibit competition	Section 80 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N

Powers for provision, maintenance and operation of bus stations and associated facilities	Section 81 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Restrictions on discriminatory practices in relation to provision/operation of bus stations and facilities	Section 82 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Supplementary provisions in relation to provision, maintenance and operation of bus stations and facilities	Section 83 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Provisions regarding compensation for loss of employment	Section 84 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Provisions relating to incorporation of passenger transport executives	Section 85 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
Provision for modification of enactments of SoS	Section 86 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N

Interpretation	Section 87 Transport Act 1985	Reg 13(1)	Y, for duration of transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duties in respect of expenditure for public passenger transport services	Section 88 Transport Act 1985	Reg 13(1)	Y for duration of transition period	During the transition period any exercise of this function requires the consent of each Constituent Council in whose area it is proposed that the functions are to be exercised.		Simple majority which includes the Mayor	N
Duty to invite tender for subsidised services	Section 89 Transport Act 1985	Reg 13(1)	Y for duration of transition period	During the transition period any exercise of this function requires the consent of each Constituent Council in whose area it is proposed that the functions are to be exercised.		Simple majority which includes the Mayor	N
Duties in relation to obligation to tender for subsidised services	Section 90 Transport Act 1985	Reg 13(1)	Y for duration of transition period	During the transition period any exercise of this function requires the consent of each Constituent Council in whose area it is proposed that the functions are to be exercised.		Simple majority which includes the Mayor	N
Exceptions to duty to invite tender for subsidised services	Section 91 Transport Act 1985	Reg 13(1)	Y for duration of transition period	During the transition period any exercise of this function requires the consent of each Constituent Council in whose area it is proposed that the functions are to be exercised.		Simple majority which includes the Mayor	N

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Duty to have regard to interest of public and of persons providing public passenger transport services in their area	Section 92 Transport Act 1985	Reg 13(1)	Y for duration of transition period	During the transition period any exercise of this function requires the consent of each Constituent Council in whose area it is proposed that the functions are to be exercised.		Simple majority which includes the Mayor	N
Power to establish travel concession scheme	Section 93 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Provisions relating to administration of concession schemes	Section 94 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Duties in relation to publicity requirements for concession schemes	Section 95 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Obligation to admit operators to concession schemes	Section 96 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Powers to oblige participation in travel concession schemes	Section 97 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Duties relating to the issue of participation notices	Section 98 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Power to release operator from compulsory participation	Section 99 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Supplementary provisions relating to powers to oblige participation in concession schemes	Section 100 Transport Act 1985	Reg 13(1)	N	N		Simple majority which includes the Mayor	N
Powers to enforce participation in travel concession schemes	Section 101 Transport Act 1985	Reg 13(1)	Y for duration of transition period	N		Simple majority which includes the Mayor	N

Obligations relating to subsidies for travel concessions	Section 103 Transport Act 1985	Reg 13(1)	Y for duration of transition period	N		Simple majority which includes the Mayor	N
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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant Member(s) to Consent	CA	Voting	Non-Constituent Vote
Obligations of Passenger Transport Executives in exercising powers	Section 104 Transport Act 1985	Reg 13(1)	Y for duration of transition period	N		Simple majority which includes the Mayor	N
Power to offer travel concessions in operation of public passenger transport services	Section 105 Transport Act 1985	Reg 13(1)	Y for duration of transition period	N		Simple majority which includes the Mayor	N
Power to make grants for transport facilities and services	Section 106 Transport Act 1985	Reg 13(1)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised		Simple majority which includes the Mayor	N
Power to make grants for bus services	Section 106A Transport Act 1985	Reg 13(1)	Y	Y – consent of constituent council in whose area the function is proposed to be exercised		Simple majority which includes the Mayor	N
Provision for civil enforcement of traffic contraventions	Part 6, and paragraph 9 and 10 of Schedule 8, Traffic Management Act 2004	Reg 16(1)(a)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N

Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022	Reg 16(1)(b)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N
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Implementati on of permit schemes of strategic highways companies and local highways authorities in England	Section 33A Traffic Management Act 2004	Reg 19(1)(b)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N
Variation and revocation of permit schemes	Section 36 Traffic Management Act 2004	Reg 19(1)(c)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N
Functions of constituent councils as Permit Authorities	Traffic Management Permit Scheme (England) Regulations 2007	Reg 19(2)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N
<b>Function</b>	<b>Legislation</b>	<b>Order Reference</b>	<b>Concurrent with Constituent Councils</b>	<b>Relevant CA Member(s) to Consent</b>		<b>Voting</b>	<b>Non-Constituent Vote</b>
Provision for civil enforcement of traffic contraventions	Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022	Reg 16(1)(c)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N
Preparation of permit schemes	Section 33 Traffic Management Act 2004	Reg 19(1)(a)	Y	Y – of constituent council in whose area it is proposed function will be exercised		Simple majority which includes the Mayor	N

### 3.3 Functions of the Mayor – to come into force on 6 May 2025

Mayoral Functions conferred by the

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Consent Requirements
<b>Finance</b>				
Powers relating to impose a business rate supplement	Business Rate Supplements Act 2009 except Section 3(5)	Reg 26 and Reg 23(1)(e)	N	Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
<b>Housing and Planning</b>				

<p>Power to acquire land by agreement, or with authorisation of the Secretary of State, compulsorily</p>	<p>Section 17(3) of the Housing Act 1985</p>	<p>Reg 7(1)(d) and Reg 23(1)(a)</p>	<p>Y (and district councils)</p>	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>- The Lead member of any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member,</li> <li>- Each district councils whose local government area contains any part of the area to be designated as a Mayoral development area.</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
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Function	Legislation	Order Reference	Concurrent with Constituent Councils		Consent Requirements
Power to acquire land compulsorily if authorised by secretary of state	Section 9(2) of the Housing and Regeneration Act 2008	Schedule 2 Part 1 Para 2 and Reg 23(1)(d)	Concurrent with Homes England		Requires consent of: The Lead member of any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member, Each district councils whose local government area contains any part of the area to be designated as a Mayoral development area.  Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
<b>Transport</b>					
Power to pay grants towards expenditure of local authority	Section 31 Local Government Act 2003	Reg 20 and 23(1)(c)	Concurrent with Minister of crown		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Duty to prepare Local Transport Plans	Section 108 of the Transport Act 2000	Reg 14 and Reg 23(1)(b)	N		The Mayor must consult the Authority.



Function	Legislation	Order Reference	Concurrent with Constituent Councils	Consent Requirements
				<p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p> <p>The Members of the Authority may amend plans made pursuant to this section if agreed by a two thirds majority of the voting Members of the Authority present and voting at a meeting of the Authority.</p>
Duty to keep local transport plan under review, powers to replace, duties in respect of consultation and publication	Section 109 of the Transport Act 2000	Reg 14 and Reg 23(1)(b)	N	<p>The Mayor must consult the Authority.</p> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p> <p>The Members of the Authority may amend plans made pursuant to this section if agreed by a two thirds majority of the voting Members of the Authority present and voting at a meeting of the Authority.</p>

<p>Duty to have regard to guidance and transport needs of disabled persons</p>	<p>Section 112 of the Transport Act 2000</p>	<p>Reg 14 and Reg 23(1)(b)</p>	<p>N</p>	<p>The Mayor must consult the Authority.</p> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p> <p>The Members of the Authority may amend plans made pursuant to this section if agreed by a two thirds majority of the voting Members of the Authority present and voting at a meeting of the</p>
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Function	Legislation	Order Reference	Concurrent with Constituent Councils		Consent Requirements
					Authority.
Franchising schemes	Section 123A of the Transport Act 2000	Reg 23(1)(b)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
Power to pay grants to operators of eligible bus services	Section 154(1) of the Transport Act 2000	Reg 14(1) Reg 23(1)(b) Reg 18(1)	N - concurrent with Secretary of State		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.
<b>Highways and Traffic</b>					
Directions relating to highways and traffic functions	Section 22 of the Levelling Up and Regeneration Act 2023	Reg 23(1)(g) Reg 22	N		The Authority must consult with the Constituent Council that is to be subject of the direction.
<b>Mayoral Development Area (MDA) Functions</b>					

Power to designate Mayoral Development Area	Section 197 of the Localism Act 2011	Reg 23(1)(f)	N	<p>Requires consent of:</p> <ul style="list-style-type: none"> <li>- The Lead member of any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member,</li> <li>- Each district councils whose local government area contains any part of the area to be designated as a Mayoral development area.</li> </ul> <p>Any exercise which results in a financial</p>
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Function	Legislation	Order Reference	Concurrent with Constituent Councils		Consent Requirements
					liability falling on a constituent council requires the consent of the lead member of that council.
Power to exclude land by Mayoral Development Area: altering boundaries	Section 199 of the Localism Act 2011	Reg 23(1)(f)	N		<p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p> <p>Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the 2011 Act ( in respect of any Mayoral development area requires the consent of each lead member of the Combined County Authority by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members.</p>
Transfers of property to a Mayoral Development corporation	Section 200 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council



Function	Legislation	Order Reference	Concurrent with Constituent Councils		Consent Requirements
<p>Planning to function in relation to Mayoral Development Area</p>	<p>Section 202 of the Localism Act 2011</p>	<p>Reg 23(1)(f)</p>	<p>N</p>		<p>Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act in respect of any Mayoral development area requires the consent of:-</p> <ul style="list-style-type: none"> <li>- the lead members of the Combined County Authority whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members, and</li> <li>- each district council whose local government area contains any part of the area to be designated as a Mayoral development area.</li> </ul> <p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.</p>
<p>Removal or restriction of planning powers in relation to mayoral development corporation</p>	<p>Section 204 of the Localism Act 2011</p>	<p>Reg 23(1)(f)</p>	<p>N</p>		<p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council</p>
<p>Power to grant discretionary relief from non-domestic rates to Mayoral Development Corporation</p>	<p>Section 214 of the Localism Act 2011</p>	<p>Reg 23(1)(f)</p>	<p>N</p>		<p>Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council</p>

Duty to review existence of Mayoral Development Corporations	Section 215 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
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Function	Legislation	Order Reference	Concurrent with Constituent Councils		Consent Requirements
Power to make transfer scheme for transfer of property, rights or liabilities	Section 216 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to request dissolution of Mayoral Development Corporation	Section 217 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give guidance to MDC	Section 219 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give direction to MDC	Section 220 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to give/revoke relevant consents	Section 221 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Duty to appoint members	Para 1 Sch 21 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council

Terms of members' appointments	Para 2 Sch 21 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
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Function	Legislation	Order Reference	Concurrent with Constituent Councils		Consent Requirements
Agreement of Staff terms and conditions	Para 3 Sch 21 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to determine rates and eligibility for remuneration of members and staff	Para 4 Sch 21 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Power to agree committee members who are not members of the MDC	Para 6 Sch 21 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council
Proceedings and meetings subject to mayoral direction	Para 8 Sch 21 of the Localism Act 2011	Reg 23(1)(f)	N		Any exercise which results in a financial liability falling on a constituent council requires the consent of the lead member of that council

## 3.4 The Combined County Authority

The Combined County Authority has collective responsibility for decision-making, acting in the best interests of the Authority area.

### 1. Key Functions of the Combined County Authority

1.1 The following key functions sit within the responsibility of the Combined County Authority:

- (a) To set, review, keep up to date and revise the long-term ambitions and outcomes of the Combined County Authority – the Greater Lincolnshire Plan.
- (b) Overall responsibility for the implementation of the Greater Lincolnshire Plan.
- (c) To agree, amend or withdraw strategy and policy for the Combined County Authority, including ensuring that the Combined County Authority undertakes statutory and appropriate communication and consultation in the setting of the budget and policy framework.
- (d) To prepare and set a non-mayoral budget for the Authority.
- (e) To drive future devolution and lobbying of Government.
- (f) To agree prioritisation and re-purposing of funds.
- (g) To agree approval of projects and programmes in line with the Scheme of Delegation.
- (h) To consider and agree employment and human resources policy.
- (i) To exercise General functional powers of the Authority.
- (j) To respond to Gateway Reviews.
- (k) To consent to the making of Regulations under the Levelling Up and Regeneration Act 2023.
- (l) To agree to change the name of the Authority.
- (m) To agree that the mayor for the area of the Authority is to be known by the title of mayor or approving an alternative title.
- (n) To consent to proposals for changing existing arrangements relating to the Authority.
- (o) All other matters which, by law, must be reserved to Combined County Authority.

### 2. Functions Reserved to the Combined County Authority

2.1 The following functions are reserved to the Authority to discharge and cannot be delegated to any other decision making body of the Authority:

#### Strategy and Policy

- a) The adoption of, any amendment to, or withdrawal of:
  - the Greater Lincolnshire Plan

- any strategy or policy of the Combined County Authority, including the Investment Strategy for Greater Lincolnshire and use of the investment fund.

### Frameworks

- b) The adoption of, and any amendment to or withdrawal of the following framework documents:
  - Assurance Framework;
  - Monitoring & Evaluation Framework;
  - Performance Management Framework;
  - Risk Management Framework [Finance](#)
- c) Approving the Non-Mayoral Combined County Authority budget and the investment fund.
- d) Approving the estimates of income and expenditure and the setting of a transport levy pursuant to the Transport Levying Bodies Regulations 1992.
- e) In relation to the Mayor's General Budget:
  - approving the draft budget (or revised draft budget), or
  - the decision to veto the draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Combined County Authority's recommendations as to the relevant amounts and calculations
- f) The issuing of the Mayoral Combined County Authority precept pursuant to section 40 of the Local Government Finance Act 1992
- g) Approving the borrowing limits of the Combined County Authority, including determining the borrowing limits of the Combined County Authority in relation to transport matters pursuant to section 3 of the Local Government Act 2003.
- h) Approving the Treasury Management Strategy and the Investment Strategy of the Combined County Authority.
- i) Approving the capital programme of the Combined County Authority and approving new transport schemes.
- j) The preparation of a local economic assessment under section 69 of the Local Democracy, Economic Development and Construction Act 2009

### People

- k) Approving the appointment of the Head of Paid Service, Monitoring Officer and Section 73 Officer.
- l) Approving the appointment of the Returning Officer
- m) Making decisions in relation to the establishment and remuneration of posts whose remuneration is, or is proposed to be, £100,000 and above (or pro rata thereto).

- n) Making decisions in relation to settlements and severance packages on termination of appointment in excess of £100,000.
- o) The determination of collective terms and conditions of officers

## Governance

- p) Decisions related to:
  - (a) Adoption and amendment of the Constitution (other than changes delegated to the Monitoring Officer) in line with the provisions of section 14 of the 2023 Act;
  - (b) Receiving nominations from nominating bodies for non-constituent members and their delegates.
  - (c) Appointing associate members and/or substitutes to the Authority.
  - (d) Establishment and membership of boards, regulatory committees and joint committees;
  - (e) Determining the terms of reference of Boards, regulatory committees and joint committees
  - (f) Appointment of members to chair Boards, regulatory committees and joint committees
  - (g) Approval of Mayoral Allowance and any other allowance schemes;
  - (h) Appointment of an Independent Person of the Overview and Scrutiny and Audit Committees;
  - (i) Appointment of Statutory Officers;
  - (j) Delegation of functions to third parties;
  - (k) Establishment of Trading Companies;
  - (l) Any other matters reserved to the Authority.
- q) The Authority shall exercise a functional power of competence in relation to any of its functions after having due regard to the advice of the Monitoring Officer and S73 Officer.

### 3. Designation of nominating bodies

- r) Designating nominating bodies for the appointment of non-constituent members and/or substitutes and delegates to the Authority. The Authority can:
  - Agree the number of nominating bodies that may be designated by the Combined County Authority
  - Agree the designation of a nominating body or the removal of such a designation

- Agree the number of non-constituent members that may be appointed by a nominating body of the Authority
- Agree the process for the appointment, disqualification, resignation or removal of a non-constituent member or delegate member
- Approve the appointment or removal of non-constituent members and delegate members
- Agree the process for the appointment, disqualification, resignation or removal of an associate member or delgate member
- Approve the appointment or removal of associate members or substitute members

## 4. Voting

- 4.1 Voting arrangements are set out in the Authority Procedure Rules in [Part 4](#) of the constitution.

## 5. Membership

- 5.1 The Combined County Authority membership consists of the following:
- (a) The Mayor
  - (b) Two elected member appointments by each Constituent Authority
  - (c) Up to a maximum of six Non-Constituent and Associate Members. Four of the Non – Constituent Members will be from the Non Constituent Councils and one other non-constituent member will be a Police and Crime Commissioner from within the Authority’s area.
- 5.2 Further details regarding membership are set out in [Article 2](#) of the Constitution.

## 6. Executive Bodies

- 6.1 The Combined County Authority Board has the power to delegate its functions, which are not reserved to it, to Boards, Committees, Sub-Committees, Officers, Joint Committees or other Local Authorities. The Authority cannot delegate its functions to individual members of the Authority.

## 7. Advisory Groups

- 7.1 The Authority may establish advisory groups. These bodies will be non-decision making and will be convened to develop proposals for a thematic approach and/or strategy as defined by the Authority.
- 7.2 The Authority will determine the remit, terms of reference, membership and budget for advisory groups.
- 7.3 The Mayor and Authority are expected to work together around the establishment of advisory groups to avoid duplication and to bring together similar workstreams.

## 8. Quorum

- 8.1 The Quorum details are set out in the Combined County Authority Procedure Rules.

## 3.5 Terms of Reference of Committees

The Authority has established the following Boards, Committees, Panels, and governance bodies. The Terms of Reference for each of these are set out in this section:

### **Executive Committees**

- A. Transport Board**
- B. Employment & Skills Board**
- C. Business and Infrastructure Board**
- D. Appointments Panel**

### **Politically Balanced Committees**

- E. Audit Committee**
- F. Overview and Scrutiny Committee**
- G. Joint Committees**

### **Advisory Panels / Groups**

- H. Economic Advisory Panel**
- I. Transport for Greater Lincolnshire Advisory Group**

## 3.5A. Transport Board

### 1. Terms of Reference

1.1 This is an Executive decision- making Committee of the Combined County Authority, referred to as one of the three Boards of the Authority. The Transport Board will act in a regional capacity to enable the ambitions and outcomes of the Authority of its transport functions.

1.2 The Transport Board is authorized to carry out any Non-Mayoral transport function<sup>1</sup> of the Authority or any other Non-Mayoral function related to transport in accordance with the strategic and budgetary framework agreed by the Authority, including:

- a) progressing the ambitions and outcomes of the Greater Lincolnshire Plan and policy framework of the Combined County Authority that fall within the remit of this Board, by monitoring and reviewing the outcomes and impact of any policy, investment priorities, strategy or plan,
- b) submitting bids for devolved and other funding,
- c) working with key partners and the mayor to develop and promote a shared understanding, coherent strategies and policies, and joined up service delivery,
- d) overseeing any project or programme in accordance with the Combined County Authority Assurance Framework<sup>2</sup>,
- e) Considering and approving the creation and development of Ticketing Schemes under s135-138 of the Transport Act 2000 Concessionary Travel Schemes under s93-104 of the Transport Act 1985,
- f) Determining what local bus information should be made available, and the way it should be made available, under s139-143 of the Transport Act 2000,
- g) Considering issues arising from the implementation of schemes for the introduction of smart ticketing systems and innovative technologies, and
- h) Determining the operation, performance, contract management and development of tendered bus services, bus stations/interchanges and passenger transport services within the agreed Authority budget.

with the exception of

- any function which requires a Statutory Consent where that consent has yet to be given, and

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<sup>1</sup> Functions in this context include any function of the Combined Authority in its role as local transport authority, travel concession authority or transport authority and are to be construed in a broad and inclusive fashion, and as including the exercise of the ancillary powers under Section 113A Local Democracy, Economic Development and Construction Act 2009.

<sup>2</sup> Or otherwise, where the project or programme does not fall to be considered under the Greater Lincolnshire Combined County Authority Assurance Framework

- any function which is reserved to the Combined Authority.

1.3 To contribute to the preparation of the Greater Lincolnshire Economic Assessment and the Greater Lincolnshire evidence base through specialist advice, including

- (a) Commissioning of appropriate research and studies in relation to the Authority's transport functions and needs
- (b) formulating, developing and monitoring procedures for public consultation of the Authority's transport policies

1.4 It will advise the Authority and the mayor on the development of policy, strategy and budgets and make recommendations on/to:

- (i) The Greater Lincolnshire Local Transport Plan/Transport Strategy;
- (ii) The creation of a transport budget, including but not confined to the allocation of Government transport funding for Integrated Transport and Highway Maintenance (both the Needs and Incentive elements) Block funding, Pothole fund;
- (iii) The development of the Investment Strategy and transport investment;
- (iv) the Authority in respect of any Non-Mayoral Function which is a transport function or function related to transport or any other transport matters requested by the GLCCA Board.
- (v) the Mayor in respect of any Mayoral General Function which is a transport function or other function related to transport.

1.5 To collaborate with other Boards/Committees of the combined county authority to achieve the ambitions and outcomes of the Authority.

1.6 To engage with and hold to account those bodies involved in the delivery and operation of transport activities within the Authority area.

1.7 To nominate Authority representatives on transport bodies.

1.8 To respond to any report or recommendation from the Audit Committee or the Overview and Scrutiny Committee.

## 2. Membership

### Voting Members

- Mayor
- Two Members/substitute members from each Constituent Authority

### Non Voting Members

- Four Non constituent Members /delegate members
- One business member appointed by the Economic Advisory Panel • any other co-opted members

2.1 In appointing members to the Transport Board there is no requirement for political balance.

2.2 The Board may co-opt up to 3 additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Board. Further co-opted members may be appointed with the approval of the Authority.

2.3 Substitution and Delegations operate in accordance with the Authority Procedure Rules.

2.4 The Board may appoint one or more sub-committees for the purpose of discharging any of the Board's functions.

### **3. Chairing the Board**

3.1 The Transport Board shall be chaired by a Constituent Member (or substitute) nominated and appointed by the Authority.

3.2 A Vice-Chair will be appointed by the Transport Board from amongst the Constituent Authority membership.

3.3 The Mayor is a voting member of the Board in order to allow them to act in their capacity as the Mayor, they may wish to discharge any relevant mayoral functions via the Board in order to benefit from appropriate advice.

### **4. Quorum**

4.1 The quorum will be 4 voting members in accordance with the Authority Procedure Rules.

### **5. Voting**

5.1 Any matters that are decided by the Board are to be decided by consensus of the Board where possible.

5.2 When a vote is required, it will be taken in accordance with the Authority Procedure Rules.

5.3 Voting on this Board is reserved to the mayor and constituent members. Non constituent, associate and co-opted members may not be given a vote on this Board.

5.4 The Board may invite any Observers as it sees fit, relevant to any item of the agenda, to attend the meeting. These Observers will be able to participate in the meeting at the discretion of the Chair, however will not be able to vote on any matter.

### **6. Frequency**

6.1 There will be a minimum of five Transport Board meetings each municipal year. (approximately every other month)

### **7. Review**

7.1 The Terms of reference are to be reviewed on an annual basis by the Transport Board.

7.2 The role and arrangements of the Transport Board will be reviewed on an annual basis by the Authority.

## 3.5B. Employment and Skills Board

### 1. Terms of Reference

- 1.1 This is an Executive decision making Committee of the Combined County Authority referred to as one of the three Boards of the Authority. The Employment and Skills Board will act in a regional capacity to enable the ambitions and outcomes of the Authority of its employment, skills and adult education functions.
- 1.2 The Employment and Skills Board is authorised to carry out any Non-Mayoral employment, skills and adult education function<sup>3</sup> of the Authority or any other Non-Mayoral function related to employment, skills and adult education in accordance with the strategic and budgetary framework agreed by the Authority, including:
- a) progressing the ambitions and outcomes of the Greater Lincolnshire Plan and policy framework of the Authority that fall within the remit of this Board, monitoring and reviewing the outcomes and impact of any policy, investment priorities, strategy or plan,
  - b) submitting bids for devolved and other funding,
  - c) working with key partners and the mayor to develop and promote a shared understanding, coherent strategies and policies, and joined up service delivery, and influence the provision of employment, education and training provision, and
  - d) approval of AEB programme plan each year and oversight of its implementation.
  - e) annual agreement of 'draft' and 'final' AEB Funding Rules and Rates.
  - f) termination of an AEB contract for services/grant agreement.
  - g) overseeing any project or programme in accordance with the governance and assurance arrangements for administering the adult education and skills functions of the Adult Education Budget and the Combined County Authority Assurance Framework<sup>4</sup>
- with the exception of
- any function which requires a Statutory Consent where that consent has yet to be given, and any function which is reserved to the Authority.
- 1.3 The Employment and Skills Board will contribute to the preparation of the Greater Lincolnshire Economic Assessment and Greater Lincolnshire evidence base through specialist advice, including

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<sup>3</sup> Functions in this context are to be construed in a broad and inclusive fashion, and as including the exercise of the ancillary powers under Section 113A of the Local Democracy, Economic Development and Construction Act 2009

<sup>4</sup> Or otherwise, where the project or programme does not fall to be considered under the Greater Lincolnshire Combined County Authority Assurance Framework

- i. commissioning of appropriate research and studies in relation to the Authority's employment, skills and adult education functions and needs
- ii. formulating, developing and monitoring procedures for public consultation of the Authority's employment, skills and adult education policies

1.4 To advise the Authority and the mayor on the development of policy, strategy and budgets and make recommendations on / to:

- h) The area-wide Employment and Skills Plan;
- i) The development of the Investment Strategy and skills investment;
- j) Approval and review of the AEB Assurance Framework
- k) Local Skills Improvement Plan (LSIP)
- l) Relevant governance and decision-making arrangements
- m) AEB commissioning strategy, including 'indicative' and 'final' provider allocations
- n) Substantive in-year changes to AEB Funding Rules and Rates to improve provider management or to implement new GLA policies,
- o) the Authority in respect of any Non-Mayoral Function which is an employment, skills or adult education function or functions related to employment, skills or adult education or any other employment, skills or adult education matters requested by the Authority.
- p) the Mayor in respect of any Mayoral General Function which is a employment, skills or adult education function or other function related to employment, skills or adult education.

1.5 To collaborate with other Boards/committees of the Authority to achieve the ambitions and outcomes of the Authority.

1.6 To engage with and hold to account those bodies involved in the delivery and operation of employment, skills or adult education activities within the Authority area.

1.7 To nominate Authority representatives on employment, skills or adult education bodies.

1.8 To respond to any report or recommendation from the Audit Committee or the Overview and Scrutiny Committee.

## 2. Membership

2.1 The Employment and Skills Board will engage and seek advice from a range of key stakeholders including Combined County Authority area Local Authorities, FE Colleges and Independent Training Providers, key Government Agencies such as the Department for Work and Pensions as well as employers in relation to developing the emerging AEB priorities that will meet the local need for year one, as well as advising on future AEB funding priorities.

2.2 The membership of the Employment and Skills Board shall consist of:

### Voting Members

- Mayor
- Two Members/substitute members from each Constituent Authority
- Four Non constituent Members /delegate members

### Non Voting Members

- One business member appointed by the Economic Advisory Panel • any other co-opted members

2.3 In appointing members to the Employment and Skills Board there is no requirement for political balance.

2.4 The Committee may co-opt up to 3 additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Board. Further co-opted members may be appointed with the approval of the Authority.

2.5 The Board may appoint one or more sub-committees for the purpose of discharging any of the Board's functions.

## **3. Chairing the Board**

3.1 The Employment and Skills Board shall be chaired by a Constituent Member (or substitute) nominated and appointed by the Authority.

3.2 A Vice-Chair will be appointed by the Employment and Skills Board from amongst the Constituent Authority membership.

3.3 The Mayor is a voting member of the Board in order to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the Board in order to benefit from appropriate advice.

## **4. Quorum**

4.1 The quorum will be 4 voting members in accordance with the Authority Procedure Rules.

## **5. Voting**

5.1 Any matters that are to be decided by the Board are to be decided by consensus of the Board where possible.

5.2 When a vote is required, it will be taken in accordance with the Authority Procedure Rules.

5.3 Non constituent members may vote on all matters unless specifically reserved to the Authority.

5.4 The Board may invite any Observers as it sees fit, relevant to any item of the agenda, to attend the meeting. These Observers will be able to participate in the meeting at the discretion of the Chair, however will not be able to vote on any matter.

## 6. Frequency

6.1 There will be a minimum of five Employment and Skills Boards meetings each municipal year. (approximately every other month)

## 7. Review

7.1 The terms of reference are to be reviewed on an annual basis by the Employment and Skills Board.

7.2 The role and arrangements of the Employment and Skills Board will be reviewed on an annual basis by the Authority.

## 3.5C. Business and Infrastructure Board

### 1. Terms of Reference

1.1 This is an Executive decision making Committee of the Combined County Authority referred to as one of the three Boards of the Authority. The Business and Infrastructure Board will act across Greater Lincolnshire to enable the ambitions and outcomes of the Combined County Authority of its business growth, innovation, regeneration, housing and environment functions.

1.2 The Business and Infrastructure Board is authorised to carry out any Non-Mayoral business growth, innovation, regeneration, housing and environment function<sup>5</sup> of the Authority or any other Non-Mayoral function related to business growth, innovation and environment in accordance with the strategic and budgetary framework agreed by the Authority, including:

- i. progressing the ambitions and outcomes of the Greater Lincolnshire Plan, policy framework and other relevant Strategies of the Authority that fall within the remit of this Board, monitoring and reviewing the outcomes and impact of any policy, investment priorities, strategy or plan,
- ii. progressing those elements of the Mayor's pledges that fall within the remit of this committee,
  - i. ensuring alignment with the vision and policy framework of the Authority where appropriate,
- iii. submitting, prioritising and endorsing bids for devolved and other funding,
- iv. preparing proposals for the acquisition, servicing and sale of land
- v. working with key partners and the Mayor to
  - a. develop and promote a shared understanding, coherent strategies and policies, and joined up service delivery, and
  - b. influence the provision of infrastructure including, digital, water and flood management

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<sup>5</sup> Functions in this context are to be construed in a broad and inclusive fashion, and as including the exercise of the ancillary powers under Section 113A of the Local Democracy, Economic Development and Construction Act 2009. 2 This includes business growth and productivity, business support, innovation, digital, trade and inward investment

- c. promote business growth through innovation, advice and grant support.
- d. promote strategic sites across the region.
- e. bring forward infrastructure to unlock sites whose progress is delayed by binding constraints.
- vi. overseeing any project or programme in accordance with the Combined County Authority Assurance Framework<sup>6</sup>

with the exception of

- any function which requires a Statutory Consent where that consent has yet to be given, and any function which is reserved to the Combined County Authority.

1.3 The Business and Infrastructure Board will contribute to the preparation of the Greater Lincolnshire Economic Assessment and the Greater Lincolnshire evidence base through specialist advice, including

- commissioning of appropriate research and studies in relation to the Authority's business growth, innovation, regeneration, housing and environment functions and needs.
- formulating, developing and monitoring procedures for public consultation of the Authority's business growth, innovation, regeneration, housing and environment policies.

1.4 It will advise the Authority and the mayor on the development of policy, strategy and budgets and make recommendations on/to:

- i. The area-wide Business and Infrastructure Plan;
- ii. The development of the Investment Strategy and business growth, innovation and environment investment;
- iii. The acquisition, servicing and sale of land
- iv. The establishment and/or use of development areas and/or development corporations
- v. the Authority in respect of any Non-Mayoral Function which is a business growth, innovation, regeneration, housing and environment function or functions related to business growth, innovation, regeneration, housing and environment or any other business growth, innovation, regeneration, housing and environment matters requested by the Authority.
- vi. the Mayor in respect of any Mayoral General Function which is business growth, innovation, regeneration, housing and environment function or other function related business growth, innovation, regeneration, housing and environment.

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<sup>6</sup> Or otherwise, where the project or programme does not fall to be considered under the Combined County Authority Assurance Framework

- 1.5 It will collaborate with other committees of the combined county authority to achieve the ambitions and outcomes of the Authority, and in the delivery of functions
- 1.6 It will engage with and hold to account those bodies involved in
- i. the delivery and operation of business growth, innovation, regeneration and environment activities within the Authority area.
  - ii. the delivery and development of land and sites across the region, particularly sites whose progress is delayed by binding constraints
- 1.7 It can nominate Authority representatives on business growth, innovation, regeneration, housing and environment bodies.
- 1.8 It will respond to any report or recommendation from the Audit Committee or the Overview and Scrutiny Committee.

## **2. Membership**

2.1 The membership of the Business and Infrastructure Board shall consist of:

### Voting Members

- Mayor
- Two Members/substitute members from each Constituent Authority
  
- Four Non constituent members/delegate members

### Non Voting Members

- One business member appointed by the Economic Advisory Panel
- any other co-opted members

- 2.2 In appointing members to the Business and Infrastructure Board there is no requirement for political balance.
- 2.3 The Board may co-opt up to 3 additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Board. Further co-opted members may be appointed with the approval of the Authority.
- 2.3 The Board may appoint one or more sub-committees for the purpose of discharging any of the Board's functions.
- 2.4 Substitution and Delegations operate in accordance with the Authority Procedure Rules.
- 2.5 The Board may appoint one or more sub-committees for the purpose of discharging any of the Board's functions.

## **3. Chairing the Board**

The Business and Infrastructure Board shall be chaired by a Constituent Member (or substitute) nominated and appointed by the Authority.

A Vice-Chair will be appointed by the Business and Infrastructure Board from amongst the Constituent Authority membership.

The Mayor is a voting member of the Board in order to allow them to act in their capacity as the mayor, they may wish to discharge any relevant mayoral functions via the committee in order to benefit from appropriate advice.

#### **4. Quorum**

4.1 The quorum will be 4 voting members in accordance with the Authority Procedure Rules.

#### **5. Voting**

5.1 Any matters that are to be decided by the Board are to be decided by consensus of the Board where possible.

5.2 When a vote is required, all voting members of the Board will be entitled to vote at meetings, the Chair does not exercise a casting vote.

5.3 Non constituent members may vote on all matters unless specifically reserved to the Authority.

#### **6. Frequency**

6.1 There will be a minimum of five Business and Infrastructure Board meetings each municipal year. (approximately every other month)

#### **7. Review**

7.1 The terms of reference are to be reviewed on an annual basis by the Business and Infrastructure Board.

7.2 The role and arrangements of the Business and Infrastructure Board will be reviewed on an annual basis by the Authority.

### **3.5D. Appointments Panel**

#### **1. Terms of Reference**

This is an executive committee to the Authority.

The functions of the Appointments Panel is to:

- discharge on behalf of the Authority the functions associated with the appointment of the Chief Officers as defined in Article 5, recommending such an appointment to the Authority in accordance with the Officer Employment Procedure Rules in Part 4 of this constitution.
- suspend persons designated as Chief Officers (as defined in Article 5) whilst an investigation takes place into allegations against them.
- fulfil the function of constituting and convening the Statutory Officers' Employment and Advisory Panel in accordance with the Local Authorities (Standing Orders) (England) Regulations 2001 and the Officer Employment Procedure Rules in Part 4 of this constitution.

- discharge the Authority's function of taking disciplinary action against or (subject to Authority approval) the dismissal of Chief Officers (as defined in Article 5).
- Exercise oversight of the Pay Policy.

The Authority constitutes this Committee whose proceedings shall operate in accordance with these terms of reference and the procedure rules detailed in Part 4 of this constitution.

## **2. Membership**

The size of the Appointments Panel shall be 4 elected persons and membership shall be:

Voting Membership

- The Mayor; and
- The Lead Constituent Council representative for each Constituent Council.

As the Appointments Panel is an Executive Committee of the Authority, political balance rules do not apply.

The Mayor may be substituted by the Deputy Mayor. The Lead Constituent Council representatives may be substituted by the second Constituent Council representative as defined in Article 1 of this constitution. Where the Deputy Mayor is undertaking the role of the Mayor's substitute they may not act as substitute for a Lead Constituent Council Member. In this scenario, a Lead Constituent Council Member may be substituted by either of their named delegates.

## **3. Chairing the Panel**

The Mayor will act as Chair of the Panel.

In the absence of the appointed Chair, the Panel will appoint a Chair for the meeting.

## **4. Quorum**

A meeting of the Appointments Panel should not proceed without a full voting membership being present.

## **5. Voting and Meeting Management**

As an Executive Committee, voting procedures and meeting management will take place in accordance with the Authority Procedure Rules as defined in Part 4 of the Constitution.

## **6. Quorum**

Meetings of the Appointments Panel will be called as and when the need is required in accordance with the Officer Employment Procedure Rules.

## **7. Functions in relation to Appointments**

When appointed by the Authority, the panel must consider and agree:

- Pay ranges for the posts they are consulted to recruit to;
- The duties of the position to be recruited to;
- The qualifications or qualities sought in the persons to be appointed;
- Advertise and distribute information about the position in accordance with legislative requirements;
- Shortlist applicants and interview all those persons qualified; where none are qualified, readvertise the position;
- Select a preferred candidate and recommend the appointment to the Authority.

