

CONSTITUTION AND ETHICS COMMITTEE



Date: Tuesday, 30 January 2018

Democratic and Members' Services

Quentin Baker

LGSS Director: Law and Governance

14:00hr

Shire Hall

Castle Hill

Cambridge

CB3 0AP

Council Chamber

Shire Hall, Castle Hill, Cambridge, CB3 0AP

AGENDA

Open to Public and Press

- | | | |
|----------|--|----------------|
| 1 | Apologies for absence and declarations of interest | |
| | <i>Guidance on declaring interests is available at</i> | |
| | http://tinyurl.com/ccc-conduct-code | |
| 2 | Minutes – 26th September 2017 | 3 - 10 |
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| 4 | County Council – Proposed Changes to the Constitution | 61 - 76 |
| 5 | Summary of Activity in Relation to the Regulation of Investigatory Powers Act 2000 | 77 - 78 |
| 6 | A review of the complaints received under the Members' Code of Conduct to 15 January 2018 | 79 - 82 |

The Constitution and Ethics Committee comprises the following members:

Councillor Mac McGuire (Chairman) Councillor Kevin Reynolds (Vice-Chairman)

Councillor David Connor Councillor Lorna Dupre Councillor Roger Hickford Councillor Lucy Nethsingha Councillor Jocelyne Scutt and Councillor Peter Topping

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact

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The County Council is committed to open government and members of the public are welcome to attend Committee meetings. It supports the principle of transparency and encourages filming, recording and taking photographs at meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is happening, as it happens. These arrangements operate in accordance with a protocol agreed by the Chairman of the Council and political Group Leaders which can be accessed via the following link or made available on request: <http://tinyurl.com/cccfilm-record>.

Public speaking on the agenda items above is encouraged. Speakers must register their intention to speak by contacting the Democratic Services Officer no later than 12.00 noon three working days before the meeting. Full details of arrangements for public speaking are set out in Part 4, Part 4.4 of the Council's Constitution <https://tinyurl.com/CCCprocedure>.

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CONSTITUTION AND ETHICS COMMITTEE: MINUTES

Date: Tuesday 26th September 2017

Time: 2.00pm – 3.20pm

Place: Kreis Viersen Room, Shire Hall, Cambridge

Present: Councillors M McGuire (Chairman), C Boden (substituting for Cllr Reynolds), A Bradnam, D Connor, L Dupré, L Harford (substituting for Cllr Hickford),

Apologies: Councillors R Hickford, K Reynolds, J Scutt and P Topping

11. DECLARATIONS OF INTEREST

None

12. MINUTES – 20th JUNE 2017

The minutes of the meeting held on 20th June 2017 were confirmed as a correct record and signed by the Chairman.

Following on from the Committee's decision in relation to the terms of reference of the Audit and Accounts Committee (minute 5 refers) to "invite the Audit and Accounts Committee to consider the efficacy of the term 'but not direct' in point 1.2 and its relationship to 1.12, which said 'suggest', and to consider whether this wording was appropriate", the Chairman reported that the Audit and Accounts Committee had considered the matter at its meeting on 25th July 2017, and had been advised that, in accordance with the Public Sector Internal Audit Standards, the wording adopted reflected the roles of Chief Internal Auditor and Audit and Accounts Committee; it was for the Auditor, not the Committee, to determine the Internal Audit Plan.

13. PRINCIPLES AND PROTOCOLS FOR PROACTIVE COMMUNICATIONS WITH MEDIA AND SOCIAL MEDIA OUTLETS

The Committee received a report setting out an updated and revised media protocol and asking the Committee to recommend to full Council that this document be incorporated in the Council's Constitution. Members noted that the current edition of the media protocol dated from 2014, but there was no record of this document receiving formal approval. The revised document incorporated comments from leaders of the Council's political groups, particularly in relation to ensuring that the members affected were given adequate advance notice of media approaches.

In reply to questions raised in the course of discussion, members noted that

- the County Council had a LinkedIn account, but this was largely run by Human Resources, because it was used as a channel for recruitment
- it was open to any school in the County to buy in the services of the Communications Team on a subscription basis, or by the hour.

It was resolved unanimously

to recommend to Council the approach and principles contained within the updated and revised media protocol for Cambridgeshire County Council for inclusion in the Council's Constitution.

14. REVISION OF THE WHISTLEBLOWING POLICY

The Committee considered a report presenting a revised Whistleblowing Policy for approval. Members noted that the policy had already been endorsed by the Audit and Accounts Committee at its meeting on 30th May 2017; the revision aimed to set out more clearly, at the start, key information on how issues should be raised and whom to contact about them. The revision also contained updated officer contact details, including for the Chief Executive, and dealt more fully with the question of harassment following whistleblowing, as well as setting out arrangements for monitoring implementation of the policy.

Members were advised that the draft policy did not include two modifications recently suggested by the Monitoring Officer. He had pointed out that the document did not contain any mention of the statutory obligation on the Monitoring Officer to take action to avoid the Council acting unlawfully (including both civil and criminal illegality). He had therefore suggested that the policy should include a requirement to inform the Monitoring Officer of any whistleblower report received. He also suggested that in Section 7, Roles and Responsibilities, the Monitoring Officer should be shown as leading on any issues where there was alleged unlawfulness or criminality. The Committee was invited to consider whether the draft policy should be amended to incorporate the Monitoring Officer's suggestions.

In discussion, members sought, and received, assurance that there would be no conflict with existing Human Resources policies if the Monitoring Officer were to lead on unlawfulness. They also asked whether the Monitoring Officer would be involved in any complaint against a member of staff that included allegations of criminality, and were advised that he would. The Monitoring Officer explained that he was under a statutory obligation to report criminality, and these modifications to the Whistleblowing Policy would be in line with the norm in other local authorities.

It was resolved unanimously:

to approve the revised Whistleblowing Policy, amended to incorporate the modifications suggested by the Monitoring Officer, namely a requirement that the Monitoring Officer be notified of any whistleblower report received, and that he be included as having the role of leading on any issues where there was alleged unlawfulness or criminality.

15. PROPOSAL FOR THE CORPORATE PARENTING BOARD TO BECOME A SUB-COMMITTEE OF THE CHILDREN AND YOUNG PEOPLE COMMITTEE

The Committee received a report setting out a proposal that the Corporate Parenting Board (CPB) become a sub-committee of the Children and Young People Committee, and presenting suggested terms of reference for the sub-committee. Members noted that the proposal was intended to strengthen the status and accountability of Corporate Parenting in the Council.

In the course of discussion, members

- expressed concern at the apparent loss of expertise arising from the replacement of a large board with a small sub-committee, and were reassured that the officers currently on the CPB would continue to be available to the sub-committee in an advisory capacity
- were advised that the making of decisions in relation to individual children would remain the responsibility of the courts
- noted that it was proposed that the sub-committee would have authority to exercise all the Council's functions relating to the delivery of the County Council's Corporate Parenting functions; any matters outside this remit would remain the responsibility of the Children and Young People Committee
- suggested that the second section of the table of delegated authority in the draft terms of reference, 'Authority for the functions and powers conferred on or exercisable by the County Council as Local Authority in relation to Corporate Parenting' be amended to make it clear that this related to operational decisions, and not to matters of broader policy, which would continue to be determined by the Children and Young People Committee
- asked that the timescale of 'recent' experience of being looked after or receiving services as a care leaver be defined as within the last five years.

It was proposed by the Chairman that the recommendation be amended by the addition of a clause authorising the Head of Countywide and Looked After Children's Services, in consultation with the Chairman of the Committee, to revise the draft terms of reference to incorporate the changes identified above, namely the limitation on the sub-committee's remit, and the definition of 'recent' experience. This proposal found general acceptance.

It was resolved unanimously

- a) to recommend to Council the proposal that the Corporate Parenting Board become a sub-committee of the Children and Young People Committee, and suggested Terms of Reference, in order to strengthen the status and accountability of Corporate Parenting in the Council
- b) to authorise the Head of Countywide and Looked After Children's Services, in consultation with the Chairman of the Constitution and Ethics Committee, to revise the draft terms of reference to incorporate the points identified by the Committee, that the sub-committee's delegated authority related to operational decisions only, and that 'recent' experience of being looked after or receiving services as a care leaver be defined as within the last five years.

16. COUNTY COUNCIL – PROPOSED CHANGES TO THE CONSTITUTION

The Committee received a report inviting it to consider proposed amendments to the Council's Constitution and, if appropriate, to recommend them to Full Council. The Committee's resolution on each proposed amendment is set out at the end of this minute.

Combined Authority Board & Overview and Scrutiny Committee

The Committee considered proposals to reduce the time for, and scope of, oral questions on Combined Authority matters, and to receive only one report on the Authority's decisions. It also considered whether members should be required to give advance notice of questions to be asked at Full Council on Combined Authority decisions.

In discussion, members

- commented that the same decision could be the subject of questions both to the Board member and to the Overview and Scrutiny Committee member; it would be for the Chairman/woman to ensure that the questions adopted different approaches to the issue
- queried the total time allocation, and were advised that the intention was two minutes for the question, two minutes for the answer to it, one minute for the supplementary question and two minutes for the answer to the supplementary
- suggested that the time allocation of 40 minutes was insufficient, given that each question with supplementary and responses could take up to seven minutes
- expressed concern that giving members the opportunity only to ask questions on the Combined Authority's decisions rather than simply comment on concerns or issues could have the effect of cutting off whole areas of questioning, for example on why a decision was not made, or what the Authority's view of an issue might be
- pointed out both that the written questions procedure could be used elsewhere in the meeting to ask the Leader about a Combined Authority matter, such as what the Authority might do in specific circumstances, and that a week's notice was required for such a question
- endorsed the proposal that advance notice of questions requiring a detailed response be given, but pointed out that there could be a meeting of the Combined Authority during the notice period.

It was proposed by the Chairman that paragraphs 4 and 5 of Appendix 2 be amended to read (deletions struck through double, additional text underlined)

If Members wish to raise questions or issues requiring a detailed response, ~~it will usually be helpful if they must give~~ five working days' advance notice so that the necessary information can be obtained in advance of the meeting, unless a meeting of the Combined Authority is due to take place during the notice period, in which case the Chairman/woman will decide whether to accept the question.

Members will have two minutes in which to ask a question and one minute for a supplementary with up to a maximum of two minutes for a direct oral answer to ~~both~~ each.

The proposed amendment met with general support.

Article 4 – The Full Council

The Committee considered a proposal that Full Council should take the recommendation of the relevant Policy and Service Committee rather than of the General Purposes Committee when deciding on the plans whose adoption or approval was statutorily reserved to Full Council. This would remove the need for General Purposes Committee to consider plans which had already been considered by another committee. This proposal was accepted for recommendation to Full Council without discussion or amendment.

Protocol on Member/Officer Relations

The Committee considered a proposal to remove the prohibition on officers attending meetings of elected members to which only members from one party had been invited if the meeting was not being held on County Council premises, noting the proviso that the Chief Executive or Deputy Chief Executive or Monitoring Officer be in attendance at such a meeting.

In discussion, members explored various circumstances and permutations of invitees to which this might apply, and expressed concern at the potential burden on senior officers, and the potential for limiting the scope for convening such meetings if they could only be held in the presence of one of the three officers.

It was proposed by the Chairman and generally agreed that the first sentence of paragraph 6.3 be amended as follows to provide for the Chief Executive, Deputy Chief Executive and Monitoring Officer to nominate another officer to attend in their place (additional wording underlined):

The Chief Executive or Deputy Chief Executive or Monitoring Officer or their nominee will be in attendance.

It was also proposed and agreed that the amended sentence would be better placed as a second bullet point to the previous paragraph, paragraph 6.2.

Decision Review Procedure Rules

The Committee considered a proposal to set out in detail how the decision review process worked, by amending Article 6 and adding Decision Review Procedure Rules to Part 4 of the Council's Constitution. Members noted that only General Purposes Committee, not Full Council, had the power to initiate a review of a decision taken by a Policy and Service Committee.

This proposal was accepted for recommendation to Full Council with little discussion and without amendment.

Cambridgeshire County Council Approach to Public Consultation on the Business Plan

The Committee considered a proposal to recommend to Council that the terms of reference of the Communities and Partnership Committee be amended to give it responsibility for the Council's Consultation Strategy and its approach to future Business Planning consultation. Members noted that the General Purposes Committee had agreed this proposal at its meeting on 19 September 2017.

In discussion, it was suggested that there was a risk that the remit of the Communities and Partnership Committee was straying into that of other Council committees, leading to unnecessary duplication of effort. However, it was pointed out that the Committee had been set up as a cross-cutting committee, and should be accepted as such.

Resolutions

Combined Authority Board & Overview and Scrutiny Committee

It was resolved by a majority to recommend to Full Council

that the protocol for oral questions at Full Council in relation to the Cambridgeshire and Peterborough Combined Authority and Overview and Scrutiny Committee be revised to reduce the number of reports presented from two to one and the time allocated for questions from 60 minutes to 40 minutes, as set out in Appendix 2 of the report before Committee, subject to amending paragraph 4 of the protocol to read 'If Members wish to raise questions or issues requiring a detailed response, they must give five working days' advance notice so that the necessary information can be obtained in advance of the meeting, unless a meeting of the Combined Authority is due to take place during the notice period, in which case the Chairman/woman will decide whether to accept the question', and amending paragraph 5 to read 'Members will have two minutes in which to ask a question and one minute for a supplementary with up to a maximum of two minutes for a direct oral answer to each.'