## 8. Review

The terms of reference are to be reviewed on an annual basis by the Authority.

## 3.5E. Audit Committee

### Terms of Reference

This is a regulatory committee to the Authority; this is a Committee that the Combined County Authority must have by law.

The function of the Audit Committee is to:

- review and scrutinise the Authority's financial affairs
- review and assess the Authority's risk management, internal control and corporate governance arrangements
- review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the Authority's functions
- make reports and recommendations to the Combined County Authority in relation to reviews conducted under the bullets above
- implement the obligation to ensure high standards of conduct amongst Members.

The Authority must appoint an Audit Committee whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in **Part 4** of the Constitution.

### 1. Membership

1.1 The membership of the audit Committee shall consist of:

#### Voting Membership:

- 2 representatives from each Constituent Council
- 4 representatives from the Non Constituent Councils

#### Non-Voting Membership

- Up to 2 Independent Persons

1.2 Substitutes for the Audit Committee will operate in accordance with the GLCCA Membership and Substitution Protocol.

1.3 In appointing members to the Audit Committee the Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

1.4 For the purposes of political balance considerations, the members of the committee as a whole refers to the voting members of the Committee.

- 1.5 Neither the Mayor nor any other Authority Member or Substitute or Delegate Member may be a Member of the Audit Committee, Sub-Committee or Task and Finish Group.

## **2. Chairing the Committee**

- 2.1 The Authority will appoint the Chair of the Committee.
- 2.2 In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.

## **3. Quorum**

- 3.1 The quorum will be two thirds of voting members of the Committee and will be managed in accordance with the Authority Procedure Rules.

## **4. Voting**

- 4.1 Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.
- 4.2 a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote as they are a non-voting member of the Committee.

## **5. Frequency**

- 5.1 There will be a minimum of four Audit Committee meetings each municipal year, meetings shall be held in public.

## **6. Audit Committee Sub-Committee**

- 6.1 The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions.
- 6.2 There will be a Code of Conduct Sub-Committee of the Audit Committee to consider and determine any allegation of failing to comply with the Code in accordance with the arrangements for investigating and making decisions about allegations of failing to comply with the Code.

## **7. Functions**

- 7.1 The Audit Committee shall undertake the following for the Combined Authority:

### Accounts

- Approve the annual statement of accounts.

### Governance

- Review corporate governance arrangements against the good governance framework.
- Review the Annual Governance Statement prior to approval to ensure it properly reflects the risk environment and supporting assurances.
- Annually review the assurance framework to ensure it adequately addresses risks and priorities including governance arrangements of significant partnerships.

- Monitor the Combined County Authority's risk and performance management arrangements including reviewing the risk register, progress with mitigating actions and assurances.
- Monitor the anti-fraud and whistle blowing policies and the complaint process.

#### Internal Audit

- Provide assurances over the effectiveness of internal audit functions and assuring the internal control environments of key partners.
- Review internal audit requirements undertaken by the Combined County Authority
- Approve the internal audit plan.
- Consider reports and assurances Head of Internal Audit in relation to:
  - i) Internal Audit performance;
  - ii) Annual Assurance Opinion on the adequacy and effectiveness of the framework of governance, risk management and control;
  - iii) Risk management and assurance mapping arrangement;
  - iv) Progress to implement recommendations including concerns or where managers have accepted risks that the Authority may find unacceptable.

#### External Audit

- The Combined County Authority must appoint an External Auditor to audit its accounts for a financial year not later than 31 December in the preceding financial year.
- Review the annual accounts.
- Consider the annual external audit of the Combined County Authority's accounts, including the Annual Audit Letter and assessing the implications and monitoring managers' response to concerns.

#### Financial Reporting

- Consider whether accounting policies were appropriately followed and any need to report concerns to the Combined County Authority Board.
- Consider any issues arising from External Auditor's audit of the account.
- Ensure there is effective scrutiny of the treasury management strategy and policies in accordance with [CIPFA's Code of Practice](#)
- Maintain an overview of the Combined County Authority's Constitution in respect of contract procedure rules, financial regulations and standards of conduct and make recommendations to the Chief Finance Officer and Monitoring Officer where necessary.

#### Code of Conduct

- Ensure the Combined County Authority has effective policies and processes in place to ensure high standards of conduct by its Members and Co-opted Members.
- Assisting the Members and Co-opted Members to observe the Code of Conduct.
- Advising the Combined County Authority on the adoption or revision of the Code of Conduct and monitor its operation.
- Advising on training and overseeing the effectiveness of any training for Members and Co-opted Members on matters relating to the Code of Conduct.

#### General

- To review any issue referred to the Committee by the Chief Operating Officer, Director, s73 Officer, the Monitoring Officer or any Combined County Authority Member.
- Report and make recommendations to the Combined County Authority in relation to the above.

## **8. Review**

- 8.1 The terms of reference are to be reviewed on an annual basis by the Audit Committee.

8.2 The role and arrangements of the Audit Committee will be reviewed on an annual basis by the Combined County Authority.

## 3.5F. Overview & Scrutiny Committee

### 1. Terms of Reference

This is a regulatory committee of the Authority; these are Committees that the Combined County Authority must have by law.

The Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with these terms of reference and the Scrutiny Standing Orders detailed in **Part 4** of the Constitution, which have been developed in accordance with the principles of the UK Government Scrutiny Protocol.

The function of the Overview & Scrutiny Committee is to:

- review or scrutinise any decision made, or other action taken, in connection with any Mayoral Function or Non-Mayoral Function of the Combined County Authority
- make reports or recommendations to the Mayor, with respect to any Mayoral Function of the Authority.
- make reports or recommendations to the Authority, with respect to any Non- Mayoral Function of the Authority.
- make reports or recommendations to the Authority or the Mayor on any matter that affects the Authority's Area or the inhabitants of the Area.

The Overview & Scrutiny Committee has the following key tasks to deliver in fulfilling its functions:

- hold the Mayor to account in relation of Mayoral Priorities
- hold the Mayor and the Authority to account for the ambitions and outcomes of the Greater Lincolnshire plan, Investment Strategy and other key strategies and plans.
- undertake focused scrutiny on the preparation of budgets and financial plans
- utilise the Call-In power if decisions are thought not to have been taken in accordance with the principles of decision-making set out in the Constitution
- develop and maintain a rolling programme of scrutiny, that will include:
  - scrutiny of the allocation and use of resources and delivery of functions
  - review of performance
  - review of evidence, policy and strategy to identify gaps and/or make recommendations
  - contributing to the development of key policy/strategies and evidence bases including the economic assessment.
  - review of the forward plan to identify any mayoral or combined county authority key decisions that the Committee wishes to engage with and the stage the Committee will engage (pre-decision)

- scheduling focused meetings on cross-cutting matters and/or issues of significant concern
- undertaking deep dives or establishing scrutiny task and finish when required
- identify appropriate information, research, witnesses, training or resource requirements needed to carry out its functions.

## 2. Membership

The majority of members of any overview and scrutiny committee or subcommittee must be elected members of the Constituent Councils<sup>7</sup>

The membership of the Overview & Scrutiny Committee shall consist of:

Membership:

- 2 representatives from each Constituent Council
- 4 representatives from the Non Constituent Councils
- 1 independent person appointed by the Authority (non voting)

The Committee may co-opt up to 3 additional Non-Voting Membership from partner and stakeholder bodies relevant to the remit of the Committee. Further co-opted members may be appointed with the approval of the Authority.

In addition, each Council will appoint one named elected member for each member appointed at above, who will act as a Member of the Overview and Scrutiny Committee in the absence of the member appointed ('the Substitute or Delegate Members'). Substitute and Delegate Members will have access to training and support the same as voting members and form a 'pool of scrutiny members'

The Committee may appoint one or more sub-committees for the purpose of discharging any of the Committee's functions. The Committee may appoint one or more task and finish group to gather evidence to inform the discharging of the Committee's functions.

In appointing members to the Overview and Scrutiny Committee the Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

For the purposes of political balance considerations, the members of the committee as a whole refers to the voting members of the Committee, with the exception of the Independent Member.

As far as is reasonably practicable the membership should be geographically balanced to generate a whole Greater Lincolnshire perspective.

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<sup>7</sup> The membership of the Overview and Scrutiny Committee will be established in accordance with the provisions of Sch 1 of the Levelling-Up and Regeneration Act 2023, operates within The Local Democracy, Economic Development and Construction Act 2009 and The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 as amended by the 2025 regulations of the same name and the prescriptions issued to the GLCCA by the Secretary of State.

Neither the Mayor nor any other Member or Substitute or Delegate Member may be a Member of the Overview and Scrutiny Committee, Sub-Committee or Task and Finish Group.

### **3. Chairing the Committee**

The Authority will appoint the Chair of the Committee. The

Chair must be:

- an independent person, or
- an appropriate person who is a member of one of the Constituent Councils (that is a person who is not a member of a registered political party of which the Mayor is a member).

A Vice-Chair will be appointed by the Committee from amongst the Constituent Authority membership.

### **4. Quorum**

The quorum will be two thirds of voting members of the Committee.

### **5. Voting**

Any matters that are to be decided by the Committee are to be decided by consensus of the Committee where possible.

When a vote is required, only voting members of the Committee will be entitled to vote at meetings, the Chair does not exercise a casting vote as they are a non-voting member of the Committee.

Co-opted members may not be given a vote unless the Authority takes a decision to increase the number of constituent council members of the Committee to maintain compliance with the relevant legislation.

### **6. Frequency**

There will be a minimum of six Overview & Scrutiny Committee meetings each municipal year.

### **7. Review**

The terms of reference are to be reviewed on an annual basis by the Overview & Scrutiny Committee

The role and arrangements of the Overview & Scrutiny Committee will be reviewed on an annual basis by the Combined County Authority

## **3.5G. Joint Committees**

The terms of reference for any Joint Committees created by the Combined County Authority will subsequently be detailed in this section of the constitution.

The TOR of the Humber Joint Committee (Humber Growth Board) will be inserted here.

## 3.5H. Economic Advisory Panel

### Terms of Reference

This is a standing advisory group to the Authority and the Mayor; it seeks to provide strategy advice and guidance through representation of the 'business voice' in support of the exercise of Combined County Authority and Mayoral functions.

The Board may appoint one or more sub-groups for the purpose of discharging any of the Board's roles or responsibilities.

### Purpose

The purpose of the Economic Advisory Panel is:

- To work with the Authority and the Mayor to shape thinking on short and long-term issues of importance to businesses and the region's economic future,
- To support the Authority to prepare the region's economic assessment and other evidence that inform the design of innovative policies and programmes across Greater Lincolnshire,
- To ensure that the region's economic needs and strengths are heard and considered by local and national decision makers,
- To act as a representative of the business group/sector that they represent when appointed to this Panel,
- To sit as the strategic business voice to the Authority, the Mayor, Authority Boards and Officers. Providing strategic business advice on economy, business, skills, transport, employment, housing, UKSPF and future devolution deals
- To act as the lead business voice to the Authority for the area, representing business to the Authority
- To be an integral role in the development of economic growth strategy iterations for the Authority through close working with the Authority and the responsible Chief Officer, and the relevant Authority Lead Member
- To influence the development of proposals for strategy and key policy for Authority consideration, engaging key stakeholders and partners in order to assist with achieving the Authority's strategic objectives
- To engage specific business sectors as and when required to provide advice, guidance and responses to consultation to the Authority
- To individually act as sector champions for their areas of expertise – leading on engaging with local and national networks, bringing insight into Authority discussions, and supporting stakeholder engagement with Authority officers on specific pieces of work
- To work with the Authority to identify key opportunities to engage the business community on influencing priorities with Government and maintain a role of developing local to support this.

### Membership

The membership of the Economic Advisory Panel shall consist of a maximum of 12 members as follows:

#### Private Sector Representation (10 Representatives)

Senior business leaders with a local, national and/or international profile, representing a business which is resident and/or operating within Greater Lincolnshire,

#### Business Representation Organisations Representative (1 Representative)

A senior leader of a body representing a group of companies with common interests, resident and/or operating within Greater Lincolnshire

### Education Sector Representative (1 Representative)

A senior leader of a Further Education (FE) or Higher Education (HE) organisation located within Greater Lincolnshire.

A Member will cease to be a Member of the Panel if they fail to attend three meetings in a rolling twelve month period.

Private Sector Representation members of the Economic Advisory Panel will be appointed for a term of three years.

All Private Sector Representation will be recruited to through an open recruitment process and appointed by the Combined County Authority.

Business Representation Organisation Representative and Education Sector Representative will be proposed by Officers and appointed by the Combined County Authority for a term two years. Representation will be expected to rotate between organisations, with the education sector representative alternating between FE and HE.

The Mayor and lead members for constituent councils will be invited to attend meetings of the Panel as observers.

### **Chairing the Committee**

The Economic Advisory Panel Chair will be a Private Sector Representative, who is nominated by the Mayor and confirmed by the Combined County Authority.

A Vice-Chair will be appointed by the Economic Advisory Panel from amongst the Private Sector Representative membership.

In the absence of the appointed Chair or Vice-Chair the Economic Advisory Panel will appoint a Chair for the meeting.

The Chair of the Economic Advisory Panel will become an Associate Member of the Combined County Authority.

### **Representing the Business Voice**

The Economic Advisory Panel will nominate a representative to sit as an embedded non-voting member of the following Authority governance bodies:

- Transport Board
- Employment and Skills Board
- Business and Infrastructure Board

The role of these embedded members will be to represent the business voice and the view of the Economic Advisory Board on thematic topics. If the nominated member is unable to attend a Board meeting then they may nominate a delegate from the Economic Advisory Panel to attend on their behalf.

### **Quorum**

The quorum will be four voting members including the Chair (or Deputy Chair) **Voting**

Any matters that are to be decided by the Economic Advisory Panel are to be decided by consensus where possible.

All Members of the Panel will be entitled to vote. The Chair will not have a casting vote.

### **Frequency**

There will be a minimum of four Economy Advisory Panel meetings each municipal year, meetings are not required to be held in public with provision for Public Forum.

### **Review**

The terms of reference are to be reviewed on an annual basis as part of the annual Constitutional review.

## 3.6 Scheme of Delegation of Functions to Chief Officers and Schedule of Proper Officers

### 1 Introduction

#### General roles and responsibilities of Officers

- 1.1 The Authority and the Mayor approve strategies and policies which determine the framework in which operational decisions are made.
- 1.2 Officers implement decisions made by the Authority (or any decision-making Board or Committee of the Authority) and the Mayor. Officers also take measures to carry out these policies and decide day-to-day operational matters, within the framework of these decisions.
- 1.3 Officers must comply with **Article 6** (Decision-making) in **Part 2** of the Constitution when exercising authority delegated to them.
- 1.4 Decision-making by officers is subject to other control measures. These include:
  - Standing Orders including the Contracts Standing Orders and Financial Regulations in **Part 4** of the Constitution
  - Officers' Codes of Conduct, gifts and hospitality policy and the Conflicts of Interest Policy and Protocols in **Part 5** of the Constitution
  - Identified organisational values
  - an anti-fraud, bribery, and corruption policy, and
  - internal audit and risk management arrangements.
- 1.5 When exercising their delegated authority, an officer must:
  - ensure that the decision conforms with and furthers strategies and policies approved or endorsed by the Combined County Authority and the Mayor, and
  - follow approved practices and procedures of the Combined County Authority including the Assurance Framework, and industry/professional best practice.

#### Delegation to Officers

- 1.6 This Officer Delegation Scheme sets out:
  - Combined County Authority Functions delegated to officers by the Combined County Authority, and
  - Mayoral Functions delegated to officers by the Mayor.
- 1.7 The Authority or the Mayor may also delegate decisions outside of this Scheme to an Authority officer in relation to any specific matter, subject to statutory and constitutional restrictions.
- 1.8 The Combined County Authority's Standing Orders in **Part 4** of the Constitution including Contracts Standing Orders and Financial Regulations also delegate to specified officers or post-holders.
- 1.9 Where the Authority have appointed a Board or Committee to discharge functions, that Board or Committee may also delegate any of those functions or a decision in relation to a specific matter within the Board or Committee's terms of reference, to an officer.

1.10 The Combined County Authority (or a Board or committee) or the Mayor may continue to exercise any function which it has delegated to an officer.

#### Sub-Delegations

1.11 Unless required by law or expressly indicated in the Scheme, an officer is not required to discharge their delegated authority personally (although they will remain responsible for any decision taken on their behalf). Such an officer (in their absence) may arrange for another officer of suitable experience and seniority to exercise the delegated authority on their behalf.

#### Referral of Matters to the Combined County Authority or Relevant Board – Combined County Authority Functions

1.12 An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Combined County Authority or a relevant Board.

#### Referral of Matters to the Mayor – Mayoral Functions

1.13 An officer may decide not to exercise their delegated authority in relation to any matter. If so, the officer shall refer the matter to the Mayor.

#### Key Decisions

1.14 The Access to Information Rules in **Part 4** of the Constitution apply where an officer exercises their delegated authority to take a Key Decision.

1.15 A key Decision is defined in Article 6: Decision-Making in **Part 2** of the Constitution.

#### Call-in of Officer Decision

1.16 Any Key Decision taken by an officer under delegated authority is open to call-in, in accordance with the Overview & Scrutiny Procedure Orders in **Part 4** of the constitution.

#### Recording Officer Decisions

1.17 An officer is required to complete a written record of their decision in accordance with the Access to Information Rules in **Part 4** of the Constitution. All reports and officer decisions shall be held by the Monitoring Officer.

#### Concurrent Functions

1.18 An officer proposing to exercise their delegated authority in respect of any Concurrent Function must follow any Protocol agreed by the Authority with Constituent Councils relating to Concurrent Functions, including in relation to consultation.

#### Statutory Consents

1.19 No officer may exercise their delegated authority in relation to any function which requires a Statutory Consent.

1.20 An officer should exercise their delegated authority in relation to any function in respect of which a Statutory Consent has been given, in accordance with the terms of that Statutory Consent.

## 2. Officer Delegation Scheme: Delegations

2.1 The Chief Operating Officer may direct a Chief Officer not to exercise their authority delegated under this Scheme in respect of a particular matter and to refer the matter for determination:

- in respect of any Combined County Authority Function to a relevant committee to the Combined County Authority, or (where the delegated authority is of a general delegation), to the Chief Operating Officer, or
- in respect of any Mayoral Function to the Mayor.

### General Delegations (Combined County Authority Functions) to the Chief Operating Officer or Chief Officers

2.2 Each Officer is authorised to carry into effect without reference to the Combined County Authority or to any of its Boards of committees, matters of day-to-day management and administration in relation to functions within their remit. This includes the following:

#### (a) Expenditure

2.2.1 To incur expenditure within the agreed revenue budget in accordance with the Financial Regulations and Contracts Standing Orders in **Part 4** of the Constitution.

2.2.2 To incur expenditure on capital schemes within agreed scheme budgets, in accordance with the Financial Regulations, provided that expenditure has been authorised in accordance with the Greater Lincolnshire County Combined Authority Assurance Framework.

#### (b) Human Resources

2.2.3 To appoint officers within the approved funded staffing structure in accordance with the Combined County Authority's Recruitment Policy.

2.2.4 To appoint officers on a temporary basis to provide cover for absences within approved budgets.

2.2.5 With the exception of:

- granting voluntary redundancy requests,
- releasing preserved pension benefits on ill health grounds, and
- payments to any officer for loss or damage to property arising out of their employment with the Combined County Authority

to determine any employment issue arising in respect of an individual officer in accordance with agreed procedures and the relevant national conditions of service as modified or extended by any local or national agreements, following consultation with the section 73 Officer and Monitoring Officer.

### Proper Officer Functions

2.2.6 Each Chief Officer is appointed the Proper Officer for any function within their remit.

### Miscellaneous

- 2.2.7 To implement and ensure compliance with requirements relating to:
- a. health and safety
  - b. data protection, freedom of information and transparency,
  - c. surveillance activities,
  - d. human rights,
  - e. risk management,
  - f. equality and diversity; and
  - g. safeguarding

### 3. Chief Operating Officer

- 3.1 The Chief Operating Officer is designated the Head of Paid Service of the Combined County Authority and is authorised to exercise the functions of the Head of Paid Service as set out in Section 4 of the Local Government and Housing Act 1989.
- 3.2 With the exception of any matter which the Mayor has directed should be referred to the Combined County Authority for determination, the Chief Operating Officer is authorised to exercise any Combined County Authority Function which is not:
- expressly reserved to the Combined County Authority,
  - a function of any other officer in their capacity as a statutory officer, always provided that:
    - I. exercising this authority to approve any economic development loan is subject to the conditions set out below and in consultation with the Section 73 Officer, and
    - II. any decision in respect of an application for a loan or grant from a business where a potential conflict of interest arises from the involvement with that business of any person representing the Business Voice or of non-constituent member of the Combined County Authority is taken in accordance with the Conflicts of Interest Protocol
- 3.3 The Chief Operating Officer is further authorised to take decisions which would have been taken by a Board and where, for exceptional circumstances, that Board has been unable to meet, and the decisions are of an urgent nature and cannot wait until the next scheduled meeting.
- 3.4 The Chief Operating Officer, in consultation with the Section 73 Officer and Monitoring Officer, may take decisions related to the approval of a detailed business case and the acceptance of a tender or quotation for the supply of goods, materials or services provided that the spend is within the Combined County Authority's approved budget. Prior to exercising this delegation the Chief Operating Officer must consult the Mayor, and the Lead Member, and following the decision, must publish an Officer Decision Notice.
- 3.5 In order to exercise 3.4 above, the business case or procurement must be approved by the Combined County Authority Board within the MTFP and, in the case of a tender or quotation, must be approved in accordance with the Authority's Contracts Procedure Rules, ie:
- the decision relates to the delivery of the agreed business plan for that business area;
  - the decision accords with any officer decision making guidance issued to officers;
  - once the decision has been made the officer complies with the transparency requirements of [The Openness of Local Government Bodies Regulations 2014](#).
  - decisions taken will be reported to the next available Combined County Authority as part of a Delegated Authority report
- 3.6 To commit expenditure from earmarked funds and reserves in accordance with the purpose for which those earmarked funds and reserves have been approved by the Combined County Authority, save for those earmarked funds and reserves which the Combined County Authority specifically

reserves the right to itself or another Board to approve, and subject to reporting the use of those earmarked funds and reserves through the budget monitoring report at the next meeting of the Combined County Authority after the commitment is made.

3.7 To act as the Combined County Authority Senior Information Risk Officer (S.I.R.O).

#### **4. Strategic Finance and Investment Officer - Section 73 Chief Finance Officer**

4.1 The Strategic Finance and Investment Officer is the Section 73 Chief Finance Officer of the Combined County Authority, and as such exercises any statutory function of the Chief Finance Officer, including making arrangements for the proper administration of the Combined County Authority's financial affairs.

4.2 The Strategic Finance and Investment Officer is authorised to exercise the following Combined County Authority functions with the exception of any matter:

- expressly reserved to the Combined County Authority,
- expressly within the terms of reference of a Combined County Authority committee or which the Chief Operating Officer has directed the Strategic Finance and Investment Officer to refer to the Combined County Authority or any Committee for determination

to carry out any function in relation to:

- i. Finance
- ii. Commercial and Procurement
- iii. Audit and Risk
- iv. Funding Plan & Investment portfolio
- v. Commercial and Procurement
- vi. HR, OD and Learning
- vii. Digital and Technology
- viii. Corporate Services
- ix. Corporate Development
- x. Strategic Facilities and Asset Management
- xi. Equalities and Inclusion
- xii. Marketing
- xiii. Communications and External Affairs

#### **5. Monitoring Officer**

5.1 The Monitoring Officer is designated the Monitoring Officer for the Combined County Authority, and as such exercises any statutory function of the Monitoring Officer.

5.2 With the exception of any matter:

- expressly reserved to the Combined County Authority or
- which the Chief Operating Officer has directed the Monitoring Officer to refer to the Combined County Authority or any Committee for determination

to carry out the following functions:

##### **Legal Proceedings and Settlements**

5.2.1 To take any legal action to implement a decision of the Combined County Authority.

5.2.2 To institute, defend, compromise or participate in any proceedings or disputes or to protect the interests of the Combined County Authority, and to take all necessary steps in relation to such proceedings or disputes.

- 5.2.3 Defend and settle all actual and prospective claims made against the Combined County Authority up to £500,000
- 5.2.4 To authorise the affixing of the seal of the Combined County Authority (and to authorise any other Solicitor of the Combined County Authority to authorise the affixing of the seal) and hold a register kept for the purpose that contains a consecutively numbered entry of every sealing initialled by the person who has authorised the affixing of the seal.
- 5.2.5 Make orders or take any other steps in relation to any legislation
- 5.2.6 To authorise officers possessing such qualifications as may be required by law or in accordance with the Combined County Authority's policy, to take samples, carry out inspection, enter premises and generally perform the functions of a duly authorised officer of the Combined County Authority (however described) and to issue any necessary certificates of authority.

### Governance

- 5.2.7 To discharge secretariat and other functions in relation to meetings of the Combined County Authority and its committees
- 5.2.8 To make any changes to any governance document of the Combined County Authority which are required:
- as a result of legislative change or decisions of the Combined County Authority or the Mayor,
  - to enable them to be kept up to date, or
  - for the purposes of clarification only.
- 5.2.9 To make any changes to the Greater Lincolnshire Combined County Authority Assurance Framework which are required:
- as a result of legislative change or decisions of the Combined County Authority or the Mayor,
  - to enable it to be kept up to date, or
  - for the purposes of clarification only.
- 5.2.10 To make any change to the membership of any Committee of the Combined County Authority, provided that the appointment has no impact on the political balance for the committee and only in accordance with any nomination by the designated nominating body.

### Members Allowances

- 5.2.11 To administer the Members' Allowances Scheme in [Part 6](#) of the constitution.

### Interests in Land

- 5.2.12 To obtain particulars of persons interested in land in alignment with Section 16 of the Local Government (Miscellaneous Provisions) Act 1976

- 5.3 With the exception of any matter:
- expressly reserved to the Combined Authority, or
  - which the Chief Operating Officer has directed the Section 73 Officer or the Monitoring Officer to refer to the Combined County Authority or the Audit Committee for determination

- 5.4 To secure all necessary and sufficient insurances and indemnities (including officers' and public and employer's liability).

## Part 4 – Procedure Rules

### 4.1 Combined County Authority Procedure Rules

#### 1 Scope of Procedure Rules

- 1.1 All of the rules set out in these Authority Procedure Rules apply to all meetings of the full authority.
- 1.2 Rules 5-11, 13-22 inclusive of these Authority Procedure Rules apply to meetings of all Executive Committees of the full Authority, namely: Business and Infrastructure Board, Employment and Skills Board, and the Transport Board. These Executive Committee will be referred to collectively as 'Boards'.
- 1.3 Rules 6-11 (excluding 8.3), 13-16, 19, 22.1 and 22.6 inclusive of these Authority Procedure Rules apply to meetings of all Overview and Scrutiny Committee and Audit Committee.
- 1.4 None of the rules set out in these Authority Procedure Rules apply to meetings of Panels and Informal Groups, who have their procedure rules defined within their terms of reference.
- 1.5 Where the term 'Member' is used and it is not otherwise defined it should be construed as 'a person of the Membership' i.e. a collective term referring to the Mayor, appointed Councillors of the Constituent and Non-Constituent Authorities and their substitutes or delegates, Associate Members, and Co-opted Members.

#### 2 Annual Meeting of the Authority

- 2.1 In a year when there is an ordinary Mayoral election, the Annual meeting of the Authority shall take place within 21 days from the retirement of the outgoing Mayor. In any other year, the Annual meeting shall take place on such day between 1<sup>st</sup> March and 30<sup>th</sup> June in line with Schedule 12, paragraph 6A of the Local Government Act 1972.
- 2.2 In addition to the items of business specified to be considered at an Ordinary Meeting of the Authority, the Annual meeting of the Authority will:
- 2.3 At the Annual meeting the Authority will:
- (a) Note the appointments from constituent councils of members to serve on the Authority;
  - (b) Receive details of the Mayor's appointments of the Deputy Mayor and arrangements in respect of Mayoral General Functions;
  - (c) Appoint non-constituent members and associate members and their delegates and substitutes;
  - (d) Establish Boards and Committees for the ensuing year, including appointing at least one Overview and Scrutiny Committee, and an Audit Committee and such other committees and advisory panels as required, determining their size and terms of reference.
  - (e) Approve a programme of A, its Boards, Committees and Advisory Panels for the year;

- (f) For meetings and outside bodies where political balance apply, decide the allocation of seats to political groups in accordance with the political balance rules;
- (g) Receive nominations and appoint Members to serve on Boards, Committees, Panels and outside bodies in accordance with their membership requirements set out in this Constitution;
- (h) Appoint Chairmen of the Boards;
- (i) Consider any other business set out in the summons convening the meeting;
- (j) Consider any business that the Mayor believes to be urgent, in that the matter to be determined has arisen since the publication of the agenda and failure to determine it at this meeting would cause significant adverse impact on the Authority.

### **3 Ordinary Meetings of the Authority**

3.1 Ordinary meetings of the Authority shall take place in accordance with a programme decided at the Authority's Annual meeting. Ordinary meetings will:

- (a) Receive apologies for absence;
- (b) Approve the minutes of the last meeting;
- (c) Receive any declarations of interest;
- (d) Receive any announcements from the Mayor;
- (e) Deal with any business adjourned from the previous Rul Authority meeting;
- (f) Respond to any questions from members of the public;
- (g) Consider reports and recommendations from any Board, Committee or Advisory Panel of the Authority;
- (h) Consider reports and recommendations from any Chief Officer of the Authority;
- (i) Consider motions on notice;
- (j) Consider any other business specified in the summons to the meeting, and for debate;

### **Extraordinary Meetings**

3.2 The Monitoring Officer may call, and those listed below may require the Monitoring Officer to call, Extraordinary Combined County Authority meetings in addition to Ordinary meetings:

- (a) The Authority by resolution;
- (b) The Mayor (in their capacity as the Chair of the Authority);
- (c) Any five Authority Members who have signed requisition which has been presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within 5 clear working days of the presentation of the request.

- 3.3 Only business specified in the summons may be transacted at an Extraordinary Authority meeting.

#### **4. Chair**

- 4.1 The Mayor, or in their absence the Deputy Mayor (who will have the same powers and duties as the Mayor), will preside at meetings of the Authority.
- 4.2 Where the Deputy Mayor is acting in place of the Mayor they cannot also act in their capacity as a Combined County Authority Member. The substitute member for the Deputy Mayor may act in the place of the Deputy Mayor in their capacity as a Combined County Authority Member.
- 4.3 If, in the opinion of the Monitoring Officer, the Mayor is unable to act or the office of Mayor is vacant and the Deputy Mayor is unable to act or the office of Deputy Mayor is vacant, the other members of the Authority must act together to appoint a Chair. In such circumstances the Authority will elect a Constituent Member to chair the meeting as its first item of business. Decisions will still be taken by a simple majority and Rule 17.1a is not applicable (this is the rule in relation to the vote of the Mayor).

#### **5. Quorum**

- 5.1 No business may be transacted at a meeting of the Authority or its Boards unless the following persons are present:
- (a) the Mayor or the Deputy Mayor acting in place of the Mayor, and
  - (b) at least three members of the Authority appointed by Constituent councils, or substitute members acting in their place.

If at the time for which a meeting is called, and for 15 minutes thereafter, a quorum is not present,

- 5.2 Or if during any meeting the Chair, after counting the number of Members present, declares that there is not a quorum present, the meeting shall stand adjourned to a time fixed by the Chair. If there is no quorum and the Chair does not fix a time for the reconvened meeting, the meeting shall stand adjourned to the next ordinary meeting.

#### **6. Time, Place and Duration of Meetings**

- 6.1 Authority meetings are held at any place within the Combined County Authority Area as the Authority directs during daytime unless the Authority or the Mayor decides otherwise. Any changes to the date, time and place of meetings or cancellation of meetings will be determined by the Chief Operating Officer in consultation with the Mayor for Authority meetings, and the Chair of the meeting for any other meeting.
- 6.2 The relevant Chair shall interrupt proceedings where any meeting has lasted for three hours, whereupon all Members shall stop speaking. The relevant Chair shall, without discussion, take a vote on whether or not the Members wish the meeting to continue.
- 6.3 If the majority of Members present vote to continue the meeting, then the meeting shall continue until all business has been concluded.

## **7. Suspension, Variation, Revocation, and Interpretation of Procedure Rules**

- 7.1 Any motion to vary or revoke these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next Ordinary meeting of the Authority.
- 7.2 Procedure Rules may be suspended in respect of any business at a meeting of the Authority where its suspension is moved and seconded, except where this would be in contravention of statute.
- 7.3 A motion to suspend Procedure Rules shall not be moved without notice unless there are present at least three of the Members of the Authority appointed by Constituent Councils or Substitute Members acting in their place.
- 7.4 The ruling of the person presiding at the meeting as to the construction or application of Procedure Rules, or as to any proceedings of the Authority, shall not be challenged. The person presiding at the meeting may consult with the Monitoring Officer or their nominee on any question of interpretation.

## **8. Items of Business**

### 8.1

*“The Monitoring Officer will publish notices and summons of meetings, in accordance with Part 4.4 of this constitution. These will include the time, date, place and business to be transacted, along with associated reports.”*

- 8.2 No item of business may be considered at any meeting except:
- (a) The business set out in the Summons,
  - (b) Business required by law to be transacted at the annual meeting, or
  - (c) *“Business brought before the meeting considered by the Mayor to be matter(s) of urgency by reason of special circumstances, which shall be specified in the minutes. Urgent decisions will also follow the rules set out in Part 4.6 of the Constitution.”*
- 8.3 All Members are able to request items of business that could be included in the summons. The Mayor will confirm the items of business to be included in the summons.

## **9. Order of Business**

- 9.1 Business shall be dealt with in the order in which it is set out in the agenda unless the relevant Chair acting reasonably decides otherwise.

## **10. Record of Attendance**

- 10.1 The Monitoring Officer will ensure that the name of any Member present during the whole or part of a meeting is recorded.

## **11. Confirmation of Minutes and Declarations of Interest**

- 11.1 Minutes of the last meeting shall be confirmed at the next Ordinary meeting of the Authority.
- 11.2 Only matters relating to the accuracy of the minutes can be raised, which must be done by way of a motion which is proposed, seconded, and voted upon. Where no issues are raised, or after the motion has been dealt with, the relevant Chair shall initial each page and sign the minutes.
- 11.3 Any Member with a Disclosable Pecuniary Interest in a matter being discussed should declare the nature of the interest and withdraw from the meeting during the item.
- 11.4 Any Member with an Other Registrable Interest or Non-Registrable Interest in a matter being discussed should declare the nature of the interest and should withdraw from the meeting during the item, if required to do so under the Members' Code of Conduct.

## 12. Motions on Notice

- 12.1 **Notice.** Except for Motions which can be moved without notice, written notice of every motion, signed by the Member raising the motion and at least one seconder, must be delivered to the Monitoring Officer, not later than midday, at least seven clear working days before the date of the meeting.
- 12.2 Motions for which notice has been given will be listed on the agenda in the order in which they were received, unless the Member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.
- 12.3 No more than one motion may be proposed by Members of each Constituent Council and no more than one motion may be proposed by the non-Constituent Members collectively for each meeting.
- 12.4 **Scope.** Each motion must:
- (a) clearly and succinctly identify the matter to be debated;
  - (b) be capable of being passed as a formal resolution; and
  - (c) be about matters for which the Authority has a responsibility, or which specifically affect the Authority area.
- 12.5 The Monitoring Officer may, reject a motion which, in their opinion:
- (a) is irrelevant, defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
  - (b) refers to legal proceedings taken or anticipated by or against the Combined County Authority;
  - (c) requires the disclosure of confidential or exempt information;
  - (d) names or identifies specific service users, members of staff or members of staff of partner organisations without the mover demonstrating they have provided consent;
  - (e) relates to the Member's own personal circumstances;
  - (f) expresses support or objection to proposals where the Authority is in the process of consulting with the public or responding to a formal consultation process.