Article 4 – The Full Council

It was resolved unanimously to recommend to Full Council

that Article 4, The Full Council, be revised to allow the relevant Policy and Service Committee to make recommendations direct to Full Council on plans statutorily approved by Full Council, as set out in Appendix 3 of the report before Committee

Protocol on Member/Officer Relations

It was resolved unanimously to recommend to Full Council

that the Protocol on Member/Officer Relations be revised to remove the prohibition on officers attending political group meetings which are not held on County Council premises, as set out in Appendix 4 of the report before Committee, subject to adding the words 'or their nominee' to the first sentence of paragraph 6.3, and moving that sentence from paragraph 6.3 to become a second bullet point in paragraph 6.2.

Decision Review Procedure Rules

It was resolved by a majority to recommend to Full Council

- i) that the process of Decision Review be set out in the Constitution by revising Article 6, The Statutory Scrutiny Function, and adding Decision Review Procedure Rules to Part 4 of the Constitution, Rules of Procedure, as set out in appendices 5 and 6 respectively of the report before Committee.

Cambridgeshire County Council approach to public consultation on the Business Plan

It was resolved by a majority to recommend to Full Council

- ii) that the terms of reference for the Communities and Partnership Committee be amended to give that Committee responsibility for the Council's Consultation Strategy and its approach to future Business Planning consultation, as set out in Appendix 7 of the report before Committee.

17. A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 14 SEPTEMBER 2017

The Committee received a report setting out the number and nature of the complaints received about Members under the Code of Conduct from 13 June 2017 to 14 September 2017.

It was resolved to note the contents of the report.

18. FORWARD AGENDA PLAN

The Committee received and noted its forward agenda plan.

19. DATE OF NEXT MEETING

The Committee noted that its next meeting was scheduled to take place at 2pm on Tuesday 28th November 2017.

Chairman

CHANGES TO THE LGSS SCHEME OF DELEGATION

To: **Constitution and Ethics Committee**

Meeting Date: **30th January 2018**

From: **Matt Bowmer, Director of Finance/ Chris Malyon, Deputy Chief Executive Officer**

Electoral division(s): **All**

Purpose: **To propose changes to the Cambridgeshire County Council (CCC) Constitution following the implementation of the new LGSS Target Operating Model.**

Recommendation: **To recommend to Full Council to agree:**

- a) the revised Scheme of Delegation to Officers, Constitution Part 3D, attached as Appendix A, which includes the LGSS Scheme of Delegation**
- b) the revised Article 11, Officers, attached as Appendix B**
- c) such other, minor, amendments to the Council's Constitution as may be necessary as a result of the new LGSS Target Operating Model and changes to job titles.**

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1. BACKGROUND

- 1.1 LGSS restructured in the autumn of 2016. As a result the following functions were returned to the retained shareholder organisations (those sections of the three councils that sit outside of LGSS), Northamptonshire County Council (NCC), Cambridgeshire County Council (CCC) and Milton Keynes Council (MKC):
- Chief Finance Officer / Section 151 Officer (CFO/S151) delegations (NCC, CCC & MKC)
 - Property Services (NCC & CCC)
 - Strategic Asset Management (NCC & CCC)
 - Monitoring Officer for NCC and MKC
- 1.2 As a result the LGSS Scheme of Delegation requires updating. The LGSS Scheme of Delegation is included within Part 3D of Cambridgeshire's Constitution, the Scheme of Delegation to Officers, and the updated version of Part 3D is attached as Appendix A. New text is shown underlined, thus, and deleted text is shown struck through, ~~thus~~.
- 1.3 It is also appropriate to take the opportunity to update the delegations concerning the Pensions Service for NCC and CCC in order to simplify and make the approach consistent between NCC and CCC. This is included in Appendix A.
- 1.4 Article 11 has also required revision to take account of changes in the LGSS Scheme of Delegation. The revised Article 11 is attached as Appendix B.
- 1.5 As set out more fully in the report to agenda item 4, the Children, Families and Adults directorate has been renamed People and Communities, and the Economy, Transport and Environment directorate has been renamed Place and Economy. These name changes are reflected in both appendices to the present report.

2. MAIN ISSUES

2.1 CFO/S151 delegations (NCC, CCC & MKC)

The CFO role was previously part of the LGSS Finance Directorate. As part of the autumn 2016 restructure this role moved back to the CCC retained organisation. The CFO is now the commissioner of LGSS services on behalf of CCC.

The revision of the LGSS Scheme of Delegation, as included in Appendix A, has therefore removed all S151 responsibilities. This exercise has been undertaken in consultation with the CCC CFO/S151 Officer.

The overall responsibilities of the Chief Finance Officer (CFO) / S151 Officer are set out in Article 11, and the CFO/S151 responsibilities currently included in the LGSS Scheme of Delegation are transferred to an earlier section of Part 3D, as set out in Appendix A.

2.2 Property Services and Strategic Asset Management

Property Services and Strategic Asset Management were previously part of the LGSS Finance Directorate. As part of the autumn 2016 restructure these moved back to the CCC retained organisation. All sections relating to these functions have been removed from the LGSS Scheme of Delegation.

2.3 Monitoring Officer for NCC and MKC

The Monitoring Officer functions for NCC and MKC were moved back to the retained organisations as part of the autumn 2016 restructure; the relevant sections have been deleted from the LGSS Scheme of Delegation, but the CCC delegations have been retained.

2.4 Pensions

The sections on Pensions in the original scheme of delegation were out of date and required updating. The delegations for the Pensions Service are split between the LGSS Director of Finance and the CFO/S151 Officer. The delegation for the LGSS Director of Finance has been redrafted to make it clear that this role has operational responsibility for the Service as delegated by the Pensions Committee.

The CFO/S151 Officer function has been simplified to an overarching statutory responsibility for the proper administration of the Pensions Service *‘to safeguard the financial position of the Pension Fund (LGPS) in consultation with the Chairman (or Vice-Chairman if the Chairman is not available) of the Pension Fund Committee where possible’*.

3. CONSULTATION

The CCC Chief Finance Officer has signed off the draft LGSS Scheme of Delegation.

The LGSS Management Board have signed off the draft LGSS Scheme of Delegation.

The CCC Monitoring Officer has been sent a copy of the draft LGSS Scheme of Delegation.

Source Documents	Location
Council's Constitution	http://tinyurl.com/Constitution-CCC



Appendix A

Part 3D - SCHEME OF DELEGATION TO OFFICERS

1. Introduction

This section describes the extent and nature of the authority delegated to officers to undertake functions on behalf of Cambridgeshire County Council. The delegations are made by either the Full Council or one of its committees.

2. General Principles

The Chief Executive and the Chief Officers, where they consider it necessary and expedient, may authorise officers within their respective service Directorates to undertake functions on their behalf. If such authorisations are made, the relevant Chief Officer shall prepare and maintain a written schedule of authorisations to be available for inspection by the Monitoring Officer and published on the Council's website.

Where an officer listed in this Scheme of Delegation is absent for any period, the Chief Executive may nominate in writing another officer to act in his/her place during their absence and shall make a record of all such nominations.

The Chairman/woman of the relevant committee may request an officer not to exercise their delegated power in any particular case and, if so, a report will be taken to the next available meeting of this committee for consideration.

Chief Officers shall agree with the Chairman/woman and Vice-Chairman/woman of the relevant committee the nature and level of information the committee requires regarding the exercise of officers' delegated powers.

Chief Officers shall exercise their delegated powers in accordance with any requirements of the Chief Executive.

General Delegation

The Chief Executive and Chief Officers/Directors are authorised to discharge all the functions of the authority within their areas of responsibility as defined below and subject to the General Conditions and Limitations set out below.

Conditions Relating to the Exercise of Delegated Authority

The exercise of functions delegated to officers under this scheme must comply with:

- i) any legal requirement or restriction
- ii) any relevant provision in the Council's Constitution
- iii) the Council's policy framework and any other plans and strategies approved by the Council
- iv) the relevant in-year budget
- v) the relevant officers' code of conduct
- vi) the Council's Financial and Contract Procedure Rules
- vii) the requirements of the Openness of Local Government Bodies Regulations 2014 and any supporting guidance
- viii) all other relevant policies, procedures, protocols and provisions.



Limitations to the Exercise of Delegated Powers

Officers in the exercise of functions delegated by this scheme may not:

- i) make Key Decisions as defined in the relevant Council's Constitution unless it is specifically delegated to the officer. An officer making a Key Decision specifically delegated to him/her shall first consult with the Chairman/woman and Vice-Chairman/woman of the relevant committee before exercising such delegation.
- ii) change or contravene policies or strategies approved by the Council or its committees or joint committees in the absence of specific delegated authority to do so
- iii) create or approve new policies or strategies, in the absence of specific delegated authority to do so
- iv) take decisions to withdraw public services, in the absence of specific delegated authority to do so
- v) take decisions to significantly modify public services without consulting the appropriate committee chairman/woman and vice-chairman/woman before exercising the delegated power.

Consultation

Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate committee chairman/woman and vice-chairman/woman before exercising the delegated powers.

When exercising delegated powers, officers shall ensure that local Members are kept informed of matters affecting their divisions.

3. Specific Delegations

CHIEF EXECUTIVE:

To act as Head of Paid Service for the purposes of the Local Government and Housing Act 1989.

To exercise in cases of urgency, those functions delegated to the Executive Directors, Corporate/Service Directors or Heads of Service and in cases of emergency all powers of the Council.

To act as controller in war and to exercise all the powers of local government in the event of circumstances arising in which the County Council, or the committee to which emergency powers have been delegated, is unable to act.

To take all operational decisions necessary to secure the provision of services and/or the discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations across the County Council.

In accordance with the Procedure for taking urgent decisions contained in Part 4.4(a) of the Constitution to make any decision normally reserved to committee or another officer.



CHIEF EXECUTIVE:

To hold to account Executive and Corporate Directors for the performance of their departments.

To place items of business on agendas for formal member meetings.

Authority for the approval of pay, terms and conditions of service and training of employees except for approving the annual Senior Officer Pay Policy Statement which is reserved to the Full Council.

Authority to determine the number, grade, title and nature of staff employed within the County Council.

ALL EXECUTIVE DIRECTORS AND CORPORATE DIRECTORS INCLUDING THE CHIEF FINANCE OFFICER / SECTION 151 OFFICER:

1. To make applications for planning permission in pursuance of Regulation 3 of the Town and Country Planning General Regulations 1992.
2. To incur expenditure in emergencies under Section 138 of the Local Government Act 1972.
3. To make all staff appointments below the level of Service or Corporate Director and to determine the remuneration and conditions of service of each post within any guidance or instructions issued by the LGSS: Director of HR and OD.
4. To dispense with any provision of the Contract Regulations, but only in accordance with the detailed requirements for Exemptions set out in the Procurement Rules and/or Scheme of Financial Management up to a fixed sum (A7 below) or up to the EU threshold, and in consultation with the relevant committee Chairman/woman and Vice-Chairman/woman.
5. To approve, with the agreement of the ~~LGSS: Director of Finance~~ Chief Finance Officer, new revenue or capital schemes by Trading Units at no net cost to the Council.
6. To exercise corresponding powers and duties as already delegated to officers of the Council within the Scheme of Delegation where these or similar powers and duties are included in revised Acts, Orders or Regulations.
7. To take all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with approved policies and Financial Regulations or the purpose of this Scheme of Delegation, this shall include the power to authorise the sealing of contract documents including plans and schedules in the absence of specific committee authority.



ALL EXECUTIVE DIRECTORS AND CORPORATE DIRECTORS INCLUDING THE CHIEF FINANCE OFFICER / SECTION 151 OFFICER:

8. Authority to determine the number, grade, title and nature of staff within their Directorate and all other terms and conditions.

Subject to budget and in consultation with the Director of ~~People, Transformation and Transactions~~ HR.

9. To hold officers to account for the performance of their service areas
10. The following table identifies the finance limits of delegated powers that Full Council has issued to all Executive and Corporate Directors for specific finance-related decisions.

	£
A1 Capital virement	250,000
A2 Revenue virement (including operational savings)	160,000
A3 Debt write-off	5,000
A4 Loans to other persons or organisations	5,000
A5 Property transaction - capital value	500,000
A6 Property transaction - annual rental	150,000
A7 Loans and expenditure from Funds	300,000

CHIEF FINANCE OFFICER / SECTION 151 OFFICER

	<u>Delegation</u>	<u>Condition</u>
1.	<u>Authority to approve any changes to the Scheme of Financial Management as may be necessary from time to time to reflect and take account of changes in legislation, guidance, Council policy, decisions of the Council and any drafting changes or improvements. This shall not include any changes of substance.</u>	<u>In consultation with the Chairman/woman of the General Purposes Committee. Not to be exercised if the Chairman/woman of the General Purposes Committee objects to the proposed change.</u>
2.	<u>The management of trust funds on behalf of CCC.</u>	
3.	<u>The Treasury Management function including the management of debt and the borrowing and investment of money (excluding the Superannuation Fund).</u>	
4.	<u>Approval of CCC's banking facilities; arrangements for the signing and security of cheques, etc.</u>	



	<u>Delegation</u>	<u>Condition</u>
5.	<u>Capital financing determinations under the Local Government and Housing Act 1989 where these may be made by an officer.</u>	
6.	<u>Approval of supplementary estimates of expenditure under Section 138 of the Local Government Act 1972 (emergencies or disasters affecting.</u>	
7.	<u>To approve any detailed schemes of local financial management.</u>	
8.	<u>To approve the implementation of local financial systems.</u>	
9.	<u>Responsibility for the proper administration of the Pensions Service to safeguard the financial position of the Pension Fund (LGPS) in consultation with the Chairman (or Vice-Chairman if the Chairman is not available) of the Pension Fund Committee where possible.</u>	
10.	<u>To write off bad or irrecoverable debts or deficiencies relating to stores or property up to a maximum amount set out in the Council's constitution or unlimited if the debtor is bankrupt/insolvent; unable to be traced; in prison and has no means to pay; or there is no, or uncertain liability.</u>	
11.	<u>To make loans in furtherance of service objectives to other persons or organisations up to a maximum amount set out in the Council's constitution.</u>	
12.	<u>To approve loans and expenditure financed from the Invest to Transform Fund, Partnership Fund, Capital Financing Fund and Environmental Fund subject to certain financial limits set out in the Council's constitution.</u>	
13.	<u>To determine requests for CCC to act as co-guarantor for leases held by voluntary organisations and charities, in consultation with the appropriate Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman).</u>	
14.	<u>To authorise, in consultation with the Executive Director: Children, Families and Adults, schools to plan for a deficit budget to finance exceptional purchases/ projects.</u>	



	<u>Delegation</u>	<u>Condition</u>
15.	<u>To review and increase financial limits on an annual basis, taking account of inflation, subject to consultation with the appropriate Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman).</u>	
16.	<u>To sign off grant claims.</u>	

EXECUTIVE DIRECTOR: CHILDREN, FAMILIES AND ADULTS PEOPLE AND COMMUNITIES

The exercise of the responsibilities set out below is delegated by the County Council:

- (a) To be the designated Director of Children Services in accordance with Section 18(1) of the Children's Act 2004
- (b) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

Adult Social Care

- Safeguarding
- Mental Health
- Disability
- Older People
- Residential services
- Day Services
- IT systems
- Partnership and Planning

Children's Social Care

- Education
- Special educational needs and disability
- Safeguarding and protection
- Children's social care
- Youth services
- Early Years
- IT systems
- Partnership and Planning

- (c) Approving school governor appointments for which the Council has responsibility and reporting these decisions quarterly to the Children and Young People's Committee
- (d) Holding officers to account for the performance of their service areas



**EXECUTIVE DIRECTOR: ~~ECONOMY, TRANSPORT AND ENVIRONMENT SERVICES~~
PLACE AND ECONOMY**

The exercise of the responsibilities set out below is delegated by the County Council:

- (a) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

- Major infrastructure Delivery
- Waste Disposal
- Growth and Economy
- Transport and infrastructure Policy and Funding
- Highway
- Assets and Commissioning
- Traffic and Road Safety
- Policy Co-ordination
- Trading Standards
- Archaeology and Conservation
- Strategic Planning
- ~~Adult Learning Services~~, Libraries, Archives and Information
- Registration and Coroners Services
- Planning
- Cultural and Parking Services

- (b) Holding officers to account for the performance of their service areas

DIRECTOR OF PUBLIC HEALTH

The exercise of the responsibilities set out below is delegated by the County Council:

Public Health Services	Delegated to:
Responsible person for ensuring that the Council complies with statutory requirements relating to complaints made to the Council about its public health functions and, where necessary, action is taken in light of the outcome of such complaints. Part 4, Regulation 22(1)(a), The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012.	Chief Executive
Responsibility for preparing an annual report on the health of the people of Cambridgeshire under Section 31, Health and Social Care Act 2012.	Director of Public Health



Public Health Services	Delegated to:
Responsibility for preparing an annual health protection report to the Health and Wellbeing Board to cover a summary of relevant activity and the multi-agency health protection plans in place, establish how the various health protection responsibilities are discharged, and identify their relationship to the Joint Strategic Needs Assessment and Health and Wellbeing Strategy priorities.	Director of Public Health
Responsibility for exercising the Council's powers and duties to improve the health of the people in the Council's area under Section 30, Health and Social Care Act 2012 and Section 2B, NHS Act 2006. In exercising this duty, the steps that may be taken include: a) providing information and advice; b) providing services or facilities designed to promote healthy living (whether by helping individuals to address behaviour that is detrimental to health or in any other way); c) providing services or facilities for the prevention, diagnosis or treatment of illness; d) providing financial incentives to encourage individuals to adopt healthier lifestyles; e) providing assistance (including financial assistance) to help individuals to minimise any risks to health arising from their accommodation or environment; f) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement; and g) making available the services of any person or any facilities.	Director of Public Health
Responsibility for exercising the Council's powers and duties that relate to planning for, or responding to, emergencies involving a risk to public health. Under Section 30, Health and Social Care Act 2012 and Section 73A, NHS Act 2006.	Director of Public Health
Responsibility for exercising the Council's powers and duties that relate to arrangements for assessing etc risks posed by certain offenders. (Section 30, Health and Social Care Act 2012. Section 325, Criminal Justice Act 2003)	Director of Public Health
Power to conduct, commission or assist the conduct of research for any purpose connected with the exercise of the Council's functions in relation to the health service and to obtain data, information or advice from persons with professional expertise pursuant to conducting such research. (Section 17, Health and Social Care Act 2012. Section 5, NHS Act 2006.)	Director of Public Health



Public Health Services	Delegated to:
<p>Power to discharge those functions of the Council arising from the requirement that a licensing authority, when determining and publishing a licensing statement pursuant to section 5(3)(bb) (statement of licensing policy) of the Licensing Act 2003, must consult an authority with responsibility for public health.</p> <p>(Section 5(3)(bb) (statement of licensing policy) of the Licensing Act 2003,)</p>	Director of Public Health
<p>In relation to the Licensing Act 2003:</p> <ul style="list-style-type: none">• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for, or a variation or minor variation of, a premises licence.• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for a provisional statement.• authority to make an application or representations on behalf of the Council to a licensing authority for and/or in relation to the review of a premises licence. <ul style="list-style-type: none">• authority to make representations on behalf of the Council to a licensing authority in relation to the summary review of a premises licence.• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for, or a variation or minor variation of, a club premises certificate.• authority to make an application or representations on behalf of the Council to a licensing authority for and/or in relation to the review of a club premises certificate.• authority to make representations on behalf of the Council to a licensing authority in relation to the inspection of premises prior to the grant of a club premises certificate.• authority to make representations on behalf of the Council to a licensing authority in relation to the review of a club premises licence following a closure order.• authority to make representations on behalf of the Council to a licensing authority in relation to the determination of an application for an early morning alcohol restriction order. <p>(Sections 18, 35 and 41B and Sections 31, 51, 52, 53, 53C, 72, 85, 86B, 87(d), 88, 89, 96, 167(e) and 172B(f) of the Licensing Act 2003)</p>	Director of Public Health



Public Health Services	Delegated to:
<p>Responsibility for exercising the Council's powers and duties to provide, or secure the provision of, oral health promotion programmes to the extent that the Council considers appropriate.</p> <p>Responsibility for exercising the Council's powers and duties to provide, or secure the provision of oral health surveys to facilitate:</p> <ul style="list-style-type: none">• The assessment and monitoring of oral health needs;• The planning and evaluation of oral health promotion programmes;• The planning and evaluation of the arrangements for the provision of dental services as part of the health services; and• Where there are water fluoridation programmes affecting Cambridgeshire, the monitoring and reporting of the effect of water fluoridation programmes. <p>(The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 and Section 87 (1) of the Water Industry Act 1991.)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties to respond to oral health surveys conducted or commissioned by the Secretary of State under paragraph 13(1) of Schedule 1 to the National Health Service Act 2006 where the survey is conducted within Cambridgeshire.</p> <p>(The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties relating to the making of, and consultation on, water fluoridation proposals to the Secretary of State.</p> <p>(Section 36, Health and Social Care Act 2012 and Section 88B, Water Industry Act 1988)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties to provide for the medical inspection at appropriate intervals of pupils in attendance at schools maintained by the Council as local education authority and for the medical treatment of such pupils.</p>	



Public Health Services	Delegated to:
Responsibility for exercising the Council's powers and duties to provide for the medical inspection or treatment of: a) senior pupils in attendance at any educational establishment, other than a school, which is maintained by the Council and at which full-time further education is provided (subject to the prior agreement of the governing body of the establishment); or b) any child or young person who, in pursuance of section 19 or 319 of the Education Act 1996 (c. 56), is receiving primary or secondary education otherwise than at a school.	
Responsibility for exercising the Council's powers and duties to provide for the medical inspection or treatment of pupils in attendance at any educational establishment which is not maintained by a local education authority by arrangement with the proprietor of that establishment. (Section 17, Health and Social Care Act 2012 and Section 5, NHS Act 2006.)	
Responsibility for exercising the Council's powers and duties to provide for the weighing and measuring of pupils in attendance at any school which is maintained by the authority and, by arrangement with the proprietor, at any school which is not maintained by the Council. (Section 17, Health and Social Care Act 2012, Section 5, NHS Act 2006. Part 2, Regulation 3 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)	Director of Public Health
Responsibility for exercising the Council's powers and duties to provide, or make arrangements for the provision of, health checks to eligible persons within the Council's area, pursuant to the requirements set out in the legislation below. (Section 2B, National Health Service Act 2006. Part 2, Regulations 4 and 5 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)	Director of Public Health



Public Health Services	Delegated to:
<p>Responsibility for exercising the Council's powers and duties to provide, or make arrangements for the provision of, open access sexual health services within the Council's area, including:</p> <ul style="list-style-type: none">a) contraceptive services; andb) services related to the prevention and treatment of sexually transmitted infections. <p>pursuant to the requirements set out in the legislation referred to below</p> <p>(Section 2B and Schedule 1 (para. 8), National Health Service Act 2006. Part 2, Regulation 6 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties to provide, or make arrangements for the provision of, a public health advice service to any clinical commissioning group whose area falls wholly or partly within the Council's area.</p> <p>(Section 2A and 2B, National Health Service Act 2006. Part 2, Regulation 7 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	Director of Public Health
<p>Responsibility for reviewing the range of matters to be covered by any such public health advice service, having had regard to the needs of the people in the Council's area and in agreement with the clinical commissioning group(s) to which the service is provided.</p> <p>(Section 2A and 2B, National Health Service Act 2006. Part 2, Regulation 7 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties relating to independent mental health advocate services.</p> <p>(Section 130, Mental Health Act 1983 and Section 43, Health and Social Care Act 2012.)</p>	Director of Public Health
<p>Responsibility for exercising the Council's powers and duties relating to the provision of direct payments for healthcare.</p> <p>(Section 12A, NHS Act 2006 and Schedule 4, Part 1, Health and Social Care Act 2012.)</p>	Director of Public Health



Public Health Services	Delegated to:
<p>Responsibility for exercising the Council's powers and duties relating to independent mental capacity advocates.</p> <p>(Section 35, Mental Capacity Act 2005 and Schedule 4, Part 1, Health and Social Care Act 2012.)</p>	Director of Public Health
<p>Statutory functions of the Director of Public Health relating to protecting the health of the local population</p> <p>Responsibility for exercising the Council's powers and duties to provide information and advice to responsible persons and relevant bodies within, or which exercise functions relating to, the Council's area, with a view to promoting the preparation of appropriate local health protection arrangements.</p> <p>(Section 2A and 2B, National Health Service Act 2006. Part 2, Regulation 8 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).)</p>	Director of Public Health
<p>Statutory functions of the Director of Public Health relating to charges in respect of the Council's functions under Section 2B of the NHS Act 2006.</p> <p>Responsibility for exercising the Council's powers and duties to make and recover charges in respect of:</p> <ul style="list-style-type: none">a) providing information and advice;b) providing services and facilities designed to promote healthy living;c) providing or participating in the provision of training for persons working or seeking to work in the field of health improvement; andd) making available the services of any person or facilities. <p>Subject to the restrictions set out in the legislation referred to below</p> <p>(Section 2B, National Health Service Act 2006 and Part 3, Regulation 9 of The Local Authorities (Public Health Functions and Entry to Premises by Local Healthwatch Representatives) Regulations 2012 (DRAFT).</p>	Director of Public Health



Public Health Services	Delegated to:
<p>Statutory functions relating to joint working with the prison service under Section 249 of the NHS Act 2006.</p> <p>Responsibility for exercising the Council's powers and duties to enter into prescribed arrangements with the prison service insofar as those arrangements relate to securing and maintaining the health of prisoners.</p> <p>(Section 249, National Health Service Act 2006 and Section 29, Health and Social Care Act 2012.)</p>	Director of Public Health

CORPORATE DIRECTOR: CORPORATE AND CUSTOMER SERVICES AND TRANSFORMATION

The exercise of the responsibilities set out below is delegated by the County Council:

(a) Taking all operational decisions necessary to secure the provision of services and/or discharge of statutory functions, including the power to enter into contracts, in accordance with the approved policies and Financial Procedure Rules in relation to the following areas:

- Business Transformation
- Chief Executive's Support team including support for Lord Lieutenant, Chairman/woman and Director
- Communications and Community Engagement
- Customer Service Strategy, policy and operations
- Digital Delivery
- Emergency and Business Continuity Planning
- Equality and Health and Safety (strategic lead)
- Gypsies and Travellers (strategic lead)
- Information Governance, Information Management and Records Management
- Military Covenant
- Risk Management

(b) Holding officers to account for the performance of their service areas



The LGSS Joint Committee Scheme of Delegation - Shared Services and Delegated Functions

1. The Shared Services

1.1 Cambridgeshire County Council (CCC), Northamptonshire County Council (NCC) & Milton Keynes Council (MKC):

- Finance;
- Internal Audit and Risk;
- Information Systems and Communication Technology;
- Procurement;
- Insurance;
- Democratic Services;
- Human Resources;
- Learning and Development;
- HR Transactions and Payroll;
- Financial Transactions – accounts payable, accounts receivable & financial assessments;
- Enterprise Resource Planning (ERP) and business systems; and
- Business Support Service to schools.

1.2 Cambridgeshire County Council and Northamptonshire County Council:

- Pensions - Administering Authority and Employer;
- ~~Property and Asset Management Service;~~ and
- Legal Services.

1.3 Cambridgeshire County Council only

- Monitoring Officer function (CCC only)

1.34 Milton Keynes Council:

- Revenues and Benefits.

1.45 Client Authorities:

- See section 4.