- 12.6 **Alteration.** A proposer may alter a motion on which they have given notice when they come to move it, in which case the amendment becomes part of the substantive motion without debate. Only alterations that could be made as an amendment may be made.
- 12.7 **Withdrawal.** Where a motion on notice is before the Authority having been formally moved and seconded, the mover may subsequently withdraw it only with the consent of the seconder and the meeting. The meeting's consent will be signified without discussion. No member may speak on the Motion after the proposer has asked permission to withdraw it unless permission is refused.
- 12.8 **Motions not moved.** If a motion set out in the summons is not moved by the Member who gave notice of it, it shall, unless postponed by consent of the Authority, be treated as withdrawn and shall not be moved without fresh notice.
- 12.9 **Rescission of earlier resolutions.** No motion or amendment may be proposed to rescind any resolution of the Authority passed within the preceding six months, or which is to the same effect as one which has been rejected within that period, unless:
- (a) It is proposed by a Board of the Authority,
  - (b) It is required to comply with a statutory duty; or
  - (c) Notice of such motion has been given and signed by at least one third of the total number of members who include members from more than one political group.

### 13. Amendments

- 13.1 An amendment to a motion must:
- (a) Be relevant to the motion;
  - (b) Add and/or delete a word or words;
  - (c) Not introduce a new topic;
  - (d) Not negate the motion;
  - (e) Be worded so that, if it is agreed by the Authority, it can be passed as a valid resolution.
- 13.2 The relevant Chair, following consultation with the Monitoring Officer, may reject an amendment on the grounds set out in Rule 12.5 or 13.1. An amendment will not be accepted if it is substantially the same as a motion or amendment which has already been submitted to the same meeting of the Authority.
- 13.3 **Number of Amendments.** Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- 13.4 **Status of Amendments.** If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

- 13.5 After all amendments have been considered and determined there shall be an opportunity for further debate on the original motion, as amended or otherwise as the case may be, prior to the taking of a vote.

## 14. Motions and Amendments that may be moved without Notice

14.1 **Procedural motions.** The following motions and amendments may be moved without notice for consideration when a Chair is in place for the meeting:

- (a) Relating to the accuracy of the minutes of the Authority, a Board, committee or sub-committee;
- (b) For a change in the order of business;
- (c) That the meeting proceeds to the next business;
- (d) That the question be now put;
- (e) That the debate be now adjourned;
- (f) That the meeting does now adjourn;
- (g) To suspend Procedure Rules;
- (h) Giving consent where consent of the Authority is required by the Procedure Rules
- (i) Reference of a matter to a Board or Committee,
- (j) Appointment of or appointment to Board or committee occasioned by an item mentioned in the summons to the meeting;
- (k) That a Member should not be heard further or should leave the meeting;
- (k) Adoption of recommendations of Board and Committee any consequent resolutions;
- (l) That leave is given to withdraw a motion;
- (m) That leave is given to alter a motion by the mover of that motion;
- (n) Receipt of reports of officers and any consequent resolutions;
- (o) Amendment to reports of which notification has been included within the summons of the meeting but where the reports were circulated at a later date than the summons;
- (p) Authorising the sealing of documents;
- (q) To exclude the press and public

14.2 **Closure motions.** Motions designed to close a debate, e.g. (e)-(h) above, may be moved provided no-one else is speaking at the time. Closure motions cannot be moved by anyone who has moved, seconded, or already spoken in the debate. No person may intervene in the debate of a motion by moving more than one closure motion.

- 14.3 When one of the following motions has been seconded, the relevant Chair shall proceed as follows:
- (a) **On a motion to proceed to next business** - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business. This does not remove the mover of the original motion having a right of reply if the vote falls. **On a motion that the question, be now put** - unless in their opinion the matter before the meeting has been insufficiently discussed, they shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote.
  - (b) **On a motion to adjourn the debate or the meeting** - if in their opinion the matter before the meeting has been insufficiently discussed on that occasion, they shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.
  - (c) **On a motion to exclude the public** - they shall ascertain the grounds for the motion and seek the advice of the Monitoring Officer. If members of the public may be lawfully excluded, the Mayor will allow the mover of the original motion a right of reply on the proposal to exclude the public and then put the motion to the vote. If it is passed, the Mayor may, at their discretion, either immediately require the public to leave the room or adjourn the debate until some convenient time later in the meeting when the public shall have been excluded.
  - (d) On a motion that a named Member, be not further heard or leave the meeting - they shall put the motion to the vote without discussion. If it is passed, the named Member shall not be permitted to speak again during the meeting on any motion or amendment relating to the same matter or shall be required to leave the room.

## 15. Rules of Debate

- 15.1 **Motions and Amendments.** No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the relevant Chair, motions or amendments shall be put in writing and handed to the relevant Chair before they are further debated or put to the meeting.
- 15.2 **Secunder's Speech.** When seconding a motion or amendment, a Member may advise the Mayor that they will reserve their right to speak until a later period in the debate.
- 15.3 **Content and length of speeches.** A Member will confine their speech to the question under discussion, a personal explanation, or a point of order. All speeches shall not exceed five minutes.
- 15.4 **When a Member may speak again.** A Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
- (a) To speak once on an amendment moved by another Member;
  - (b) If the motion has been amended since they last spoke, to move a further amendment;
  - (c) If their first speech was on an amendment moved by another Member, to speak on the main issue, whether or not the amendment on which they spoke was carried;

- (d) Where the mover of a motion exercises their right to reply:
  - (i) at the close of the debate on the motion, immediately before it is put to the vote;
  - (ii) if an amendment is moved, at the close of the debate on the amendment (but they shall not otherwise speak on it). The mover of an amendment shall have no right of reply to the debate on their amendment.
- (e) On a point of order referring to a specific Procedure Rule or statutory provision (which must be cited);
- (f) By way of personal explanation.

## 16. Points of Order and Personal Explanations

- 16.1 A Member may raise on a point of order or in personal explanation and shall be entitled to be heard immediately. A Member raising a point of order must specify a Procedure Rule or statutory provision and the way in which they consider it has been breached.
- 16.2 A personal explanation shall be confined to some material part of a former speech by them which may appear to have been misunderstood or misquoted in the current debate.
- 16.3 The relevant Chair will hear the Member and give a ruling on the point of order or the admissibility of the personal explanation before the debate continues. The relevant Chair may consult on any question of interpretation with the Monitoring Officer or their nominee prior to making a ruling. The ruling of the relevant Chair on the matter shall not be open to discussion and will be final.

## 17. Voting

- 17.1 Subject to the following Standing Order, any question that is to be decided by the Authority on or after the day on which the first Mayor's term of office begins excluding approval or amendment of the Mayor's budget and questions relating to functions mentioned in GLCCA Regulation 23(7)(b) is to be decided by—
  - (a) a vote of the members of the Authority, and any substitute members acting in place of members of the Authority, and the Mayor or the deputy mayor acting in place of the Mayor present and voting on that question at a meeting of the Authority, and
  - (b) a majority of those voting that includes the Mayor, or the deputy Mayor acting in place of the Mayor.
- 17.2 The Mayor, and each Member of the Authority appointed by a Constituent council, or substitute Member acting in that Member's place, is to have one vote.
- 17.3 A non-constituent member will be entitled to vote on all matters as identified in Part 3 of the Constitution with the exception of those matter relating to the Authority budget, the Mayor's budget, mayoral functions and transport functions.
- 17.4 Associate members are not entitled to vote.

- 17.5 Neither the Mayor, Deputy Mayor nor any member or substitute member is to have a casting vote.
- 17.6 If a vote is tied on any matter, it is deemed not to have been carried.
- 17.7 For questions relating to the following matters, the majority under Standing Order 17.1(b) must include all lead members designated by the Constituent councils or, where any substitute members are acting in place of lead members, all lead members and all such substitute members:
- (a) approval or amendment of a budget;
  - (b) the setting of any transport levy under section 74 of the Local Government Finance Act 1988 and in accordance with regulations made thereunder; and
  - (c) such other plans and strategies as may be determined by the Authority and set out in its standing orders.
- 17.8 For questions relating to the following matters, the majority under Standing Order 17.1(b) must include the lead member for any Constituent Council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a lead member:
- (a) The exercise of the functions by the Authority conferred by Regulations 6, 7 and 11 of the GLCCA Regulations 2025 in section 17(3) of the Housing Act 1985 (insofar as this function is exercised for the compulsory purchase of land), section 9(2) of the Housing and Regeneration Act 2008, section 226 of the Town and Country Planning Act 1990 and section 197(1) of the Localism Act 2011.
- 17.9 The following matters concerning the Mayor's budget must be decided by a two thirds majority of the members, or substitute members acting in their place, of the Authority present and voting on the question at a meeting of the Authority:
- (a) Any decision to veto the Mayor's draft budget (or draft revised budget) and approve the Mayor's draft budget incorporating the Authority's recommendations.
  - (b) Any decision to determine the relevant amounts and calculations that are to be used for the financial year where the Mayor has failed to notify the Authority of the Mayor's draft budget before 1st February.
- 17.10 Any exercise by the Mayor of the general functions mentioned in Regulation 23(1) of the GLCCA Regulations 2025 which results in a financial liability falling on a Constituent council requires the consent of the lead member of that Constituent council. Such consent is to be given at a meeting of the Authority.
- 17.11 Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the Localism Act 2011 (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each member of the Authority whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members. Such consent is to be given at a meeting of the Authority.
- 17.12 Any exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the Localism Act 2011 (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of the lead

members of the Authority whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members. Such consent is to be given at a meeting of the Authority. (These powers also require the consent of the district council if the functions are to be exercised within their areas).

17.13 Any exercise by the Mayor of the functions conferred by sections 108, 109 and 112 of the Transport Act 2000 requires them to consult with the Authority and the members of the Authority may amend plans made pursuant to sections 108, 109 and 112 of the 2000 Act if agreed by a two thirds majority of the members, or substitute members acting in their place, of the Authority present and voting on the question at a meeting of the Authority.

17.14 **Offices and appointments.** If on a vote no person receives more than half of the votes cast, the name of the person with the fewest number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.

## 18. Method of Voting

18.1 Whenever a vote is taken at meetings it shall be by a show of hands.

18.2 The voting on any question shall be recorded within the Minutes so as to show whether each Member present gave their vote for or against or abstained from voting.

## 19. Matters Affecting Officers

19.1 If any question arises at a meeting at which the public are in attendance as to the appointment, promotion, dismissal, remuneration, pension matters, conditions of service or conduct of any person employed by the Authority, such question shall not be the subject of discussion until the Authority has decided whether or not to exclude the public.

## 20. Public Questions

20.1 At Ordinary meetings of the Authority and Boards, questions may be asked by members of the public of the Mayor, or Board Chairs.

20.2 The total time set aside for such questions and answers will be limited to 30 minutes with no extension of time, and questions not dealt with in this time will be dealt with by written response.

20.3 No person may submit more than one question at any one meeting and no more than two questions may be asked on behalf of any one organisation.

20.4 Questions must be submitted in writing at least four clear working days before the meeting and include the name and address of the questioner and the name of the Member to whom the questioner would like the question put. Questions so received will be referred to the Monitoring Officer for consideration and inclusion at a meeting.

20.5 The Monitoring Officer May reject a question if it:

- (a) is not about a matter for which the Authority has a responsibility, or which specifically affects the Authority;

- (b) is defamatory, vexatious, frivolous, or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Authority in the past six months;
- (d) requires the disclosure of confidential or exempt information;
- (e) refers to legal proceedings taken or anticipated by or against the Authority;
- (f) relates to a day-to-day Authority function or the provision of an Authority service and has not been asked first of the relevant service area'
- (g) is not related to policy or budget issues;
- (h) is a statement rather than a question;
- (i) names or identifies individual service users, members of staff or members/staff of partner agencies;
- (j) makes or relates to allegations against, or comprise comments about, the conduct of individual Members or officers;
- (k) relates to an individual or the questioner's own particular circumstances'
- (l) would more appropriately be responded to under the Freedom of Information Act 2000 or the Data Protection Act 1998; or
- (m) is from, or on behalf of, a political party, or bears the name, insignia or other device of a political party.

20.6 Those persons who submitted questions and who are present at that meeting of the Authority will be invited to read aloud the questions put.

20.7 If a member of the public who has submitted notice of a question is unable to be present at the meeting, the Clerk shall read out the submitted question on behalf of the questioner. The Authority will provide a written response to the questions put.

## 21. Conduct at Meetings

21.1 Whenever the relevant Chair rises during a debate at a Authority meeting, the meeting shall be silent.

21.2 Mobile phones and other electronic devices must be switched to 'silent' during meetings.

21.3 Filming or recording of any meeting of the Authority can take place , however those filming or recording are requested::

- (a) Film or record openly.

To let the Authority know (via Democratic Services) that they intend to film or record so that space can be provided.

To avoid filming the audience or members of the public attending the meeting

- (b) To ensure that equipment or the person filming do not interfere with those attending the meeting (either elected members or public) eg by standing up and obstructing their view.

21.4 Placards, banners and are not permitted during meetings.

21.5 **Member not to be heard further.** If a Member persistently disregards the ruling of the relevant Chair by continued irrelevance or repetitions, by behaving improperly or offensively, or by wilfully obstructing the business of the Authority, the relevant Chair may direct the Member to stop speaking. If, following a direction from the relevant Chair to stop speaking, the Member continues to speak, the relevant Chair (or any other Member) may move that the Member be not heard further. If seconded, the relevant Chair shall put the motion to the vote without discussion and if passed, the Member shall not be permitted to speak on the same matter again during the meeting.

21.6 **Member to leave the meeting.** If a Member persistently disregards the ruling of the relevant Chair by continued irrelevance or repetitions, by behaving improperly or offensively, or by wilfully obstructing the business of the Authority, the relevant Chair may request them to leave for the remainder of the meeting or for any lesser period. If following a request to leave the meeting, the offending Member does not leave, the relevant Chair (or any other Member) may move that the Member named leave the meeting. The motion shall be put and, if seconded, voted upon without discussion. If carried, the relevant Chair shall give directions for the removal of the Member and such other directions as are necessary for restoring order to the proceedings.

21.7 **Removal of member of the public.** If a member of the public interrupt's proceedings, causes a disturbance or behaves improperly, offensively, or wilfully obstructs the business of the Authority, the relevant Chair will warn the person concerned. If the member of the public, having been warned, continues their conduct, the relevant Chair may order their removal from the meeting room.

21.8 **General disturbance.** If there is a general disturbance making orderly business impossible, the relevant Chair may adjourn the meeting for as long as they think necessary.

## 22. Substitute and Delegate Members

22.1 Substitution and delegation is for the entire meeting.

22.2 Each Constituent Authority Member has two named substitutes and those substitute Members may only act for the Authority Member for whom they are the designated substitute.

22.3 With the exception of the substitute Member for the Deputy Mayor where the Deputy Mayor is acting in the place of the Mayor, a substitute Member may only act when the Authority Member is absent from the meeting.

22.4 The District Joint Committee will appoint a pool of Delegates to represent the four nonConstituent members from District Authorities. A Delegate Member may act on behalf of any of these non-Constituent Members in their absence.

22.5 The Police and Crime Commissioner and the Associate Member will have named Delegates who may act on their behalf.

22.6 Appointment, notice and management of substitutions and delegations will operate in accordance with the Substitution Procedure at Part 5 of this Constitution.

## 23. Attendance at Meetings

- 23.1 The Mayor may invite the Chair of any Board, Committee, or sub-committee of the Authority to attend and speak at any meeting of the Authority to;
- (a) Present any reports or recommendations of the Board, Committee or Sub-Committee;
  - (b) Answer questions about any matter in the minutes of that Committee or Sub-Committee, or
  - (c) Contribute to the discussions about any matter which is relevant to the functions discharged by the Committee or Sub-Committee of which they are chair.
- 23.2 The Mayor may invite any person to attend and speak at meetings. In such circumstance the Mayor is required to notify the Monitoring Officer at the earliest opportunity providing the details of the person(s) invited to speak and the agenda item they have been invited to speak in relation to.

## 4.2 Mayoral Procedure Rules

### 1 Introduction

- 1.1. These Rules apply to the Mayor or any other decision-maker exercising any Mayoral Function under arrangements made by the Mayor.
- 1.2. The decision-maker should make decisions in accordance with the principles set out in Article 6 (Decision-making) in **Part 2** of the Constitution
- 1.3. The decision-maker must comply with any applicable Code or Protocol set out in **Part 5** of the constitution, including the relevant Code of Conduct.

### 2 Mayoral General Functions

- 2.1. The decision-maker must give notice of any Key Decision on the Forward Plan, in accordance with the Access to Information Rules in Part 4 of the Constitution, subject to the general exception and cases of special urgency provisions.
- 2.2. Where the decision-maker is the Mayor or any other Authority Member the Key Decision must be taken at a meeting of the Authority, unless the decision-maker has obtained agreement from the Chair of any relevant overview and scrutiny committee that the making of the Key Decision is urgent and cannot be deferred.

#### Statutory Consent Requests for Mayoral General Functions

A Statutory Consent is required in relation to the exercise of Mayoral General Functions where the function is a Function conferred by the 2025 Order which requires:

- the Statutory Consent of a Constituent Council Authority Member (or Substitute Member), or
- the Statutory Consent of a district or borough council who local government area is affected by the exercise of the function, or

- the Statutory Consent of the Constituent Council Authority Member appointed by a Constituent Council (or Substitute Member) where the decision of the Mayor gives rise to a financial liability for a Constituent Council.
- 2.3. Where a Statutory Consent is required, agreement to seek a consent will be agreed at the Authority meeting, and then said Statutory Consent will be sought ahead of the next meeting where it is presented in writing to the Authority meeting for agreement.
- 2.4. The Mayor must seek any Statutory Consent Request in a timely way. To facilitate this and to promote transparency, the Mayor should publish a notice of the Statutory Consent Request (a Statutory Consent Request Notice) on the Authority's Forward Plan at least 28 clear days before the meeting of the Authority at which the Statutory Consent will be sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Operating Officer.
- 2.5. Any Statutory Consent given will be recorded in the minutes of the meeting.

### Other Decisions

- 2.6. The decision-maker may take any decision which is not a Key Decision nor a Statutory Consent outside of a meeting of the Authority, subject to the requirements below in relation to recording and publishing decisions.

## 4.3 Budget and Policy Rules

### 1 General

- 1.1. These rules reflect specific statutory requirements relating to the approval of budgets and policies by the Authority and the Mayor, or other decision-makers on their behalf.
- 1.2. Decision-makers should consider whether any consultation is required in respect of their proposals, in addition to the statutory requirements specified in these rules.
- 1.3. Decision-makers should also engage with the Authority's Overview and Scrutiny Committee (and any other committee of the Authority) as appropriate in the development and scrutiny of proposals.
- 1.4. When approving budgets or policies, decision-makers must comply with the provisions relating to Key Decisions in the Access to Information Rules in Part 4 of the Constitution.

### 2 Mayor's General Budget

- 2.1. With the exception of the first year of the term of the First Mayor, the Mayor must prepare a draft budget for the Mayoral Functions by 1 February of each year. The draft budget must:
- set out the Mayor's spending plans and how the Mayor intends to meet the costs of the Mayoral General Functions, and
  - include the relevant amounts and calculations.
- 2.2. If the Mayor fails to present a draft budget to the Authority by 1 February, the Authority must determine the relevant amounts and calculations for the financial year. The decision must be made by a majority of the Authority Members present and voting, such majority to include the Mayor and Lead Member from each Constituent Council (or their substitute).

- 2.3. The Authority must review any draft budget presented by the Mayor and may make a report on the draft budget to the Mayor.
- 2.4. The Mayor's draft budget shall be deemed to be approved by the Authority, unless the Authority makes such a report by 8 February.
- 2.5. Any report made by the Authority:
- must set out whether or not the Authority would approve the draft budget in its current form, and
  - may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
- 2.6. Where the Authority has made a report, it must specify a period of at least 5 working days (beginning on the day after the day on which the Mayor receives the report) within which the Mayor may:
- decide whether or not to make any revisions to the draft budget, and
  - notify the Authority of the reasons for that decision and, where revisions are made, provide a copy of the revised budget.
- 2.7. Where any specified period has expired, the Authority must decide (taking into account the reasons given by the Mayor) whether to:
- approve the Mayor's draft budget, or the revised draft budget; or
  - veto the Mayor's draft budget (or revised draft budget) and approve the Mayor's draft budget incorporating the Authority's recommendations contained in the report to the Mayor.
- 2.8. The Mayor's draft budget (or the revised draft budget) shall be deemed to be approved unless vetoed within 5 working days beginning with the day after the date on which the period specified for the Mayor to consider the Authority's report commences.

### **3. Approval of Policy – Non-Mayoral Functions**

- 3.1 The Authority will approve any policy in relation to Non-Mayoral Functions. Where a Non-Mayoral Function has been conferred on the Authority by the GLCCA Regulations, approval of that policy requires the support of the Mayor.

### **4. Approval of Policy – Mayoral Functions**

- 4.1 Preparing and reviewing a Local Transport Plan under section 108 of the Transport Act 2000 is a Mayoral General Function, (that is, exercisable by the Mayor), subject to paragraph 4.4 below. The Mayor must have regard to any relevant statutory guidance when discharging this function.
- 4.2. In preparing and keeping the Local Transport Plan under review, the Mayor must consult:
- each local traffic authority for the Combined County Authority's Area,
  - the Secretary of State in relation to functions which the Secretary of State has as highway authority and traffic authority, and
  - each county, unitary and district council in the area of the Combined County Authority
- 4.3. In preparing and keeping the Local Transport Plan under review, the Mayor must also consult such of the following as the Mayor considers appropriate:
- operators of any network or station, or of any railways services in the Combined County Authority's Area,

- operators or providers of other transport services in the Combined County Authority's Area, or representative organisations,
  - organisations appearing to the Mayor to represent the interests of users of transport services and facilities in the Combined County Authority's Area, and
  - other persons whom they consider appropriate.
- 4.4. In the transition period the Local Transport Plan must be approved by the Authority by a unanimous vote. After the end of the Transition Period, by a 2/3 majority vote, the Authority may amend any Local Transport Plan made by the Mayor. The Authority must have regard to any relevant statutory guidance when discharging this function.
- 4.5. As soon as practicable when a new Local Transport Plan has been prepared or altered, the Mayor must:
- publish the Local Transport Plan, and send a copy of it to the Secretary of State and such other persons as specified in statutory guidance,
  - cause a copy of the Local Transport Plan to be made available for inspection, and give the public notice about this,
  - supply a copy to any person on request.
- 4.6. The Mayor will approve any other policy in relation to Mayoral General Functions, unless authority to do this has been delegated under the Mayor's arrangements.

## 4.4 Access to Information Rules

Rights to attend meetings, inspect documents and record proceedings

### Part 1: Rights of the Public: Non-Mayoral and Mayoral General Functions

References to meetings of the Authority include meetings of any Boards, ordinary or statutory committee or sub-committee appointed by the Authority. These provisions do not affect any other rights to information arising under any standing orders of the Authority, or by law.

#### 1. Public Access to a Combined County Authority Meeting

1.1 Any meeting of the Authority shall be open to the public except where the public is excluded (during the whole or part of the proceedings) in accordance with the following:

##### A Confidential Information

- i. The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
- ii. Confidential information means:
  - information given to the Authority by a Government department on terms which forbid its public disclosure, or
  - information the public disclosure of which is prohibited by or under an Act or Court Order.

##### B Exempt Information

- i. The Authority may resolve to exclude the public from a meeting during an item whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings,

that exempt information would be disclosed to the public if the public were present during the item.

- ii. Exempt information means information falling within one of the following descriptions (as set out in Part 1 of Schedule 12A of the Local Government Act 1972):

**Paragraph 1** Information relating to any **individual**.

**Paragraph 2** Information which is likely to reveal the **identity of an individual**.

**Paragraph 3** Information relating to the financial or **business affairs of any particular person** (including the Combined County Authority holding that information), except information which must be registered under various statutes, such as the Companies Acts or the Charities Act 2011. "Financial or business affairs" includes contemplated, as well as past or current, activities.

**Paragraph 4** Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any **labour relations matter** arising between the Combined County Authority or a Minister of the Crown and employees of, or officer-holders under the Combined County Authority

**Paragraph 5** Information in respect of which a claim to legal professional privilege could be maintained in **legal proceedings**.

**Paragraph 6** Information which reveals that the Combined County Authority proposes:

- (1) to give under any enactment **a notice** under or by virtue of which requirements are imposed on a person, or
- (2) to make an **order or direction** under any enactment.

**Paragraph 7** Information relating to any action taken or to be taken in connection with the prevention, investigation, or prosecution of **crime**.

1.2. Information falling within any of these descriptions is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

1.3. Information falling within any of these descriptions may only be exempt if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1.4. A resolution to exclude the public from a meeting must:

- identify the proceedings, or the part of the proceedings, to which it applies,
- state the description of the exempt information giving rise to the exclusion of the public, and
- confirm (by referring to reasons in a relevant report or otherwise) that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **C General Disturbance**

- i. Procedure Standing Order [21.7](#) in [Part 4.1](#) of the Constitution provides for the public to be excluded from a meeting where general disturbance arises.

## **2. Public Access to Agenda and Reports of a Combined County Authority Meeting**

2.1 The Monitoring Officer shall make the following open to public inspection, at the offices of the Authority in accordance with the Authority's Procedure Standing Orders in [Part 4](#) of the Constitution:

- copies of the agenda for a meeting of the Authority, and
- copies of any report for the meeting open to the public

### **3. Public Access to Copies at a Combined Authority Meeting**

- 3.1 The Monitoring Officer will make available for the use of members of the public present at a meeting a reasonable number of copies of:
- the agenda, and
  - those reports open to the public

### **4. Public Access to Documents After a Combined Authority Meeting**

- 4.1 The Monitoring Officer will make available for inspection copies of the following for six years after a meeting:
- the minutes of the meeting (excluding any part of the minutes when the meeting was not open to the public or which disclose exempt or confidential information),
  - a written summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record,
  - the agenda for the meeting, and
  - reports relating to items when the meeting was open to the public.

### **5. Public Access to Background Papers to a Combined County Authority Meeting Report**

- 5.1. The author of any report will set out in the report a list of the background papers relating to the subject matter of the report which in the author's opinion:
- disclose any facts or matters on which the report or an important part of the report is based, and
  - have been relied on to a material extent in preparing the report.

This requirement does not extend to:

- published works, or
- papers which disclose exempt or confidential information.

- 5.2. The Monitoring Officer will: publish a list of each of the background documents listed on the Authority's website at the same time as the report is available for public inspection, and

- make a copy of each available to the public at the offices of the Authority, on payment of a reasonable fee.

- 5.3. The Monitoring Officer will make available for public inspection one copy of each of the documents on the list of background papers, for four years after the date of the meeting.

### **6. Reporting and Recording a Combined County Authority Meeting**

- 6.1. The Authority will provide so far as practicable, reasonable facilities to any person attending a meeting for the purpose of reporting on the meeting.
- 6.2. A person attending a meeting for the purpose of reporting on it may use any communication method, including the internet, to publish, post or otherwise share the results of the person's reporting activities.
- 6.3. Publication and dissemination may take place at the time of the meeting or occur after the meeting.
- 6.4. Any person reporting on a meeting is expected to comply with the attached Code of Practice.

- 6.5. Meetings of the Authority may be recorded and made available for public viewing on the internet. The Chair of a meeting may restrict the recording of meetings where an external participant in the meeting objects to being recorded and the Chair considers that the public interest in upholding their objection outweighs the public interest in allowing the recording to continue. The Chair will ask those reporting to respect the wishes of the external participant.

## **7. Forward Plan: Non-Mayoral and Mayoral General Functions**

### **A Definition of a Key Decision**

- a. A Key Decision means a decision of a decision maker of the Authority which is likely:
  - i. to result in the Authority or the Mayor incurring significant expenditure, or the making of significant savings, having regard to the Authority's budget for the service or function to which the decision relates; or
  - ii. to be significant in terms of its effects on persons living or working in an area comprising two or more electoral divisions in the area of the Authority.
- b. For the purposes of (i) above, this includes any decision likely to result in the Authority incurring expenditure or making savings (including the receipt or loss of income) of £500,000 or more in any financial year.
- c. For the purposes of (i) and (ii) above, the following shall not be treated as a Key Decision:
  - any decision which is a direct consequence of implementing a previous Key Decision,
  - any decision which is the result of varying a previous Key Decision in line with recommendations made by an overview and scrutiny committee following a call-in of that decision,
  - a Treasury Management decision in relation to the making, payment or borrowing of a loan,
  - a decision by an officer under delegated authority to vary any document for updating or clarification purposes only, or
  - the urgent settlement of proceedings to which the Authority is a party.
  - any decision relating to the acceptance of funding.

### **B Notice Provisions**

- a. Except where impracticable, a Key Decision cannot be made unless until a notice has been published which states:
  - that a Key Decision is to be made in relation to the discharge of functions which are the Combined County Authority's responsibility,
  - the matter in respect of which the decision is to be made,
  - the decision maker's name and title if any,
  - the date on which, or the period within which, the decision is to be made,
  - a list of documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made,
  - the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from, any document listed is available,
  - that other documents relevant to those matters may be submitted to the decision maker, and
  - the procedure for requesting details of those documents (if any) as they become available.
- b. The Monitoring Officer will publish any such notice on the Forward Plan on the Authority's website at least 28 clear days before the Key Decision is made and make it available for public inspection at the Offices of the Combined County Authority (subject to General Exception and Special Urgency provisions below).

- c. Where in relation to any matter:
- the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed, or
  - documents relating to the decision need not (because of confidential information) be disclosed to the public,
  - the notice must contain particulars of the matter but may not contain any confidential information or exempt information.

## **C General Exception**

- a. Subject to cases of special urgency, where it is impracticable to publish a notice of a Key Decision at least 28 clear days before the Key Decision is to be made, the decision may only be made:
- where the Monitoring Officer has informed the Chair of any relevant overview and scrutiny committee by notice in writing of the matter about which the decision is to be made,
  - where the Monitoring Officer has published the notice on the Authority's website and made the notice available for public inspection at the Combined County Authority's offices, and
  - after 5 clear days have elapsed following the day on which the Monitoring Officer made the copy of the notice available.
- b. As soon as reasonably practicable after the Monitoring Officer has served a notice on the Chair, published the notice and made it available to the public, the Monitoring Officer must make available to the public and publish a notice setting out the reasons why it was impracticable to publish the notice of a Key Decision at least 28 days before the Key Decision was to be made.

## **D Cases of Special Urgency**

- a. Where the date by which a Key Decision must be made makes it impracticable to comply with the general exception provision above, the Key Decision may only be made where the decision maker has obtained agreement from the Chair of any relevant Overview and Scrutiny committee that the making of the Key Decision is urgent and cannot reasonably be deferred.
- b. As soon as reasonably practicable after the decision maker has obtained the necessary agreement that the Key Decision is urgent and cannot reasonably be deferred, the decision maker must make available to the public at the Authority's offices a notice setting out the reasons why the Key Decision is urgent and cannot reasonably be deferred; and publish that notice on the Authority's website.

## **E Requests for Statutory Consents – Non-Mayoral and Mayoral General Functions**

- a. The GLCCA Regulations provides that the exercise of some Non-Mayoral and Mayoral General Concurrent Functions are subject to a consent provision, ("Statutory Consent"), to safeguard the Constituent Councils' role in local decision-making and delivery – see functions tables in **Part 3 and the Protocol in Part 5** of the Constitution.

## **8. Public Access to Written Records of Decisions Made by Officers: Non-Mayoral and Mayoral General Functions**

- 8.1. A decision-making Officer is required to produce a written record of their decision if the decision has been delegated:
- under a specific express authorisation, or
  - under the Officer Delegation Scheme where the effect of the decision is to:

- (1) grant a permission or license,
- (2) affect the rights of an individual, or
- (3) award a contract or incur expenditure which, in either case, materially affects the Authority's financial position.

- 8.2. For the purposes of 3) above, any award of a contract or expenditure of £500,000 or over will be deemed to materially affect the Authority's financial position.
- 8.3. An Officer must also record and publish any Key Decision they make, whether or not it is outside the criteria set out above.
- 8.4. An Officer may also,
- (1) record, or
  - (2) record and publish, any other decision outside of 8.1, if they consider this to be in the public interest.
- 8.5. As soon as reasonably practicable after an officer has made a written record in accordance with 8.1 or 8.4(2), the Monitoring Officer shall make any written record and any background papers
- available for inspection by the public:
  - at all reasonable hours, at the offices of the Authority,
  - on the Authority's website, and
  - by such other means that the Authority considers appropriate.
- 8.6. On request the Monitoring Officer will provide:
- a copy of the written record, and
  - a copy of any background papers.
- 8.7. The Authority will retain each written record and make it available for public inspection for 6 years beginning with the date on which the decision was made.
- 8.8. The Authority will retain any background papers and make them available for public inspection for 4 years beginning with the date on which the decision was made.

## **9. Public Access to Written Records of Decisions Made by the Mayor (Mayoral General Functions)**

- 9.1. Any decision taken at a meeting of the Authority will be recorded in the minutes of the meeting.
- 9.2. Where a decision has been taken outside of a Authority meeting:
- any Key Decision taken by the Mayor or a Authority Member acting on the Mayor's behalf will be recorded and published on the Authority's website, together with a copy of the written report considered in respect of the decision, and
  - any decision taken by an Officer will be recorded as a written record of their decision in accordance with the Access to Information Rule 8 above

## **Part 2: Press Access to a Combined County Authority Meeting**

- 1.1. The Monitoring Officer shall supply on request for any newspaper:
- a copy of the agenda and those reports open to the public,
  - any further statements necessary to indicate the nature of the items on the agenda, and
  - if the Monitoring Officer thinks fit, copies of any other documents supplied to Authority Members in connection with the item.

- 1.2. Rights relating to recording proceedings set out above apply to members of the press, in the same way as they apply to the public.

## **Part 3: Freedom of Information (FOI) and the Local Government Transparency Code**

- 1.1. The Freedom of Information Act 2000 and Environmental Information Regulations 2004 apply to the Authority, which therefore publishes information under a Publication Scheme. The Scheme specifies:
- the classes of information which the Authority publishes or intends to publish,
  - how information in each class is, or is intended to be, published, and
  - whether the material is, or is intended to be, available to the public free of charge or on payment.
- 1.2. The public also has a general right of access to information held by the Authority, but this is subject to exemptions
- 1.3. A request for information must be submitted to and dealt with by the Monitoring Officer.
- 1.4. A request for information under the FOIA must:
- be in writing
  - state the name of the applicant
  - state an address for correspondence, and • describe the information requested.
- 1.5. A request for information under the EIR must state a name and address for written correspondence, however the request can be made verbally or in writing.
- 1.6. The Authority publishes information as required by the Local Government Transparency Code 2015, which includes but is not limited to the following:
- spending and expenditure including grants,
  - procurement information including contracts,
  - organisation chart detailing senior management personnel, and
  - land and assets

## **Part 4: Members' Access**

### **1. General**

- 1.1. Any member of the Authority is entitled to inspect any document which:
- is in the possession of or under the control of the Authority, and
  - contains material relating to any business to be transacted at a meeting of the Authority.
- 1.2. Unless it appears to the Monitoring Officer that it discloses information falling within any of the descriptions of exempt information (set out in Part 1 of Schedule 12A of the Local Government Act 1972 as listed under section 1 above), other than the following (which will be open for inspection by members):
- (1) Information relating to the financial or business affairs of any particular person including the Authority (except to the extent that the information relates to any terms proposed or to be proposed by or to the Authority in the course of negotiations for a contract), or
  - (2) Information which reveals that the Authority proposes:
    - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or
    - to make an order or direction under any enactment.

- 1.3. These rights are in addition to any other rights the member may have (such as those arising from a member's need to know at common law).
- 1.4. The accounts of the Authority shall be open to the inspection of any member and any such member may make a copy of or extract from the accounts.

## **2. Additional Rights of Access to Documents for Members of Any Overview and Scrutiny Committee or Sub-Committee**

- 2.1. Subject to the exceptions outlined below, a member of an overview and scrutiny committee or sub-committee is entitled to a copy of any document which is in the possession or under the control of the Authority and contains material relating to any business that has been transacted at a meeting of the Authority or at a decision-making Board of the Authority. The member must make any request for such a document in writing to the Monitoring Officer, who shall consider any such request on behalf of the Authority.
- 2.2. The document must be provided as soon as reasonably practicable and, in any case, no later than 10 clear days after the Monitoring Officer receives the request.
- 2.3. No member of an overview and scrutiny committee or sub-committee is entitled to a copy of any such document or part of a document as contains exempt or confidential information, unless that information is relevant to:
  - an action or decision that the member is reviewing or scrutinising, or
  - any review contained in any programme of work of the committee or sub-committee.
- 2.4. Where the Monitoring Officer determines that a member is not entitled to a copy of a document or part of any such document, they must provide the overview and scrutiny committee or sub-committee with a written statement setting out the reasons for that decision.

## **Part 5: List of Members**

- 1.1. The Monitoring Officer will publish a list stating:
  - the name and address of all current members of the Authority and the constituent or non-constituent council they represent, and
  - the name and address of all current members of the other Boards, Committees and any sub-committees.
- 1.2. A member of the public may inspect the list.