2. Delegation of Functions and Responsibilities

General Principles

- 2.1 The Councils each agree that the Shared Services listed above will be provided under the auspices of the Joint Committee (LGSS) which shall be responsible for the provision of the Shared Service under delegated authority from the Councils to the Joint Committee, which is set out set out below at Section 6.1 in respect of all of the Councils, at Section 6.2 in respect of CCC and NCC only, at Section 6.3 in respect of CCC only, at Section 6.4 in respect of NCC only and at Section 6.5 in respect of MKC only. These delegations are subject to the conditions, limitations and the specific reservations, set out below.



- 2.2 In order to facilitate the efficient and effective conduct of the Shared Services, the Joint Committee shall delegate certain functions and responsibilities to the LGSS Managing Director and to the LGSS Service Directors. The LGSS Managing Director and the LGSS Service Directors, where they consider it necessary, may sub-delegate to officers within their respective service Directorates. Such delegations must be made in writing and must be available for inspection by the Monitoring Officers and Section 151 Officers of the Councils.
- 2.3 Where an Officer listed in this scheme of Delegation is absent for any period, the LGSS Managing Director may nominate in writing another officer to act in his/her place during his/her absence and shall make a record of all such nominations. Without prejudice to the generality of the above and to any specific delegation listed below, the officers listed in this section are authorised to exercise the following functions of the Council, the Leader and the Head of Paid Service, which relate to their area of responsibility.

Conditions Relating to the Exercise of Delegated Authority

- 2.4 The exercise of functions delegated to officers under this scheme must comply with:
- i) any legal requirement or restriction
 - ii) the relevant Council's Constitution
 - iii) the relevant Council's policy framework and any other plans and strategies approved by the relevant Cabinet or Full Council/relevant Committee
 - iv) the relevant in-year budget
 - v) the relevant officers code of conduct
 - vi) relevant Procurement standing orders and financial regulations
 - vii) all other relevant policies, procedures, protocols and provisions.

Limitations to the Exercise of Delegated Powers

- 2.5 Officers in the exercise of functions delegated by this scheme may not:
- i) make Key Decisions as defined in the relevant Council's Constitution, unless where specifically provided for by that Council's constitution;
 - ii) change or contravene policies or strategies approved by the Council/Committee (in the case of CCC) or the Council/Cabinet (in the case of MKC or NCC) in the absence of specific delegated authority to do so;
 - iii) create or approve new policies or strategies, in the absence of specific delegated authority to do so;
 - iv) take decisions to withdraw public services, in the absence of specific delegated authority to do so;
 - v) take decisions to significantly modify public services without consulting the appropriate Cabinet Member (in the case of MKC and NCC) or Full Council/Committee Chairman/woman (in the case of CCC) before exercising the delegated power.



Consultation

- 2.6 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with the appropriate Cabinet Member and Section 151 Officer (MKC or NCC) or Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman) and Section 151 Officer (CCC) before exercising the delegated powers. When exercising delegated powers, officers shall ensure that local Members are kept informed of matters affecting their divisions or wards.

3. Specific Delegations

The delegations are listed as follows:

- Section 6.1 – All authorities (CCC, NCC and MKC);
- Section 6.2 – CCC and NCC only;
- Section 6.3 – CCC only;
- Section 6.4 – NCC only; and
- Section 6.5 – MKC only
- Section 6.6 Monitoring Officer (CCC only).

and in the following order:

- Not delegated;
- Delegated to Chief Executives;
- Delegated to all LGSS Directors;
- Delegated to LGSS Managing Director;
- Delegated to Specific LGSS Directors; and
- Delegated to Monitoring Officer ~~and Chief Finance Officer~~ (CCC only).

4. Powers and Duties delegated by client authorities

- 4.1 The LGSS Joint Committee shall be responsible for the provision of shared services under delegated authority from the councils concerned to the Joint Committee. The nature of services provided and the conditions, limitations and the specific reservations which apply are set out below. Where a council has delegated authority to the LGSS Joint Committee, those powers and duties shall be set out either generally or specifically in that council's constitution or scheme of delegation.
- 4.2 Under the auspices of the Partnership and Delegation Agreements in place between the client authorities and the Delegation and Joint Committee Agreement between Cambridgeshire County Council, Northamptonshire County Council and Milton Keynes Council (LGSS) and by virtue of Sections 101, 112 and 113 of the Local Government Act 1972, officers of the aforementioned authorities are authorised to undertake any and all of the specified functions on behalf of the client authorities.



5. Financial Limitations

The following table sets out the financial limits of powers delegated to the LGSS Joint Committee and directors:

Limits of powers delegated to the LGSS Joint Committee	£
Key decision threshold	500k (CCC, NCC) 100k (MKC)
Issuing orders for goods and services	Unlimited (CCC), 500k (NCC, MKC)
Capital virement	250k (CCC), 100k (NCC), N/A (MKC)
Revenue virement	160k (CCC), 100k (NCC), N/A (MKC)*
Loans to people or organisations	5k (CCC), N/A (NCC)**, N/A (MKC)**
Loans and expenditure of client funds	300k (CCC), N/A (NCC), N/A (MKC)
Property transactions, capital value	500k (CCC), 100k (NCC), N/A (MKC)
Property transactions, Revenue value	150k (CCC), 100k (CCC), N/A (MKC)
Debt write off	25k (CCC), N/A (NCC), 20k (MKC)

*** Revenue Virements reserved to Chief Finance Officer at MKC, in accordance with the Financial Scheme of Delegation**

****Power to make loans reserved to Chief Finance Officer at NCC and MKC**

Exceptions: decisions relating to the management of services and resources where the matter is likely to lead to controversy or have an impact beyond that considered usual for a managerial decision. These decisions must be referred back to the Cabinet (MKC, NCC) or the relevant Service Committee (CCC).



6.1 Delegations from all authorities

Delegation to LGSS Joint Committee - General	Delegation to Officer	Condition
To have overall responsibility for the provision, to the Councils, of the Shared Services.	None	In accordance with all relevant financial, accounting, constitutional and legal requirements
To consider and approve the annual report for LGSS.	None	
To consider and approve the annual service plan for each Shared Service and make recommendations to the Councils as to the provision of financial and other resources.	None	
To instigate and undertake the selection, recruitment and appointment to the post of LGSS Managing Director.	None	In accordance with any protocol agreed by the Joint Committee and in consultation with the LGSS Director responsible for Human Resources or their nominee and the Chief Executives of the Partner Authorities.

Delegation to LGSS Joint Committee - General	Delegation to Officer	Condition
In respect of the LGSS Managing Director to: a) instigate disciplinary and capability investigations and proceedings and to take action up to and including dismissal, and b) implement all other relevant HR policies and exercise any associated decision-making powers.	Chief Executive	Where the authority concerned is the employing authority for LGSS Managing Director and in consultation with the LGSS Director responsible for Human Resources or their nominee and in accordance with the relevant councils <u>Council's</u> HR policies and procedures.



Delegation to LGSS Joint Committee - General	Delegation to Officer	Condition
LGSS Directors have responsibility for the operational management of the Shared Services, including authority to determine the number, grade, title and nature of staff deployed and all other terms and conditions, in addition to ensuring their proper management within the remit of those services for which they are allocated responsibility by the LGSS Managing Director.	LGSS Managing Director for all Shared Services. All LGSS Directors in respect of the services within their remit.	Subject to budget and in accordance with the relevant Council's policies and procedures and in consultation with the LGSS Director responsible for Human Resources or their nominee and in accordance with the relevant Council's HR policies and procedures.
To arrange for and undertake the recruitment and appointment of all relevant employees with the exception of the LGSS Managing Director and LGSS Service Directors.	LGSS Managing Director and/or LGSS Directors.	In consultation with the LGSS Director responsible for Human Resources or their nominee and in accordance with the relevant Council's HR policies and procedures.
In respect of Relevant Employees other than the LGSS Managing Director and LGSS Directors, to: a) instigate disciplinary and capability investigations and proceedings and to take action up to and including dismissal, and b) implement all other relevant HR policies and exercise any associated decision-making powers.	LGSS Managing Director and LGSS Directors (in relation to posts within their Directorate).	In consultation with the LGSS Director responsible for Human Resources or their nominee and in accordance with the relevant Council's HR policies and procedures.
To invite tenders and to enter into contracts In respect of goods or services directly relating to the provision of the Shared Services.	LGSS Managing Director and/or LGSS Directors.	In accordance with relevant procurement standing orders and any financial limits in place.

Delegation to LGSS Joint Committee - General	Delegation to Officer	Condition
To arrange for and undertake the recruitment and appoint to, the posts of LGSS Directors.	LGSS Managing Director	In consultation with the <u>LGSS Joint Committee Chair and Vice Chairperson(s), and with the</u> LGSS Director responsible for Human Resources or their nominee and in accordance with the



Delegation to LGSS Joint Committee - General	Delegation to Officer	Condition
		relevant Council's HR policies and procedures.
In respect of the LGSS Directors, to a) instigate disciplinary and capability investigations and proceedings and to take action up to and including dismissal and appeal, and b) implement all other relevant HR policies and exercise any associated decision-making powers.	LGSS Managing Director	In consultation with the LGSS Director responsible for Human Resources or their nominee and in accordance with the relevant Council's HR policies and procedures and subject to the provisions of the Local Authority (Standing Orders) Regulations.

Delegation to LGSS Joint Committee – Finance Services	Delegation to Officer	Condition
Authority for management of Finance Services.	LGSS Director responsible for Finance	Subject to budget and in accordance with the relevant Council's policies and procedures.
<u>To determine and implement arrangements for Treasury Management in accordance with the (CIPFA) Treasury Management in the Public Services Code of Practice.</u>	<u>LGSS Director responsible for Finance</u>	
<u>To be responsible for operating banking arrangements including determining arrangements for the signing and security of cheques and the operation of the BACS, CHAPS and Direct Debit processes.</u>	<u>LGSS Director responsible for Finance</u>	
<u>To undertake investigations and reports, where appropriate, in support of Anti-Fraud Policy and financial governance arrangements.</u>	<u>LGSS Director responsible for Finance</u>	
<u>Authority for management of Finance Operations</u>	<u>LGSS Director responsible for Finance Operations</u>	<u>Subject to budget and in accordance with the relevant Council's policies and procedures.</u>

Specific Reservations



The Delegated functions relating to Finance do not include the following Reserved Functions:

- approving financial strategies and plans on behalf of the councils;
- approval of corporate plans on behalf of the councils;
- approving schemes for the use of (non-LGSS) earmarked reserves or contingency provision;
- approval of the annual statement of accounts on behalf of the councils;
- approval of renewal terms for insurances; and
- approval of Financial Procedure Rules, Standing Orders and Procedures.

Delegation to LGSS Joint Committee – Internal Audit and Risk Management	Delegation to Officer	Condition
Authority for management of Internal Audit and Risk Management Services.	LGSS Director responsible for Internal Audit and Risk	In accordance with the Audit and Accounts Regulations 2003 or any successor legislation. Subject to budget and in accordance with the relevant Council's policies and procedures.
To maintain an adequate and effective system of internal audit of the accounting records and control systems in accordance with proper internal audit practices and be authorised to visit all establishments and have access to all documents, other records, computer systems and property and to require relevant information or explanation from any officer in connection with the above.	LGSS Director responsible for Internal Audit and Risk	

Specific Reservations

The Delegated Functions relating to Internal Audit and Risk Management do not include the following Reserved Functions:

- Approval of each authority's Annual Governance Statement

Delegation to LGSS Joint Committee – Insurance	Delegation to Officer	Condition
Authority for management of Insurance Services.	LGSS Director responsible for Insurance	Subject to budget and in accordance with the relevant Council's policies and procedures and any relevant legislation.



Specific Reservations

The Delegated Functions relating to Insurance do not include the following Reserved Functions:

- Policy and strategy decisions on Insurance and decisions which fall outside of the principles of decision making set out in Article 12 (CCC) and Article 14 (MKC and NCC) of the relevant authority's constitution.

Delegation to LGSS Joint Committee - IT	Delegation to Officer	Condition
Authority for management of IT Services.	LGSS Director responsible for IT	Subject to budget and in accordance with the relevant Council's policies and procedures.
Strategic and operational accountabilities for management of Information Technology development and systems administration.	LGSS Director responsible for IT	
Responsibility for the security of information technology and infrastructure.	LGSS Director responsible for IT	

Specific Reservations

The Delegated Functions relating to IT do not include the following Reserved Function:

- Approval of IT Strategy and Policies where these are under the remit of the Cabinet (MKC and NCC) or Service Committee concerned (CCC).

Delegation to LGSS Joint Committee - Procurement	Delegation to Officer	Condition
Authority for management of procurement services.	LGSS Director responsible for Procurement	Subject to budget and in accordance with the relevant Council's policies and procedures.

Specific Reservations

The Delegated Functions relating to Procurement do not include the following Reserved Function:

- approval of the contract procedure rules and schemes of delegation relating to any Council's procurement activity.

Delegation to LGSS Joint Committee – Democratic & Members' Services	Delegation to Officer	Condition
Authority for management of Democratic & Members' Services.	LGSS Director responsible for <u>LGSS Law Democratic Services & Members' Services</u>	Subject to budget and in accordance with the relevant Council's policies and procedures.



- Reservation on changes to the constitution and other matters which must be approved by ~~Cabinet~~/Council

Delegation to LGSS Joint Committee - Human Resources, Learning and Development and Transactional Services	Delegation to Officer	Condition
Authority for management of Human Resources, Learning and Development, <u>Payroll and HR and Finance Transactions</u> and <u>Payroll</u>	LGSS Director responsible for Human Resources, <u>Learning and Development</u> , LGSS Director responsible for Payroll and Finance <u>HR Transactions</u>	Subject to budget and in accordance with the relevant Council's policies and procedures.
To co-ordinate the Council's response to national consultations on terms and conditions of employment, in consultation with the relevant Cabinet Member or Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman)	LGSS Director responsible for Human Resources	
To implement national and local pay awards/ changes to terms and conditions of employment for employees.	LGSS Director responsible for Human Resources	
To negotiate recognition agreements and local agreements with the trade unions on behalf of the councils, in consultation with the relevant Cabinet Member or Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman)	LGSS Director responsible for Human Resources	
To consult and negotiate agreements and local agreements with the trade unions on behalf of all 3 shareholding councils through the LGSS Joint Consultation Forum for all staff working for services under the remit of the LGSS Joint Committee. Full delegation to consult and negotiate on changes to local agreements, protocols, changes to LGSS structures and roles across all LGSS employees irrespective of which their employing council is. In the event of a dispute this would be referred to the LGSS Joint Committee. Any proposed changes to terms and conditions of employment affecting all LGSS staff would be routed back to each	LGSS Director responsible for Human Resources	



Delegation to LGSS Joint Committee - Human Resources, Learning and Development and Transactional Services	Delegation to Officer	Condition
Council's local consultation forums		
To co-ordinate the Council's response to retention/recruitment problems within the agreed financial and policy framework, in consultation with the relevant Cabinet Member or Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman)	LGSS Director responsible for Human Resources	
To advise the Chief Executive on the Council's response to any industrial action affecting Council services, in consultation with the relevant Cabinet Member or Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman), so that he/she can determine the Council's response.	LGSS Director responsible for Human Resources	
To mediate on individual cases or collective disputes to attempt to resolve issues before they are referred to members either at appeal or via the collective disputes procedure	LGSS Director responsible for Human Resources	
<u>To implement national and local pay awards and increase payments under the Pension Increase Acts.</u>	<u>LGSS Director responsible for Human Resources, Learning and Development, Payroll and HR Transactions</u>	

Specific Reservations

The Delegated Functions relating to Human Resources do not include the following Reserved Functions:

- appointment of Officers other than Relevant Employees
- decision making on disciplinary, grievance, dismissal and appeals against dismissal, relating to Officers other than Relevant Employees
- decision making on disciplinary, grievance, dismissal and appeals against dismissal for the Head of Paid Service and Chief Officers of the Councils.



6.42 Delegations from CCC and NCC only

Delegation to LGSS Joint Committee - Pensions	Delegation to Officer	Condition
<p>Authority for management of Pensions Services.</p> <p><u>Responsibility for the operations management of the shared services within the remit of Pension Service (LGPS only) and in accordance with the requirements of the Pension Fund Committee (CCC) and Pension Committee (NCC) and the Investment Sub-Committee (CCC/NCC), including authority to determine the number, grade and nature of staff deployed and all other terms and conditions, the collection of contributions, payment of benefits and investment of assets in addition to ensuring their proper management.</u></p>	<p>LGSS Director responsible for Pensions</p>	<p>Subject to budget and in accordance with the relevant Council's policies and procedures <u>and in consultation with the LGSS Director responsible for Pensions or their nominee.</u></p>

Delegation to LGSS Joint Committee – Property Services	Delegation to Officer	Condition
<p>Authority for management of Property Services.</p>	<p>LGSS Director responsible for Property Services</p>	<p>Subject to budget and in accordance with the relevant Council's policies and procedures.</p>

Specific Reservations

The Delegated Functions relating to Property do not include the following Reserved Function:

- ~~approval of the Property strategies and policies.~~

Delegation to LGSS Joint Committee – Legal Services	Delegation to Officer	Condition
<p>Authority for management of Legal Services.</p>	<p>LGSS Director responsible for LGSS Law</p>	<p>Subject to budget & in accordance with the relevant Council's policies & procedures.</p>
<p>Obtaining information or serving statutory notices to ascertain the legal interest of any person in land.</p>	<p>LGSS Director responsible for LGSS Law</p>	
<p>To authorise the institution, defence, withdrawal, compromise or any other action relating to claims or legal proceedings at common law or under any enactment, statutory instrument, order or bylaw conferring functions upon the authorities or in respect of functions undertaken by the</p>	<p>LGSS Director responsible for LGSS Law</p>	



Delegation to LGSS Joint Committee – Legal Services	Delegation to Officer	Condition
authorities.		
To authorise officers to prosecute or defend or appear in any legal proceedings by virtue of the provisions of Section 223 of the Local Government Act 1972.	LGSS Director responsible for LGSS Law	
To affix the common seal to all documents necessary to bring into effect decisions of the Councils or any Committee, Sub-Committee or officer in pursuance of powers delegated by or on behalf of the Council.	LGSS Director responsible for LGSS Law	

6.23 Delegations from CCC only

Delegation to JC from CCC – Legal Services	Delegation to Officer	Condition
To make applications for the grant of Letters of Administration for the use and benefit of children in the care of CCC.	LGSS Director responsible for LGSS Law	
To determine whether an application for planning permission is required for CCC Matters (Minerals and Waste); and to determine whether planning permission is required in respect of development to be carried out by CCC.	LGSS Director responsible for LGSS Law	

6.34 Delegations from NCC only

Delegation to JC from NCC – Legal Services	Delegation to Officer	Condition
Confirming orders if no objections are received to proposals for the stopping up or diversion of public footpaths and bridleways to enable development to take place following the granting of planning permission.	LGSS Director responsible for LGSS Law	
Affixing NCC's seal to agreements where developers or landowners propose to provide or make contributions to the provision of education or other facilities required as a result of the proposed development.	LGSS Director responsible for LGSS Law	
Determining appeals by firefighters.	LGSS Director responsible for LGSS Law	
Acting as the Appointed Person under the Local Government Pension Scheme Regulations 1997.	LGSS Director responsible for LGSS Law	
Discharging the Council's functions under the Data Protection Act 1998, Freedom of	LGSS Director responsible for	



Delegation to JC from NCC – Legal Services	Delegation to Officer	Condition
Information Act 2000 and regulations made thereunder and under the Environmental Information Regulations 2004 and under all associated legislation	LGSS Law	
Power to authorise the instigation of a formal complaint or similar, with regards to any individual or organisation to a professional body.	LGSS Director responsible for LGSS Law	
To make representations in the name of the Council in the interests of the inhabitants of Northamptonshire at any public inquiry held by or on behalf of any minister or public body under any enactment.	LGSS Director responsible for LGSS Law	
Power, on behalf of the Council: (i) To prepare all contracts, leases and agreements affecting NCC land or property and in any case where the LGSS Director responsible for LGSS Law considers it necessary a formal contract for the supply of goods and materials, the provision of services or the execution of works; (ii) To enter into any agreement or deed granting any wayleave or easement or similar right over or appurtenant to any property of NCC; (iii) To attest the affixing of NCC's seal in circumstances where this is required; (iv) To approve the form of agreements under hand relating to matters of ordinary administration; (v) To enter into all legal documents other than those under seal and those to which the above item (iv) bullet point applies.	LGSS Director responsible for LGSS Law	
Instituting and conducting on behalf of NCC proceedings for offences under the provisions of the Safety of Sports Grounds Act 1975 in consultation with the Chief Fire Officer.	LGSS Director responsible for LGSS Law	
Conveying to the appropriate trustees the sites and buildings of any voluntary school.	LGSS Director responsible for LGSS Law	
In consultation with the Director for Adult Social Services, recovering charges due to the Council under Part III of the National Assistance Act 1948 from a person in residential accommodation or third parties liable for the charges under the Health and Social Security Adjudications Act 1983 and to	LGSS Director responsible for LGSS Law	



Delegation to JC from NCC – Legal Services	Delegation to Officer	Condition
create a charge on the land of the resident pursuant to the last mentioned Act and to enter into or discharge any Agreement or Deed with the resident or an interested third party relating to the recovery of the charges.		
In consultation with the Director for Adult Social Services, giving a discharge or postponement of any Legal Charge in NCC's favour on property the subject of a grant for adaptation works under the Chronically Sick and Disabled Persons Act 1970.	LGSS Director responsible for LGSS Law	
Determining applications for NCC development of land or buildings under The Town and Country Planning General Regulations 1992. Any application to which the Director considers objections should be raised to be referred to the Development Control Committee for determination.	LGSS Director responsible for LGSS Law	
Carrying out the Council's powers and duties concerning the giving of directions to persons residing unlawfully in vehicles on land without consent to remove their vehicles on pain of prosecution and authority to enter into arrangements with neighbouring local authorities under Section 101 of the Local Government Act 1972, in this respect when such action is considered to be expedient.	LGSS Director responsible for LGSS Law	
Agreeing appointments to the Northamptonshire Valuation Tribunal on behalf of the Council.	LGSS Director responsible for LGSS Law	
Power to execute transfers of land and other property and any documents ancillary to the transfer of staff where those documents are required to be made under the following enactments: The School Standards and Framework Act 1998, The Education Act 2002 and The Academies Act 2010.	LGSS Director responsible for LGSS Law	
Power to affix the Council's seal to any document necessary as a result of a scheme made under Schedule 2 of the Courts Act 2003 for the transfer of property used by Magistrates Courts	LGSS Director responsible for LGSS Law	



Delegation to JC from NCC – Finance Services	Delegation to Officer	Condition
To determine and implement arrangements for Treasury Management in accordance with the (CIPFA) Treasury Management in the Public Services Code of Practice, NCC's approved Treasury Management Policy Statement and Treasury Management and Investment Strategy, Financial Procedure Rules and any other arrangements approved by NCC, including appointment of investment advisors.	LGSS Director responsible for Finance	
To be responsible for authorising and operating NCC's banking arrangements including determining arrangements for the signing and security of cheques and the operation of the BACS, CHAPS and Direct Debit processes.	LGSS Director responsible for Finance	
To commission investigations and reports, where appropriate, in support of NCC's Anti-Fraud Policy and financial governance arrangements.	LGSS Director responsible for Finance	
To ensure NCC pays its creditors and recovers its debts in line with agreed policies and to write off bad or irrecoverable debts or deficiencies in accordance with agreed policies.	LGSS Director responsible for Finance	
To implement national and local pay awards and increase payments under the Pension Increase Acts.	LGSS Director responsible for Finance	
In consultation with relevant Chief Officer, to approve the early retirement of staff who are subject to the Local Government Superannuation Regulations.	LGSS Director responsible for Finance	
To make finance lease arrangements.	LGSS Director responsible for Finance	
To manage the deployment of NCC's revenue and capital resources including any resources allocated for joint working.	LGSS Director responsible for Finance	
To represent and act on behalf of NCC in connection with bankruptcies including meetings of creditors.	LGSS Director responsible for Finance	
Approval of supplementary estimates of expenditure in the case of emergencies or disasters affecting Northamptonshire.	LGSS Director responsible for Finance	
Providing financial information to the media and members of the public.	LGSS Director responsible for Finance	



Delegation to JC from NCC – Finance Services	Delegation to Officer	Condition
Power to deal with all insurance cover and the settlement of claims.	LGSS Director responsible for Finance	
Power to maintain NCC's responsibility for maintaining the Local Government Pension Scheme Regulations 1997, and any subsequent amending regulations, including the exercise of the Administering Authority's discretion and to make arrangements for the monitoring of the Pension Fund investments.	LGSS Director responsible for Finance	
Power to approve the acquisition of land and buildings and interests in land and buildings where the consideration is less than £500k.	LGSS Director responsible for Finance	
Power to declare land and buildings surplus to requirements, to authorise the demolition of buildings and to authorise the disposal of land and buildings and interests in land and buildings where the consideration is no greater than £500,000	LGSS Director responsible for Finance	
The entering into of leases, easements, licences and wayleaves in respect to real property where annual consideration is less than £25,000 and/or the duration of the agreement does not exceed 10 years.	LGSS Director responsible for Finance	
The surrender of leases, easements, licenses and wayleaves in respect to real property.	LGSS Director responsible for Finance	
The imposition and acceptance of the benefit of restrictive covenants in respect to the Council's real property and any modifications or discharge of such restrictive covenants.	LGSS Director responsible for Finance	
The grant or acceptance of grant of assignment, under lease or sub-lease of leases of real property.	LGSS Director responsible for Finance	
Power to dispose of land and/or buildings to a utility company or similar statutory body where the land and/or buildings are required for the exercise of the statutory function of the utility company or similar statutory body, following consultation with the relevant Cabinet Member.	LGSS Director responsible for Finance	
Power to grant a lease or licence of land and/or buildings to a utility company or similar statutory body where such a licence is required for the exercise of the statutory functions of the utility company or similar body, following consultation with the relevant	LGSS Director responsible for Finance	



Delegation to JC from NCC – Finance Services	Delegation to Officer	Condition
Cabinet Member.		
To authorise the granting of a lease or licence over land and/or buildings on concessionary terms for a period not exceeding 10 years to charitable and not for profit organisations.	LGSS Director responsible for Finance	
To authorise the appropriation of land and buildings between directorates for statutory purposes.	LGSS Director responsible for Finance	
To negotiate and authorise revised rents or fees for existing leases, easements, wayleaves and licences at review dates in accordance with existing provisions within the lease, easement, licence and wayleaves	LGSS Director responsible for Finance	
Agreeing compensation payable in respect of tenant's improvements in accordance with compensation provisions of leases and licences	LGSS Director responsible for Finance	
Agreeing settlement of claims for disturbance under Part 1 of the Land Compensation Act 1973 or under any other statutory compensation provisions where no land is being acquired from the claimant	LGSS Director responsible for Finance	
Leasing or granting a licence for the occupation of properties acquired in advance of requirements	LGSS Director responsible for Finance	
To serve notice on riparian owners/occupiers to carry out land drainage work	LGSS Director responsible for Finance	
To authorise the acquisition of land and buildings where such land and buildings are the subject of a valid blight notice	LGSS Director responsible for Finance	
To make applications for planning permission and listed building consent on behalf of the Council to the Council or other statutory planning bodies	LGSS Director responsible for Finance	

6.45 Delegations from Milton Keynes Council

Delegation to JC from MKC – Revenues and Benefits Services	Delegation to Officer	Condition
Authority for management of Revenues and Benefits Services.	LGSS-MKC Corporate Resources Director Director responsible for	Subject to the Council's policies and procedures



	Revenues and Benefits	
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Specific Reservations

The Delegated Functions relating to Revenues and Benefits from Milton Keynes Council do not include the following Reserved Function:

- The approval of the Council Tax base, Business rates baseline, Local Welfare Reform Policy and Local Council Tax reduction Policy.