## **4.5 Overview and Scrutiny Procedural Rules**

1. The Authority must appoint one or more overview and scrutiny committees whose proceedings shall operate in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.

### **2. Membership**

- 2.1. Members of an overview and scrutiny committee are appointed in accordance with the Terms of Reference (Overview and Scrutiny) in **Part 3** of the Constitution.
- 2.2. The Authority shall appoint at least two elected members of each Constituent Council to each overview and scrutiny committee.

- 2.3. The majority of members of any overview and scrutiny committee or sub-committee must be elected members of the Constituent Councils.
- 2.4. Neither the Mayor nor any other Authority Member or substitute member may be a member of an overview and scrutiny committee or sub-committee.
- 2.5. Within 28 days of any appointment to any overview and scrutiny committee, the Monitoring Officer will publish a notice about the appointment on the Authority website setting out:
- that it has made an appointment,
  - identifying each member of the committee who has been appointed
  - specifying the period for which the members of the committee have been appointed.
- 2.6. The Authority has determined that it shall have a single Overview and Scrutiny Committee which shall be appointed by the Authority and shall have a total of 6 Constituent Council members comprising of 2 members from each Constituent Council. These will be the voting members of the Committee.
- 2.7. The Authority has determined that there will be 4 Non-Constituent voting members appointed to the Committee by the designated nominating bodies. The Committee will also appoint 1 Independent person.
- 2.8. In appointing members to the Overview and Scrutiny Committee the Authority must ensure that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the Constituent Councils when taken together.

### **3. Remuneration**

- 3.1. The Authority may (subject to the consideration of recommendations of an independent remuneration panel) agree to pay allowances to members of the overview and scrutiny committee/s.

### **4. Chairing**

- 4.1. The Authority will appoint the Chair of the Committee. In the absence of the appointed Chair, the Committee will appoint a Chair for the meeting.
- 4.2. The Chair (and any Vice Chair) must be:
- an independent person, or
  - an appropriate person who is a member of one of the Constituent Councils (that is a person who is not a member of a registered political party of which the Mayor is a member).

### **5. Quorum**

- 5.1. For business to be transacted at a meeting, two thirds of the total number of voting members of the committee or sub-committee must be present.

### **6. Voting**

- 6.1. Each member of the Overview and scrutiny Committee or of an Overview and Scrutiny Sub- Committee appointed from a Constituent Council has one vote.
- 6.2. Each member of the Overview and scrutiny Committee or of an Overview and Scrutiny Sub- Committee appointed from a Non-Constituent Council has one vote.

6.3. A simple majority of the members present and voting is required to determine any question, and no member has a casting vote. If a vote is tied it is deemed not to have been carried.

## **7. Conflicts of Interest**

7.1. No member of an overview and scrutiny committee nor of a sub-committee may scrutinise a decision (whether or not implemented) in which they were directly involved as a member of the committee or sub-committee which made the decision.

7.2. Such a member may only attend the overview and scrutiny committee or sub-committee to:

- make representations,
- answer questions, or
- give evidence about the decision.

## **8. Working Groups**

8.1. An overview and scrutiny committee or sub-committee may appoint a working group to contribute to and inform the scrutiny process, including by making recommendations

## **9. Work Programme and referral of matters to an Overview and Scrutiny Committee or Sub-Committee**

9.1. Each overview and scrutiny committee or sub-committee will set its own work programme.

9.2. The Authority, any of its committees or the Mayor may ask an overview and scrutiny committee to review any matter or assist in developing budget and policy proposals, provided that the request is made in writing to the Scrutiny Officer, who will ensure that the matter is included in the agenda for, and discussed at, a meeting of the committee or sub-committee.

9.3. The following matters may be referred to an overview and scrutiny committee:

- (1) A member of an overview and scrutiny committee may refer to the committee any matter which is relevant to the functions of the committee,
- (2) A member of an overview and scrutiny sub-committee may refer to a sub-committee any matter which is relevant to the functions of the sub-committee,
- (3) A Authority Member may refer to an overview and scrutiny committee any matter which is relevant to the function of the committee and is not an excluded matter; and
- (4) any member of a Constituent Council or the Non-Constituent Council may refer to an overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter.

9.4. Where a matter is referred to an overview and scrutiny committee by any member under Standing Order 9.3 (3) or (4) above, in considering whether to review or scrutinise a matter referred to the committee, the committee must have regard to any representations made by the member referring the matter as to why it would be appropriate for the committee to review or scrutinise the matter. If the committee decides not to review or scrutinise the matter, it must notify the member of its decision and the reasons for it.

9.5. An overview and scrutiny committee must provide a member with any copy of any report or recommendations which it makes in connection with any matter referred to it by the member under Standing Order 9.3 (3) or (4) above.

## 10. Meetings

- 10.1. Overview and scrutiny committees will schedule regular meetings and meet as often as required to effectively discharge their functions.
- 10.2. An extraordinary meeting of an overview and scrutiny committee may be called by:
- the Chair of the committee, or
  - any five Members of the Committee, including at least two from different Constituent Councils.

## 11. Attendees

- 11.1. An Overview and Scrutiny committee or sub-committee may require the Mayor or any other Authority Member or an appropriate officer of the Authority or Constituent Council to attend before it to answer questions or to provide information about any matter within its terms of reference.
- 11.2. Where a committee or sub-committee requires the Mayor or any other Authority Member or officer to attend, the Scrutiny Officer shall inform that person in writing giving at least 5 clear working days' notice of the meeting. The notice will state:
- the date of the meeting they are required to attend,
  - the nature of the item, and
  - whether they must produce any papers for the committee.
- 11.3. The Mayor, any other Authority Member, or officer must comply with any notice they are given.
- 11.4. Where, in exceptional circumstances, the person is unable to attend on the required date, the overview and scrutiny committee shall consult with the person to arrange an alternative date.
- 11.5. An overview and scrutiny committee or sub-committee may invite other people to attend any meeting to:
- address it, provide information,
  - discuss issues of local concern, and/or
  - answer questions.
- 11.6. Each member of an overview and scrutiny committee or sub-committee will be given the opportunity to ask attendees questions, contribute and speak.
- 11.7. Attendees assisting the committee must be treated with respect and courtesy.

## 12. Reports and Recommendations

- 12.1. An overview and scrutiny committee or sub-committee may make reports or recommendations to the Authority or the Mayor.
- 12.2. An overview and scrutiny committee or sub-committee may publish any report or recommendations, subject to Standing Order 13.

## 13. Notice

- 13.1. An overview and scrutiny committee or sub-committee may by notice require the Authority or the Mayor within 2 months of receiving any report or recommendations or (if later) the notice, to:
- consider the report or recommendations,

- respond to the overview and scrutiny committee or sub-committee indicating what (if any) action the Authority or the Mayor proposes to take,
- publish the response, if the overview or scrutiny committee or sub-committee has published the report or recommendations, subject to Standing Order 13 below.

13.2. The Authority or the Mayor must respond to a report or recommendations made by an overview and scrutiny committee or a sub-committee, within 2 months beginning with the date on which the Authority or Mayor received the notice, and subject to Standing Order 13 below.

## **14. Publishing a Document: Confidential and Exempt Information**

14.1. Standing Order 12.2 applies to the publication of any document comprising a report or recommendations of an overview and scrutiny committee or sub-committee, or a response of the Authority or the Mayor to any such report or recommendations.

14.2. In publishing the document, the overview and scrutiny committee, sub-committee, the Authority or the Mayor must exclude any confidential information and may exclude any relevant exempt information.

14.3. When providing a copy of a document, the overview and scrutiny committee, sub-committee, the Authority, or the Mayor may exclude any confidential information or relevant exempt information.

14.4. Where information is excluded, the overview and scrutiny committee, sub-committee, the Authority or Mayor:

- may replace so much of the document as discloses the information with a summary which does not disclose that information, and
- must do so if, in consequence of excluding the information, the document published would be misleading or not reasonably comprehensible.

## **15. Call-in of Decisions**

15.1. The power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to call-in a decision; that is to:

- direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
- recommend that the decision be reconsidered

15.2. The following decisions may be called-in for scrutiny:

- any decision of the Authority or of any decision-making Board of the Authority, and
- any Key Decision taken by the Mayor, other Authority Member (on behalf of the Mayor) or an officer.

with the exception of:

- any decision which the decision-maker has resolved is urgent
- any decision relating to approving or amending governance arrangements.
- Any decisions which have been considered by the Overview and Scrutiny Committees within the preceding six months.

15.3. Three members of the overview and scrutiny committee, to include at least one member from two different Constituent Councils, may call-in a decision eligible for call-in by notifying the Monitoring Officer or the Statutory Scrutiny Officer by 4pm on the fifth working day following publication.

- 15.4. The Monitoring Officer shall publish details of any decision taken at a meeting of the Authority or committee eligible for call-in within 2 clear working days of a meeting.
- 15.5. Any other Key Decision taken by the Mayor, a Authority Member (on behalf of the Mayor) or taken by an officer will be published as a written record within 2 clear working days of the

decision being made, see further Article 6 (Decision Making) in Part 2, and the Access to Information Rules in **Part 4** of the Constitution.

- 15.6. When submitting a request for a call-in Members must set out the reasons for the call-in, such as how the decision has not been taken in line with the Authority decision-making principles set out in Article 6 of **Part 2** of the constitution.

#### Implementing call-in of eligible decisions

- 15.7. An urgent decision may be implemented immediately.
- 15.8. Any other decision of the Authority or a Board, or Key Decision taken by the Mayor, any other Authority Member (on behalf of the Mayor) or an officer may be implemented after midday of the sixth clear working day after the publication of the decision, unless it is called in.
- 15.9. On receipt of a call-in request, the Statutory Scrutiny Officer shall:
- notify the decision-maker of the call-in,
  - consult with the Chair of the relevant overview and scrutiny committee about whether to issue a direction under Standing Order 15.10 below, and
  - call a meeting of the overview and scrutiny committee, to scrutinise the decision.
- 15.10. Where a decision is called-in, the Scrutiny Officer, in consultation with the Chair of the relevant overview and scrutiny committee, may direct that the decision is not to be implemented while it is under review or scrutiny by an overview and scrutiny committee, for a period not exceeding 14 days from the date on which the direction is issued.
- 15.11. An overview and scrutiny committee must scrutinise the decision within 14 days of the Monitoring Officer or Statutory Scrutiny Officer receiving the request for call-in, or before the expiry of any direction, if earlier.
- 15.12. Where an overview and scrutiny committee has scrutinised a decision, it may recommend that the decision is re-considered by the decision-maker. Any decision which is recommended for re-consideration may not be implemented while any direction under this Standing Order is of effect, except in accordance with Standing Order 15.13 below.
- 15.13. The Statutory Scrutiny Officer will notify the decision-maker of the outcome of the scrutiny by the overview and scrutiny committee, within 2 clear working days of the meeting. Where the decision has not been recommended for re-consideration, it may be implemented on receipt of this notification.
- 15.14. The decision-maker must reconsider any decision not later than working 10 days after the date on which the recommendations of an overview and scrutiny committee are received.
- 15.15. The Chair of the overview and scrutiny committee or their nominee may attend any meeting which is re-considering the decision, to present the report or recommendations.
- 15.16. The decision-maker may confirm, amend or rescind the decision. Their response should be published in accordance with Standing Order 14.

15.17. A decision which has been confirmed or amended by the decision-maker may be implemented immediately.

## 16. Guidance of the Secretary of State

16.1. An overview and scrutiny committee or sub-committee must have regard to any guidance issued by the Secretary of State.

## 17. Statutory Scrutiny Officer

17.1. Any references in these Standing Orders to the Statutory Scrutiny Officer are to the officer designated as such by the Authority, see further [Article 5 \(Officers\)](#) at [Part 2](#) of this Constitution.

The Authority shall not designate an officer of any Constituent Council as Scrutiny Officer for the Authority.

The statutory functions of the Statutory Scrutiny Officer are:

- to promote the role of any overview and scrutiny committee or sub-committee,
- to provide support and guidance to any overview and scrutiny committee or sub-committee and its members, and
- to provide support and guidance to members of the Authority in relation to the functions of any overview and scrutiny committee or sub-committee.

## 18. Additional Rights of Access to Documents

18.1. Additional rights of access to documents for members of any overview and scrutiny committee or sub-committee are set out in the Access to Information Rules in [Part 4](#) of the Constitution.

## 19. Interpretation

19.1. The Chair of an Overview and Scrutiny committee meeting or sub-committee, in consultation with the Monitoring Officer (or their representative) and the Statutory Scrutiny Officer (or their representative) shall make any final decision at that meeting about:

- how the Scrutiny Standing Orders should be interpreted with respect to the conduct of the meeting, or
- any question of procedure not provided for by the Scrutiny Standing Orders.

19.2. The Monitoring Officer shall make any final decision about how to interpret any Scrutiny Standing Order outside of a formal committee or sub-committee meeting

# 4.6 Officer Employment Procedural Rules

## 1. General

1.1. The Officer Employment Rules of Procedure set out the Authority's governance arrangements for the recruitment and dismissal of, and the taking of disciplinary action against, officers.

- 1.2. The functions of appointment and dismissal of, and taking disciplinary action against, officers below the level of Chief Officer must be discharged by the Head of Paid Service, on behalf of the Authority, or by an officer nominated by them.
- 1.3. The functions of appointment and dismissal of and taking disciplinary action against Chief Officers must be discharged by the Authority.
- 1.4. This section should be read in conjunction with the Scheme of Delegation of Functions to Chief Officers.
- 1.5. The Authority Chief Officers are, in accordance with the Local Government and Housing Act 1989, defined as follows:
  - a. a statutory chief officer (e.g., the Head of Paid Service, the Monitoring Officer and the Chief Finance Officer); and
  - b. a non-statutory chief officer (e.g., an officer who reports directly to the Head of Paid Service ie Deputy Director).

## **2. Recruitment and Appointment**

- 2.1. The Authority will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Member or officer; or of the partner of such persons.
- 2.2. No candidate so related to a Member, or an officer will be appointed without the authority of the Head of Paid Service, or an officer nominated by them.
- 2.3. The Authority will disqualify any applicant who directly or indirectly seeks the support of any Member for any appointment with the Authority. The content of this paragraph will be included in any recruitment information.
- 2.4. No Member will seek support for any person for any appointment with the Authority.
- 2.5. Nothing in the above paragraphs precludes a Member from giving a written reference for a candidate for submission with an application for employment.

## **3. Appointments**

- 3.1. Where the Authority proposes to appoint a Head of Paid Service (Chief Operating Officer), Monitoring Officer, an officer with the responsibilities set out in Section 73 (1) of the Local Government Act 1985 (Chief Finance Officer) or Chief Officer, the Authority will appoint an Appointments Panel.
- 3.2. The Appointments Panel will draw up a statement specifying:
  - a. the pay range for the post;
  - b. the duties of the Officer concerned; and
  - c. any qualifications or qualities to be sought in the person to be appointed.
- 3.3. The Authority will:
  - a. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

- b. make arrangements for a copy of the written statement mentioned above to be sent to any person on request.
- 3.4. The appointment of any other officer is a matter for the Head of Paid Service.
- 3.5. The Appointments Panel will conduct a competitive interview process and determine appointment when appointing Chief Officers, that Appointments Panel consists of:
  - The Mayor (or their nominee) (to apply if a Mayor is in place)
  - The Lead Constituent Council representative for each Constituent Council
- 3.6. The Appointments Panel will undertake the following:
  - a. Interview all qualified applicants for the post, or
  - b. Select a shortlist of such qualified applicants and interview those included on the shortlist.
- 3.7. Upon completion of this process the Appointments Panel will make a recommendation to the Authority for confirmation.
- 3.8. Prior to a final appointment offer being made to the successful applicant, all Members of the Authority must be informed of the details of the intended appointee, and have raised no objection within the specified period, (2 clear working days). Usual pre-employment checks will then commence in line with Human Resources and regulatory procedures and processes.
- 3.9. The Authority will, following the recommendation of such an appointment by the Appointments Panel, approve the appointment of:
  - Chief Operating Officer (Head of Paid Service)
  - Strategic Finance and Investment Officer (S.73 Officer)
  - Monitoring Officer
  - Deputy Director
- 3.10. Where no qualified person has applied, the Authority shall make further arrangements for advertisement in accordance with Rule 3.3 (a).

#### **4. Disciplinary Action**

- 4.1. The Head of Paid Service, the Monitoring Officer or Strategic Finance and Investment Officer, and any other Chief Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months.
- 4.2. No other disciplinary action may be taken in respect of any of those officers except in accordance with a recommendation in a report made by an independent person designated and acting in accordance with Regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001.
- 4.3. Members will not be involved in the disciplinary action against any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

#### **5. Dismissal**

- 5.1. Members will not be involved in the dismissal of any officer below Chief Officer level except where such involvement is necessary for any investigation or inquiry into alleged misconduct, through the Authority's disciplinary, capability and related procedures.

## 4.7 Financial Procedural Rules

# FINANCIAL REGULATIONS & PROCEDURE RULES

## Contents

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## Section 1 FINANCIAL REGULATIONS

### 1. Introduction

**1.1** The Greater Lincolnshire Combined County Authority's governance is laid down in its Constitution, which sets out how the Authority operates, how decisions are made and the procedures that are followed. This document forms part of the Constitution and should be read in conjunction with it.

**1.2** The Authority must conduct its business efficiently and ensure it has sound financial management policies in place, including arrangements to monitor compliance. The Authority's statutory Section 73 Officer is also charged with ensuring that proper financial management processes are in place.

- 1.3** The financial regulations provide clarity about the financial accountabilities of individuals. Each of the financial regulations sets out the overarching financial responsibilities which must be followed by those acting on the Authority's behalf.
- 1.4** A detailed set of financial procedure rules supports the overarching financial responsibilities set out in this document. These financial procedure rules are included in Appendices A to F and form part of the Authority's financial regulations. Under the financial regulations, other financial instructions and guidance manuals may be issued from time to time as considered appropriate by the Section 73 Officer, such guidance will have the force of financial regulations.
- 1.5** All financial decisions and decisions with financial implications must have regard to proper financial control. Any doubt as to whether a financial proposal is appropriate, or whether a financial action is correct, must be clarified in advance of the decision or action with the Section 73 Officer.
- 1.6** Failure to follow financial regulations or financial instructions issued by the Section 73 Officer, under financial regulations may result in action under the Authority's disciplinary procedures.

## **2 Status of the Financial Regulations**

- 2.1** Financial Regulations provide the framework for managing the financial affairs of the Authority. They apply to every member and officer of the Authority and anyone acting on its behalf.
- 2.2** The regulations identify financial responsibilities of individuals - members, officers, the Head of Paid Service, the Monitoring Officer, the Section 73 Officer, and other Directors. Members and Directors should maintain a written record where decision making has been delegated to members of their staff, including seconded staff. Where decisions are so delegated, the officer to whom the decision has been delegated must provide sufficient information to the Member or Director on request to give assurance that tasks or decisions have been performed in accordance with the Financial Regulations.
- 2.3** All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, is properly authorised, and provides value for money.
- 2.4** The Section 73 Officer is responsible for maintaining a continuous review of the financial regulations and submitting any additions or changes necessary to the Authority for approval. The Section 73 Officer is also responsible for reporting, where appropriate, breaches of the financial regulations to the Authority.
- 2.5** Directors are responsible for ensuring that all staff in their departments are aware of the existence and content of the Authority's financial regulations and other internal regulatory documents and that they comply with them. Any person charged with the use or care of the Authority's resources and assets should inform him or herself of the Authority's requirements under the financial regulations. Any queries should be referred to the Section 73 Officer.

- 2.6** All Directors should ensure that any financial procedures/guidelines produced by their service areas in support of financial control are fully compliant with the financial regulations. The agreement of the Section 73 Officer should be obtained for the development of such financial procedures.
- 2.7** The Section 73 Officer is responsible for issuing advice and guidance to underpin the financial regulations that Members, officers, and others acting on behalf of the Authority are required to follow.
- 2.8** All employees must report to their manager or other responsible Senior Officer any illegality, impropriety, breach of procedure or serious deficiency discovered in the following of financial procedures or financial regulations; managers must record and investigate such reports and notify the Section 73 Officer and Head of Audit and Assurance where it appears that a breach has occurred.
- 2.9** Any proposals for changes or amendments to the financial regulations should be forwarded to the Section 73 Officer for consideration.

### **3 Financial Regulation A: Financial Management**

#### **INTRODUCTION**

- 3.1** Financial Management covers all financial accountabilities in relation to the running of the Authority, including the Budget and Policy Framework.
- 3.2** The Authority is responsible for adopting the Authority's Constitution and Members' Code of Conduct and for approving the policy framework and budget. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in the Constitution. The Authority is also responsible for monitoring compliance with the agreed policy.
- 3.3** The Authority is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Authority and its Boards. These delegations, and details of who has responsibility for which decisions, are set out in the Constitution.
- 3.4** Authority decisions can be delegated to a Board of the Authority, an individual member or an Officer.
- 3.5** The Constitution sets out clear principles of decision making to ensure that individual Authority Members consult with relevant officers before taking a decision within their delegated authority. In doing so, the individual Member must take account of legal, human resources and financial liabilities and risk management issues that may arise from the decision.
- 3.6** The role and responsibilities of other Committees (including the Audit Committee) are set out elsewhere in the Constitution.

## **THE STATUTORY OFFICERS**

### **Head of Paid Service (Chief Operating Officer)**

**3.7** The Head of Paid Service is responsible for the corporate and overall strategic management of the Authority's staff. They must report to, and provide information for, the Authority and its Boards. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

### **Monitoring Officer**

**3.8** The Monitoring Officer is responsible for promoting and maintaining high standards of conduct. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the Authority, and for ensuring that procedures for recording and reporting key decisions are operating effectively.

**3.9** The Monitoring Officer must ensure that Authority decisions and the reasons for them are made public. They must also ensure that Members are aware of decisions made by officers who have delegated executive responsibility.

**3.10** The Monitoring Officer is responsible for advising all members and officers about who has authority to take a particular decision.

**3.11** The Monitoring Officer is responsible for advising the Authority about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.

**3.12** The Monitoring Officer, together with the Section 73 Officer is responsible for advising the Authority about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:

- initiating a new policy or acting outside a current policy with budget implications,
- committing expenditure in future years to above the budget level,
- incurring interdepartmental transfers above virement limits,
- causing the total expenditure to increase by more than a specified amount.

**3.13** The Monitoring Officer is responsible for maintaining an up-to-date constitution.

### **Section 73 Officer**

**3.14** The Section 73 Officer has statutory duties in relation to the financial administration and stewardship of the authority. These statutory responsibilities cannot be overridden or subject to direction by the Authority.

**3.15** The Section 73 Officer is responsible for:

- ensuring the proper administration of the Authority's financial affairs,
- determining and agreeing the accounting procedures and records for the Authority,

- setting the financial management standards and monitoring compliance with them,
- advising on the corporate financial position and on the key financial controls necessary to secure sound financial management,
- ensuring the provision of financial information,
- preparing the revenue budget and capital programme,
- treasury management,
- reporting on the adequacy of reserves and the robustness of the budget estimates when the annual budget is being considered,
- ensuring the existence of a medium-term financial plan.

**3.16** The Section 73 Officer must inform the Authority and external auditor if the Authority or one of its officers:

- has made, or is about to make, a decision which involves incurring unlawful expenditure.
- has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the authority.
- is about to make an unlawful entry in the Authority's accounts.
- it appears to the Section 73 Officer that the expenditure of the Authority incurred (including the expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

**3.17** The Section 73 Officer must nominate a properly qualified officer to deputise should he/she be unable to perform the duties under Section 73 personally.

**3.18** The authority must provide the Section 73 Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out their duties.

## **Directors**

**3.19** Directors are responsible for:

- ensuring that Members are advised of the financial considerations of all proposals and that the financial implications have been agreed by the Section 73 Officer, ensuring that the financial regulations are observed throughout all areas under their control,
- providing the Section 73 Officer with such information and explanations as the Section 73 Officer feels is necessary to meet their obligations under the financial regulations.

**3.20** It is the responsibility of Directors to consult with the Section 73 Officer and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.

## **OTHER FINANCIAL ACCOUNTABILITIES**

### **Virement**

**3.21** Virements between budget heads is an integral and important feature of budgetary control. The Authority is responsible for agreeing procedures for virement of expenditure between budget headings.

**3.22** Once the Authority has approved its revenue and capital budget for the coming year, there will be a brief period of review that will allow virements between budgets to be made. Following that, the Section 73 Officer will issue guidance to minimise the processing of virements during the financial year. Examples of permitted virements include:

- to recognise new external funding streams
- to recognise the realisation of budget savings
- transfers to/from corporate contingencies
- transfers between revenue and capital
- permanent transfers between service areas
- to recognise Authority decisions
- material adjustments to aid budgetary control (e.g. capital re-profiling)

**3.23** Virements (of both revenue and capital) are permitted subject to the following authorisations:

<b>Virement Value</b>	<b>Authorisation required</b>
Virements up to £50,000	Relevant Director in consultation with the Section 73 Officer.
Proposed virements of between £50,000 & £350,000	Advance approval of the Section 73 Officer and the relevant Authority member.
Proposed virements more than £350,000	Authority approval required before the virement can take place.

**3.24** With respect to the Capital Programme, approval is delegated to the Section 73 Officer in consultation with the relevant Authority Member to approve:

- re-phasing of capital budgets within approved budget (but across years); and
- amendments to the capital programme up to £350,000

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All delegations exercised in accordance with the above would be reported to Authority in the quarterly monitoring reports.

**3.25** Virements may not be broken down into smaller values to circumvent the procedures outlined.

### **Budget realignment**

**3.26** The Section 73 Officer will determine whether a change to budgets is a virement (i.e. the budget is reallocated to a purpose other than originally intended) or a re-presentation or restructure where there is no change to the purpose of the spending. It is important that any budget realignment is transparent and that the process can be subject to proper scrutiny.

**3.27** The virement rules set out above shall not apply to restructure or representational changes. However, the approval of the Section 73 Officer should be obtained before any such changes are implemented.

#### **Treatment of year-end balances**

**3.28** The Authority is responsible for agreeing procedures in respect of carrying forward under-and overspendings on budget headings in line with the Budget and Policy Framework.

#### **Accounting policies**

**3.29** The Section 73 Officer is responsible for setting accounting policies in accordance with statute and best practice and ensuring that these are applied consistently throughout the Authority. The Audit Committee must approve any policy changes.

#### **Accounting records and returns**

**3.30** The Section 73 Officer is responsible for determining the accounting procedures and records for the Authority.

#### **The Annual Statement of Accounts**

**3.31** The Section 73 Officer is responsible for ensuring that the Annual Statement of Accounts is prepared in accordance with applicable accounting standards and codes of practice. The Audit Committee is responsible for making recommendations on approval for the Annual Statement of Accounts.

#### **Sound Financial Management**

**3.32** The Authority is responsible for ensuring its financial management is adequate and effective, and that sound systems of risk management are in place (as required by the Accounts and Audit Regulations 2015). The Authority is also responsible for ensuring that a budget monitoring system is in place, and if there is a deterioration in the Authority's financial position during the year it must consider what action to take to deal with the situation.

#### **Budget setting**

**3.33** When the Authority is deciding its annual budget and precept level, Members and officers must consider a report from the Section 73 Officer on the robustness of the budget and the adequacy of the authority's reserves.

## **4 Financial Regulation B: Financial Planning**

### **INTRODUCTION**

**4.1** The Authority is responsible for agreeing the Authority's policy framework and budget. In terms of financial planning, the key elements are the:

- Strategic Plan,
- Budget and Medium-Term Financial Plan,
- Capital Investment Strategy
- Treasury Management Policy and Strategy

### **POLICY FRAMEWORK**

**4.2** The Authority is responsible for approving the policy framework and budget. The policy framework comprises those plans and strategies set out in the Constitution.

**4.3** The Authority's budget and policy responsibilities are set out in the budget and policy framework procedure rules, contained in the Authority's Constitution.

**4.4** The Authority is responsible for taking in-year decisions on resources and priorities to deliver the budget policy framework within the financial limits set by the Authority as part of the budget and policy framework.

### **BUDGETING**

#### **Budget format**

**4.5** The general format of the budget will be approved by the Authority on the advice of the Section 73 Officer.

#### **Budget preparation**

**4.6** The Section 73 Officer is responsible for ensuring that a revenue budget is prepared on an annual basis together with a medium-term financial plan looking forward for a minimum of three financial years. The Authority may, subject to consultation with the Section 73 Officer, amend the budget before approving it.

**4.7** The Section 73 Officer will issue guidelines on the budget to appropriate officers throughout the Authority.

**4.8** It is the responsibility of Directors to ensure that accurate budget estimates are prepared in line with guidelines issued by the Section 73 Officer.

#### **Budget monitoring and control**

**4.9** The Authority has a duty to monitor its budget during the year. If, because of this monitoring, it appears that there has been deterioration in its financial position, the Authority must take action to deal with the situation.

**4.10** The Section 73 Officer is responsible for providing appropriate financial information and guidance to enable budgets to be monitored effectively. The Section 73 Officer should report to Authority on the overall financial position of the Authority on a regular basis, and at least quarterly.

**4.11** It is the responsibility of Directors to control income and expenditure for revenue and capital within their area and to monitor performance, taking account of financial information provided by the Section 73 Officer. They should report on variances within their own areas to the Section 73 Officer. They should also take any action necessary (without affecting policy) to avoid exceeding their budget allocation, in accordance with the Financial Regulations. If it becomes apparent to a Director that, due to exceptional or unforeseen circumstances, there may be difficulty in providing a service within budget, this must be communicated to the Section 73 Officer at the earliest opportunity. In such circumstances the Director retains responsibility for the careful monitoring and control of income and expenditure and must make every effort (without affecting policy) to minimise the impact on the Authority.

### **Resource allocation**

**4.12** The Section 73 Officer is responsible for developing and maintaining a resource allocation process that ensures due consideration of the Authority's policy framework.

### **Preparation of the Capital Programme and Prudential Indicators**

**4.13** The Section 73 Officer is responsible for ensuring that a capital programme, showing capital expenditure and how that expenditure is funded, is prepared on an annual basis for consideration by the Authority. The plan should cover a three year period and may in addition include information on capital investment strategy including non-treasury investments for up to 10 years ahead. In addition to this, the CIPFA Prudential Code for Capital Finance in Local Authorities requires that a set of prudential indicators for capital and treasury management (covering a three-year period) are agreed by the Authority. This CIPFA code is backed by statute in the Local Government Act 2003.

**4.14** Directors providing information to the Section 73 Officer for the capital programme shall ensure that for each capital scheme the full financial implications of any proposals are fully evaluated and disclosed, including phasing and commissioning plans. A business case must be completed, detailing both revenue and capital implications of each proposed scheme.

### **Guidelines**

**4.15** Guidelines on budget preparation will be issued to Members and Directors by the Section 73 Officer.

### **MAINTENANCE OF RESERVES**

**4.16** It is the responsibility of the Section 73 Officer to advise the Authority on prudent levels of reserves for the Authority. When the Authority is deciding its annual budget and

precept level it is required to consider a report from the Section 73 Officer on the adequacy of the authority's financial reserves and the robustness of the budget.

The Section 73 Officer undertakes an annual review on the adequacy of reserves and robustness of financial estimates.

## **5 Financial Regulation C: Risk Management & Control of Resources**

### **INTRODUCTION**

- 5.1** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

### **RISK MANAGEMENT**

- 5.2** The Authority is responsible for reviewing the effectiveness of risk management and for ensuring that proper insurance exists where appropriate.
- 5.3** The Section 73 Officer will be responsible for the authority's Risk and Opportunities Policy, which may be prepared by a nominated officer. The Section 73 Officer will advise the Authority on proper insurance cover where appropriate.

### **INTERNAL CONTROL**

- 5.4** Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient, and effective use of resources and that the Authority's assets and interests are safeguarded.
- 5.5** The Section 73 Officer is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- 5.6** It is the responsibility of Directors to establish sound arrangements for planning, appraising, authorising, and controlling their operations to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.

### **AUDIT REQUIREMENTS**

- 5.7** The Accounts and Audit Regulations 2015 require every local authority to maintain an adequate and effective internal audit function.

**5.8** The Local Audit and Accountability Act 2014 requires all local authorities to appoint an independent panel to manage the appointment of an external auditor. The Authority has opted-in to the national appointment arrangements undertaken by Public Sector Audit Appointments Limited (PSAA), an independent panel created by the Local Government Association. The audit contracts awarded by the PSAA run for 5 years. The responsibilities of the external auditor are derived from statute and the Code of Audit Practice prescribes the way in which external auditors must conduct their functions.

**5.9** The Authority may, from time to time, be subject to audit, inspection, or investigation by external bodies such as HM Revenue and Customs, who have statutory rights of access.

### **PREVENTING FRAUD AND CORRUPTION**

**5.10** The Section 73 Officer is responsible for the development and maintenance of the Fraud Strategy.

### **ASSETS**

**5.11** Directors should ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

### **TREASURY MANAGEMENT AND BANKING**

**5.12** The Authority follows the CIPFA Code of Practice for Treasury Management in the Public Services. The Authority will create and maintain, as the cornerstones for effective treasury management:

- A Treasury Management Policy Statement, stating the policies, objectives, and approach to risk management of its treasury management activities.
- Suitable Treasury Management Practices (TMPs), setting out the way the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.

**5.13** All money in the hands of the Authority is controlled by the officer designated for the purposes of Section 73 of the Local Government Act 1985, referred to in this document as the Section 73 Officer.

**5.14** In accordance with the CIPFA Code of Practice for Treasury Management in the Public Services, the Section 73 Officer is responsible for reporting to the Authority on the treasury management policies, practices, and activities. Including as a minimum, an annual strategy and plan of the year, a mid-year review and an annual report after its close, in the form prescribed in the TMP's.

**5.15** All Authority decisions on borrowing, investment or financing shall be delegated to the Section 73 Officer. In relation to the authorised limits for the Authority's external debt, and the operational boundary for external debt agreed by Authority, any

movements in borrowing limits made under delegation to the Section 73 Officer will be reported to the Authority at its next meeting.

- 5.16** In accordance with the CIPFA Code of Practice for Treasury Management in the Public Services, the Authority delegates responsibility for the execution and administration of treasury management decisions to the Section 73 Officer, who will act in accordance with the Authority's policy statement and TMPs and CIPFA's Standard of Professional Practice on Treasury Management.
- 5.17** The Authority has nominated the Audit Committee to be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

## **STAFFING**

- 5.18** The Authority is responsible for determining how officer support for executive and non-executive roles within the Authority will be organised.
- 5.19** The Head of Paid Service is responsible for providing overall management to staff. They are responsible for ensuring proper use of agreed systems for determining the remuneration of a job. The Head of Paid Service has ultimate responsibility for ensuring the Authority's staffing resource meets its needs in terms of capacity and organisation.
- 5.20** Directors are responsible for controlling total staff numbers by:
- advising the Authority on the budget necessary in any given year to cover estimated staffing levels
  - adjusting the staffing to a level that can be funded within approved budget provision, varying the provision as necessary within that constraint to meet changing operational needs
  - the proper use of appointment procedures.

## **6 Financial Regulation D: Systems and Procedures**

### **INTRODUCTION**

- 6.1** Sound systems and procedures are essential to an effective framework of accountability and control.

### **GENERAL**

- 6.2** The Section 73 Officer is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes made by Directors to the existing financial systems, or the establishment of new systems must be approved by the Section 73 Officer after consultation with Internal Audit. However, Directors are responsible for the proper operation of financial processes in their own departments.
- 6.3** Any changes to agreed procedures by Directors to meet their own specific service needs should be agreed with the Section 73 Officer.

**6.4** Directors should ensure that their staff receive relevant financial training that has been approved by the Section 73 Officer.

**6.5** Directors must ensure that, where appropriate, computer and other systems are registered in accordance with general data protection legislation. Directors must ensure that staff are aware of their responsibilities under freedom of information legislation.

## **INCOME AND EXPENDITURE**

**6.6** It is the responsibility of Directors to ensure the officers' scheme of delegation is complied with within their department. In addition, each Director should ensure that an authorised signatory list is held and regularly updated, identifying staff authorised to act on the Director's behalf in respect of payments, income collection and placing orders, together with the limits of their authority. The Authority is responsible for approving procedures for writing off debts as part of the overall control framework of accountability and control.

## **PAYMENTS TO EMPLOYEES AND MEMBERS**

**6.7** The Section 73 Officer is responsible for all payments of salaries and wages to all staff, including payments for overtime, and for payment of allowances to Members.

**6.8** The Section 73 Officer is responsible for making ex-gratia payments in accordance with guidelines agreed with the Monitoring Officer.

## **TAXATION**

**6.9** The Section 73 Officer is responsible for advising Directors, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Authority.