6.56 Monitoring Officer (CCC Only) and Chief Financial Officer Delegations

~~Each authority is responsible for assigning the roles of Monitoring Officer and Chief Financial Officer to specific posts within their structures. These roles may be designated to LGSS officers but this need not be the case. For this reason, the powers and duties associated with these roles have been separated from those allocated to LGSS Officer. The posts to which these roles are designated are set out in each authority's articles.~~
Each authority is responsible for designating a person as that authority's Monitoring Officer. CCC has designated LGSS Director of Law & Governance as their Monitoring Officer.

Monitoring Officer - Cambridgeshire County Council

Power or Duty	Delegation to Officer	Condition
To make such amendments to the CCC Constitution and related Documents, as may from time to time become necessary to reflect and take account of changes in legislation, guidance, Council Policy, decisions of the Council and any drafting changes or improvements. This shall not include any changes of substance.	Monitoring Officer (CCC)	In consultation with Group Leaders. Not to be exercised if any Group Leader objects to the proposed change.
<u>The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.</u>	<u>Monitoring Officer (CCC)</u>	
<u>In order to ensure lawfulness and fairness of decision-making and after consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.</u>	<u>Monitoring Officer (CCC)</u>	



Power or Duty	Delegation to Officer	Condition
<u>To act as the Solicitor to the Council and in consultation with the Head of Paid Service and the Chief Finance Officer, to provide advice on the scope of powers and authority for the Council to take decisions, maladministration, probity and governance issues, to all Councillors and to support and advise Councillors and officers in their respective roles.</u>	<u>Monitoring Officer (CCC)</u>	
To act as the Proper Officer for the purposes of the Local Government Act 2000 and regulations made there under, except where legislation or the Scheme of Delegation names another officer.	Monitoring Officer (CCC)	
In cases of dispute, to decide upon a Member's "need to know".	Monitoring Officer (CCC)	
<u>The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution and Ethics Committee. This will include making arrangements for the hearing of allegations against Members concerning breaches of the Code of Conduct.</u> <u>The Monitoring Officer shall also support the Constitution and Ethics Committee in ensuring the Council's Constitution is fit for purpose and in this role, shall keep it under review and make recommendations as to how it might be amended to better achieve the purposes set out in Article 1 or in response to changes in law.</u>	<u>Monitoring Officer (CCC)</u>	
<u>In the case of allegations that a Councillor has breached the Members' Code of Conduct, the Monitoring Officer and the Council's Independent Person shall conduct an initial assessment of complaint and make a decision as to whether the complaint warrants investigation or any other action.</u>	<u>Monitoring Officer (CCC)</u>	
<u>Where allegations of breaches of the Members' Code of Conduct are referred for investigation, the Monitoring Officer shall make arrangements for the conduct of such investigations and report the findings to the Constitution and Ethics Committee.</u>	<u>Monitoring Officer (CCC)</u>	
<u>The Monitoring Officer shall act as the Proper Officer for Access to Information and shall ensure that decisions of the Council and its</u>	<u>Monitoring Officer (CCC)</u>	



Power or Duty	Delegation to Officer	Condition
<u>committees, together with the reasons for those decisions, and relevant officer reports and background papers are made publicly available as soon as possible.</u>		
<u>The Monitoring Officer will advise whether decisions of the Council and its committees are in accordance with the Budget and Policy Framework.</u>	<u>Monitoring Officer (CCC)</u>	
<u>The Monitoring Officer will advise whether decisions of the Council and its committees are in accordance with the Budget and Policy Framework.</u>	<u>Monitoring Officer (CCC)</u>	
<u>The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.</u>	<u>Monitoring Officer (CCC)</u>	
<u>The Monitoring Officer shall determine whether information should be exempt from disclosure under the provisions of Section 36 of the Freedom of Information Act 2000.</u>	<u>Monitoring Officer (CCC)</u>	
To agree procedures for the conduct of all appeals heard by the CCC Service Appeals Sub-Committee.	Monitoring Officer (CCC)	
To agree procedures for the conduct of CCC Education Admission and Exclusion Appeals and the selection and appointment of members to CCC appeals panels.	Monitoring Officer (CCC)	

~~Monitoring Officer – Northamptonshire County Council~~

~~Please refer to the relevant section of Northamptonshire County Council's constitution for details of the powers and duties of the Monitoring Officer (NCC)~~

~~Monitoring Officer – Milton Keynes Council~~

~~Please refer to the relevant section of Milton Keynes Council's constitution for details of the powers and duties of the Monitoring Officer (MKC)~~

Northamptonshire County Council and Milton Keynes Council have not delegated any Monitoring Officer powers to any LGSS Officer.

~~Chief Financial Officer – Cambridgeshire County Council~~

Delegation to JC from CCC – Finance Services	Delegation to Officer	Condition
Authority to approve any changes to the	Chief Finance	In consultation with the



Delegation to JC from CCC – Finance Services	Delegation to Officer	Condition
Scheme of Financial Management as may be necessary from time to time to reflect and take account of changes in legislation, guidance, Council policy, decisions of the Council and any drafting changes or improvements. This shall not include any changes of substance.	Officer/Section 151 Officer (CCC)	Chairman/woman of the General Purposes Committee. Not to be exercised if the Chairman/woman of the General Purposes Committee objects to the proposed change.
The management of trust funds on behalf of CCC.	Chief Finance Officer/Section 151 Officer (CCC)	
The Treasury Management function including the management of debt and the borrowing and investment of money (excluding the Superannuation Fund).	Chief Finance Officer/Section 151 Officer (CCC)	
Approval of CCC's banking facilities; arrangements for the signing and security of cheques, etc.	Chief Finance Officer/Section 151 Officer (CCC)	
Capital financing determinations under the Local Government and Housing Act 1989 where these may be made by an officer.	Chief Finance Officer/Section 151 Officer (CCC)	
Approval of supplementary estimates of expenditure under Section 138 of the Local Government Act 1972 (emergencies or disasters affecting.	Chief Finance Officer/Section 151 Officer (CCC)	
To approve any detailed schemes of local financial management.	Chief Finance Officer/Section 151 Officer (CCC)	
To approve the implementation of local financial systems.	Chief Finance Officer/Section 151 Officer (CCC)	
To write off bad or irrecoverable debts or deficiencies relating to stores or property up to a maximum amount set out in the Council's constitution or unlimited if the debtor is bankrupt/insolvent; unable to be traced; in prison and has no means to pay; or there is no, or uncertain liability.	Chief Finance Officer/Section 151 Officer (CCC)	
To make loans in furtherance of service objectives to other persons or organisations up to a maximum amount set out in the Council's constitution.	Chief Finance Officer/Section 151 Officer (CCC)	



Delegation to JC from CCC – Finance Services	Delegation to Officer	Condition
To approve loans and expenditure financed from the Invest to Transform Fund, Partnership Fund, Capital Financing Fund and Environmental Fund subject to certain financial limits set out in the Council's constitution.	Chief Finance Officer/Section 151 Officer (CCC)	
To determine requests for CCC to act as co-guarantor for leases held by voluntary organisations and charities, in consultation with the appropriate Committee Chairman/woman (or in his/her absence the Vice-Chairman/woman).	Chief Finance Officer/Section 151 Officer (CCC)	
To authorise, in consultation with the Executive Director: Children, Families and Adults, schools to plan for a deficit budget to finance exceptional purchases/ projects.	Chief Finance Officer/Section 151 Officer (CCC)	
To review and increase financial limits on an annual basis, taking account of inflation, subject to consultation with the relevant portfolio holder.	Chief Finance Officer/Section 151 Officer (CCC)	
To sign off grant claims.	Chief Finance Officer/Section 151 Officer (CCC)	

Delegation to JC from CCC – Pensions	Delegation to Officer	Condition
To determine all future applications to join CCC's superannuation fund as an admitted body after consultation with the Chairman/woman of the Pension Fund Board.	Chief Finance Officer/Section 151 Officer (CCC)	
To determine any applications to CCC for recommencement of the payment of a widow's pension.	Chief Finance Officer/Section 151 Officer (CCC)	
To determine future applications to CCC for the early payment of deferred pension rights.	Chief Finance Officer/Section 151 Officer (CCC)	
To exercise the discretion as to whom any lump sum death grant should be paid out from the CCC Pension Fund.	Chief Finance Officer/Section 151 Officer (CCC)	
Detailed implementation of the investment strategy as determined by the Pension Fund Board and the issuing of any instructions to	Chief Finance Officer/Section 151 Officer	



Delegation to JC from CCC – Pensions	Delegation to Officer	Condition
investment managers consistent with the strategy or required as a matter of urgency to safeguard CCC's position.	(CCC)	
To agree any 'whole fund' parameters and assumptions used by the Actuary for the triennial fund valuation and the phasing of any changes to employer contribution rates after consultation with the Chairman/woman of the Pension Fund Board.	Chief Finance Officer/Section 151 Officer (CCC)	

Chief Financial Officer – Northamptonshire County Council

Delegation to JC from NCC	Delegation to Officer	Condition
To exercise the proper administration of the Council's financial affairs under Section 151 of the Local Government Act 1972, and all other relevant legislation and regulations.	Chief Finance Officer/Section 151 Officer (NCC)	
To be responsible for ensuring that proper accounts and records are maintained in line with relevant legislation, accounting standards and CIPFA's Statement of Recommended Practice (SORP); and that signed and approved accounts are completed and published	Chief Finance Officer/Section 151 Officer (NCC)	
To review and approve detailed operational financial procedures and ensure these implement the Council's Financial Procedure Rules	Chief Finance Officer/Section 151 Officer (NCC)	
To ensure that the financial management of the Council is adequate and effective and that the following arrangements are in place:- 1. a sound system of internal control; 2. arrangements for the management of risk 3. arrangements as are appropriate to mitigate the potential financial impact on the Council of assessed risks.	Chief Finance Officer/Section 151 Officer (NCC)	
To ensure that the Council has sufficient reserves and operating capital to effectively discharge its responsibilities and meet its objectives.	Chief Finance Officer/Section 151 Officer (NCC)	
Contributing to the corporate management of the Council in particular through the provision of professional financial advice and ensuring lawfulness and prudence of decision-making.	Chief Finance Officer/Section 151 Officer (NCC)	
Providing advice on the scope of powers and authority to take decisions,	Chief Finance Officer/Section	



Delegation to JC from NCC	Delegation to Officer	Condition
maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and to support and advise councillors and officers in their respective roles.	151 Officer (NCC)	
To nominate an officer to undertake all the decision making powers of the Chief Finance Officer in his absence – The Deputy Chief Finance Officer. In the absence of the Chief Finance Officer all decision making powers of the Chief Finance Officer shall be the responsibility of the Deputy Chief Finance Officer.	Chief Finance Officer/Section 151 Officer (NCC)	
Power to make loans to banks, financial institutions and other organisations in accordance with the Treasury Management Strategy and Financial Procedure Rules.	Chief Finance Officer/Section 151 Officer (NCC)	

Chief Financial Officer – Milton Keynes Council

~~This responsibility is retained by Milton Keynes Council. Please refer to the relevant section of Milton Keynes Council's constitution for details of the powers and duties of the Chief Financial Officer.~~



Appendix B

ARTICLE 11 – OFFICERS

TERMINOLOGY

In this Article the use of the word ‘officers’ means all employees and persons engaged by the Council to carry out its functions and includes those engaged under short-term, agency or other contract for services.

11.01 Management Structure

- (a) **General.** The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers.** The Council shall engage persons for the following posts, who shall be designated Chief Officers:

Post	Functions and areas of responsibility
Chief Executive (and Head of Paid Service)	Overall corporate management and operational responsibility (including overall management responsibility for all officers). Provision of professional advice to all parties in the decision making process. Together with the Monitoring Officer, responsibility for a system of record keeping for all the Council’s decisions. Representing the Council on partnership and external bodies (as required by statute or the Council).
<u>Chief Finance Officer</u>	<u>Section 151 duties; budgetary planning, monitoring and reporting; strategic asset management; facilities management; buildings compliance; transformation; programme and project management</u>
LGSS: Director of Finance	Strategic Finance; Strategic Asset Management (including County Farms Estate); Property Services and Delivery; Audit; Pensions; LGSS Finance; Section 151 Officer <u>Schools finance; financial closedown and Statement of Accounts; financial transactions, audit, pensions</u>
LGSS: Director of People, Transformation and Transactions	Workforce Strategy and Policy; Strategic HR; Workforce Development (not including elected member development); Business Transformation; Transactional Services; Revenues and Benefits
LGSS: Director of Law and Governance	Legal Services and Democratic Services.
LGSS: Director of IT Services	Strategy; Operations; Applications Services; Networks and Telephony



Post	Functions and areas of responsibility
LGSS: Director of Business Services, Systems and Change	Insurance and Procurement
Corporate Director: Customer Service and Transformation	Customer service, strategic information management, programme and project management, risk, information governance (including Freedom of Information), emergency management, corporate policy and partnerships, equality and diversity, Chief Executive and Corporate Director support team and civic support, community engagement, community safety.
<u>Director: Corporate and Customer Services</u>	<u>Business Intelligence, Communications & Information, Customer Services, Emergency Planning, IT & Digital Services</u>
Executive Director: Children, Families and Adults <u>People and Communities</u>	Children's social care (including child protection, safeguarding and looked after children); children's enhanced and preventative services (including youth services and children centres; learning; school effectiveness; school organisation and place planning, special educational needs; strategy and commissioning; adult social care learning disability services; physical disability services, adult safeguarding; older people's services; mental health.
Executive Director: Economy, Transport and Environment <u>Services Place and Economy</u>	Environment policy, trading standards, highways, passenger transport, planning and sustainable infrastructure, adult and community learning, culture, libraries, coroner and registration.
Director of Public Health	Responsibility for exercising the Council's powers and duties to improve and protect the health of the people in the Council's area, particularly, but not limited to, those under Section 30, Health and Social Care Act 2012 and Section 2B, NHS Act.