**6.10** The Section 73 Officer is responsible for maintaining the Authority's tax records, making all tax payments, receiving tax credits, and submitting tax returns by their due date as appropriate.

## **RETENTION OF RECORDS**

**6.11** Each Director shall make arrangements for the retention of financial and personnel records as follows:

- financial matters relating to the payment of creditors, income or other tax matters, national insurance, pensions, and debts of any nature should be retained for at least six years plus the present year,
- all other records should be retained in accordance with the Authority's Document Retention Policy,
- where legislation or professional guidance stipulates a longer retention period, documentation should be retained in accordance with this.

- 6.12** In the case of invoices relating to auditable grant claims, these must be kept until after the grant claim has been audited, even if this exceeds six years.
- 6.13** Where documents are disposed of after the relevant retention periods have expired, any sensitive or confidential information should be destroyed by shredding.

## **7 Financial Regulation E: External Arrangements**

### **EXTERNAL FUNDING**

- 7.1** The Section 73 Officer is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

### **CONFIDENTIALITY**

- 7.2** All information held by or on behalf of the Authority will be available to the public upon written request, unless it falls into one of the statutory exemptions set out in the Freedom of Information Act 2000. Officers must therefore ensure, when negotiating or entering into a contract on behalf of the Authority, that any confidentiality clause proposed by a third party has been approved by the Monitoring Officer.

## **Section 2 FINANCIAL PROCEDURE RULES**

### **APPENDIX A**

#### **Financial Procedure Rules: Financial Management**

##### **FINANCIAL MANAGEMENT STANDARDS**

##### **Why is this important?**

- A.1** All staff and Members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

##### **Key controls**

- A.2** The key controls and control objectives for financial management standards are:
- (a) their promotion throughout the Authority
  - (b) a monitoring system to review compliance with financial standards, and regular comparisons of performance indicators and benchmark standards that are reported to the Authority.

### **Responsibilities of the Section 73 Officer**

- A.3 To ensure the proper administration of the financial affairs of the Authority, and to determine on behalf of the Authority the accounting records and the accounting control systems in accordance with the Accounts and Audit Regulations 2015.
- A.4 To set the financial management standards and to monitor compliance with them in accordance with the relevant codes of practice and accounting standards.
- A.5 To ensure proper professional practices are adhered to and to act as head of profession in relation to the standards and performance.
- A.6 To advise on the key strategic controls necessary to secure sound financial management.
- A.7 To ensure that financial information is available to enable accurate and timely monitoring and reporting of comparisons of national and local financial performance indicators.

### **Responsibilities of Directors**

- A.8 To promote the financial management standards set by the Section 73 Officer in their departments and to monitor adherence to the standards and practices, liaising as necessary with the Section 73 Officer.
- A.9 To promote sound financial practices in relation to the standards, performance, and development of staff in their departments.

### **MANAGING EXPENDITURE**

#### ***Scheme of virement***

#### **Why is this important?**

- A.10 The scheme of virement is intended to enable the Authority, Directors and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the Authority, and therefore to optimise the use of resources.

#### **Key controls**

- A.11 Key controls for the scheme of virement are:

- (a) it is administered by the Section 73 Officer within guidelines set by the Authority. Any variation from this scheme requires the approval of the Authority.
- (b) the overall budget is agreed by the Authority. Directors and managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates or heads of expenditure. For the purposes of this scheme, a budget head is considered to be a cost centre in the revenue budget, or a project set out in the capital programme.

- (c) virement does not create additional overall budget liability. Directors are expected to exercise their discretion in managing their budgets responsibly and prudently.

### **Responsibilities of the Section 73 Officer**

- A.12 To prepare jointly with the relevant Director a report to the Authority where revenue or capital virements more than £350,000 are proposed.

### **Responsibilities of Directors**

- A.13 A Director may exercise virement on revenue budgets under their control for amounts up to £50,000 on any one budget head during the year in consultation with the Section 73 Officer. This must follow notification to the Section 73 Officer and be subject to the general conditions around virement.
- A.14 Revenue and capital virement amounts greater than £50,000 but less than £350,000 requires the approval of the Section 73 Officer and relevant Authority member.
- A.15 Revenue and capital virement amounts greater than £350,000, require the approval of the Authority, following a joint report by the Section 73 Officer and the Director, which must specify the proposed expenditure and the source of funding, and must explain the implications in the current and future financial years. In exceptional circumstances, a virement of this value can be made with the approval of the Section 73 Officer, in consultation with the Head of Paid Service and relevant Authority member.
- A.16 A virement that is likely to impact on the level of service activity of another Director should be implemented only after agreement with the relevant Director.
- A.17 Where an approved budget is a lump-sum budget or contingency intended for allocation during the year, its allocation will not be treated as a virement, provided that:
- (a) the amount is used in accordance with the purposes for which it has been established, as set out in the budget-setting report to the Authority in advance of each financial year,
  - (b) the Authority has approved the basis and the terms, including financial limits, on which it will be allocated.
- A.18 Budget realignment is described in Financial Regulation A: Financial Management of the Financial Regulations. Any proposal to realign all or part of a service area budget must be notified (by the Director of the service area) in writing to the Section 73 Officer. Budget realignment should usually only occur once in any financial year and be notified to and agreed by the Section 73 Officer.

## ***Treatment of year-end balances***

### **Why is this important?**

- A.19 The Authority's scheme of virement sets out the Authority's treatment of year-end balances. It is administered by the Section 73 Officer within guidelines set by the Authority. Any variation from the scheme of virement requires the approval of the Authority.
- A.20 The rules below cover arrangements for the transfer of resources between accounting years, i.e. a carry-forward. For the purposes of this scheme, a budget heading is a line in the revenue budget.

### **Key controls**

- A.21 Appropriate accounting procedures are in operation to ensure that carried-forward totals are correct.

### **Responsibilities of the Section 73 Officer**

- A.22 To administer the scheme of carry-forward within the guidelines approved by the Authority.
- A.23 To report all overspends and underspends on outturn estimates presented to the Authority.

### **Responsibilities of Directors**

- A.24 Net underspends on service estimates under the control of a Director may occur. Where this is the case, options exist for the treatment of the underspend. Based upon the overall financial position of the Authority, the Section 73 Officer will recommend to Authority whether carry forward of underspends by service areas is appropriate.

## **ACCOUNTING POLICIES**

### **Why is this important?**

- A.25 The Section 73 Officer is responsible for the preparation of the Authority's Statement of Accounts, in accordance with proper practices and relevant code of practice, for each financial year ending 31 March. In addition, the Local Government Act 2003 and the Accounts and Audit Regulations 2015 set out statutory requirements governing the Authority's accounts.

### **Key controls**

- A.26 The key controls for accounting policies are:
- (a) systems of internal control are in place that ensure that financial transactions are lawful,

- (b) suitable accounting policies are set out and applied consistently throughout the Authority,
- (c) proper accounting records are maintained, and
- (d) financial statements are prepared which present a true and fair view of the financial position of the Authority and its expenditure and income.

### **Responsibilities of the Section 73 Officer**

A.27 To select suitable accounting policies and to ensure that these are applied consistently. The accounting policies are set out in the Statement of Accounts, which is prepared at 31 March each year, and covers such items as:

- (a) separate accounts for capital and revenue transactions,
- (b) the basis on which debtors and creditors at year end are included in the accounts,
- (c) details on substantial provisions and reserves,
- (d) fixed assets,
- (e) depreciation,
- (f) retirement benefits,
- (g) stocks and stores,
- (h) financial assets and liabilities,
- (i) accounting for value added tax,
- (j) government grants,

### **Responsibilities of Directors**

A.28 To adhere to the accounting policies and guidelines approved by the Section 73 Officer.

## **ACCOUNTING RECORDS AND RETURNS**

### **Why is this important?**

A.29 Maintaining proper accounting records is one of the ways in which the Authority discharges its responsibility for stewardship of public resources. The Authority has a statutory responsibility to prepare its annual accounts to present a true and fair view of its operations during the year. These are subject to external audit. This audit provides assurance that the accounts are prepared properly, that proper accounting practices have been followed and that quality arrangements have been made for

securing economy, efficiency, and effectiveness in the use of the Authority's resources.

### **Key controls**

A.30 The key controls for accounting records and returns are:

- (a) all Members and officers operate within the required accounting standards and timetables,
- (b) all the Authority's transactions, material commitments and contracts and other essential accounting information are recorded completely, accurately and on a timely basis,
- (c) procedures are in place to enable accounting records to be reconstituted in the event of systems failure,
- (d) reconciliation procedures are carried out to ensure transactions are correctly recorded,
- (e) prime documents are retained in accordance with legislative and other requirements.

### **Responsibilities of the Section 73 Officer**

A.31 To determine on behalf of the Authority suitable accounting records, accounting statements and accounting control systems for the Authority. Where records are maintained outside the Finance section, the Section 73 Officer should consult the Director concerned. The Section 73 Officer must also ensure that the accounting control systems are observed and that the accounting records of the Authority are maintained in accordance with proper practices and kept up to date.

A.32 To arrange for the compilation of all accounts and accounting records under their direction.

A.33 To comply with the following principles when allocating accounting duties:

- (a) separating the duties of providing information about sums due to or from the Authority and calculating, checking, and recording these sums from the duty of collecting or disbursing them,
- (b) employees with the duty of examining or checking the accounts of cash transactions must not themselves be engaged in these transactions.

A.34 To make proper arrangements for the audit of the Authority's accounts in accordance with the Accounts and Audit Regulations 2015, as amended.

A.35 To ensure that all claims for funds including grants are made by the due date.

- A.36 To prepare and publish the audited accounts of the Authority for each financial year, in accordance with the statutory timetable and with the requirement for the Audit Committee to approve the Statement of Accounts by the dates prescribed by statute.
- A.37 To administer any arrangements for under and overspending to be carried forward to the following financial year.
- A.38 To ensure the proper retention of financial documents in accordance with the legislative requirements.

### **Responsibilities of Directors**

- A.39 To consult and obtain the approval of the Section 73 Officer before making any changes to accounting records and procedures.
- A.40 To comply with the principles outlined above when allocating accounting duties to ensure a clear separation of duties.
- A.41 To maintain adequate records to provide a management trail leading from the source of income/expenditure through to the accounting statements.
- A.42 To supply information required to enable the Statement of Accounts to be completed in accordance with guidelines issued by the Section 73 Officer.

## **THE ANNUAL STATEMENT OF ACCOUNTS**

### **Why is this important?**

- A.43 The Authority has a statutory responsibility to prepare its own accounts to present a true and fair view of its operations during the year. The Audit Committee is responsible for approving the statutory annual Statement of Accounts.

### **Key controls**

- A.44 The key controls for the annual Statement of Accounts are:
- (a) the Authority is required to plan for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of these affairs. In this Authority, that officer is the Section 73 Officer.
  - (b) the Authority is required to comply with the Accounts and Audit Regulations 2015 which set out the statutory dates for approval and publication of the annual accounts.
  - (c) the Authority's Statement of Accounts must be prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting (CIPFA/LASAAC).

### **Responsibilities of the Section 73 Officer**

- A.45 To set out correct accounting policies and to apply them consistently throughout the Authority.
- A.46 To prepare the Statement of Accounts and present this to Authority by the statutory date set out in the Accounts and Audit Regulations 2015.
- A.47 To sign and date the Statement of Accounts.
- A.48 To draw up the timetable for final accounts preparation and to advise staff and external auditors accordingly.

### **Responsibilities of Directors**

- A.49 To comply with accounting guidance provided by the Section 73 Officer in relation to the preparation of the Authority's Statement of Accounts, and to supply the Section 73 Officer with information when required.

## **APPENDIX B**

### **Financial Procedure Rules: Financial Planning**

#### **PERFORMANCE PLANS**

##### **Why is this important?**

B.1 The purpose of performance plans is to explain overall priorities and objectives, current performance, and proposals for further improvement. Annually the Authority produces a Plan that is approved by Authority through the budget setting process.

##### **Key controls**

B.2 The key controls for performance plans are to:

(a) ensure that all relevant plans are produced and that they are consistent,

(b) produce plans in accordance with statutory requirements,

(c) meet the timetables set,

(d) ensure that all performance information is accurate, complete and up to date,

(e) provide improvement targets which are meaningful, realistic and challenging.

##### **Responsibilities of the Section 73 Officer**

B.3 To advise and supply the financial information that needs to be included in performance plans in accordance with statutory requirements and agreed timetables.

B.4 To contribute to the development of corporate and service targets, objectives, and performance information.

##### **Responsibilities of Directors**

B.5 To contribute to the development of performance plans.

B.6 To contribute to the development of targets and objectives, both corporate and service led ensuring delivery.

B.7 To ensure that systems are in place to measure activity and collect accurate information for use as performance indicators.

B.8 To ensure that performance information is monitored frequently to allow corrective action to be taken if targets are not likely to be met.

## **BUDGETING**

### ***Format of the budget***

#### **Why is this important?**

B.9 The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of budget allocations and sets the level at which funds may be reallocated within budgets.

#### **Key controls**

B.10 The key controls for the budget format are:

- (a) complies with all legal requirements,
- (b) complies with CIPFA's Service Reporting Code of Practice,
- (c) reflects the accountabilities of service delivery.

#### **Responsibilities of the Section 73 Officer**

B.11 To advise on the format of the budget that is approved by the Authority.

#### **Responsibilities of Directors**

B.12 To comply with accounting guidance provided by the Section 73 Officer.

### ***Revenue budget preparation, monitoring, and control***

#### **Why is this important?**

B.13 Budget management ensures that once the budget has been approved by the Authority, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the Authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget.

B.14 By continuously identifying and explaining variances against budgetary targets, the Authority can identify changes in trends and resource requirements at the earliest opportunity. The Authority itself operates within an annual budget allocation, approved when setting the overall budget. To ensure that the Authority in total does not overspend, each service is required to manage its own expenditure within the budget allocated to it.

B.15 For the purposes of budgetary control by officers, a budget will normally be the planned income and expenditure for a service area or cost centre.

## **Key controls**

B.16 The key controls for managing and controlling the revenue budget are:

- (a) the responsibility of the Authority for budget monitoring and control, under the Local Government Act 2003,
- (b) there is a nominated budget manager and budget holder for each cost centre heading,
- (c) budget holders should be responsible only for income and expenditure that they can influence, and act under the direction of their budget manager,
- (d) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities,
- (e) budget holders follow an approved certification process for all expenditure,
- (f) income and expenditure are properly recorded and accounted for,
- (g) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget,
- (h) appropriate forms of reporting are identified and put in place.

## **Responsibilities of the Section 73 Officer**

B.17 To establish an appropriate framework of budgetary management and control that ensures that:

- (a) budget management is exercised within annual budget allocations unless the Authority agrees otherwise,
- (b) each Director has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities,
- (c) expenditure is committed only against an approved budget head,
- (d) all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations,
- (e) each cost centre has a single named officer, determined by the relevant budget manager (Director or senior manager), to act as the budget holder for that cost centre. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes that commits expenditure,
- (f) significant variances from approved budgets are investigated and reported by budget managers regularly.

- B.18 To administer the Authority's scheme of virement.
- B.19 To submit reports to the Authority, in consultation with the relevant Director, where a Director is unable to balance expenditure and resources within existing approved budgets under their control.
- B.20 To prepare and submit reports on the Authority's projected income and expenditure compared with the budget on a regular basis.

### **Responsibilities of Directors**

- B.21 To maintain budgetary control within their departments. To ensure that all income and expenditure is legal and is properly recorded and accounted for.
- B.22 To ensure there is an accountable budget holder, who will act under the direction of a nominated budget manager, for income and expenditure under the control of the Director (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision- making that commits expenditure.
- B.23 To ensure that spending remains within the service's overall budget allocation, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- B.24 To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.
- B.25 To prepare and submit to the Section 73 Officer reports on the service's projected expenditure compared with its budget, and to keep the Section 73 Officer informed of any actual or likely changes which may/will have a significant impact on current or future budgets.
- B.26 To ensure prior approval by the Authority (in accordance with the Authority's Constitution) for new proposals which:
  - (a) create material financial commitments in future years,
  - (b) change existing policies, initiate new policies, or cease existing policies,
  - (c) materially extend or reduce the Authority's services.

A report on new proposals should explain the full financial implications, following consultation with the Section 73 Officer. Unless the Authority has agreed otherwise, Directors must plan to contain the financial implications of such proposals within their budget allocation.

- B.27 To ensure compliance with the scheme of virement.

B.28 To agree with the relevant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Director's level of service activity.

B.29 To ensure that the Authority's standing orders with respect to contracts are complied with whenever expenditure is proposed to be incurred.

### ***Budgets and medium-term planning***

#### **Why is this important?**

B.30 The Authority needs to plan effectively and to develop systems to enable resources to be allocated in accordance with priorities. The budget is the financial expression of the Authority's plans and policies.

B.31 The revenue budget must be constructed to ensure that resource allocation properly reflects the service plans and priorities of the Authority. Budgets (spending plans) are needed so that the Authority can plan, authorise, monitor, and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.

B.32 Medium-term planning involves a planning cycle in which managers develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the Authority is always preparing for events in advance.

#### **Key controls**

B.33 The key controls for budgets and medium-term planning are:

(a) specific budget approval for all expenditure,

(b) budget managers (Directors and senior managers) are consulted in the preparation of the budgets for which they will be held responsible. They accept accountability for the budgets as per the delegations set by the Authority for their budgets and the level of service to be delivered,

(c) budget managers nominate designated budget holders to be responsible for the day-to-day control of income and expenditure against a set budget for a cost centre,

(d) a monitoring process is in place to regularly review the effectiveness and operation of budget preparation and to ensure that corrective action is taken to address any issues that are identified,

(e) the Section 73 Officer to prepare a report, for use when the authority is deciding its annual budget and precept level, on the robustness of the budget and the adequacy of the Authority's reserves.

#### **Responsibilities of the Section 73 Officer**

- B.34 To prepare and submit reports on budget prospects for the Authority, including resource constraints set by the Government, the robustness of the budget and the adequacy of the Authority's reserves. Reports should take account of medium-term prospects, where appropriate.
- B.35 To determine the detailed form of revenue estimates and the methods for their preparation, consistent with the budget approved by the Authority, and after consultation with Directors.
- B.36 To prepare and submit reports to the Authority on the aggregate spending plans and on the resources available to fund them.
- B.37 To advise on the medium-term implications of spending decisions.
- B.38 To encourage the best use of resources and value for money by working with Directors to identify opportunities to improve economy, efficiency, and effectiveness
- B.39 To advise the Authority in accordance with their responsibilities under section 73 of the Local Government Act 1985.

### **Responsibilities of Directors**

- B.40 To prepare estimates of income and expenditure, in consultation with the Section 73 Officer, to be submitted to the Authority.
- B.41 To prepare budgets that are consistent with any relevant budget allocations, with the Authority's annual budget cycle and with guidelines issued by the Section 73 Officer. The format should be prescribed by the Section 73 Officer in accordance with the Authority's general directions.
- B.42 To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- B.43 In consultation with the Section 73 Officer, and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by the Authority in accordance with the budget and policy framework.
- B.44 When drawing up draft budget requirements, to have regard to:
  - (a) spending patterns and pressures revealed through the budget monitoring process,
  - (b) legal requirements,
  - (c) policy requirements as defined by the Authority in the approved policy framework,
  - (d) service developments,
  - (e) efficiency savings, and

(f) the priorities of the Authority.

### ***Resource allocation***

#### **Why is this important?**

B.45 A mismatch sometimes exists between available resources and required resources. It is therefore imperative that needs/desires are carefully prioritised and that resources are properly allocated, to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods, and materials.

#### **Key controls**

B.46 The key controls for resource allocation are that resources are:

- (a) acquired in accordance with the law and using an approved authorisation process,
- (b) used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for,
- (c) securely held for use when required,
- (d) used with the minimum level of waste, inefficiency, or loss for other reasons.

### **Responsibilities of the Section 73 Officer**

B.47 To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.

B.48 To assist in the allocation of resources to budget managers.

### **Responsibilities of Directors**

B.49 To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

B.50 To identify opportunities to minimise or eliminate resource requirements or consumption without having a detrimental effect on service delivery.

### ***Capital plans***

#### **Why is this important?**

B.51 Capital expenditure involves acquiring or enhancing assets with a long-term value to the Authority, such as land, buildings, and major items of plant, equipment, or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. As capital expenditure can involve significant sums of money

it is important that capital projects are carefully appraised and managed to ensure that the project objectives are delivered.

B.52 The Local Government Act 2003 established a new system for capital financing based on a prudential framework. Local Authorities now have the freedom to borrow funds to finance their capital programmes, without Government consent. The framework requires that local authorities ensure their plans are affordable, prudent, and sustainable.

### **Key controls**

B.53 The key controls for capital plans are:

- (a) specific approval by the Authority for the programme of capital expenditure,
- (b) expenditure on capital schemes is subject to the approval of the Authority,
- (b) the development and implementation of a Capital Investment Strategy,
- (d) accountability for each proposal is accepted by a named manager,
- (e) monitoring of progress in conjunction with expenditure and comparison with approved budget. Quarterly reports of capital monitoring are required to be presented to the Authority.

### **Responsibilities of the Section 73 Officer**

B.54 To prepare the Authority's capital programme jointly with Directors and the Head of Paid Service and to report it to the Authority for approval. Approval from the Authority is required where a Director proposes additional unsupported borrowing not anticipated in the capital programme.

B.55 To prepare and submit reports to the Authority on the capital outturn as compared with capital budget.

B.56 To issue guidance concerning capital schemes and regulations, for example, on project appraisal techniques. The definition of 'capital expenditure' will be in accordance with standard accounting practice and government regulation.

B.57 To obtain authorisation from the Authority for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount which will be from time to time declared.

### **Responsibilities of Directors**

B.58 To comply with guidance concerning capital schemes and controls issued by the Section 73 Officer.

B.59 To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Section 73 Officer, regardless of the source of funding of the proposed project.

- B.60 To prepare regular reports for the Section 73 Officer reviewing the capital plan provisions for their services. They should also prepare a quarterly return of estimated final costs of schemes in the approved capital programme for submission to the Section 73 Officer.
- B.61 To ensure that adequate records are maintained for all capital contracts.
- B.62 To proceed with projects only when there is adequate provision in the capital programme and the project has been approved by Authority with the agreement of the Section 73 Officer, where required. The funding of proposed projects must be clearly identified together with full financial implications (both revenue and capital) and a business case must be completed for every capital project, regardless of the source of funding of the project.
- B.63 To prepare and submit reports, jointly with the Section 73 Officer, to the Authority, of any variation in contract costs greater than the approved limits.
- B.64 To prepare and submit reports, jointly with the Section 73 Officer, to the Authority, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.
- B.65 To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 73 Officer and approval of the scheme through the capital programme.
- B.66 To consult with the Section 73 Officer and to seek Authority approval where the Director proposes to bid for funding to finance a project where expenditure has not been included in the current year's capital plan.
- B.67 To comply with standing orders in the administration of contracts.
- B.68 Where projects in the capital programme are included on the assumption of resources becoming available, no financial commitments should be entered into on

these projects unless resources are confirmed as being available to the satisfaction of the Section 73 Officer.

- B.69 To ensure that one accountable manager is identified for the management of each capital project, ensuring that approved funding is spent in accordance with the capital plan, and the project is delivered within the timeframes set down in the capital plan.

## **MAINTENANCE OF RESERVES**

### **Why is this important?**

- B.70 The Authority must decide the level of general reserves (balances) it wishes to maintain. Reserves are maintained as a matter of prudence. They enable the Authority to provide for unexpected events and thereby protect it from overspending, should such events occur. Reserves for specific purposes may also be maintained.

When an authority is deciding its annual budget and precept level it is required to consider a report from the Section 73 Officer on the adequacy of the Authority's reserves and robustness of the budget.

### **Key controls**

- B.71 To establish and maintain reserves in accordance with the Local Government Act 2003.
- B.72 It is the responsibility of the Section 73 Officer to advise the Authority regarding the level of reserves that they should hold and to ensure that there are clear protocols for their establishment and use.
- B.73 For each reserve established the purpose, usage and basis of transactions should be clearly identified.
- B.74 Transfers to and from reserves require authorisation by the appropriate Director in consultation with the Section 73 Officer.

### **Responsibilities of the Section 73 Officer**

- B.75 To advise the Authority on prudent levels of reserves for the Authority. The Section 73 Officer is also required to prepare a report on the adequacy of the Authority's reserves for use when the Authority is deciding its annual budget and precept level.
- B.76 To ensure that there is a clear protocol for the establishment and use of reserves.

### **Responsibilities of Directors**

- B.77 To ensure that reserves are used only for the purposes for which they were intended.

## **APPENDIX C**

### **Financial Procedure Rules: Risk Management and Control of Resources**

#### **RISK MANAGEMENT**

##### **Why is this important?**

C.1 Risk is the chance or possibility of loss, damage, injury, or failure to achieve objectives caused by an unwanted or uncertain action or event.

C.2 It is the overall responsibility of the Authority to set the Authority's risk appetite and promote a culture of risk management awareness throughout the authority.

##### **Key controls**

C.3 The key controls for risk management are:

- (a) procedures are in place to identify, assess, prevent, or contain material known risks, and these procedures are operating effectively throughout the Authority,
- (b) a monitoring process is in place to regularly review the effectiveness of risk reduction strategies and the operation of these controls. The risk management process should be conducted on a continuing basis.
- (c) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives,
- (d) provision is made for losses that might result from the risks that remain,
- (e) acceptable levels of risk are determined and insured against where appropriate,
- (f) the Authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

##### **Responsibilities of the Section 73 Officer**

C.4 To ensure that the Authority's Risk and Opportunities register is prepared and promoted throughout the Authority by the nominated officer.

C.5 To develop risk management controls in conjunction with other Directors.

C.6 To include all appropriate employees of the Authority in a suitable fidelity guarantee insurance.

C.7 To retain corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where necessary.

## **Responsibilities of Directors**

- C.8 To notify the Section 73 Officer immediately of any loss, liability or damage that may lead to a claim against the Authority, together with any information or explanation required by the Section 73 Officer or the Authority's insurers.
- C.9 To take responsibility for risk management, having regard to advice from the Section 73 Officer or nominated officer on behalf of the Section 73 Officer and other specialist advice.
- C.10 To ensure that there are regular reviews of risk within their department, in accordance with Authority's policies and procedures.
- C.11 To notify the Section 73 Officer promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- C.12 To consult the Section 73 Officer and the Monitoring Officer on the terms of any indemnity that the Authority is requested to give.
- C.13 To ensure that employees, or anyone covered by the Authority's insurances, do not admit liability, or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.

## **INTERNAL CONTROLS**

### **Why is this important?**

- C.14 The Authority is beyond the direct control of individuals. It therefore requires internal controls to manage and monitor progress towards strategic objectives.
- C.15 The Authority has statutory obligations and, therefore, requires internal controls to identify, meet and monitor compliance with these obligations.
- C.16 The Authority faces a range of financial, administrative, and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
- C.17 The system of internal controls is established to provide measurable achievement of:
  - (a) efficient and effective operations,
  - (b) reliable financial information and reporting,
  - (c) compliance with laws and regulations, and
  - (d) risk management.

### **Key controls**

- C.18 The key controls and control objectives for internal control systems are:

- (a) key controls should be reviewed on a regular basis and the Authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively,
- (b) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance, and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities,
- (c) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems,
- (d) an effective internal audit function that is properly resourced. It should operate in accordance with the principles contained in the Public Sector Internal Auditing Standards (2017) and with any other statutory obligations and regulations.

### **Responsibilities of the Section 73 Officer**

- C.19 To assist the Authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **Responsibilities of Directors**

- C.20 To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, to be confident in the proper use of resources, achievement of objectives and management of risks.
- C.21 To review existing controls in the light of changes affecting the Authority and to establish and implement new ones in line with guidance from the Section 73 Officer and internal audit. Directors should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- C.22 To ensure staff have a clear understanding of the consequences of lack of control.

## **AUDIT REQUIREMENTS**

### ***Internal Audit***

#### **Why is this important?**

- C.23 The Accounts and Audit Regulations 2015 more specifically require that a “relevant body shall maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with proper practices in relation to internal control”.
- C.24 Accordingly, Internal Audit is an independent and objective appraisal function established by the Authority for reviewing the system of internal control. It examines,

evaluates, and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources. Internal Audit assists management in delivering the objectives of the Authority through assessing exposure to risk and recommending, where appropriate, practical improvements to the control environment. To this end, Internal Audit will have no executive responsibilities. Internal Audit's remit, as laid out in its charter, includes:

- assessing if operations are being carried out as planned, and if objectives / goals are being achieved,
- assessing the adequacy of systems established to ensure compliance with policies, plans, procedures, laws and regulations, i.e. rules established by the management of the organisation or externally,
- assessing the completeness, reliability, and integrity of information, both financial and operational,
- assessing the extent to which the Authority's assets, data and interests are properly accounted for and safeguarded from losses of all kinds, including fraud, corruption, waste, extravagance, abuse, ineffective management, and poor value for money, and
- assessing the economy, efficiency and effectiveness with which resources are deployed.

### **Key controls**

C.25 The key controls for Internal Audit are:

- (a) that it is independent in its planning and operation,
- (b) the Head of Audit and Assurance has direct access to the Head of Paid Service, all levels of management and directly to elected Members, and
- (c) the internal auditors comply with the Public Sector Internal Auditing Standards, and the "Local Government Application Note Public Sector Internal Audit Standards" prepared by CIPFA.

### **Responsibilities of the Section 73 Officer**

C.26 To ensure that internal auditors have the authority to:

- (a) access authority premises at reasonable times,
- (b) access all assets, records, documents, correspondence, and control systems,
- (c) receive any information and explanation considered necessary concerning any matter under consideration,
- (d) require any employee of the Authority to account for any asset under his or her control, and

(e) directly access the Head of Paid Service, the Authority and appropriate committees, in accordance with the terms of reference agreed for Internal Audit.

Internal Audit shall also have access to all officers, buildings, information, explanations, and documentation required to discharge the audit role in respect of:

- organisations to whom the Authority has given grants,
- organisations with whom the Authority contracts, and
  
- partner organisations in any scheme for which the Authority has responsibility as lead or accountable body.

Such rights of access shall be written into the appropriate agreements with these organisations.

C.27 To approve the strategic and annual audit plans prepared by the Head of Audit and Assurance, which take account of the characteristics and relative risks of the activities involved. In producing such audit plans, the Head of Audit and Assurance shall have an unrestricted range of coverage of the Authority's operations; the Head of Audit and Assurance will have freedom to determine the priorities of Internal Audit in consultation with the Section 73 Officer and other Directors.

C.28 To ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

C.29 To ensure that a review of the effectiveness of Internal Audit is undertaken at least once a year.

### **Responsibilities of Directors**

C.30 To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents, and assets that the auditors consider necessary for the purposes of their work.

C.31 To ensure that auditors are provided with any information and explanations that they seek in the course of their work.

C.32 To consider and respond promptly to recommendations in audit reports.

C.33 To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.

C.34 To notify the Section 73 Officer and Head of Audit and Assurance immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the Authority's property or resources. Pending investigation and reporting, the Director should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration. If a serious irregularity is confirmed, the matter shall also be reported to the Head of Paid Service and the Authority lead member.

C.35 To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Section 73 Officer prior to implementation.

### **External Audit**

#### **Why is this important?**

C.36 The authority has opted into the Public Sector Audit Appointments Ltd national scheme to oversee the appointment of its external auditor. An appointed auditor has rights of access to all documents and information deemed necessary for audit purposes.

C.37 The basic duties of the external auditor are defined in the Local Audit and Accountability Act 2014 and the Local Government Act 1999. Additionally, the National Audit Office has now taken on responsibility for preparing / maintaining the Code of Audit Practice which sets out the way in which the auditors carry out their functions.

C.38 The Authority's accounts are scrutinised by external auditors, who must be satisfied that the Statement of Accounts presents a 'true and fair view' of the financial position of the Authority and its income and expenditure for the year in question and complies with the legal requirements.

#### **Key controls**

C.39 External auditors are appointed for a maximum contract period of five years (*Local Audit and Accountability Act 2014 s.7*). The National Audit Office prepares a Code of Audit Practice, which external auditors follow when carrying out their audits.

#### **Responsibilities of the Section 73 Officer**

C.40 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents, and assets that the external auditors consider necessary for the purposes of their work.

C.41 To ensure there is effective liaison between external and internal audit.

C.42 To work with the external auditor and advise the Authority and Directors on their responsibilities in relation to external audit.

#### **Responsibilities of Directors**

C.43 To ensure that external auditors are given access at all reasonable times to premises, personnel, documents, and assets which the external auditors consider necessary for the purposes of their work.

C.44 To ensure that all records and systems are up to date and available for inspection.

### **PREVENTING FRAUD AND CORRUPTION**

#### **Why is this important?**

- C.45 The Authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Authority.
- C.46 The Authority's expectation of propriety and accountability is that Members and officers at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures, and practices.
- C.47 The Authority also expects that individuals and organisations with whom it comes into contact will act towards the Authority with integrity and without thought or actions involving fraud and corruption.

### **Key controls**

- C.48 The key controls regarding the prevention of financial irregularities are that:
- (a) the Authority has an effective Fraud Strategy and maintains a culture that will not tolerate fraud or corruption,
  - (b) all Members and staff act with integrity and lead by example,
  - (c) senior managers are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt,
  - (d) high standards of conduct are promoted amongst Members,
  - (e) the maintenance of a register of interests in which any interests, or offers of gifts or hospitality must be recorded,
  - (f) whistle blowing procedures are in place and operate effectively,
  - (g) legislation including the Public Interest Disclosure Act 1998 is adhered to
  - (h) anti-money laundering procedures are in place.

### **Responsibilities of the Section 73 Officer C.49**

To develop and maintain a Fraud Strategy.

C.50 To develop and maintain an Anti-Money Laundering Policy

C.51 To maintain adequate and effective internal control arrangements.

C.52 To ensure that all suspected irregularities are reported to the Head of Audit and Assurance; to report fraud or irregularity necessitating police involvement to the Authority lead member and Head of Paid Service.

### **Responsibilities of Directors**

C.53 To ensure that all suspected irregularities are reported to the Section 73 Officer and Head of Audit and Assurance.

- C.54 To instigate the Authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- C.55 To ensure that where financial impropriety is discovered, the Section 73 Officer is informed, and where sufficient evidence exists to believe that a criminal offence may have been committed, the police are called in to determine with the Crown Prosecution Service whether any prosecution will take place.
- C.56 To maintain a departmental register of interests, gifts, and hospitality, and to ensure that all staff within the department are made aware of their duty to declare interests, or offers of gifts or hospitality, which may conflict with their role as a Authority employee.

## **ASSETS**

### ***Security***

#### **Why is this important?**

- C.57 It is important that assets are safeguarded and used efficiently in service delivery, and that arrangements are in place for the security of both assets and information required for service operations. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

#### **Key controls**

C.58 The key controls for the security of resources are:

- (a) resources are used only for the purposes of the Authority and are properly accounted for,
- (b) resources are available for use when required,
- (c) resources that are no longer required are disposed of in accordance with the law and the regulations of the Authority to maximise benefits,
- (d) an asset register is maintained for the Authority, assets are recorded when they are acquired and this record is updated as changes occur with respect to the location and condition of the asset,
- (e) all staff are aware of their responsibilities about safeguarding the Authority's assets and information, including the requirements of the General Data Protection Act and software copyright legislation, and
- (f) all staff are aware of their responsibilities regarding safeguarding the security of the Authority's computer systems, including maintaining restricted access to the information held on them and compliance with the Authority's computer and internet security policies.

### **Responsibilities of the Section 73 Officer**

C.59 To ensure that an asset register is maintained in accordance with good practice for all fixed assets with a value in excess of an amount which will be declared from time to time. The function of the asset register is to provide the Authority with information about fixed assets so that they are:

- safeguarded,
- used efficiently and effectively,
- adequately maintained.

C.60 To receive the information required for accounting, costing, and financial records from each Director, and to determine the method of valuation of stores.

C.61 To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom (CIPFA/LASAAC).

### **Responsibilities of Directors**

C.62 The appropriate Director shall maintain a property database in a form approved by the Section 73 Officer for all assets currently owned or used by the Authority.

C.63 To ensure the proper security of all buildings and other assets under their control.

C.64 To pass title deeds to the appropriate Director who is responsible for custody of all title deeds.

C.65 To ensure that no Authority asset is subject to personal use by an employee without proper authority.

C.66 To ensure the safe custody of vehicles, equipment, furniture, stock, stores, and other property belonging to the Authority.

C.67 To ensure that the department maintains a register of moveable assets in accordance with arrangements defined by the Section 73 Officer.

C.68 To ensure that assets are identified, their location recorded and that they are appropriately marked and insured.

C.69 To consult the Section 73 Officer in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.

C.70 To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Section 73 Officer.

C.71 To ensure that all employees are aware that they have a personal responsibility regarding the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may

possess some intrinsic value, and its disclosure or loss could result in a cost to the Authority in some way.

### ***Inventories***

- C.72 To maintain inventories and record an adequate description of furniture, fittings, equipment, plant, and machinery with an individual value exceeding £1,000, and for portable goods such as Laptop Computers, iPads, mobile telephones, exceeding £100.
- C.73 To carry out an annual check of all items on the inventory to verify location, review condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Significant variations should be brought to the attention of the Section 73 Officer and Head of Audit and Assurance. Portable items, such as computers and cameras, should be identified with security markings as belonging to the Authority. Guidance on the disposal of obsolete inventory, or that which is surplus to requirements is provided below.
- C.74 To make sure that property is only used in the course of the Authority's business, unless the Director concerned has given permission otherwise.

### ***Stocks and stores***

- C.75 To make arrangements for the care and custody of stocks and stores in the department.
- C.76 To ensure stocks are maintained at reasonable levels (which do not exceed normal business requirements) and are subject to a regular independent physical check.
- C.77 To investigate and remove from the Authority's records (i.e. write off) discrepancies as necessary, or to obtain Authority approval if they are in excess of a predetermined limit which will be announced on an annual basis.
- C.78 To authorise or write off disposal of redundant stocks, equipment, or inventory after consultation with the Section 73 Officer.
- C.79 To seek Authority approval to the write-off of redundant stocks and equipment more than a predetermined sum.
- C.80 To ensure that all stores' issues, except in the case of small value materials, are supported by a requisition stating the quantity required which is signed by an authorised signatory.
- C.81 To ensure that delivery notes are obtained in respect of all goods received into store and that the goods are checked with both the delivery note and official order as regards quantity and specification compliance as soon as possible.
- C.82 To provide the Section 73 Officer with such information as he or she requires in relation to stores for accounting, costing, and financial records.

## ***Intellectual property***

### **Why is this important?**

- C.83 Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- C.84 Certain activities undertaken within the Authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

### **Key controls**

- C.85 In the event that the Authority decides to become involved in the commercial exploitation of intellectual property, guidelines for this should be drafted.

### **Responsibilities of the Section 73 Officer**

- C.86 To develop and disseminate good practice and guidelines on the ownership and exploitation of intellectual property, in conjunction with other relevant officers of the Authority (e.g. the Monitoring Officer).

### **Responsibilities of Directors**

- C.87 To ensure that controls are in place to ensure that staff do not carry out private work in Authority time and that staff are aware of an employer's rights regarding intellectual property.

## ***Asset disposal***

### **Why is this important?**

- C.88 It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the Authority.

### **Key controls**

- C.89 Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the Authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.

### **Responsibilities of the Section 73 Officer**

- C.90 To issue guidelines representing best practice for disposal of assets.

C.91 To ensure appropriate accounting entries are made to remove the value of disposed assets from the Authority's records and to include the sale proceeds if appropriate.

### **Responsibilities of Directors**

C.92 To seek advice from the Section 73 Officer on the disposal of surplus or obsolete materials, stores, or equipment, and to follow the asset disposal guidelines prepared by the Section 73 Officer.

C.93 To ensure that maximum income is received for the disposal of an asset and is properly banked and recorded in the accounts.

### **TREASURY MANAGEMENT AND BANKING**

#### **Why is this important?**

C.94 Codes of practice governing the appropriate way of administering these funds are provided by CIPFA and the Ministry of Housing, Communities and Local Government. These aim to ensure assurances that the Authority's money is properly managed in a way that prioritises security of capital and liquidity, with yield being an important but tertiary consideration.

#### **Key controls**

C.95 That the Authority's borrowings and investments comply with the CIPFA Code of Practice for Treasury Management in the Public Services and with the Authority's Treasury Policy Statement.

#### **Responsibilities of Section 73 Officer – treasury management and banking**

C.96 To arrange the borrowing and investments of the Authority in such a manner as to comply with the CIPFA Code of Practice for Treasury Management in the Public Services, the Authority's Treasury Management Policy Statement, and the Annual Strategy Statement.

C.97 In accordance with the CIPFA Code of Practice for Treasury Management in the Public Services, to report on a regular basis on treasury management activities.

C.98 To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Section 73 Officer (or a person to

whom such authority has been properly delegated), and all such accounts must be in the name of the Authority.

#### **Responsibilities of Directors – treasury management and banking**

C.99 To follow the instructions on banking issued by the Section 73 Officer, and to comply with the Authority's Treasury Management Policy Statement; to ensure that Authority cheques held within (or being transported from or to) the Director's department are securely stored, administered, and controlled.

### **Responsibilities of Section 73 Officer – investments and borrowing**

- C.100 To ensure that all investments of money are made in the name of the Authority or in the name of nominees approved by the Authority.
- C.101 To ensure that all securities that are the property of the Authority (or its nominees) and the title deeds of all property in the Authority's ownership are held in the custody of the appropriate Director.
- C.102 To affect all borrowings in the name of the Authority.
- C.103 To act as the Authority's registrar of stocks, bonds, and mortgages and to maintain records of all borrowing of money by the Authority.
- C.104 To ensure that arrangements exist which provide for an officer (other than the officer who usually makes investments) to monitor investment levels, which should be periodically reviewed.
- C.105 To ensure that an adequate division of duties exists between the arranging and settling of transactions.

### **Responsibilities of Directors – investments and borrowing**

- C.106 For non-treasury loans and investments that are not covered within the Treasury Management Strategy Statement the capital investment strategy should be considered and where a key decision is required then approval should be by the Authority.

### **Responsibilities of Directors – trust funds and funds held for third parties**

- C.107 To arrange for all trust funds to be held, wherever possible, in the name of the Authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the Section 73 Officer, unless the deed specifies otherwise.
- C.108 To arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Section 73 Officer, and to maintain written records of all transactions.
- C.109 To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

### **Responsibilities of the Section 73 Officer – imprest accounts**

- C.110 To provide employees of the Authority with cash or bank imprest accounts to purchase low value items on behalf of the Authority and to prescribe rules for operating these accounts. For petty cash imprests, expenditure on goods should not usually exceed £100 for any one transaction; payments may not be broken down in order to avoid this limit. For cheque accounts individual cheques should be signed by at least two authorised signatories, a list of whom should be provided to the Section 73 Officer and regularly updated. Cheques should never be 'pre-signed', or signed when the account payee or value of the cheque is blank.

C.111 Where appropriate, to open an account with the Authority's bankers for use by the imprest holder who shall not overdraw the account. It shall be a standing instruction to the Authority's bankers that the amount of any overdrawn balance shall forthwith be notified to the Section 73 Officer.

C.112 To determine the petty cash advance limit and to maintain a record of all transactions and petty cash advances made, and periodically to review the arrangements for the safe custody and control of these advances.

C.113 To reimburse imprest holders as often as necessary to restore the imprests, but normally not more than monthly.

C.114 To inform all Directors of the Authority's insurance cover with regard to cash holdings.

### **Responsibilities of Directors – Imprest Accounts**

C.115 To ensure that employees operating an imprest account:

- obtain and retain vouchers to support each payment from the imprest account. Where appropriate, an official receipted VAT invoice must be obtained, to ensure that VAT may be reclaimed where appropriate,
- make adequate arrangements for the safe custody of the account, having regard to the Authority's insurance cover where appropriate,
- produce upon demand by the Section 73 Officer cash and all vouchers to the total value of the imprest amount,
- record transactions promptly,
- respect the £100 limit for petty cash payments, unless in exceptional circumstances the Director has allowed a higher value for a particular purchase,
- reconcile and balance the account at least monthly; reconciliation sheets to be signed and retained by the imprest holder,
- ensure a petty cash payment slip is completed for every reimbursement which is made, signed by the claimant, authorised by their line manager, and signed by the person making the petty cash payment (who shall be an authorised signatory for such purposes). Receipts must be obtained to back up all expenditure made and reclaimed through the petty cash account and attached to the petty cash payment slip to comply with the requirements of HM Revenue & Customs,
- provide the Section 73 Officer with a certificate of the value of the account held at 31 March each year,
- ensure that the float is never used to cash personal cheques or to make personal loans and that the only payments into the account are the reimbursement of the float and change relating to purchases where an advance has been made.

Income should never be paid into a petty cash account, but banked separately as required by these financial regulations,

- on leaving the Authority's employment, or otherwise ceasing to be entitled to hold an imprest advance, an employee shall account to the Section 73 Officer

for the amount advanced to him or her, and surrender the imprest and associated records to the Director or their nominated senior representative, and

- advise the Director of any significant imbalances which cannot be reconciled; the Director should then contact the Section 73 Officer for advice.

C.116 When making expenditure on behalf of the service for reimbursement by petty cash or payment voucher, employees are reminded that:

- Use of personal credit/debit cards should be avoided where possible for paying for goods.
- Personal loyalty cards must not be used to gain points or benefits from transactions. Any loyalty cards should be held in the Authority's name. This principle applies to any purchase made by the Authority from which vouchers can be collected and exchanged for gifts.

## **STAFFING**

### **Why is this important?**

C.117 In order to provide the highest level of service, it is critical that the Authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

### **Key controls**

C.118 The key controls for staffing are:

- (a) A clear Recruitment and Selection Policy exists, in which staffing requirements and budget allocation are matched,
- (b) procedures are in place for forecasting staffing requirements and cost,
- (c) controls are implemented that ensure that staff time is used efficiently and to the benefit of the Authority, and
- (d) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced, and trustworthy.

### **Responsibilities of the Section 73 Officer**

C.119 To ensure that budget provision exists for all existing and new employees.

C.120 To act as an advisor to Directors on areas such as national insurance and pension contributions, as appropriate.

### **Responsibilities of Directors**

C.121 To agree an annual staffing budget.

- C.122 To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to appropriate revenue budget provision (including on-costs and overheads).
- C.123 To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training, and temporary staff.
- C.124 To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- C.125 To ensure that the Section 73 Officer is immediately informed if the staffing budget is likely to be materially over or underspent.
- C.126 To ensure that adequate employment checks are made in respect of any individuals to whom it is proposed to make an offer of employment, in line with instructions issued by the Section 73 Officer. This should include the obtaining of employment references, evidence of qualifications where such qualifications are a requirement of the offer of employment, identity and Disclosure and Barring Service (DBS) checks where appropriate.

## **APPENDIX D**

### **Financial Procedure Rules: Financial Systems and Procedures**

#### **GENERAL**

##### **Why is this important?**

D.1 The Section 73 Officer has a professional responsibility to ensure that the Authority's financial systems are sound and should therefore be notified of any new developments or changes.

##### **Key controls**

D.2 The key controls for systems and procedures are:

- (a) basic data exists to enable the Authority's objectives, targets, budgets and plans to be formulated,
- (b) performance is communicated to the appropriate managers on an accurate, complete and timely basis,
- (c) early warning is provided of deviations from target, plans and budgets that require management attention, and
- (d) operating systems and procedures are secure.

##### **Responsibilities of the Section 73 Officer**

D.3 To make arrangements for the proper administration of the Authority's financial affairs, including to:

- (a) issue advice, guidance and procedures for officers and others acting on the Authority's behalf,
- (b) determine the accounting systems, form of accounts and supporting financial records,
- (c) establish arrangements for audit of the Authority's financial affairs,
- (d) approve any new financial systems to be introduced, and
- (e) approve any changes to be made to existing financial systems.

##### **Responsibilities of Directors**

D.4 To ensure that accounting records are properly maintained and held securely.

- D.5 To ensure that vouchers and documents with financial implications are retained in accordance with latest legislation.
- D.6 To ensure that a complete audit trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- D.7 To incorporate appropriate controls to ensure that, where relevant:
- (a) all input is genuine, complete, accurate, timely and not previously processed,
  - (b) all processing is carried out in an accurate, complete and timely manner, and
  - (c) output from the system is complete, accurate and timely.
- D.8 To ensure that the organisational structure provides an appropriate segregation of duties to provide adequate internal controls and to minimise the risk of fraud or other malpractice.
- D.9 To ensure there is a documented and tested disaster recovery plan/ business continuity plan to allow information system processing to resume quickly in the event of an interruption, and that this plan is shared widely with appropriate staff within the service.
- D.10 To ensure that systems are documented and staff trained in operations.
- D.11 To inform the Section 73 Officer and Internal Audit before changing any existing system or introducing new systems.
- D.12 To comply with the Authority's officer delegation scheme, and to establish a schedule of authorised signatories, identifying officers authorised to act on the Director's behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- D.13 To supply the schedule of authorised signatories, with specimen signatures and delegated limits, to the Section 73 Officer together with any subsequent variations.
- D.14 To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems in accordance with the ICT and Information Security Standards.
- D.15 To ensure that, where appropriate, computer systems are registered in accordance with general data protection legislation and that staff are aware of their responsibilities under the legislation.
- D.16 To ensure that relevant standards and guidelines for computer systems issued by the Director are observed, and that the ICT and Information Security Standards are observed.

## **INCOME AND EXPENDITURE**

### ***Income***

## **Why is this important?**

D.17 Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted, and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the Authority's cash flow and avoids the time and cost of administering debts.

## **Key controls**

D.18 The key controls for income are:

- (a) all income due to the Authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed,
- (b) all income is collected from the correct person, at the right time, using the correct procedures and the appropriate stationery, and
- (c) all monies received by an employee on behalf of the Authority is deposited with the appropriate officers ready for collection by an approved security company appointed by the Authority, this should be properly recorded via e-returns or cash receipting. The responsibility for cash collection should be separated from that:
  - for identifying the amount due, and
  - for reconciling the amount due to the amount received,
- (d) effective action is taken to pursue non-payment within defined timescales,
- (e) formal approval for debt write-off is obtained,
- (f) appropriate write-off action is taken within defined timescales,
- (g) appropriate accounting adjustments are made following write-off action,
- (h) all appropriate income documents are retained and stored for the defined period in accordance with the document retention periods.
- (i) money collected and deposited is reconciled to the bank account and/or general ledger system by a person who is not involved in the collection or banking process, and
- (j) all controlled stationery associated with income collection (e.g. receipt books, paying in books etc.) is held in a controlled environment.

## **Responsibilities of the Section 73 Officer**

- D.19 To agree arrangements for the collection of all income due to the Authority and to approve the procedures, systems and documentation for its collection.
- D.20 To agree the write-off of bad debts up to an approved limit as detailed below:

<b>Officer</b>	<b>Authorisation Limit</b>
Budget Holder	Up to £1,000
Service Manager	Up to £5,000
Director	Up to £10,000

Section 73 Officer	Up to £50,000
Authority Member	Over £50,000

- D.21 To approve debts to be written off, in consultation with the relevant Director, as detailed in the officers' scheme of delegation and to adhere to the requirements of the Accounts and Audit Regulations 2015.
- D.22 To obtain the approval of the Authority in consultation with the relevant Directors for writing off debts in excess of the approved limits set down in the officers' scheme of delegation.
- D.23 To ensure that appropriate accounting adjustments are made following write-off action.
- D.27 To issue detailed guidance to departments regarding VAT and its correct treatment.
- D.24 To make or approve arrangements with the Authority's bankers and to operate such bank accounts as are considered necessary. No bank accounts or similar may be opened without the consent of the Section 73 Officer. The maintenance of Authority bank accounts shall be in accordance with arrangements determined by the Section 73 Officer.
- D.25 To make or approve all arrangements in connection with electronic payment and collection of monies and to ensure that adequate security exists within these arrangements to prevent loss due to error or fraud.
- D.26 To ensure that all cheques and other orders for payment bear the electronic signature of the Chief Operating Officer or be signed by the Section 73 Officer or other officers so authorised.

### **Responsibilities of Directors**

- D.27 To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it at least annually, in line with corporate policies and in consultation with the Section 73 Officer and Monitoring Officer. After this consultation, the charging policies proposed by Directors should be referred to Authority for approval.

- D.28 To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is practicable.
- D.29 To establish and initiate appropriate recovery procedures, including legal action where necessary, for debts that are not paid promptly.
- D.30 To issue official receipts or to maintain other documentation for income collection. All sums shall be immediately acknowledged by the issue of an official receipt or ticket or by other means agreed with the Section 73 Officer. Payments by cheque or electronic means need not be acknowledged unless requested.
- D.31 To ensure that controlled stationery is administered securely. A register should be maintained of all controlled stationery held and that which has been issued to staff. Blank/unused stationery should only be issued to staff on receipt of their signature in the register.
- D.32 Ensure that all monies received through the post are identified and recorded.
- D.33 To ensure that income is 'banked intact' and collected by an approved security company appointed by the Authority in the form in which it is received.
- D.34 To ensure income is not used to cash personal cheques or other payments, unless such cheques are drawn on the Authority's bank account and the express authority of the Section 73 Officer has been given to such action, or to finance expenditure.
- D.35 To supply the Section 73 Officer with details relating to work done, goods supplied, services rendered or other amounts due, to enable the Section 73 Officer to correctly record the sums due to the Authority and to ensure debtor accounts are sent out promptly.
- D.36 To keep a record of every transfer of money between employees of the Authority; such a transfer should be immediately evidenced in writing. The receiving officer must sign for the transfer and the transferor must retain a copy.
- D.37 To recommend to the Section 73 Officer all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off. A credit note to replace a debt can only be issued to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt.
- D.38 To obtain the approval of the Section 73 Officer when writing off debts, in accordance with the provisions of the officers' scheme of delegation, and the approval of the Authority where required.
- D.39 To ensure that the existence of any sums advanced as change monies by the Section 73 Officer are periodically verified by an independent officer.
- D.40 To ensure that levels of income received are compared to budgeted figures of income due on a regular basis and that differences are promptly investigated. Where a

decision is made by a Director to offer services at a discount (for example, to increase demand), the 'discount' / reduced income will be borne by the service area. In making such decisions, the Director must have regard to the overall income targets set for the service area.

- D.41 To obtain the advice of the Section 73 Officer on any agreements which provide for variable income and the approval of the Section 73 Officer for arrangements to pay by instalments.
- D.42 To ensure, wherever possible and practical, that income is collected in advance of a service or where this is not possible by an official invoice.
- D.43 To ensure that grant claims requiring certification in the name of the Section 73 Officer are submitted for approval to the Section 73 Officer on a timely basis.
- D.44 To ensure that any donations made to the Authority are receipted and banked in accordance with the procedures set out above and charged against an appropriate income code in the Authority's accounts.

### ***Ordering and paying for work, goods and services***

#### **Why is this important?**

- D.45 Public money should be spent with demonstrable probity and in accordance with the Authority's policies. The Authority has a statutory duty to achieve best value in part through economy and efficiency. The Authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's standing orders with respect to contracts. **General**
- D.46 Every officer and member of the Authority has a responsibility to declare any links, relationships, or personal interests that they may have with purchasers, suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with the Authority's codes of conduct and section 117 of the Local Government Act 1972.
- D.47 Official orders must be in a form approved by the Section 73 Officer. In most cases goods should be procured through the electronic ordering system, an electronic order raised on that system.
- D.48 The normal method of payment from the Authority shall be by BACs transmission or cheque, drawn on the Authority's bank account by the Section 73 Officer. The use of direct debit shall require the prior agreement of the Section 73 Officer.
- D.49 Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of Authority contracts. Staff involved in ordering or otherwise committing expenditure must ensure that there is budgetary provision before an order is placed, and that standing orders with respect to contracts are complied with.

#### **Key controls**

D.50 The key controls for ordering and paying for work, goods and services are:

- (a) all goods and services are ordered only by appropriate persons, as detailed on departmental authorised signatory lists, and are correctly recorded on official order forms,
- (b) goods and services received are checked to ensure they are in accordance with the order,
- (c) payments are not made unless goods / services have been received by the Authority at the correct price, quantity, and quality standards,
- (d) all payments are made to the correct person/body, for the correct amount and are properly recorded, regardless of the payment method,
- (e) all payments should be made in £ sterling, if a contract / service is required to be paid in any other currency approval must be sought via the Section 73 Officer any commitment is made,
- (f) all appropriate evidence of the transaction and payment documents are retained and stored for the periods stated within the Records Management Policy,
- (g) all expenditure, including VAT, is accurately recorded against the correct budget, and
- (h) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.

### **Responsibilities of the Section 73 Officer**

D.51 To ensure that all the Authority's financial systems and procedures are sound and properly administered.

D.52 To approve any changes to existing financial systems and to approve any new systems before they are introduced.

D.53 To approve the form of official orders (both hard copy and electronic).

D.54 To make payments from the Authority's funds on the Director's authorisation that the expenditure has been duly incurred in accordance with financial regulations.

D.55 To make payments, whether provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.

D.56 To make payments to contractors on the certificate of the appropriate Directors, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.

- D.57 To provide advice on making payments by the most economical means.
- D.58 To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.

### **Responsibilities of Directors**

- D.59 To ensure that contractual terms and conditions for the supply of goods and services are in the Authority's best interests.
- D.60 To ensure that unique pre-numbered official hard copy orders, or, in the case of the electronic procurement system, official electronic orders, are used for all goods and services, other than in the case of exceptions such controlled stationery must be securely administered. Orders must be raised as soon as is practicable and fully completed, especially regarding the price agreed for the items or services. Only in emergency situations can an order be raised after receipt of an invoice, and the order should then be clearly marked 'confirmation only'.
- D.61 To ensure that orders are only used for goods and services provided to the department; to ensure that adequate systems are in place to prevent the use of official orders by individuals to obtain goods or services for their private use.
- D.62 To ensure that only authorised staff as recorded on the departmental authorised signatory list, authorise orders; and to ensure that the authorised signatory list is kept up to date, includes specimen signatures and initials and identifies in each case the limits of each authorised signatory's authority. Directors should ensure that those authorised signatories committing the department to expenditure are aware of their responsibilities and are satisfied that goods and services ordered are appropriate and needed, that there is adequate budgetary provision and
- quotations or tenders have been obtained in accordance with standing orders with respect to contracts. Best value principles should underpin the Authority's approach to procurement. Value for money should always be achieved.
- D.63 To ensure that goods and services are checked on receipt to verify that they are in accordance with the order and of sufficient quality and quantity. This check should, where possible, be carried out by a different officer to the person who authorised the order. Appropriate entries should then be made in inventories or stores records.
- D.64 To ensure that payment is not made unless a proper VAT invoice has been received, checked, coded, and certified for payment, confirming:
- (a) receipt of goods or services,
  - (b) that the invoice has not previously been paid,
  - (c) that expenditure has been properly incurred and is within budget provision,

- (d) that prices and arithmetic are correct and accord with quotations, tenders, contracts, or catalogue prices,
- (e) correct accounting treatment of tax,
- (f) that the invoice is correctly coded,
- (g) that discounts have been taken where available, and
- (h) that appropriate entries will be made in accounting records and stores / inventories records.

- D.65 To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, a different officer from the person who approved the order, and in every case, a different officer from the person checking a written invoice, should authorise the invoice.
- D.66 To ensure that the department maintains and reviews periodically a list of staff approved to authorise invoices. Names of authorising officers together with specimen signatures and details of the limits of their authority shall be forwarded to the Section 73 Officer.
- D.67 To ensure that payments are not made on a photocopied invoice, statement or document other than the formal invoice, except where the requirements relating to faxed invoices (see below) are met. Payment should not be made on a photocopied invoice, as this may affect the Authority's ability to reclaim VAT. Where the original invoice has not reached the Authority for whatever reason, an official duplicate invoice (not a photocopy) should be requested from the supplier. Emailed invoices from a supplier, where the supplier's name and email address are shown are sufficient. Checks must be performed to ensure that any invoices have not previously been paid.
- D.68 To encourage suppliers of goods and services to receive payment by the most economical means for the Authority. It is essential, however, that payments made by direct debit have the prior approval of the Section 73 Officer.
- D.69 To ensure that the department obtains best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality.
- D.70 To ensure that standing orders with respect to contracts are explicitly complied with.
- D.71 To ensure that employees are aware of codes of conduct and the requirements to declare any personal or pecuniary interests.
- D.72 To ensure that loans, leasing, or rental arrangements are not entered into without prior agreement from the Section 73 Officer. This is because of the potential impact on the Authority's borrowing powers, to protect the Authority against entering unapproved credit arrangements and to ensure that value for money is being obtained.

- D.73 To notify the Section 73 Officer of any outstanding expenditure relating to the concluding financial year in line with the timetable determined by the Section 73 Officer.
- D.74 With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Section 73 Officer the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording, and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- D.75 To notify the Section 73 Officer immediately of any expenditure to be incurred because of statute/court order where there is no budgetary provision.
- D.76 To adhere to the requirements of the Late Payment of Commercial Debts (Interest) Act 1998. Invoices subject to prompt payment shall be passed in sufficient time to enable discounts to be claimed; where credit terms are not stated, invoices should normally be paid within 30 days.
- D.77 To ensure, that where grants can be claimed on expenditure incurred, the appropriate grant conditions are known and arrangements are in place to ensure that payments meet these conditions regarding types of expenditure, payment dates etc.

### ***Payments to employees and Members***

#### **Why is this important?**

- D.78 Staff costs are a material item of expenditure for the Authority. It is therefore important that payments are accurate, timely, made only where they are due for services to the Authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Authority.

#### **Key controls**

- D.79 The key controls for payments to employees and Members are:
- (a) proper authorisation procedures are in place and that there is adherence to corporate timetables in relation to:
    - starters
    - leavers
    - variations
    - enhancements
    - other expenses (e.g. relocation expenses) and that payments are made on the basis of timesheets or claims,
  - (b) frequent reconciliation of payroll expenditure against approved budget and bank account,
  - (c) all appropriate payroll documents are retained and stored for the defined period detailed in the Records management Policy, and

(d) that HM Revenue & Customs regulations are complied with.

### **Responsibilities of the Section 73 Officer**

- D.80 To arrange, control and secure reliable payment of salaries, wages, compensation, or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date.
- D.81 To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- D.82 To make arrangements for payment of all travel and subsistence claims.
- D.83 To make arrangements for paying Members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- D.84 To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- D.85 To ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.
- D.86 To approve, in accordance with guidelines agreed with the Monitoring Officer, the making of ex gratia payments including the setting of limits that will apply.

### **Responsibilities of Directors**

- D.87 To ensure appointments are made in accordance with the regulations of the Authority and approved establishments, grades and scale of pay and that adequate budget provision is available.
- D.88 To notify the Section 73 Officer of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the timescale required by the Section 73 Officer.
- D.89 To ensure that adequate and effective systems and procedures are operated, so that:
  - payments are only authorised to bona fide employees,
  - payments are only made where there is a valid entitlement,
  - conditions and contracts of employment are correctly applied, and
  - employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- D.90 To send an up-to-date list of the names of officers authorised to sign records to the Section 73 Officer, together with specimen signatures.
- D.91 To ensure that payroll transactions are processed only through the Payroll System. Directors should consider the employment status of individuals employed on a self-employed consultant or subcontract basis. HM Revenue & Customs applies a tight

definition for employee status, and in cases of doubt, advice should be sought from the Section 73 Officer.

- D.92 To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised, and expenses properly and necessarily incurred, and that allowances are properly payable by the Authority, ensuring that cost-effective use of travel arrangements is achieved. Claims submitted must provide sufficient information to allow such certification to take place. Due consideration should be given to tax implications and that the Section 73 Officer is informed of such implications where appropriate.
- D.93 To ensure that the Section 73 Officer is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.
- D.94 To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the Records Management Strategy.
- D.95 To ensure that receipts are provided for expenditure claimed wherever possible, as required by HM Revenue & Customs.
- D.96 To ensure that employees' travel and subsistence claims are usually submitted monthly. At the discretion of the Director, however, subsistence claims of less than 50 miles per month may be held by the employee and submitted on a quarterly basis, provided that the certifying officer is still able to check the claims properly. Claims over 3 months old must be certified by the Director. All claims in respect of a financial year must however be submitted no later than one month following 31 March in any year.
- D.97 To ensure that all timesheets or other pay documents are in a form prescribed or approved by the Section 73 Officer and shall be duly certified by a nominated officer.
- D.98 To maintain a personal record file for each employee within the approved establishment, containing a copy of the employee's contract of employment together with sufficient information to identify service, salary scale and current amount payable, sickness leave taken and annual leave due and taken.
- D.99 On a regular basis each Director shall be provided by the Section 73 Officer with a list of staff currently being paid by the Authority within his or her department, and the rate at which each is currently being paid. The Director shall certify that every name on the list is a bona fide employee of the department and that the rate of payment to the employee is correct. Any discrepancies discovered should be communicated immediately to the Section 73 Officer and the Head of Audit and Assurance.

### **Responsibilities of Members**

- D.100 To submit claims for Members' travel and subsistence allowances monthly. Where claims are for values of less than £25, these may be held by the member and submitted at a future date when the aggregated claim exceeds this value. Claims in

respect of a financial year must however be submitted within one month of the year end.

## **TAXATION**

### **Why is this important?**

D.101 Like all organisations, the Authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

### **Key controls**

D.102 The key controls for taxation are:

- (a) budget managers are provided with relevant information and kept up to date on tax issues,
- (b) budget managers are instructed on required record keeping,
- (c) all taxable transactions are identified, properly carried out and accounted for within stipulated timescales,
- (d) records are maintained in accordance with instructions, and
- (e) returns are made to the appropriate authorities within the stipulated timescale.

### **Responsibilities of Section 73 Officer**

D.103 To complete all HM Revenue & Customs returns regarding PAYE.

D.104 To complete a monthly return of VAT inputs and outputs to HM Revenue & Customs.

D.105 To provide details to HM Revenue & Customs regarding the construction industry tax deduction scheme.

D.106 To maintain up to date guidance for Authority employees on taxation issues, including VAT.

### **Responsibilities of Directors**

D.107 To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HM Revenue & Customs regulations.

D.108 To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.

D.109 To ensure that all persons employed by the Authority are added to the Authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

D.110 To follow guidance on taxation issued by the Section 73 Officer.

## **TRADING ACCOUNTS AND BUSINESS UNITS**

### **Why is this important?**

D.111 Under best value, authorities are required to keep trading accounts for services provided on a basis other than straightforward recharge of cost.

### **Responsibilities of the Section 73 Officer**

D.112 To advise on the establishment and operation of trading accounts and business units.

### **Responsibilities of Directors**

D.113 To consult with the Section 73 Officer where a business unit wishes to enter a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the Authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.

D.114 To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual report in support of the final accounts.

D.115 To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

D.116 To ensure that each business unit prepares an annual business plan.

## **APPENDIX E**

### **Financial Procedure Rules: External Funding**

#### **EXTERNAL FUNDING**

##### **Why is this important?**

E.1 External funding is an important source of income, but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Authority.

##### **Key controls**

E.2 The key controls for external funding are:

(a) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood,

(b) to ensure that funds are acquired only to meet the priorities approved in the policy framework by the Authority,

(c) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements.

(d) ensure sufficient capacity is available to deliver the project the funding has been sourced for.

##### **Responsibilities of the Section 73 Officer**

E.3 To ensure that all funding notified by external bodies is received and properly recorded in the Authority's accounts.

E.4 To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements. E.5 To ensure that audit requirements are met.

##### **Responsibilities of Directors**

E.6 To ensure that all claims for funds are made by the due date and signed by the appropriate signatory.

E.7 To ensure that the project progresses in accordance with the agreed project plan and that all expenditure is properly incurred and recorded.

- E.8 To nominate a named responsible senior officer to be accountable for the performance and financial monitoring of each project, and to ensure that where external/grant funding is received this is recorded formally into the general ledger system.
- E.9 To ensure that written approval is obtained from the funder which clearly shows the approved allocation, the purpose of the grant and the financial period to which it relates.
- E.10 To ensure that project named responsible officers check, prior to submission of a grant claim, that all expenditure declared is eligible in accordance with the relevant funder's criteria. Should there be any uncertainty as to the purpose of such funding, the responsible officer should make such enquiries as are necessary to the funder to ensure the proper use of grant.
- E.11 To ensure that any guidance issued by the Section 73 Officer on receipt of funds from a third party (i.e. matched funding) in grant submission is adhered to.
- E.12 To ensure that grant claim working papers are maintained in a form agreed by the Section 73 Officer.
- E.13 To ensure that the way external funding is managed is in accordance with the Authority's policy and instructions, standing orders with respect to contracts and financial regulations in addition to the funder's own requirements.
- E.14 To ensure that where the use of external funding for projects requires a financial commitment from the Authority for which budget provision is not available, or where the acceptance of external funding would lead to a financial commitment beyond the current year, the Director in conjunction with the Section 73 Officer shall provide a written report to Authority giving a full appraisal of the financial implications both in the current year and beyond. The approval of the Authority must be secured before the Director commits the Authority to any agreement.
- E.15 To ensure that where additional financial support is to be sought from other agencies, this is subject to the proper decision-making processes of the Authority, as set out in the budget and policy framework, in order to ensure that there is a clear understanding of the action to be taken and clear lines of responsibility and accountability.

## APPENDIX F

### Financial Procedure Rules: Certifying Officers Authorisation Limits

#### Responsibilities

- F.1 Responsibilities are set out in the Authority's Financial Regulations and Procedure Rules.
- F.2 It is the responsibility of the Section 73 Officer to issue advice, guidance, and procedures.
- F.3 It is the responsibility of Directors to:
- (a) establish a schedule of authorised signatories, identifying officers authorised to act on the Director's behalf in respect of payments, income collection and placing orders, including variations, and detailing the limits of their authority
  - (a) supply the schedule of authorised signatories, with specimen signatures and delegated limits, to the Section 73 Officer together with any subsequent variations.
- F.4 The list of authorised signatories with their individual financial limits is maintained by the Section 73 Officer.

#### Principles applying to delegated limits

- F.5 Authority limits should be set at the lowest practical level, taking account of the typical value and incidence of individual transactions.
- F.6 Individuals should be authorised to commit the Authority only in those areas where they have sufficient knowledge and responsibility to do so.
- F.7 Whilst the limits below are for guidance, higher limits should only be authorised in exceptional circumstances and will require the approval of the Section 73 Officer officers.
- F.8 The Head of Paid Service / Directors must approve all delegated authorities.

#### Limits for Authorising Expenditure

- F.9 The limits for raising orders, authorising expenditure on contract and certifying invoices/payment vouchers are as set out below.

Scheme of Delegation Role	Authorisation Limit
---------------------------	---------------------

Executive	Unlimited
Director	£2,000,000

Service Head / Assistant Director	£500,000
Service Manager	£150,000
All other level	£10,000

### **Bank Signatories**

F.10 The Section 73 Officer maintains a list of bank/cheque signatories.

F.11 All cheques / BACS / CHAPS payments over £50,000 require two signatures.

F.12 The following payments are authorised to be paid and are not subject to the limits detailed above:

- (a) Treasury transactions (refer to Treasury Management Procedures)
- (b) HM Revenues & Customs (PAYE, National Insurance, VAT)
- (c) Payments to Pension Fund in respect of employee and employer contributions

## PART 5 – Protocols and Ethical Standards

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

#### Parties

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

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

#### 1. Background and Introduction

1.1 The Greater Lincolnshire Combined County Authority Regulations 2025 made on [insert date] (“the 2025 Regulations”) provide for:

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

1.2 The tables of functions in **Part 3** of the Constitution sets out each function (that is, power or duty) of the Combined County Authority (including a function exercisable by the Mayor) conferred by the 2025 Regulations. This table includes detail of whether functions are exercisable concurrently with the Constituent Councils (a “Concurrent Function”) and whether that concurrency is continuing or available for the duration of the transition period (“a Transitional Concurrent Function”).

1.3 Under the 2025 Regulations, if there is:

- no transfer of any Concurrent Function to the Combined County Authority from any Constituent Council; each Constituent Council may continue to exercise any Concurrent Function in relation to its area,
- no requirement for the joint exercise of any Concurrent Function by the Combined County Authority with Constituent Councils – that is, that they are not required to act together, and
- no requirement for a Constituent Council to involve, consult or seek the consent of the Combined County Authority in relation to the exercise of any Concurrent Function by a Constituent Council.

1.4 That is, each Constituent Council may continue to exercise any Concurrent Function within their area, and in the exercise of any Concurrent Function no Constituent Council is subject to any restriction or condition imposed by the 2025 Regulations.

1.5 For the duration of the Transition Period, a Transitional Concurrent Function, the statements set out at 1.3 and 1.4 are applicable. It is envisaged that the exercise of Transitional Concurrent Functions by the Combined County Authority and the Constituent Councils will be governed by an Inter-Authority Agreement which will set out the detailed position in relation to the transition of transport functions to the CCA.