(c) Statutory Officers - Head of Paid Service, Monitoring Officer, Chief Finance Officer (Section 151 Officer) and Proper Officer

There is a legal requirement to allocate some specific responsibilities to officers and the Council has designated the following posts:

Post	Designation
Chief Executive	Head of Paid Service
LGSS: Director of Law and Governance	Monitoring Officer and Solicitor to the Council



<u>Head of Finance Chief Finance Officer</u>	Chief Finance Officer (Section 151 Officer)
As defined in the Constitution or designated by the Chief Executive	Proper Officer The term ‘Proper Officer’ is used in many different statutes. Therefore it is appropriate for different officers to fulfil this role depending on the context. As such, unless otherwise stated in the Constitution, the Proper Officer shall in each case be the person nominated by the Chief Executive for that particular purpose.

Such posts will have the functions described in Article 11.02–11.04 below.

- (d) **Structure.** The Head of Paid Service shall determine, subject to Council approval, and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Part 7 of this Constitution.

11.02 **Functions of the Head of Paid Service**

- (a) **Discharge of Functions by the Council.** The Head of Paid Service shall report to Full Council, or an appropriate committee, on the manner in which the discharge of the Council’s functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) **Restrictions on Functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer (Section 151 Officer) if a qualified accountant.
- (c) **Exemptions from Political Restrictions:** The Head of Paid Service will be responsible for considering applications from officers for exemption from political restriction in respect of the post held by that officer.

11.03 **Functions of the Monitoring Officer**

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- (b) **Ensuring Lawfulness and Fairness of Decision-Making.** After consulting with the Head of Paid Service and Section 151 Officer, the Monitoring Officer will report to the Council if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.



- (c) **Providing Advice.** To act as the Solicitor to the Council and in consultation with the Head of Paid Service and the Chief Finance Officer, to provide advice on the scope of powers and authority for the Council to take decisions, maladministration, probity and governance issues, to all Councillors and to support and advise Councillors and officers in their respective roles.
- (d) **Supporting the Constitution and Ethics Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Constitution and Ethics Committee. This will include making arrangements for the hearing of allegations against Members concerning breaches of the Code of Conduct.

The Monitoring Officer shall also support the Constitution and Ethics Committee in ensuring the Council's Constitution is fit for purpose and in this role, shall keep it under review and make recommendations as to how it might be amended to better achieve the purposes set out in Article 1 or in response to changes in law.

- (e) **Conducting Assessments.** In the case of allegations that a Councillor has breached the Members' Code of Conduct, the Monitoring Officer and the Council's Independent Person shall conduct an initial assessment of complaint and make a decision as to whether the complaint warrants investigation or any other action.
- (f) **Conducting Investigations.** Where allegations of breaches of the Members' Code of Conduct are referred for investigation, the Monitoring Officer shall make arrangements for the conduct of such investigations and report the findings to the Constitution and Ethics Committee.
- (g) **Proper Officer for Access to Information.** The Monitoring Officer shall ensure that decisions of the Council and its committees, together with the reasons for those decisions, and relevant officer reports and background papers are made publicly available as soon as possible.
- (h) **Advising whether Decisions are within the Budget and Policy Framework.** The Monitoring Officer will advise whether decisions of the Council and its committees are in accordance with the Budget and Policy Framework.
- (i) **Providing Advice.** The Monitoring Officer shall provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors.
- (j) **Qualified Person.** The Monitoring Officer shall determine whether information should be exempt from disclosure under the provisions of Section 36 of the Freedom of Information Act 2000.



- (k) **Restrictions on Posts.** The Monitoring Officer cannot be the Chief Finance Officer (Section 151 Officer) or the Head of Paid Service.

11.04 **Functions of the Chief Finance Officer (Section 151 Officer)**

- (a) **Ensuring Lawfulness and Financial Prudence of Decision Making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the Council or its committees and to the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- (b) **Administration of Financial Affairs.** The Chief Finance Officer shall have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to Corporate Management.** The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Providing Advice.** In consultation with the Monitoring Officer, the Chief Finance Officer will provide advice on the scope of powers and authority to take decisions regarding financial matters, financial maladministration, financial impropriety, probity and Budget and Policy Framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- (e) **Give Financial Information.** The Chief Finance Officer will provide financial information to the media, members of the public and the community.
- (f) **Restriction on Post.** The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

11.05 **Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer**

The Council shall provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

11.06 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Member/Officer Relations set out in Part 5 of this Constitution.

11.07 **Employment**

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.



COUNTY COUNCIL – PROPOSED CHANGES TO THE CONSTITUTION

To: Constitution and Ethics Committee

Meeting Date: 30th January 2018

From: LGSS Director of Law & Governance
and Monitoring Officer

Purpose: To consider amendments to the Council's Constitution.

Recommendation: The Constitution and Ethics Committee is asked to
consider amendments to the Constitution and recommend
any changes to full Council, if appropriate.

<i>Officer contact:</i>	
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1. PEOPLE AND COMMUNITIES AND PLACE AND ECONOMY

- 1.1 A restructure has recently taken place of Children, Families and Adults, and Economy, Transport and Environment. The names of these two service areas have changed to People and Communities, and Place and Economy. The name changes do not require Council approval so they will take place under the Monitoring Officer's delegation.
- 1.2 As part of the restructuring of Place and Economy, the service areas have been brought together under four Assistant Directors. The resulting redistribution of responsibilities does not correspond exactly with the areas for which each Policy and Service Committee is currently responsible. Additionally, responsibility for adult learning services has moved from Place and Economy to People and Communities.
- 1.3 As a result, there is a need to consider the impact of this restructure on the Terms of Reference of the Council's Policy and Service Committees.

2. POLICY AND SERVICE COMMITTEES

Adults Policy and Service Committee

- 2.1 The summary of functions should include Safeguarding, and Mental Health (**Appendix 1**).

Children and Young People Policy and Service Committee

- 2.2 The summary of functions should include Safeguarding (**Appendix 2**).

Economy and Environment Policy and Service Committee

- 2.3 Authority for exercising all the Council's functions in respect of specified areas should include Trading Standards Contract and Safety of sports grounds. The following additional delegations should be included (**Appendix 3**):

Authority to approve the Food and Feed Plan
Authority to approve minor changes to the overarching Enforcement Policy and the Enforcement Policy specifically covering age restricted goods, following an annual review of these policies by the Head of Regulatory Services, Peterborough City Council
Authority to approve changes to the overarching Business and Consumer Advice Policies following an annual review by the Head of Regulatory Services, Peterborough City Council
Authority to approve the Safety of Sports Grounds Policy

These functions and delegations have been moved from Highways and Community Infrastructure Policy and Service Committee.

Highways and Community Infrastructure Policy and Service Committee

- 2.4 Authority for exercising all the Council's functions in respect of specified areas should include Cambridgeshire Guided Busway Operations, Park and Ride and Quality Bus Partnership, and cultural Services (**Appendix 4**).

These delegated functions have been moved from Economy and Environment Policy and Service Committee.

Communities and Partnership Policy and Service Committee

- 2.5 Delegated authority should include authority for exercising all the Council's functions in respect of all areas covering Adult Careers Information and Guidance, Adult Skills including apprenticeships, Learning Services including online, and Community Learning.

These delegated functions have been moved from Economy and Environment Policy and Service Committee (**Appendix 5**).

Source Documents	Location
Council's Constitution	http://tinyurl.com/Constitution-CCC



Appendix 1

2. ADULTS POLICY AND SERVICE COMMITTEE

Membership

Ten members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be appointed by Full Council.

The Chairman/woman of the Adults Committee will be designated the Lead Councillor for Adult Services in accordance with the 'Best Practice Guidance on the Role of the Director of Adult Social Services' (Department of Health 2006).

Summary of Functions

This committee has delegated authority to exercise the Council's functions relating to the delivery, by or on behalf of the County Council, of social care services to eligible adults within Cambridgeshire.

- Services for people with physical disability
- Services for people with learning disability
- Mental health services
- Preventative services
- Residential care
- Carer support
- Safeguarding

Delegated Authority	Delegation/ Condition
Authority to take decisions relating to exercising management, oversight and the delivery of all the Council's relevant adult social care services (i.e. social care services for people aged 18 or over with eligible social care needs and their carers), except for those decisions which are reserved to Full Council	
Authority to undertake the Council's functions for promoting choice and independence in the provision of all adult social care	
Authority to approve all strategies associated with the committee portfolio area which are not reserved for Full Council	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting adult social care.	





Appendix 2

3. CHILDREN AND YOUNG PEOPLE POLICY AND SERVICE COMMITTEE

Membership

Ten members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be appointed by Full Council.

The following representatives, who shall be co-opted as non-elected members with voting rights on those matters relating to the Council's education functions. They may speak but not vote on other matters.

- 1 Church of England diocesan representative
- 1 Roman Catholic diocesan representative.

The Chairman/woman of the Children and Young People Committee will be designated the Lead Councillor for Children and Young People's Services in accordance with Section 19 of the Children Act 2004.

Summary of Functions

This committee has delegated authority to exercise all the Council's functions, save those reserved to Full Council, relating to the delivery, by or on behalf of, the County Council, of services relating to children and young people. These include:

- Child protection
- Children's Centres
- Education, Schools and settings
- Looked After Children
- Safeguarding
- Special Educational Needs (SEN)
- Youth Offending Services
- Youth services.

Delegated Authority	Delegation/Condition
Authority for exercising management, oversight and delivery of services to children and young people in relation to their care, wellbeing, education or health, with the exception of any powers reserved to Full Council	
Authority for the functions and powers conferred on or exercisable by the County Council as Local Authority in relation to the provision of education	
Authority for working with all schools including academies in relation to raising standards of attainment and developing opportunities	



Delegated Authority	Delegation/Condition
Authority for exercising management, oversight and delivery of Learning Outside of the Classroom and environmental education.	
Authority for exercising management, oversight and delivery of Early Years services, including Children's Centres	
Authority for exercising management, oversight and delivery of Enhanced and Preventative Services and Children's Social Care	
Authority for exercising management, oversight and delivery of the Youth Offending Service	
Authority for approval of all strategies associated with the committee portfolio area that are not reserved to Full Council.	
The making of arrangements in relation to appeals against the exclusion of pupils from maintained schools pursuant to section 52 of the Education Act 2002 (appeals against exclusion of pupils)	Delegated to the Executive Director: Children, Families and Adults People and Communities
The making of arrangements pursuant to section 94(1), (1A) and (4) of the School Standards and Framework Act 1998 (admission appeals)	Delegated to the Executive Director: Children, Families and Adults People and Communities
The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (children to whom section 87 applies); appeals by governing bodies	Delegated to the Executive Director: Children, Families and Adults People and Communities



3.1 CORPORATE PARENTING SUB-COMMITTEE

The Children and Young People Committee shall establish a Corporate Parenting Sub-Committee with the following membership and powers:

Membership

Any five members (including substitutes) of the Children and Young People Committee, subject to political proportionality. The Chairman/woman and Vice-Chairman/woman of the Sub-Committee shall be selected and appointed by the Children and Young People Committee.

Two non-voting co-opted young people with recent (within the last five years), direct experience of being looked after by, or receiving services as a care leaver from Cambridgeshire County Council. The usual rules for substitution as set out in the Council Procedure Rules shall apply.

Overview of Functions

The Sub-Committee has delegated authority to exercise all the Council's functions relating to the delivery, by or on behalf of, the County Council, of Corporate Parenting functions with the exception of policy decisions which will remain with the Children and Young People's Committee

Delegated Authority	Delegation/Condition
Authority for exercising management, oversight and delivery of services to looked after children and care leavers in relation to their care, wellbeing, education and health, including delivery of the Council's Pledge to looked after children.	
Authority for the functions and powers conferred on or exercisable by the County Council as Local Authority in relation to Corporate Parenting operational matters excluding policy decisions	
Authority for working with the Virtual School in relation to raising standards of attainment and developing education, employment and training opportunities for looked after children, former looked after children and care leavers.	
Authority for exercising management, oversight and delivery of services to looked after children, former looked after children and care leavers including <ul style="list-style-type: none">• District and Countywide Early Help and Social work services• Fostering and adoption services• Commissioning of external services• Residential and outreach services• Contact services	



Delegated Authority	Delegation/Condition
Authority for ensuring mechanisms for consultation and participation are positively promoted for looked after children and care leavers and that the Council actively listens and responds to the views and experiences of these children and young people, including those with disabilities and very young children.	
Authority to receive regular reports on the provision of services for looked after children and care leavers – as required in legislation and fulfilling the purpose of monitoring and offering advice.	
Authority for working with the Clinical Commissioning Group and health providers to ensure delivery of services to meet health needs including health assessments and plans, emotional health, sexual health, substance misuse and teenage pregnancy.	



Appendix 3

4. ECONOMY AND ENVIRONMENT POLICY AND SERVICE COMMITTEE

Membership

Ten members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be appointed by Full Council.

Summary of Functions

Delegated authority to exercise all the County Council's functions, not otherwise reserved to Full Council, relating to the Economy and Environment within Cambridgeshire including the following:

- ~~Adult Learning and Skills~~
- ~~Growth and Economy~~
- ~~Major Infrastructure Delivery~~
- ~~Passenger Transport~~
- ~~Transport Infrastructure Policy and Funding~~
- Environment and Commercial services
- Infrastructure and growth services

Delegated Authority	Delegation/ Condition
Authority for exercising all powers and implementing all strategies associated with the Council's Economy and Environment functions which are not otherwise reserved for Full Council or any other body.	
Authority to respond, as appropriate, on behalf of the Council to Government consultation in respect of policy and/or legislation affecting Planning, Strategic Environment and Transportation	
<p>Authority for exercising the Council's functions in respect of all areas covering the following:</p> <ul style="list-style-type: none"> • County Planning - Minerals and Waste • Historic Environment • Flood and Water Management • Enterprise and Economy • Managing Local Energy Investment (MLEI) • Growth and Development including Travel for Work • Funding and Innovation • Managing capital programme • Major Infrastructure delivery projects (transport, highways and cycling), with the exception of infrastructure delivery projects that form part of a City Deal <u>Greater Cambridge Partnership (formerly City Deal)</u> Infrastructure scheme as defined in the Terms of Reference for Joint Development Control Committee for Cambridge Fringes 	



Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none"> • Transport and Infrastructure Policy • Transport and Infrastructure Funding • CIL/S106 funding / innovative approaches • Funding bids • Cambridgeshire Guided Busway • Park and Ride and Quality Bus Partnership • Public Transport • Social and Education Transport • Adult Careers Information and Guidance • Adult Skills including apprenticeships • Learning Services including online • Community Learning • Connecting Cambridgeshire Programme • <u>Trading Standards Contract</u> • <u>Safety of sports grounds</u> 	
<p>Authority to exercise the statutory functions in relation to the scrutiny of flood risk management under the provisions of the Flood and Water Management Act 2010</p>	
<p><u>Authority to approve the Food and Feed Plan</u></p>	
<p><u>Authority to approve minor changes to the overarching Enforcement Policy and the Enforcement Policy specifically covering age restricted goods, following an annual review of these policies by the Head of Regulatory Services, Peterborough City Council</u></p>	
<p><u>Authority to approve changes to the overarching Business and Consumer Advice Policies following an annual review by the Head of Regulatory Services, Peterborough City Council</u></p>	
<p><u>Authority to approve the Safety of Sports Grounds Policy</u></p>	



Appendix 4

6. HIGHWAYS AND COMMUNITY INFRASTRUCTURE POLICY AND SERVICE COMMITTEE

Membership

Ten members of the Council. The Chairman/woman and Vice-Chairman/woman of the Committee shall be appointed by Full Council.

Summary of Functions

Delegated authority to exercise the County Council's functions, other than those reserved to Full Council, in relation to highways and community infrastructure within Cambridgeshire including:

- ~~Community and Cultural Services~~
- Highways
- ~~Waste Management~~
- Cultural and Community Services

Delegated Authority	Delegation/ Condition
Authority for exercising all powers and implementing all strategies associated with the Council's Highways and Community Infrastructure functions which are not otherwise reserved for Full Council or any other body.	
<p>Authority for exercising all functions of the Council relating to the following:</p> <ul style="list-style-type: none"> • Trading Standards • Cultural Growth and Participation – Arts, <u>and</u> Museums and Sport • Waste management • RECAP (Recycling in Cambridgeshire and Peterborough partnership) • Parking Services • Safety of Sports Grounds • Road, streets and paths maintenance – <u>routine and reactive</u>, operations and enforcement • Local Highway Improvement Initiative • Gritting, verge cutting and other routine works • Traffic Management systems and regulations • Road Safety • Maintaining Highways and rights of way records • Asset Management and information • Major Contracts (Highways services, waste and street lighting) • <u>Cambridgeshire Guided Busway Operations</u> • <u>Park and Ride and Quality Bus Partnership</u> 	



Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none"> Libraries Archives Registration Coroners <u>and Medical Examiner Service</u> <u>Cultural Services</u> 	
Authority to approve the Food and Feed Plan	
Authority to approve minor changes to the overarching Enforcement Policy and the Enforcement Policy specifically covering age restricted goods, following an annual review of these policies by the Head of Supporting Businesses and Communities	
Authority to approve changes to the overarching Business and Consumer Advice Policies following an annual review by the Head of Supporting Businesses and Communities	
Authority to approve the Safety of Sports Grounds Policy	
Authority to approve the annual Parking Operations Report	
<p>Authority to exercise, in accordance with the relevant policies of the authority and within the budget allocated for the purpose, the powers of the County Council regarding the following issues within the County's administrative boundary.</p> <ul style="list-style-type: none"> For all districts except Cambridge City, authority to determine traffic regulation orders/statutory notices where the completion of the statutory consultation process results in objections, as per the relevant Highway, Road Traffic Regulation and Traffic Management legislation, with the exception of traffic regulation orders/statutory notices sought as part of a <u>City Deal Greater Cambridge Partnership (formerly City Deal)</u> Infrastructure scheme as defined in the Terms of Reference for Joint Development Control Committee for Cambridge Fringes Authority to approve the Transport Delivery Plan 	<p><u>Head of Assistant Director</u>, Highways in consultation with the Local Members for all districts, except Cambridge City.</p>
Authority to agree proposed revisions to Library Byelaws for submission to the Department for Culture, Media & Sport for approval	Final approval required from DCMS
Authority to revise and agree the Service Delivery Policy for Libraries	
Authority to agree or revise a scheme for the delivery of registration services in accordance with the Registration Services Acts 1952 and 2007	In consultation with the General Register Office



Appendix 5

14. COMMUNITIES AND PARTNERSHIP POLICY AND SERVICE COMMITTEE

Membership

Ten members of the Council, subject to proportionality. This will include one Member from each City/District area of the County, i.e. Cambridge City, East Cambridgeshire, Fenland, Huntingdonshire and South Cambridgeshire, to reflect the political control of the respective City/District Councils to undertake an enhanced role. These Members will be Area Community Champions. They will engage closely with their communities and be an advocate for the activity in these communities and the work of this committee and its partners. The Chairman/woman and Vice-Chairman/woman of the Committee shall be appointed by Full Council.

Summary of Functions

The Communities and Partnership Committee is authorised by Full Council to deliver the County Council's ambition to build stronger self-sustaining communities as expressed in its Community Resilience Strategy, and to work together with the Mayor, combined authority, district councils and other partners to design and deliver services which best meet the needs of those communities. The committee will develop plans, in this regard, with the Mayor, combined authority, district councils and other partners to deliver or jointly commission services for communities where it makes sense to do so, aligning resources and expertise around an agreed set of outcomes in order to make the most of public sector funds.

The Communities and Partnership Committee will work together with other bodies to deliver against our shared ambition to build stronger self-sustaining communities, such as those supporting Parish and Town Councils, our commissioning partners such as the Cambridgeshire and Peterborough Clinical Commissioning Group and the Cambridgeshire Peterborough Communities Network – a network of senior officers drawn from all local authorities across Cambridgeshire and Peterborough, the Office of the Police and Crime Commissioner, Cambridgeshire Fire and Rescue Service, Cambridgeshire Constabulary, Support Cambridgeshire (the Voluntary and Community Infrastructure partnership), Cambridgeshire Community Services NHS Trust and Cambridgeshire and Peterborough NHS Foundation Trust.

Delegated Authority	Delegation/ Condition
Authority to deliver the Community Resilience Strategy and services working with the Mayor, the combined authority, district councils and other partners and in particular to - <ul style="list-style-type: none">develop and implement joint plans with the combined authority, district councils and other partners for the delivery of community place based services in accordance with the agreed outcomes;	Subject to confirmation from the S.151 of the availability of sufficient resources.



Delegated Authority	Delegation/ Condition
<ul style="list-style-type: none"> in consultation with the combined authority, district councils and other partners in services within communities approve joint investment in projects, within available resources, that are designed to help manage the demand for high cost services in accordance with the agreed outcomes; develop and approve business case and plans to devolve services, budgets and assets, and implement subject to Council's approval of the associated business case in accordance with the agreed outcomes; decide on funding to be made available for community initiatives through the Innovation Fund. 	
<p>Authority to develop, with the Mayor, combined authority, district councils and other partners plans to enhance customer services, including the better use of assets in communities such as libraries and other community buildings for approval by the relevant committee(s) in the County Council.</p>	
<p>Authority to advise the County Council on opportunities to create a shared workforce or shared arrangements (such as joint ventures) to deliver services across the combined authority, district councils and other partners for approval by the relevant committee(s) in the County Council.</p>	
<p>Authority to approve the Council's Consultation Strategy and its approach to future Business Planning consultation</p>	
<p><u>Authority to exercise the Council's functions in respect of all areas covering the following:</u></p> <ul style="list-style-type: none"> <u>Adult Careers Information and Guidance</u> <u>Adult Skills including apprenticeships</u> <u>Learning Services including online</u> <u>Community Learning</u> 	

**SUMMARY OF ACTIVITY IN RELATION TO THE REGULATION OF
INVESTIGATORY POWERS ACT 2000**

To: **Constitution and Ethics Committee**

Meeting Date: **30th January 2018**

From: **Director of LGSS Law Ltd**

Electoral division(s): **All**

Forward Plan ref: **N/A** *Key decision:* **No**

Purpose: **For the Committee to consider a report of Council activity
under the Regulation of Investigatory Powers Act 2000
(RIPA) for 2016 – 17**

Recommendation: **That the Committee note the report.**

<i>Officer contact:</i>	
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1. BACKGROUND

- 1.1 The Council's RIPA policy requires the Director of LGSS Law Ltd to provide Members with an annual update of the use by the Council of authorisations under RIPA for covert surveillance and their circumstances. The object of it is to achieve transparency and accountability for authorisations made.
- 1.2 In previous years the Council has been granted authorisations for directed surveillance, each arising from investigations by the Council's Trading Standards team, to target organised crime groups controlling the illegal manufacture/ import and ultimately the sale of counterfeit goods in Cambridgeshire. Such authorisations can be granted under RIPA.

2. MAIN ISSUES

- 2.1 For the financial year 2016 – 17, the Council has not been granted any authorisations to carry out directed surveillance.

The Council has made no authorisations for the use of covert human intelligence sources.

The RIPA monitoring officer should be immediately informed of any RIPA authorisations undertaken.

- 2.2 The lack of authorisations this year reflects an ongoing cautious approach adopted by Trading Standards officers to the use of surveillance in recent years and in particular following changes to the RIPA regulations introduced in 2012 which restricted the scope of offences for which the Council may make use of RIPA authorisation.

2.3 RIPA awareness raising training

In June 2016 a number of Council staff and Members attended a RIPA awareness-raising course given by an external training provider.

2.4 RIPA policy

- 2.4.1 The RIPA Monitoring Officer will review and update the Council's policy, in line with the Commissioner's recommendations and to reflect the increasing availability of social media web sites for potential research or intelligence gathering.

Policy is publicised internally on an annual basis around the same time as the annual report. This will serve to remind officers of the possible uses for RIPA but also remind officers of the circumstances when a RIPA authorisation is required.

Source Documents	Location
Regulation of Investigatory Powers Act 2000	http://www.legislation.gov.uk/ukpga/2000/23/contents

Agenda Item No: 6

A REVIEW OF THE COMPLAINTS RECEIVED UNDER THE MEMBERS' CODE OF CONDUCT TO 15 JANUARY 2018

To: **Constitution and Ethics Committee**

Meeting Date: **30 January 2018**

From: **LGSS Director of Law & Governance and Monitoring Officer**

Electoral division(s): **All**

Purpose: **To brief the Constitution and Ethics Committee on the number and nature of the complaints received about Members under the Code of Conduct from 14 September 2017 to 15 January 2018**

Recommendation: **It is recommended that the Constitution and Ethics Committee note the contents of this report.**

<i>Officer contact:</i>	
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1. INTRODUCTION

- 1.1. The Localism Act ("the Act") places a statutory duty on the County Council to promote and maintain high standards of conduct amongst its Members and co-opted Members. This includes the obligation on the County Council to have in place a Code of Conduct setting out the standard of conduct expected of Members when acting in their capacity as County Councillors.
- 1.2. The requirements of the Act are supported by Article 9 of the Constitution, which also requires the Constitution and Ethics Committee to monitor the operation of the Code of Conduct and the complaints received under it.
- 1.3. This report serves to provide the Constitution and Ethics Committee with an overview of the complaints received under the Code of Conduct from 14 September 2017 to 15 January 2018.

2. OVERVIEW OF COMPLAINTS

- 2.1. Since 14 September 2017 one new complaint against a Member has been received by the Monitoring Officer, has not yet been concluded. The complaint which was open at the date of writing the last report has been concluded.
- 2.2. Details of the complaint which has been concluded since 14 September 2017 are set out in Appendix 1.
- 2.3. The publication of details of complaints only takes place after conclusion of the complaint to reduce speculation on limited information, ensure there is no compromise of any assessment or investigation and that the Data Protection Act 1998 is complied with.

Source Documents	Location
Decision Notice Ref COR002/082 – Complaint against Councillor Amanda Taylor	Held by LGSS Law Limited and published on the Council's website at www.cambridgeshire.gov.uk/council/contact-us/complain-about-a-councillor-or-co-opted-member/

APPENDIX 1

Complaint against:	Cllr Amanda Taylor
Date of Complaint:	2 August 2017
Complainant:	Cllr Bates
Allegation:	Disclosure of confidential information in breach of paragraph 3.1 of the Code of Conduct
Current Status:	Concluded
Outcome:	The Independent Person concluded that there was no evidence that the information disclosed was confidential at the time it was disclosed and therefore no further action to be taken.
Date of final decision:	21 September 2017