### Statutory Consents

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

### Aim of this Protocol

1.7 The aim of this protocol is to promote:

- **co-operation** and **collaboration** between the Combined County Authority and the Constituent Councils in a spirit of partnership,
- **transparency** of roles and processes to engender mutual trust and confidence, and
- the **best use of resources** through co-ordination and reducing duplication between the parties.

1.8 The Combined County Authority and Constituent Councils have agreed to follow this protocol when exercising any Concurrent Function, and in relation to any Statutory Consent.

1.9 The Combined County Authority is committed to on-going engagement with Constituent and Non Constituent Councils about all aspects of its work. This includes engagement about how the Combined County Authority exercises its functions. Any timescales set out in this protocol therefore should be regarded as a minimum; there should be additional lead-in time in relation to the development of any projects or schemes involving the possible exercise of any Concurrent Function.

### Miscellaneous

1. 10 For the functions of the constituent councils in section 69 of the Local Democracy, Economic Development and Construction Act 2009 (Duty to prepare an assessment of economic conditions)), the 2025 Regulations provide that a Constituent Council's duty to exercise the Concurrent Function is met when the Combined County Authority carries it out. This means that provided the Combined County Authority performs the duty, the Constituent Councils will not be in breach of their statutory duty if they do not do so.
1. 11 The 2025 Regulations provide for a Statutory Consent in relation to some functions of the Combined County Authority which are to be exercised by the Mayor, including the power to acquire land for housing development under section 17(3) of the Housing Act 1985, which is a Concurrent Function. It is intended that this protocol shall extend to the Mayor once they are in office in relation to the exercise of these functions.
1. 12 It is envisaged that in any matters relevant to a Mayoral Development Corporation or any other like body, the principles of this protocol shall be applied.
1. 13 Where the Combined County Authority and any relevant Constituent Council reasonably consider that the nature and scale of the exercise of any Concurrent Function is of a complex, sensitive or significant nature, then the Combined County Authority and Constituent Council may agree a bespoke protocol to govern the way the Combined County Authority exercises that Concurrent Function. In particular, it is anticipated that for the purpose of concurrency of transport functions, an Inter Authority Agreement may be agreed between the Constituent Councils and the Combined County Authority to govern the use and transition of functions in the transition period.
1. 14 This protocol does not itself constitute an arrangement for the discharge of functions made in accordance with section 101 of the Local Government Act 1972 and/or the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Any such arrangement may be made by separate agreement between relevant parties.
1. 15 This protocol does not address the **scrutiny** of the Combined County Authority in relation to how it exercises any Concurrent Function, which will be subject to separate arrangements.

## 2. Concurrent Functions – Underlying Principles

- 2.1 This protocol sets out how the Combined County Authority and each Constituent Council intend to **work together** to secure that Concurrent Functions are exercised in the best interests of the inhabitants of their areas and for their mutual benefit. The Combined County Authority and each Constituent Council acknowledge that, by law, a Concurrent Function may be exercised by the Combined County Authority or a Constituent Council acting alone (subject to any Statutory Consent requirement).
- 2.2 The Combined County Authority will **consult** Constituent Councils about the exercise of any Concurrent Function in accordance with paragraph 3 below.
- 2.3 The Combined County Authority will exercise any Concurrent Function **reasonably** and after **taking all relevant factors or considerations into account**, including how any Constituent Council is exercising or proposes to exercise the Concurrent Function and the potential effect of a decision on any Constituent Council. In exercising any Concurrent Function, the Combined County Authority will comply with the public sector equality duty under section 149 of the Equality Act 2010.
- 2.4 The Combined County Authority will so far as reasonably practicable exercise any Concurrent Function in such a way as to be **compatible** with and **complementary** to the exercise of the Concurrent Function by any Constituent Council.
- 2.5 Subject to each party complying with requirements relating to data protection and the law of confidentiality, the Combined County Authority and each Constituent Council agree to **share any**

**information** as reasonably requested by any other party, to facilitate their exercise or proposed exercise of any Concurrent Function.

- 2.6 The parties will consult with each other before **approving, varying or revoking any strategy or plan** which is likely to determine or significantly affect how any Concurrent Function is exercised by the Combined County Authority or any Constituent Council.
- 2.7 The Combined County Authority will so far as reasonably practicable seek to develop and agree with each Constituent Council a common and consistent approach to any **monitoring arrangements** relating to any Concurrent Function exercised by the Combined County Authority.
- 2.8 The Combined County Authority will so far as reasonably practicable seek to develop and share **best practice** with each Constituent Council in relation to the exercise of any Concurrent Function exercised by the Combined County Authority.
- 2.9 It is anticipated that the areas in which it is anticipated that the Combined County Authority will exercise concurrent functions will be identified early as part of the decision making processes. This will enable early engagement and discussion with the Constituent Councils before the formal consultation stage under this protocol.

### **3. Concurrent Functions: Consultation with Constituent Councils**

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

### **4. Statutory Consents: Procedure**

- 4.1 There are two ways in which the 2025 Regulations require consent relating to the Constituent Councils. These are either:
- The consent of the lead member of a Constituent Council, or
  - The consent of the Constituent Council
- 4.2 The 2025 Regulations also provide for circumstances in which the consent of a district, city or borough council Authority are required.

- 4.3 The 2025 Regulations provide for any **Statutory Consent** of lead members **to be given at a meeting of the Combined County Authority**. The request for any consent will therefore be set out in a report to be considered at a meeting of a Combined County Authority, and any consent will be duly recorded in the minutes of the meeting.
- 4.4 Where Statutory Consent is required from a Constituent Council, the Combined County Authority will seek that Statutory Consent **in a timely way**. To facilitate this, and to promote transparency, a notice of the request for Statutory Consent (Statutory Consent Request Notice) should be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.5 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the member of the Combined County Authority who may provide a Statutory Consent, the Combined County Authority's Chief Executive will **notify the Chief Executive** of each relevant Constituent Council (or their nominee) as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Constituent Council Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.
- 4.6 In relation to any transport-related function in respect of which a Statutory Consent is required, the Combined County Authority agrees that this is subject to the Combined County Authority and the Constituent Councils agreeing a **Key Route Network** in respect of which the function is to be exercised.
- 4.7 Where Statutory Consent is required from a district or borough council the Combined County Authority will seek that Statutory Consent in a timely way. To facilitate this, the Combined County Authority will engage as soon as reasonably possible with the relevant council. A notice of the request for Statutory Consent (Statutory Consent Request Notice) shall be published on the Combined County Authority's Forward Plan at least 28 clear days before the Combined County Authority meeting at which it is sought, subject to this requirement being waived in exceptional circumstances by any relevant Chief Executive.
- 4.8 To further facilitate the appropriate and timely briefing by the Chief Executive (or their nominee) of the Council who may provide a Statutory Consent, the Combined County Authority's Chief Executive will notify the Chief Executive of the relevant Council as soon as reasonably practicable of any proposal to seek a Statutory Consent, and at the latest when the Statutory Consent Request Notice is published. The Combined County Authority will provide the Chief Executive with details about the proposed exercise of the function, including the commencement date/projected timescales and the manner in which it is to be exercised.

## 5. Dispute Resolution

- 5.1 The Combined County Authority and the Constituent Councils will act at all times in a constructive spirit of mutual cooperation and partnership to resolve disagreements.
- 5.2 Any dispute between the Combined County Authority and any Constituent Council about the exercise of a Concurrent Function (whether before or after its exercise) will be referred to the Chief Executive of the Combined County Authority and the Chief Executive of the relevant Constituent Council with a view to resolution.

5.3 In default of successful resolution between the parties, any dispute will be referred to the Mayor of the Combined County Authority and the Leader of any relevant Constituent Council for resolution, provided always that notwithstanding any recommendations made, any Statutory Consent of any Constituent Council will continue to be required.

## 6. Review

The Combined County Authority agree to review this protocol **annually**, and before any additional concurrent functions which may be conferred on the Combined County Authority in the future by any other Regulations which are exercisable by the Combined County Authority.

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

## 5.2 Arrangements for appointment, disqualification, dismissal of Non-Constituent members

### 1. Background and Introduction

1.1 The Authority may designate a body, other than a Constituent Council, as a nominating body. Such a nominating body must consent to the designation. A nominating body may nominate a representative of that body for appointment by the Combined County Authority as a non-constituent member. The non-constituent members are non-voting members of the Combined County Authority, unless the Combined County Authority resolves otherwise.

1.2 The Greater Lincolnshire Combined County Authority Regulations 2025 permit the Combined County Authority to appoint up to 6 non-constituent and associate members in total.

### 2. Appointment

2.1 The Combined County Authority will:

- Approve the designation of a nominating body
- Agree the number of nominating bodies that may be designated by the Authority
- Agree the number of non-constituent members that may be nominated by a nominating body of the Combined County Authority

2.2 A nominating body may nominate such representatives of that body for appointment by the Combined County Authority as a non-constituent member as determined by the Combined County Authority.

2.3 A nominating body must nominate a delegate member for each non-constituent member nominated.

2.4 A nominating body may nominate a representative of the nominating body as a representative for appointment to the Combined County Authority.

2.5 Written notice must be served on the Monitoring Officer of the Combined County Authority confirming who the nominating body has agreed to nominate as a representative of that body for appointment by the Combined County Authority as a non-constituent representative.

2.6 The appointment of a non-constituent member or delegate will only take effect when the nomination is approved by the Combined County Authority.

### 3. Term of Office and Role

- 3.1 The term of office for a non-constituent member shall be reviewed annually.
- 3.2 A non-constituent member or delegate shall act as a representative of the nominating body that nominated them.

### 4. Disqualification

- 4.1 A person will immediately cease to be a non-constituent member or delegate if they cease to be eligible to be the representative of the nominating body that nominated them

### 5. Resignation

- 5.1 A person may resign as a non-constituent member or delegate by written notice served on the Monitoring Officer of the Combined County Authority and the resignation takes effect on receipt of the notice by the Monitoring Officer.

### 6. Withdrawal of nomination

- 6.1 A nominating body may at any time terminate or withdraw its nomination of a non-constituent member or delegate nominated by it and nominate another one of its members in that person's place. Written notice shall be served on the Monitoring Officer of the Authority and the termination of membership of the Combined County Authority as a representative or delegate of the nominating body takes effect on receipt of the notice by the Monitoring Officer.

### 7. Dismissal

- 7.1 The Authority may dismiss a non-constituent member if they fail throughout a period of six consecutive months to attend any meeting of the Combined County Authority, unless their absence is due to a reason which has previously been approved by the Combined County Authority.

## 5.3 Member Code of Conduct

### 1. Definitions

- 1.1 For the purposes of this Code of Conduct, a "Member" means a member of the Greater Lincolnshire Combined County Authority ("Authority") including the Mayor and substitute, delegate and co-opted members. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who
- (a) is a member of any committee or sub-committee of the authority, or;
  - (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

### 2. General Principles of Member Conduct

- 2.1 Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Members and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are set out below:

- (a) **Selflessness** - Holders of public office should act solely in terms of the public interest.
- (b) **Integrity** - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They

should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

- (c) **Objectivity** - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
- (d) **Accountability** - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
- (e) **Openness** - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
- (f) **Honesty** - Holders of public office should be truthful.
- (g) **Leadership** - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

2.2 The Authority has adopted this Code of Conduct setting out the expected behaviours required of its members, acknowledging that they have a shared commitment to representing the community and working constructively and in a spirit of mutual respect and co-operation with each other, Authority officers and partner organisations to secure better social, economic and environmental outcomes for all.

2.3 As the Nolan Principles are the standards expected of all in public life the Code is closely based on but not identical to the Nolan Principles. In particular compliance with the Code does not in itself guarantee that member conduct is consistent with the Nolan Principles. The Code does not therefore detract from the need for members always to have regard to the Principles in guiding their conduct.

### 3. Application of the Code of Conduct

3.1 In accordance with the Localism Act provisions, when acting in their capacity as Members, all Members must be committed to behaving in a manner that complies with the following Code.

- (a) **Selflessness** - Members must act solely in terms of the public interest. This means they must not act in order to gain financial or other material benefits for themselves, their family, or their friends. They must not use their position improperly to confer an advantage or disadvantage on any person.
- (b) **Integrity** - Members must not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties. Members must comply with the Gifts and Hospitality Protocol of the Authority.
- (c) **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members must make choices on merit.
- (d) **Accountability** - Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office. This means Members will co-operate with the Monitoring Officer or Local Hearing Panel in the course of consideration, investigation or determination of any complaint brought under this Code of Conduct.
- (e) **Openness** - Members must act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for doing so.  
A Member must not, without the consent of the Council or as required by law, disclose information which is:

- Contained within an exempt or confidential report within the meaning of the Local Government Act 1972; or
- Which is otherwise confidential to the Council or shared with the Member under conditions of confidentiality

Members must not disclose any information given to them under conditions of confidentiality by any other person except to the extent that such a disclosure is permitted by law – e.g. due to overriding public interest.

(f) **Honesty** - Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

This means Members will comply with the law relating to disclosable pecuniary interests. Members should be aware that the requirement to resolve conflicts arising in a way that protects the public interest may on occasion require them to disclose interests other than disclosable pecuniary interests and to take no part in debates or votes which engage those interests.

(g) **Respect** - Members must at all times show respect to each other, staff and members of the public and engage with them in an appropriate manner and one that underpins the mutual respect that is essential to good local government. Members may not always agree with the political views of their member colleagues, but they respect the right for those views to be held. This means in particular that Members will not bully or harass any person. This means, for example, that they will not:-

- use offensive intimidating malicious or insulting behaviour or abuse or misuse power to undermine, humiliate, criticise unfairly or injure any person; or
- be guilty of unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.

(h) **Leadership** - Members promote and support these principles by leadership and example.

3.2 **Social Media** - Members promote and support these principles by leadership and example.

3.3 **Disclosable Pecuniary Interests** - The Localism Act 2011 further provides for registration and disclosure of interests and in Lincolnshire County Council this will be done as follows:

On taking up office a member or added member must, within 28 days of becoming such, notify the Monitoring Officer of any 'disclosable pecuniary interests', as prescribed by the Secretary of State.

On re-election or re-appointments, a member or added member must, within 28 days, notify the Monitoring Officer as if for the first time of any 'disclosable pecuniary interests' whether or not such 'disclosable pecuniary interests' were already included in his or her previous register of interests.

If a member or added member is aware that they have a 'disclosable pecuniary interest' in a matter they must not participate in any discussion or vote on the matter at a meeting and if present at the

meeting must leave the room during discussion of the matter.

If a member or added member is aware of a 'disclosable pecuniary interest' in a matter under consideration at a meeting but such an interest is not already on the Council's register of interests or in the process of entry onto the register having been notified to the Monitoring Officer, the member or added member must disclose the 'disclosable pecuniary interest' to the meeting and register it within 28 days of the meeting at which it was first disclosed.

## **5.4 GLCCA Arrangements For Dealing With Complaints About The Mayor, Local Authority Appointed Members And Co-Opted Members Under The Localism Act 2011**

### **1. Introduction**

- 1.1 These "Arrangements" set out how a complaint may be made that the Mayor, a Local Authority appointed Member or co-opted Member of Greater Lincolnshire Combined County Authority (the Authority) has failed to comply with the Authority's Code of Conduct. They also set out how the Authority will deal with any complaints of a failure to comply with the Code of Conduct.
- 1.2 Under Section 28 of the Localism Act 2011, the Authority must have in place Arrangements under which allegations that an Mayor, a Local Authority appointed Member or co-opted Member of the Authority has failed to comply with that Authority's Code of Conduct can be investigated and decisions made on such allegations.
- 1.3 Such Arrangements must provide for the Authority to appoint at least one Independent Person, whose views must be sought by the Authority before it takes a decision on an allegation which it has decided to investigate. The Independent Person may also be consulted by the Monitoring Officer at any stage of these Arrangements and may be consulted by the Mayor / Subject Councillor against whom an allegation has been made.
- 1.4 The Independent Person is a local impartial member of the public who has no personal or professional ties to any Local Authority appointed Member or co-opted Member or the Mayor. References to the Independent Person in these Arrangements are references to any person appointed by the Authority as an Independent Person pursuant to Section 28(7) of the Act.
- 1.5 These Arrangements reflect the commitment of the Constituent Councils to maintaining high standards of conduct and their wish to demonstrate that commitment by playing a leading role.
- 1.6 These Arrangements relate solely to Local Authority appointed Members or co-opted Members acting in the capacity as GLCCA Representatives and to the Mayor solely in their capacity as the Mayor of the GLCCA. Complaints concerning Councillors acting in the capacity of either Parish, District or County Councillors should be made to the relevant District / County Council's Monitoring Officer and it should be understood that these Arrangements do not provide a route of escalation or appeal for such complaints.

### **2. The Code of Conduct**

- 2.1 The Authority has adopted a Code of Conduct, which is attached as Appendix A to these Arrangements and is available for inspection on the Authority's website or on request from the Monitoring Officer.

### **3. Making a Complaint**

- 3.1 A complaint should be made to the Monitoring Officer, who is a senior officer of the Authority who has statutory responsibility for maintaining the register of Members' interests and who is responsible for administering the system in respect of complaints of Member misconduct.

3.2 A complaint must be made on the Code of Conduct Complaint Form (attached at Appendix B to these Arrangements) and returned in hard copy by post or in electronic format by e-mail to:

The Monitoring Officer  
Greater Lincolnshire Combined County Authority  
County Offices  
Newland  
Lincoln  
LN1 1YS

Provision is made to complete an interactive form via the Authority's website.

If a Complainant cannot complete the form for any reason, they should please contact the Monitoring Officer at the above addresses for assistance or call 01522 555620 to speak with the Head of Democratic Services.

3.3 In completing the form, Complainants should provide their name and a contact address or email address, so that we can acknowledge receipt of the complaint and keep the Complainant informed of its progress.

If Complainants want to keep their name and address confidential, they should indicate this in the space provided on the complaint form together with the reason why they feel their identity should not be disclosed.

As a matter of fairness and natural justice, the Mayor / Subject Councillor should normally be informed who has complained about them.

The Authority will not consider anonymous complaints unless there is a clear public interest in doing so. In the interests of transparency and fairness, the identity of the Complainant will be made known to the subject of the complaint (the Mayor / Subject Councillor ) and to those who have to deal with the complaint. When a Complainant requests confidentiality, this will be considered by the Monitoring Officer who retains ultimate discretion as to whether to release details to the Mayor / Subject Councillor or other officers.

In considering such cases the Monitoring Officer will consult with the Independent Person and in reaching a decision will balance the public interest in ensuring that the Mayor / Subject Councillor is aware of who has complained against them against the Complainant's wish that their identity be withheld.

If the Monitoring Officer decides to refuse a request for confidentiality, they will offer the Complainant the opportunity to reconsider resubmitting the complaint with their identity disclosed.

3.4 Any complaint must provide sufficient detail about why the person complaining (the Complainant) considers that there has been a failure to comply with the Code of Conduct. Complainants should please limit the amount of supporting documents (if any) to those that are directly relevant and material to the complaint. If, on consideration of the complaint, further information / documentation is thought necessary, Complainants will be asked to provide it.

3.5 There may be exceptional circumstances where the Monitoring Officer, after consulting with the Independent Person, will not accept a complaint. In such circumstances, Complainants will be notified of the reasons.

3.6 The Monitoring Officer's decision, at all stages, is final and there is no right of appeal or review of their decision.

#### 4. Initial Assessment of a Complaint

4.1 On receipt of the complaint the Monitoring Officer will acknowledge receipt within five working days of receiving it and will keep Complainants informed of the progress of their complaint.

4.2 Before assessment of the complaint begins the Monitoring Officer must be satisfied that the complaint:

4.2.1 is against a serving Councillor of a Constituent or Non-Constituent Council within the GLCCA area OR a Co-Opted Member of the GLCCA OR the Mayor of Greater Lincolnshire;

4.2.2 is about the Mayor or a Councillor/Co-Opted Member who was in office at the time of the alleged misconduct and acting in their official capacity at that time; and

4.2.3 if proven, would be a breach of the Code of Conduct in force at the time of the alleged misconduct.

If the complaint fails any one of these tests, it will not be progressed as a breach of the Code of Conduct and no further action will be taken on it.

4.3 Whether the Mayor / Subject Councillor was acting in their official capacity on the GLCCA is a judgment to be made in individual cases. Relevant considerations will be whether the Mayor / Subject Councillor claimed to act or gave the impression that they were acting in their capacity as a representative of the Authority, rather than acting in a purely private capacity. The substance of the complaint and whether it concerned the business or functions of the Authority will also be a relevant consideration.

4.4 The standards complaints process does not exist to determine how well the Mayor, a Councillor or co-opted Councillor fulfils their role on the Authority or to determine dissatisfaction on the part of a resident as to the way that person has responded to their concerns. Examples would include a delay or failure to respond to a query - these are matters for the democratic process with which it would be inappropriate for the Monitoring Officer to become involved. If in the view of the Monitoring Officer a complaint relates to a Councillors fulfilment of their role, they will refer the complaint to the relevant Group Leader at the relevant Constituent/Non-Constituent Council to consider, but no further action will be taken on the complaint under these Arrangements.

4.5 Before assessing a complaint the Monitoring Officer will inform the Mayor / Subject Councillor (copying in the relevant Group Leader if applicable) that a complaint has been received and invite the Mayor / Subject Councillor's views on the complaint. Once the Mayor / Subject Councillor's views have been received, the Monitoring Officer will consult the Independent Person and share them with the complaint and Mayor / Subject Councillor's views. The Monitoring Officer may seek further information from either the Complainant or Mayor / Subject Councillor before making a decision on the assessment.

4.6 The Monitoring Officer will keep the Complainant, Mayor / Subject Councillor (and relevant Group Leader if applicable) informed of progress at regular intervals.

- 4.7 In assessing the complaint the Monitoring Officer will consider the documents received under paragraph 4.5 together with the views of the Independent Person and will be guided by the following criteria, although a complaint would not normally progress beyond the assessment stage if the Monitoring Officer considers any of these criteria to be met:-
- 4.7.1 If the complaint is deemed to be the same or substantially the same as a previous complaint (regardless of whether it is the same Complainant), which has already been the subject of assessment and there is nothing more to be gained by further action being taken;
  - 4.7.2 If the event/s/incident/s complained of took place more than six months prior to the date of the complaint being received;
  - 4.7.3 If the complaint is deemed to be unreasonable or there is no overriding interest in it being pursued;
  - 4.7.4 If the complaint discloses only a minor or trivial breach of the Code of Conduct that it is not in public interest to pursue;
  - 4.7.5 If the complaint is deemed malicious, vexatious, persistent or otherwise submitted with an improper motive and the complaint is not considered to disclose sufficiently serious potential breaches of the Code of Conduct to merit further consideration;
  - 4.7.6 If the Mayor / Subject Councillor has remedied or made reasonable endeavours to remedy the complaint (for example, by apologising) or the complaint is considered capable of other informal resolution (see paragraph 4.8 below);
  - 4.7.7 If the Mayor / Subject Councillor is suffering with ill health to a level deemed that it would not be in the public interest to pursue the complaint at the current time;
  - 4.7.8 If it is deemed that the complaint concerns, or is really about dissatisfaction with, an Authority decision or policy rather than a breach of the Code of Conduct;
  - 4.7.9 The complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter and where independent evidence is likely to be difficult or impossible to obtain;
  - 4.7.10 Where the allegation is anonymous, unless it includes documentary or photographic evidence indicating an exceptionally serious or significant matter and it is considered in the public interest that it be investigated;
  - 4.7.11 It is considered that having regard to the nature of the complaint and the level of its potential seriousness, it would not be proportionate or in the public interest to incur the cost of an investigation.
  - 4.7.12 In all the circumstances, there is no overriding public benefit or interest in carrying out an investigation.
- 4.8 In appropriate cases, the Monitoring Officer may, following consultation with the Independent Person, deem that the complaint is capable of informal resolution without the need for a formal investigation. Such informal resolution may involve the Mayor / Subject Councillor accepting that their conduct was unacceptable and offering an apology, or that the complaint may be considered suitable for mediation or such other remedial action. Where the Mayor / Subject Councillor concerned makes a reasonable offer of informal resolution such as an apology or other remedial action, but the

Complainant is not willing to accept that offer of informal resolution, the Monitoring Officer will take this into account in deciding whether the complaint merits further actions under these Arrangements.

- 4.9 The Monitoring Officer may also, following consultation with the Independent Person, refer a previously considered complaint for formal investigation if attempts to informally resolve a matter break down, or if either party does not act in good faith in attempting to reach a mutually acceptable outcome.
- 4.10 It should be noted that complaints which allege that the Mayor or Councillors may have committed a criminal offence in breaching the 'disclosable pecuniary interest' provisions under Section 34 of the Localism Act 2011, will be referred by the Monitoring Officer to Lincolnshire or Humberside Police for consideration (whichever is appropriate).
- 4.11 The Monitoring Officer may also refer allegations of criminal activity or a breach of other regulations to the police or any other regulatory body for consideration. In such cases, it is likely that the Authority will pause the assessment of your complaint.
- 4.12 All complaints must be treated with the strictest confidence during assessment and investigation and all parties are requested to respect this. This is to ensure the integrity of the process, and to comply with the relevant legislation. Councillors and the Mayor should not discuss the matter with others, including at public meetings, as this may constitute a breach of the Code of Conduct.
- 4.13 If, following the assessment, the Monitoring Officer determines that no further action should be taken, the Monitoring Officer will notify the Complainant and Mayor / Subject Councillor (copying in the relevant Group Leader where appropriate) with details of the decision made and the reasons for the same.

## 5. Further action following assessment

- 5.1 Where following assessment, and following consultation with the Independent Person, the Monitoring Officer considers that the complaint merits further action, they will inform the Complainant and Mayor / Subject Councillor (and relevant Group Leader where appropriate) of their decision. This may involve the following:
- 5.1.1 Arranging for other action to be taken with a view to addressing the issues raised in the complaint. A decision to take 'other action' might involve the Mayor / Subject Councillor being asked to attend a relevant training course or engage in a process of conciliation or mediation with the Complainant.
- 5.1.2 Following consultation with the relevant Group Leader, refer the complaint to the relevant Group Leader for action; or
- 5.1.3 Refer the complaint for formal investigation.
- 5.2 Where the Monitoring Officer determines that a formal investigation is required, they will appoint a suitable person to investigate the complaint, either in whole or in part. This person will be a Senior Officer of a Constituent Council, or an External Investigator.
- 5.3 The Investigating Officer will decide whether they need to meet or speak to the Complainant to better understand the nature of the complaint and so that the Complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

- 5.4 The Investigating Officer would normally write to the Mayor / Subject Councillor against whom the complaint has been made and provide them with a copy of the complaint and invite the Mayor / Subject Councillor to provide their explanation of events, and to identify what documents they would want the Investigating Officer to consider and who they need to interview. In exceptional cases, where the Monitoring Officer has determined that the complaint should proceed with the Complainant's anonymity being preserved, the Monitoring Officer will delete the Complainant's name and address from the papers given to the Mayor / Subject Councillor.
- 5.5 Where a complaint is raised by an officer and while it is being investigated, the Mayor / Subject Councillor must comply with any measures deemed appropriate by the Monitoring Officer in consultation with the Independent Person.
- 5.6 Ordinarily the Authority would hope that investigations will take no more than 6 months to complete from the date the decision to investigate is taken, and this will depend on the facts of each complaint. Some investigations may conclude earlier. If they will take longer, all parties will be informed of the reasons for any delay.
- 5.7 It is vital to the timely completion of investigations that the Complainant, and the Mayor / Subject Councillor under investigation, comply with the reasonable requirements of the Investigating Officer in relation to interview attendance and the supply of relevant documentation. Should the Complainant not cooperate the Monitoring Officer may determine that they no longer wish to proceed with the complaint. If the Mayor / Subject Councillor does not comply, the investigation will proceed in the absence of their contribution.
- 5.8 At the end of the investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to the Complainant and Mayor / Subject Councillor concerned, to give both an opportunity to identify any matter in the draft report which they might disagree with or which they consider requires more consideration or clarification.
- 5.9 Having received and taken account of any such comments, the Investigating Officer will send their final report to the Monitoring Officer. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider the report.
- 5.10 Where the Investigating Officer concludes their investigation and determines that there has been no breach of the Code of Conduct, the Monitoring Officer, will consult with the Independent Person, and if satisfied with the Investigating Officer's report will notify the Mayor / Subject Councillor, Group Leader (where appropriate) and Complainant that no further action is to be taken on the complaint.
- 5.11 Where the Investigating Officer concludes their investigation and determines that there has been a breach of the Code of Conduct, the Monitoring Officer, in consultation with the Independent Person, will consider whether Local Resolution should be attempted, or the matter proceed to a Local Hearing.

## 6. Local Resolution

- 6.1 The Monitoring Officer will consult with the Independent Person and the Complainant and seek to agree what is considered to be a fair resolution which helps to ensure higher standards of conduct for the future. Such resolution may include the Mayor / Subject Councillor accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Authority.
- 6.2 If the Mayor / Subject Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to a formal meeting of the GLCCA for information but will take no further action.

However, if the suggested resolution is not complied with, the Monitoring Officer will refer the matter for a Local Hearing.

## **7. A Local Hearing**

- 7.1 A Local Hearing will be conducted by three non-Executive Members – one from each of the Constituent Councils and represent at least two political groups, each nominated separately by the Chairman of the Audit Committee at each Constituent Council.
- 7.2 The Local Hearing will be conducted in accordance with the Hearing Process attached at Appendix C to these arrangements. Prior to the Local Hearing the Monitoring Officer will engage with the Complainant and Mayor / Subject Councillor with a view to attempting to narrow the issues in dispute and agreeing those facts that are not in dispute, so that the Local Hearing may proceed more fairly and economically.
- 7.3 Where the Local Hearing determines that a breach of the Code of Conduct has occurred they will make recommendations to the relevant Group Leader (where appropriate) who will decide the appropriate actions and notify the Mayor / Subject Councillor and the Monitoring Officer. The Monitoring Officer will notify the Complainant. Where there is no group leader appropriate actions will be prescribed by the Hearing.
- 7.4 Where the Local Hearing, having consulted with the Independent Person, decides that a breach has occurred and that the breach is of extreme seriousness the Local Hearing may determine that a motion of censure or reprimand of the Mayor / Subject Councillor be referred to the next Authority meeting.
- 7.5 The Monitoring Officer or Local Hearing have no power to suspend or disqualify the Mayor / Subject Councillor, to withdraw basic or special responsibility allowances or to recommend other outcomes.

## **8. Special Applications**

- 8.1 In cases where the Mayor / Subject Councillor complained about is not part of a recognised political grouping, the Monitoring Officer will proceed as detailed above, save from liaison with any Group Leader.
- 8.3 Where the Monitoring Officer is unable to act in relation to these arrangements by reason of any conflict of interest or otherwise they may appoint a Deputy Monitoring Officer for the purpose from within the Constituent Councils to act as Monitoring Officer for the purposes of these Arrangements.

## **9. Revision of these Arrangements**

- 9.1 The Authority may by resolution agree to amend these Arrangements and has delegated to the Monitoring Officer the right to depart from these Arrangements, including the Local Hearing procedure under Appendix C where they consider that it is expedient to do so to secure the effective and fair consideration of any matter.

## **10. Appeals**

10.1 There is no right of appeal for the Complainant or Mayor / Subject Councillor against a decision of the Monitoring Officer or the decision or recommendations of the Local Hearing. If a Complainant believes that the Authority has failed to deal with their complaint in accordance with these Arrangements, they may submit a complaint to the Local Government Ombudsman.

## 11. Reporting

11.1 The Monitoring Officer will, in their annual report to the GLCCA, report on the efficacy of these Arrangements, including the number of complaints received and action taken.

## **APPENDIX B**

### **COMPLAINT FORM – CODE OF CONDUCT**

1. Please provide us with your name and contact details:

<b>Date Submitted:</b>	
<b>Title</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>Address:</b>	
<b>Daytime telephone</b>	
<b>Evening telephone</b>	
<b>Email address</b>	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The person you are complaining about
- The Monitoring Officer
- The Authority's Independent Person (if required)
- Members of the Hearings Panel if convened to consider your complaint  Officers involved in mediation (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Member of a Council, including county, district, town and parish councillor
- Member of Parliament

- Local authority monitoring officer
- Other council officer or authority employee
- Other (please state) .....

**Making your complaint**

Once your complaint has been received a decision will be taken in accordance with the Authority’s published arrangements as to what action, if any, should be taken on it. You will not have the opportunity to attend a meeting at this stage. It is important that you provide information that you want taken into account as part of your complaint.

Please refer to the Authority’s published arrangements under the heading ‘Making a complaint’ which explains how your complaint will be dealt with.

3. Please provide us with the name of the member(s) you believe have breached the Code of Conduct.

Title	First name	Last name	Paragraph of the Code of Conduct believed to have been breached

It is important that you provide a summary of the information you wish to have taken into account (within the space provided) so a decision can be made, in accordance with the published arrangements, whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should say what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witness to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

**Interests.**

Tick this box if you believe that the Member(s) either did not declare an interest, or has declared the wrong type of interest. If you are unsure, please tick the box, adding an explanation in section 4

4. Please explain in this section what the Member has done that you believe breaches the Code of Conduct. Please enclose any supporting documents but limit these to those that are directly relevant and material to the complaint.

If you are complaining about more than one Member you should clearly explain what each individual Member has done that you believe breaches the Code of Conduct.

**Please provide us with details of your complaint (within the space provided)  
Please explain what steps, if any, have you taken to resolve this complaint directly with the Member concerned?**

**Would you be prepared to engage in mediation with the member concerned, if considered appropriate, to try and resolve the complaint?**

Yes   
No

**Is there a particular remedy that you seek from the member, such as an apology?**

*Mediation is a way of resolving disputes with the assistance of an independent mediator who will try and help the parties reach a solution to the dispute that both parties are agreeable to. The independent mediator will avoid taking sides, making judgements or giving guidance. They are simply responsible for developing effective communications between the parties with a view to a common sense settlement being arrived at. Mediation is a voluntary process and will only take place if the parties agree and remains confidential to the parties involved.*

***Only complete this next section if you are requesting that your identity is kept confidential.***

- 5.** In the interests of fairness and natural justice, we believe members who are complained about having a right to know who has made the complaint. We also believe that they have a right to be provided with a summary of the complaint.

Please note that requests for confidentiality will only be granted exceptionally. If your request for confidentiality is not granted, you will be given the opportunity to consider whether you wish to proceed with your complaint on the basis that your identity is not kept confidential. Further information on this can be found in the Authority's published Arrangements.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

## **6. Additional Help**

Complaints must be submitted in writing. This includes electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. Please contact The Head of Democratic Services on 01522 555620 who can offer you support and services through which to make your complaint.

## **APPENDIX C**

# **LOCAL HEARING UNDER THE CODE OF CONDUCT**

## **HEARING PROCESS**

### **Introduction**

- 1 This document sets out the Procedure to be followed at meetings of a Local Hearing Panel constituted under the Local Arrangements for Dealing with Standards Complaints under the Authority's Constitution.
- 2 The role of the Panel is to consider the Investigators Report and representations, the Mayor / Subject Councillor's representations and to consult the Independent Person and decide whether there has been a breach of the Code of Conduct.
- 3 The Panel Meetings will be held in public session unless determined by the Chairman of the Panel in consultation with the Monitoring Officer that it falls within the Local Government Act 1972 Schedule 12a exemptions or that it is not within the public interest to make the meeting open to the public.

### **Persons Attending**

- 4 The following persons shall be in attendance at the Hearing which shall be conducted in private.
  - 4.1 the Panel;
  - 4.2 the Monitoring Officer;
  - 4.3 the Independent Person;
  - 4.4 a clerk to take notes of the Hearing
  - 4.5 the Mayor / Subject Councillor;
  - 4.6 one person to accompany and assist the Mayor / Subject Councillor; and
  - 4.7 the Investigating Officer.

### **Notice of the Hearing**

- 5 At least 7 days' notice of the Hearing will be given to the Panel, the Mayor / Subject Councillor and the Investigating Officer unless a shorter time is agreed at the request of the Mayor / Subject Councillor. The notice shall be accompanied by the Investigating Officer's report and accompanying documents and a copy of this Hearing Process.

## **6. Process at the Hearing**

### **6.1 Preliminary Procedural Issues**

- 6.1.1 Introduction
- 6.1.2 Declaration of Interest (if any)
- 6.1.3 To consider any request for exclusion of Press and Public.

## **6.2 Findings of Facts**

- 6.2.1 Monitoring Officer (or their representative) to present summary report and refer to outcome of prehearing process.
- 6.2.2 Investigating Officer to present report and call such witnesses as they considers necessary to substantiate their conclusion(s) within the report.
- 6.2.3 Mayor / Subject Councillor (or their representative) to raise/clarify issues with Investigating Officer, including questioning of the Investigating Officer's witnesses.
- 6.2.4 Members of the Panel to raise/clarify issues with the Investigating Officer, including questioning of the Investigating Officer's witness.
- 6.2.5 Mayor / Subject Councillor (or their representative) to present their case and call such witnesses as they considers necessary.
- 6.2.6 Investigating Officer to raise/clarify issues with the Mayor / Subject Councillor (or their representative), including the questioning of the Mayor / Subject Councillor's witnesses.
- 6.2.7 Members of the Panel to raise/clarify issues with the Mayor / Subject Councillor (or their representative) including questioning the Mayor / Subject Councillor's witnesses.
- 6.2.8 Views of the Independent Person sought.
- 6.2.9 Members of the Panel to raise/clarify issues with the Independent Person.
- 6.2.10 The Panel will retire, along with the Monitoring Officer, to determine its findings of the fact. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

## **6.3 Breach of the Code of Conduct.**

- 6.3.1 The Panel will need to consider whether or not, based on the facts it has found, the Mayor / Subject Councillor has breached the Code of Conduct.
- 6.3.2 Investigating Officer to address the Panel on whether the facts found constitute a breach to the Code of Conduct.
- 6.3.3 Mayor / Subject Councillor (or their representative) to address the Panel as to why the facts found do not constitute a breach of the Code of Conduct.
- 6.3.4 Views of the Independent Person sought.
- 6.3.5 Members of the Panel to raise/clarify issues.

6.3.6 The Panel will retire, along with the Monitoring Officer, to determine whether there has been a breach of the Code of Conduct. The Panel's decision will be reported back to the meeting by the Head of Democratic Services.

(If the Panel determine that there has been no breach of the Code of Conduct, the complaint will be dismissed. If, however, the Panel determine that there has been a breach of the Code of Conduct, the procedure at paragraph 20 will apply).

## **6.4 Action to be taken**

6.4.1 The Panel will need to determine what action/recommendations, if any, should be taken/made as a result of the Mayor / Subject Councillor's breach of the Code of Conduct.

6.4.2 Monitoring Officer (or their representative) to outline possible action/recommendations.

6.4.3 Investigating officer to make submissions on such matters.

6.4.4 Mayor / Subject Councillor (or their representative) to make submission on such matters.

6.4.5 Views of the Independent Person sought on such matters.

6.4.6 Members of the Panel to raise/clarify issues.

6.4.7 The Panel will retire along with the Monitoring Officer, to consider what actions/recommendations, if any, should be taken/made. The Panel's decision will be reported back to the meeting the Head of Democratic Services.

6.4.8 Close of Hearing.

## **6.5 After the Hearing**

6.5.1 As soon as reasonably practicable after the Hearing the Monitoring Officer will prepare a formal decision notice in consultation with the Panel Chairman and send a copy to the Mayor / Subject Councillor and (where applicable) the Subject Councillor's Group Leader. The decision notice will include the reasons for the decision.

6.5.2 The Monitoring Officer will send the decision notice to the Complainant on the expiry of two working days after the formal decision notice was sent to the Mayor / Subject Councillor and (where applicable) Group Leader and will report the decision to the next convenient meeting of the GLCCA.

## **5.5 Officer Code of Conduct**

### **1. Introduction**

1.1 As an officer of the Greater Lincolnshire Combined County Authority you must have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership - in your conduct at all times. These are known as the 'Nolan principles'.

### **2. Policy Purpose**

- 2.1 The public are entitled to expect the highest standards of conduct from all officers. The role of officers is to serve the Combined County Authority in providing advice, implementing its policies and delivering services to the local community. In performing their duties, they must act with integrity, honesty, impartiality and objectivity. This document sets out the standards expected of all the Combined County Authority's officers. Guidance in relation to the acceptance of gifts and / or hospitality by officers, is detailed in the Gifts and Hospitality Policy which forms part of the Code of Conduct.

### **3. Objectives of the Code**

- 3.1 This code of conduct should:
- a) provide officers of the Combined County Authority with an effective ethical framework within which to work; and give the public confidence that the Combined County Authority's officers are working on their behalf in an appropriate manner; and
  - b) provide guidance to officers on the possible consequences of breaches of this code.

### **4. Responsibilities**

#### **4.1 Officers of the Combined County Authority**

The Combined County Authority expects all officers to be accountable for their actions and to act in accordance with the principles set out in this Code, recognising the duty of all public sector officers to discharge public functions reasonably and according to the law.

#### **4.2 Line Manager**

The role of the manager is to provide support and advice to officers to ensure that the principles of the Code are applied consistently.

#### **4.3 Human Resources (HR)**

The role of HR is to provide support and advice to managers and officers to ensure that the principles of the Code are applied consistently.

#### **4.4 Monitoring Officer**

The role of the Monitoring Officer is:-

- a) to review entries in the registers of personal and prejudicial interests and give advice to officers in relation to any implications;
  - b) to advise officers in relation to the application of this Policy, if requested; and •
- 4.5 to maintain the register of officers' personal and prejudicial interests confidentially and in accordance with relevant legislation.

### **Political Neutrality**

- 5.1 The Combined County Authority expects officers to follow policy/procedure of the Combined County Authority and not to allow their own personal or political opinions to interfere with their work. Where officers are politically restricted, by reason of the post they hold or the nature of the work they do, they must comply with those restrictions.

### **6. Personal Relationships with Members of the Combined County Authority (Members), the Public and Other Officers**

- 6.1 Mutual respect between officers and members is essential to good working relationships at the Combined County Authority and each should handle work matters on a professional

basis. Officers of the Combined County Authority should deal with the public, Members, and other officers sympathetically, efficiently and without bias. The Combined County Authority endeavours to avoid a situation where officers are either directly managed by, or responsible for, the recruitment and selection of someone with whom they have a personal relationship, e.g., a member of the same family.

## **7. Equality & Diversity**

- 7.1 All officers and other persons who are acting on behalf of the Combined County Authority, including contractors and consultants must comply with the Combined County Authority's Equality & Diversity Policy.

## **8. County Combined Authority Property**

- 8.1 Officers must ensure that they use public funds entrusted to them in a responsible and lawful manner and in accordance with standing orders and financial regulations. Officers must not utilise property, vehicles or other facilities of the Combined County Authority for personal use unless authorised to do so.

## **9. Conflict with Duties**

- 9.1 Officers must not allow their private interests or beliefs to conflict with their professional duty. Additionally, officers must not misuse their official position or information acquired in the course of their employment to further their private interest or the interests of others. Officers should abide by the rules of the Combined County Authority about the declaration of gifts or hospitality offered to, or received by, them from any person or body seeking to do business with the Combined County Authority or which would benefit from a relationship with the Combined County Authority. Officers should not accept benefits from a third party unless authorised to do so by a manager at the appropriate level in accordance with the Gifts and Hospitality Policy.

## **10. Whistleblowing**

- 10.1 Where an officer becomes aware of activities which they believe to be illegal, improper, unethical or otherwise inconsistent with the Code of Conduct for officers, they should report the matter in line with the Combined County Authority's Confidential Reporting ("Whistleblowing") Policy and associated documents. The Whistleblowing Policy reflects the Public Interest Disclosure Act 1998 which protects officers from dismissal or victimisation if they disclose information about wrongdoing by the Combined County Authority or colleagues.

## **Treatment of Information**

- 11.1 The Combined County Authority encourages all officers to be open in the distribution of information and decision making. However, certain information may be confidential or sensitive and therefore not appropriate to a wider audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should be restricted to:
- a) a Member,
  - b) a relevant Combined County Authority officer,

- c) other persons entitled to receive it, or who need to have access to it for the proper discharge of their functions.

This Code does not override existing statutory or common law obligations to keep certain information confidential, or to divulge certain information.

## **12. Investigations by Monitoring Officer**

- 12.1 The appointment of the Monitoring Officer is a requirement for the Combined County Authority. Where the Monitoring Officer is undertaking an investigation in accordance with the Combined County Authority's procedure for dealing with allegations, officers must comply with any requirement made by the Monitoring Officer in connection with such an investigation.

## **13. Compromising the Impartiality of the Combined County Authority's Officers**

- 13.1 Officers must not compromise, or attempt to compromise, the impartiality of anyone who works for or on behalf of the Combined County Authority, either directly or as a response to pressure from others. An officer should not attempt to force other officers to take action or change advice if doing so would prejudice their professional integrity.

## **14. Improper Use of Position**

- 14.1 Officers must not use, or attempt to use, their position improperly either for their own or anybody else's advantage or disadvantage.

## **15. Considering Advice Provided**

- 15.1 If an officer seeks advice, or advice is offered to them, on aspects of how the Code of Conduct applies, the officer must have regard to this advice.

## **16. Personal and Prejudicial Interests**

- 16.1 The attached guidance in relation to registrable and non registrable interests forms part of this Policy. It explains what these interests are or may be; when and why they must be registered; the internal procedure involved and how the information will be dealt with. Officers must adhere to this guidance.
- 16.2 Registration of any such interest protects the Combined County Authority and its officers by giving early warning of any potential areas of conflict of interest. That the Combined County Authority has this policy provides assurance to the public that the Combined County Authority is acting in the public interest. The Combined County Authority requires officers to register personal interests in areas where there are clear grounds for concern, that such an interest could give rise to accusations of bias in decision making and working practice.
- 16.3 An officer may seek to exempt their personal interests from the register if they consider, for instance, that having this information on record might put themselves or others at risk. In such cases, the officer should discuss the matter with the Monitoring Officer.

16.4 In certain circumstances an officer's personal or prejudicial interest may be found to be inappropriate or incompatible with their duties or their role within the Combined County Authority. Appropriate steps might be required to be taken. Ultimately, if an officer does not agree to take the appropriate steps required by the Combined County Authority, this might result in disciplinary action being taken and could amount to gross misconduct leading to dismissal.

## **17. Registers of Interests – Legislative Implications**

17.1 The Combined County Authority's registers of officers' personal and prejudicial interests are not matters of public record. The information contained in them will be kept in accordance with the Data Protection Act 1998. However it is possible that the Combined County Authority could be compelled to divulge certain information from the registers under the provisions of the Freedom of Information Act 2000. Officers must advise when their circumstances change to update or remove records from the register. The register will be reviewed annually by the Monitoring Officer to ensure it is up to date and in compliance with the Information Commissioner's requirements.

## **18. Gifts and Hospitality**

18.1 Officers must comply with the Combined County Authority's Gifts and Hospitality Policy. Please refer to the guidance available on the Intranet.

## **19. Equality Impact Assessment**

19.1 In the creation of this policy, consideration has been given to any possible adverse equality impact for the following groups: disability; gender; gender reassignment; marital status (including civil partnerships); sexual orientation; race; religion or beliefs; age; pregnancy and maternity. The policy is considered to have little or no adverse equality impact.

## **20. Formal Action**

20.1 Employees should note that any breaches of this policy may be considered either misconduct or gross misconduct and may lead to action within the Combined County Authority's employment policies.

## **21. Changes to Policy**

21.1 The Combined County Authority reserves the right to amend the details of this policy as required following consultation with recognised trade unions and other relevant parties. This policy will be monitored and reviewed on an annual basis, to ensure that it meets the needs of the Combined County Authority and ensure compliance with relevant legislation. A written request can be made to review this policy at any time, by any of the signatories, giving appropriate reasons for requesting the review.

## Schedule 1 – Notification of Interests

Notification by an Officer of the Greater Lincolnshire Combined County Authority of Financial or Other Interests or an intention to acquire such Interests.

Name of Officer:	
Job title:	
Reports to:	

I [intend to]\* have the following financial interests:- (delete as appropriate)\* Please complete the following boxes or put “none” or “n/a” as appropriate.

(a) Business or other employment outside the Combined County Authority working hours:

(b) (Name(s) of my employer(s)) (Name(s) of firm(s) in which I am a partner) (Names(s) of Company/ies of which I am a paid director) (delete whichever do not apply):

(c) Name(s) of any company or business having a place of business or land in Greater Lincolnshire and in which I own or have an interest in a class of shares of that body/those bodies that exceeds the nominal value of £25,000, or one hundredth of the total issued share capital of that body/those bodies:

(d) Names of any company or business which carries on business with the Combined County Authority, or which may carry on such business or may or is tendering for contracts from the Combined County Authority in which I own or have an interest in any shares at all: Description of any contract for goods, services or works made between the Combined County Authority and myself or a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (c) above:

(e) Address or other description of any land or buildings other than my own main residence which is in the close vicinity of land or buildings owned by the Combined County Authority or another authority or sites where the Combined County Authority or that other authority is or may be involved in development relevant to the Combined County Authority, such as bus stations, new transport interchanges:

(f) Address or other description of any land or buildings where the landlord is the Combined County Authority and I am the tenant, or the tenant is a firm in which I am a partner, a company of which I am a paid director, or a body of the description specified in (d) above:

(g) Address or other description of any land the Combined County Authority’s area in which I have a licence (along or jointly with others) to occupy for 28 days or longer:

I [intend to] have the following other interests:

(i) I am a member or hold a position of general control or management of the following body/ies to which I have been appointed or nominated by the Combined County Authority as its representative:

(j) I am a member or hold a position of general control or management of the following public authority/ies or body/ies exercising functions of a public nature:

(k) I am a member or hold a position of general control or management of the following company/ies, industrial and provident society/ies, charity/ies or body/ies directed to charitable purposes:

(l) I am a member or hold a position of general control or management of the following body/ies whose principal purposes include the influence of public opinion or policy:

Request for Exemption from Registration if the officer feels there are good reasons for this information not to be kept on record, such as their personal safety or that of others, they should set out the details below:

**I request that the details of my financial or other interest be exempt from registration for the following reasons:**

Date: .....  
Signed .....

## 5.6 Combined County Authority Complaints Procedure

### Purpose

The Greater Lincolnshire Combined County Authority (GLCCA) is committed to providing high quality services. People may wish to tell us when they are satisfied with the services they have received from us, make suggestions on how we could improve or tell us when things have gone wrong. We believe dealing effectively with all such feedback is essential to providing good services.

This policy sets out how complaints will be dealt with ensuring concerns raised are considered and any resulting adjustments made, where required.

Document Owner	Monitoring Officer
Document Version	V1.0
Approved By	GLCCA 6 March 2025

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### Complaints Policy

The Greater Lincolnshire Combined County Authority (GLCCA) is committed to providing high quality services. People may wish to tell us when they are satisfied with the services they have received from us, make suggestions on how we could improve or tell us when things have gone wrong. We believe dealing effectively with all such feedback is essential to providing good services.

This policy sets out how complaints will be dealt with ensuring concerns raised are considered and any resulting adjustments made, where required.

### Principles

All complaints are taken seriously, dealt with appropriately and where necessary acted upon.

We will:

- put the customer at the heart of the process, showing understanding and responding appropriately to the circumstances
- resolve complaints as early as possible
- keep the customer informed about the complaints progress

- apologise if we have made a mistake, or when something has gone wrong, we will put it right as soon as possible
- make sure our response addresses all elements of the complaint and provide explanations for any decisions made or actions taken
- use complaints information in a positive way to review and improve the way we provide services and prevent similar occurrences in the future

We encourage our staff to resolve customer's issues without the need to use the formal complaints process as in many cases we can resolve concerns quickly by putting the problem right straight away.

## What this policy covers

### Complaints covered under this policy

A complaint could be in relation to any of the following examples:

- There has been a significant delay in providing a function
- We have made a mistake in the way we provided a function
- We have failed to deliver a function; this could relate to the quality, standard or service level
- We have not listened properly
- Our processes or policies have not been followed
- Our legal or regulatory requirements have not been met
- We have not delivered against a commitment or promise
- Our staff have not been helpful or have not conducted themselves correctly

Every complaint will be considered on its individual merits and after initial conversations a decision will be made on whether the complaints policy should be implemented.

### Complaints not covered by this policy

- **Requests for service;** the GLCCA has not replaced existing local authorities; there are a number of individual councils in the Greater Lincolnshire area who deliver the vast majority of services for your community. If you have a complaint that does not directly relate to an activity carried out by the GLCCA, you should submit your complaint to the appropriate Council.
- **Requests for Information (Subject Access Request and Freedom of Information Requests);** these requests should be referred to our Business Support team at [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk). Dissatisfaction with the response to these requests should be directed to the Information Commissioners Office.
- **Immediate Safeguarding Concerns;** If you believe that an individual is in any immediate danger or risk of harm, this should be reported to the police for immediate action.
- **Where legal processes are involved;** where a legal challenge is being made regarding whether a decision or action is lawful.

- **Where there is a more appropriate individual or organisation to deal with your complaint;** - such as a tribunal, Ombudsman or another local organisation or council.
- **Complaints made more than one year after the customer became aware of the issue;** (unless in exceptional circumstances) - this is because such complaints can be difficult to investigate fully or fairly.
- **Complaints about members of the Combined Authority;** elected councillors have a separate complaints process and the Monitoring Officer can advise you about this.
  - **Staff personnel issues;** including disciplinary, grievance, pay, recruitment and selection processes - these should be progressed with guidance from specific HR policies and procedures.
  - **Complaints regarding the qualification of our staff;** All staff are employed based on their suitability and relevant qualifications for the role, therefore any complaint which questions whether a particular staff member is qualified to fulfil their role will not be accepted under this policy. Please note that this does not apply to complaints where you believe that staff have not acted appropriately.
  - **Complaints about data protection;** Complaints about how the Authority has processed personal data or about information sharing, disclosure, retention, or information security should initially be raised with the Business Support team at [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk).
  - **Whistleblowing policy;** there is a separate policy relating to whistleblowing.
  - **Complaints that have already exhausted our process;** If the same complaint has received a final written decision or the complaint has already been referred to the Local Government and Social Care Ombudsman (LGSCO) or the Information Commissioner (ICO).

## 1. How should customers make a complaint?

Before making a formal complaint, we encourage customers to contact our Business Support team first [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk) to discuss their concerns in detail, providing an opportunity to gain clarity of the situation and, where necessary, put things right.

Should we not be able to address the concerns or rectify the situation, the customer may then choose to follow the appropriate complaints procedure, as detailed below.

An appointed Officer will act as a point of liaison between the customer and the authority, finding required information and providing details of what has happened. Where the authority is at fault we will apologise and tell the customer what we will do to rectify the situation.

The Business Support team can be contacted by:

- Completing our online [Form](#)
- Emailing [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk)
- Writing to Customer relations team, County Offices, Newland, Lincoln, LN1 1YL

Customer should provide as much detail as possible including:

- What has happened or gone wrong from their perspective
- When it happened (or should have happened)
- Why and how we could have done things differently
- What they think we should do to put things right
- Their preferred method of contact and their contact details

## 2. How we deal with complaints

Customers are encouraged in the first instance to raise any problems with the individual staff member concerned or with their line manager.

If the relevant staff member or their line manager are unable to resolve the issues the customer should contact

our Business Support team at [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk) who deal with all GLCCA complaints. Before any complaint is progressed to the formal stage, the customer will be contacted to determine how we may put this right for them.

For all stage 1 complaints a Business Support Officer will be appointed as a point of contact (POC) for the customer.

The **Business Support Officer** will:

- where an investigation has been completed contact the customer to advise of the outcome
- be responsible for keeping the complainant up to date including if there are any delays in responding.

All stage 2 complaints will be overseen by our Complaints Manager who will be the customers appointed point of contact (POC).

The **Complaints Manager** will:

- Review the customer's request for escalation of their complaint
- Attempt resolution of the issue with the complainant before agreement to progressing to the next formal stage
- Where resolution has not been possible, conduct a case review of the original complaint and the response provided to determine if any areas have not been satisfactorily addressed or require a further investigation
- Determine if any new issues have been included within the complaint as these cannot be progressed to the next stage without having received due consideration at the stage 1. These may be returned to the first stage of the process
- Should the case review find that a further investigation is required, based on the information provided by the customer, this will be allocated to a relevant Senior Manager within the Authority. This allocation is confirmation that a stage 2 investigation should proceed

- Where an investigation has been completed contact the customer to advise of the outcome
- Be responsible for keeping the complainant up to date including if there are any delays in responding
- Final decisions made during this process will be in conjunction with relevant professionals in the authority

#### **a. Our Complaints Process**

**Stage 1 (Local Resolution)** - A point of contact (POC) within the Business Support team will be provided for the customer who will ensure a response is provided within 10 working days.

**Stage 2 (Management Escalation)** - If the customer is not satisfied with the stage 1 response, they can ask for the complaint to be referred to the Complaints Manager to consider whether further investigation is required. Once this request is accepted and the points for further investigation confirmed a response will be provided within 10 working days.

The complainant must:

The inclusion of this section within the policy is to ensure those customers who we deem to be 'persistent or vexatious complainants' are dealt with appropriately, whilst ensuring that other customers or Authority staff are not adversely affected.

A complaint could be considered unreasonable or vexatious where the complainant meets one or more of the following:

- persists in pursuing a complaint where the Complaints Policy has been fully and properly implemented and exhausted
- submits repeated and unacceptably high numbers or abusive communications in connection with the same complaint or with minor additions or variations
- has, while addressing a registered complaint, made excessive demands on the time and resources of staff.
- refuses to accept a decision made on a complaint, repeatedly arguing points with no new evidence
- refuses to co-operate with the complaints process resulting in lengthy delays
- changes the basis of the complaint as the investigation proceeds and/or making unjustified complaints about staff who are trying to deal with the complaint
- has harassed or been personally abusive or verbally aggressive on repeated occasions despite documented evidence of this being described to the complainant as unacceptable
- publishes derogatory information or statements about the Authority or the services it provides, including those through partner organisations

- is known to have recorded meetings or face to face/telephone conversations without the prior knowledge and consent of other parties involved
- It is not possible to devise a single strategy to deal with 'persistent or vexatious complainants', as each case must be looked at on its own merits. If the Authority considers that a complainant meets the above criteria the following procedure will be implemented:
- We will inform the customer, in writing or at a face-to-face meeting, why we feel their behaviours or actions are unacceptable
- We will give them the opportunity to change their behaviours within a reasonable timescale before taking any further action
- Should the behaviours persist evidence of these will be gathered by the Complaints Manager and presented to the relevant Director or Senior Manager. The Complaints Manager and relevant managers will review the gathered evidence and decide on any potential restrictions that will be applied to the customer

Where the above is undertaken the Authority can apply restrictions in the ways the customer can access Authority Council services which may include one or more of the following:

- their use of the Authority's complaints system will be limited to a single point of contact
- contact shall be restricted to written communications only
- the Authority will not respond to any further contact
- their license to enter any Authority premises will be restricted or removed
- legal action may be taken including injunctions or court orders

There is no right of appeal to Greater Lincolnshire Combined County Authority regarding the implementation of this section of the policy. We would however direct the customer to the Local Government and Social Care Ombudsman (LGSCO) should they not agree with the application of any such restrictions.

Information concerning the restrictions will be shared with relevant staff. This information will also be registered on the customer's record whilst restrictions are in place.

### **3. Fluency duty**

Part 7 of the Immigration Act 2016 requires that employees working in public facing roles in the public sector speak a level of English (or Welsh in Wales) which is sufficient to enable them to effectively carry out their role. A complaint made to Greater Lincolnshire Combined County Authority under the Fluency Duty is one where a member of the public feels a public-facing employee has insufficient proficiency in spoken English for the performance of their role.

A complaint about a public sector employee's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint under the Fluency Duty.

## 4. Access to information

Data Protection Legislation regulates the processing of information relating to individuals (data subjects) and provides them with several rights regarding the information held about them.

Enquirers can provide feedback about the way in which their information is processed by the Authority using the methods detailed in section 4 above.

Should the enquirer remain dissatisfied with the response provided by the Authority, they can raise this with the Information Commissioner's Office.

The Freedom of Information (FOI) Act 2000 regulates the disclosure of non-personal information. If dissatisfied with a FOI response, an enquirer should firstly approach the Business Support team at [CustomerRelationsTeam@lincolnshire.gov.uk](mailto:CustomerRelationsTeam@lincolnshire.gov.uk) to request an internal review. After this, if they remain dissatisfied, they can approach the Information Commissioner's Office to appeal against a decision or complain about an unsatisfactory response.

The Complaints Policy is not a mechanism for individuals to exercise their data protection rights or to submit freedom of information requests. Individuals wishing to exercise their data protection rights (such as the right of access or the right to erasure) or make a freedom of information request should contact the Business Support team.

## 5. Reporting on complaints

The Authority has a Complaints Manager whose role is to manage (collating, monitoring and reporting) complaints across the Authority and ensure that we learn from them when we have done something wrong. The Complaints Manager oversees the Complaints Policy and associated procedures and ensures the consistency of its application across the Authority.

## Part 6: Member Allowances Scheme

### Greater Lincolnshire Combined County Authority Members' Allowance Scheme

#### SCHEDULE A – ALLOWANCES AND REMUNERATION

<b>Mayoral and GLCCA Members Remuneration</b>	<b>Allowance (per annum)</b>
Mayor	£86,060
Deputy Mayor	Subject to application of requirements of schedule 1/paragraph 9 of the statutory instrument – No more than 20% of the mayor's allowance.
<b>Overview and Scrutiny Committee</b>	
Chair	£8,500
Member (voting)	£1,000
Member (non-voting)	£1,000
Co-opted Member (non-voting)	£1,000
<b>Audit Committee (Governance)</b>	
Chair	£8,500
Member	£1,000
Independent Member/Person	£1,000
Independent Person(s) – Standards in public office/appointment and employment matters.	£500 retainer £100 per case referred £100 for each formal meeting attended relevant to the case/matter referred.



## **SCHEDULE B – EXPENSES – TRAVEL AND SUBSISTENCE ALLOWANCES**

### **1. Bus and Rail Travel**

1.1 Members are expected to travel by bus or by standard class rail, or by bicycle. First class travel is considered acceptable only in the following circumstances and by prior agreement of the Monitoring Officer –

- (a) Additional space and privacy are required during the journey in order to work or to enable confidential conferences to be held on the train.
- (b) Where the cost of discounted first-class travel is less than that of the cheapest available standard class ticket.
- (c) To avoid disadvantaging members when travelling with other organisations, or
- (d) Any other special circumstances, which in the view of the Monitoring Officer, would justify first class travel

Rail travel should be booked in advanced through the Combined Authority to take advantage of discounted tickets and special offers.

Claims for car expenses should only be paid where there is no suitable alternative public transport available or there are special circumstances.

### **2. Car Mileage Rates – (HMRC published mileage rates)**

<b>Approved Mileage Rates</b>		
	<b>First 10,000 business miles in the tax year</b>	<b>Each business mile over 10,000 in the tax year</b>
Cars and vans	45p	25p
Motorcycles	24p	24p
Bicycles	20p	20p

### **3. Passenger Rates**

Where a member carries a passenger for a work journey, they can claim the HMRC approved passenger mileage rate of 5p per passenger mile, in addition to the applicable mileage rates for motor cars.

#### 4. Taxi Travel

In rare circumstances (for example, cases of urgency or where no alternative modes of public transport in reasonably available), it may be necessary to travel by taxi. In such circumstances, the amount of the fare paid is reimbursable on production of a valid receipt. (Where reasonably practicable, agreement should be sought in advance from the Monitoring Officer.

#### 5. General Travel Expenses

To reduce costs to the Combined Authority, a member should not travel independently where it would be possible to travel with another member or officer.

A member may claim specific reimbursement for expenditure incurred on tolls, ferries or parking fees as these are deemed to be additional to the basic car allowance rates.

#### Subsistence Expenses

6. Day subsistence rates are based on 'meals' taken with eligibility based on the time of the day the meal is taken and time away from home as set out below.

In each instance only the actual cost incurred may be claimed with the following being the maximum rates claimable:<sup>8</sup>

Day Subsistence Rates		
Breakfast allowance	£8.28	More than 4 hours away from normal place of residence before 11am.
Lunch allowance	£11.28	More than 4 hours away from normal place of residence including the period of 12 noon and 2pm.
Tea allowance	£4.54	More than 4 hours away from normal place of residence including the period between 3pm to 6pm.

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<sup>8</sup> These figures are reviewed annually in line with the rates applicable to, and published by, the Passenger Transport Forum for Non-Manual Employees of Passenger Transport Executives.

Evening meal allowance	£14.09	More than 4 hours away from the normal place of residence after 7pm.
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**Note:** the current total daily maximum subsistence claimable (£38.19) should not be disaggregated and applied to specific meals but a 24-hour maximum claimable to be spent upon subsistence as required.

## 7. Overnight Stays

All overnight accommodation should be booked and paid for directly through the Combined Authority taking advantage of any corporate rates and offers to seek out the most reasonably priced accommodation available, thus avoiding any claims for reimbursement. Where, exceptionally, this is not possible, actual costs will only be reimbursed where they are supported by receipts.

## 8. Overseas Travel

Members are entitled to claim reasonable expenses in relation to their journey and stay, reimbursable upon production of receipts. It is expected that the necessary travel and accommodation arrangements would be booked in advance through the Combined Authority in advance through the Combined Authority in advance through the Combined Authority in advance to take advantage of special rates and offers.

**Note:** In the case of travel abroad there are sometimes difficulties in obtaining receipts. However, for the reasons given above, reimbursement should only be available where receipts are provided.

## 9. Meals Provided Free of Charge

Members are required to deduct an appropriate amount from the subsistence expenses specified in the table above in respect of any meals provided free of charge by an authority or body in respect of the meal or the period to which the expense relates. Expenses cannot be claimed where a free meal has been provided.

## 10. Meals Taken on Trains

Where main meals are taken on trains during the period for which there is an entitlement to day subsistence expenses, the reasonable cost of meals (including VAT) shall be reimbursable in full. This will then replace the specific meal allowances set out above.

## Childcare and Dependent Carers' Allowance

11. Where a member needs to engage a carer to enable them to carry out an Approved Duty, an allowance is payable in respect of the expenses of arranging for the care of:
- a) Members' children under the age of 14, or
  - b) Any dependents where there is medical or social work evidence that care is required.

The Approved Duties for which the dependent carers' allowance may be claimed are set out in Schedule C.

12. The allowance is subject to the following conditions:
- (a) The allowance is payable for the care of any dependent person within the claimant's household.
  - (b) The allowance is only payable when the care is provided by someone who is not a household or family member.
  - (c) The amount payable will be for the actual cost of care.
  - (d) Payment will be made to the member, not the carer.
  - (e) The claimant will be required to sign a declaration that they have complied with these conditions.
13. The maximum rates of such allowances are set out below and are subject to the Member observing the above conditions.

### **Childcare Element**

14. For children under the age of 14:
- (a) The real UK Living Wage, as determined by the Living Wage Foundation.
  - (b) Care must be provided by a registered child-minder.

### **Other Dependents Elements**

15. Maximum rate payable = the hourly rate charged by the member's local Adult Social Care services for domiciliary home care.
16. For both types of care, there is a monthly cap of £100, regardless of type or number of dependents and receipts should be provided.

## **SCHEDULE C – ENTITLEMENT AND APPROVED DUTIES**

### **Part A – Entitlement**

#### **1. Schedule A**

**Schedule A sets out remuneration allowances** for the Mayor and members identified, and that the above allowances should be indexed linked annually from the Annual Meeting of the GLCCA (or reflecting the date of appointment/election of the Mayor, Deputy Mayor and committee members/independent persons) to the percentage of the Consumer Price Index (CPI) or the National Joint Committee for Local Government Employees (NJC) whichever is preferred/determined by the combined authority.

#### **2. Schedule B**

##### **2.1 Schedule B sets out expenses – travel and subsistence allowances for:**

- (a) The Mayor (and Deputy Mayor)
- (b) Combined County Authority Members
- (c) Combined County Authority Committee Members (including independent members/persons, non-constituent members, associate members of any established boards and co-opted members)

#### **3. Travel expenses**

3.1 Subject to any exceptions or requirements set out in this Scheme, a member, as defined in paragraph 2 above, engaged in any of the Approved Duties set out in part B of this schedule as applicable, may reclaim any travel costs they incur, in accordance with Schedule B.

#### **4. Subsistence Expenses**

4.1 Subject to any exceptions or requirements set out in this Scheme, a member, as defined in paragraph 2 above, engaged in any of the Approved Duties set out in Part B of this schedule as applicable, may reclaim any subsistence costs they incur, in accordance with Schedule B.

#### **5. Childcare and Dependent Care Allowance**

5.1 Subject to any exceptions set out in this scheme, a member, as defined in paragraph 2 above, may re-claim any costs they incur provided the costs are incurred while engaged on Approved Duties set out in Part B of this schedule as applicable, in accordance with Schedule B.

## **6. Implementation and Backdating of Recommendations**

6.1 The allowances are implemented from the date of the Annual Meeting and paragraph 7(Part Year Entitlements) applies.

## **7. Part Year Entitlements**

7.1 The provisions of this paragraph shall have effect to regulate the entitlements of a member to allowances where, in the course of a year, this scheme is amended or that member becomes, or ceases to be, a member, or accepts or relinquishes of a role for which an allowance is payable.

7.2 If an amendment to this scheme changes the amount to which a member is entitled, then in relation to each of the periods:

- (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
- (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year

7.3 Where the term of office of a member begins or ends other than at the beginning or end of a year, the entitlement of that member to any allowance shall be from the day they commence their term of office in that year or up to and including the day their term of office in that year ceases.

## **8. Renunciation of Entitlement to Remuneration or Expenses**

8.1 Any member may by notice in writing given to the Monitoring Officer elect to forego all or any part of their entitlement to any expenses under this scheme.

## **9. Claims and Payments**

9.1 A claim for travelling and subsistence expenses under this scheme shall be made in writing within three months of the day of the duty in respect of which the entitlement to the allowance arises.

9.2 A claim for all expenses under this scheme or any expense under any other provisions shall be signed by the claimant (through the requirements of any appropriate software used) that:

- (a) the claimant has incurred the expenditure shown on the claim,
- (b) the claimant has not made and will not make any other claim either under this scheme or to any other body or organisations in respect of the matter to which their claim relates.

9.3 No expenses will be paid under this scheme without:

- (a) a dated receipt<sup>9</sup> (except in relation to car mileage claims), and
- (b) in the case of travel expenses, the amount being in line with the requirements and restrictions set out in Schedule B, and
- (c) in the case of subsistence expenses, the amount being in line with the requirements and restrictions set out in Schedule B, and
- (d) in the case of car mileage expenses that:
  - i. no suitable alternative public transport was available (claimant to provide explanation) or there were special circumstances (to be specified by claimant), and
  - ii. it was not reasonable for the claimant to have travelled with another member or officer (claimant to provide explanation), and,
  - iii. in the case of travel expenses for taxi costs incurred, that it was not reasonable to use public transport (claimant to provide explanation) unless the Monitoring Officer has agreed this in advance where reasonably practicable.

## **10. Duplication of Allowances and Expenses Claims**

10.1 No Member may receive an allowance or expenses from more than one authority in respect of the same duties.

## **11. Publishing Remuneration and Expenses Paid**

11.1 This GLCCA Scheme will be published on the Combined Authority's website.

11.2 A summary of remuneration and expenses paid under this scheme each year<sup>10</sup>

## **Part B – Approved Duties**

12. The following are specified as an approved duty for purpose of the payment of travelling and subsistence expenses in Schedule B of the scheme –
- (a) A meeting of the Combined Authority, any committee or sub-committee of the Combined Authority or any other body to which the Combined Authority makes appointments or nominations, or of any committee or sub-committee of such body.

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<sup>9</sup> For avoidance of doubt, please note that this requirement applies in relation to costs incurred both in the UK and overseas.

<sup>10</sup> A year for this purpose is the financial year running from 1 April to 31 March

- (b) Any other meeting the holding of which is authorized by the Combined Authority, provided that it is a meeting to which members of at least two political groups have been invited.
- (c) Meetings of non-commercial, non-political and non-party political nature, (including for example with Ministers, Members of Parliament, representatives of Government Departments and representatives of key local and major companies who have an involvement in any matter relevant to functions of the Combined Authority) attended by:
  - (i) a Combined Authority member, or
  - (ii) any member who is the chair (or vice-chair) of a relevant committee, or,
  - (iii) any member who is a nominee of (a) or (b) above

In their capacity as a representative of the Combined Authority, for the purpose of discussing matters which relate to the functions of the Combined Authority or of a constituent or non-constituent council of the Combined Authority, or any other council in which the Combined Authority has an interest in the particular function involved.

- (iv) Conferences, seminars and study courses, only where the Monitoring Officer is satisfied that they represent value for money and are being held for the purpose of discussing non-political matters which relate to the functions of the Combined Authority or any functions of the local authorities in which the Combined Authority has an interest.
- (v) At representative functions, official functions, responding to invitations to meet and/or address voluntary and other organisations, site visits and meetings with officers are subject to the prior agreement of the Monitoring Officer.

## Part 7: Officer Structure

### Interim Structure of the GLCCA

March 2025



