

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised	
Scheme Of Delegation To Officers	A Revised Scheme of Delegation to Officers and is necessary as a consequence of the Strategic Alliance Management Team (SAMT) restructure.	The Scheme of Delegation to Officers is in Part 4 of the Constitution – currently Pages 168-188	
	The amendments and additions to the Scheme are set out below:		
	Amendments to the Delegation Scheme		Rationale
	The majority of changes have been replaced the old posts with the title of the new posts carrying out the relevant functions.		To implement the new Strategic Alliance Management Team (SAMT) structure.
	The wording of the delegation to the Joint Chief Executive Officer regarding the power to suspend or revoke a taxi driver’s licence has been amended		To reflect changes to the Taxi/Licensing Policy
	Additions to the Delegation Scheme		Rationale
	Carrying out Rights of Way functions (including the diversion of footpaths) - Strategic Director - Place	This has been previously carried out under a general delegation, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.	

Area of Review	Proposal and Rationale		Sections of the Constitution to be revised
	<i>Neighbourhood Planning</i> Determining action on a neighbourhood plan following receipt of the Examiner's report (including sending it for referendum). - Strategic Director - Place	This would only be exercised by an Officer when time does not now allow for the matter to be submitted to Executive. There are specific timescales for each stage in the Neighbourhood planning process. The Council must determine the action to take on a Neighbourhood Plan proposal within 5 weeks of the receipt of the Examiner's Report.	
	<i>Neighbourhood Planning</i> Making the Neighbourhood Plan after a successful referendum result. - Strategic Director - Place	After a successful referendum result, a Neighbourhood Plan must be taken into account in all development decisions immediately, however there is still a legal requirement that the Plan be 'Made' as a formality. Recent practice has been that this function has been delegated to the Joint Chief Executive by Executive when it has considered the Examiner's report, however it is proposed that this be included as a specific delegation to the Joint Strategic Director – Place to avoid the need for this to be agreed on a case by case basis.	

Area of Review	Proposal and Rationale		Sections of the Constitution to be revised
	<p>Approving Disabled Facilities Grants and other applications/ functions under Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation. - Joint Strategic Director - Place</p>	<p>This has been previously carried out under a general delegation, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.</p>	
	<p>Delegation of authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings. - Joint Chief Executive Officer Monitoring Officer</p>	<p>Contained with the Function Scheme but more appropriate to include in specific delegations to the Joint Chief Executive and the Monitoring Officer in the Delegation Scheme.</p>	
	<p>Two additions to the general powers delegated to Joint Strategic Directors and Joint Heads of Service (at paragraph 9) have also been made, which are not new powers but cross reference powers contained with the Functions Scheme and arising from the Financial Procedure Rules.</p>	<p>To ensure all delegated powers with the Constitution are referred to within the Scheme of Delegation Scheme</p>	

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	The revised Scheme of Delegation to Officers is attached as Appendix 2	
Protocol on Councillor – Officer relations	<p>The Protocol on Councillor – Officer relations was determined by Standards Committee in 2017 to be an area for focus during this year’s Constitution Review. The Monitoring Officer carried out consultation with all Members and the Strategic Alliance Management Team (SAMT) on the Protocol.</p> <p>The main amendments proposed for the Protocol are:</p> <ul style="list-style-type: none"> • In light of recent political debates in Parliament, inclusion has been given to include elements covered by the Equalities Act 2010; • Inclusion of details around applying pressure on Members or Officers in regard to duties they are neither empowered nor within their duties; • Additional of principles of the Protocol as requested by the Standards Committee • Providing clarification on advice to political group and restricted posts, also requested by Standards Committee; • Providing clarity around how members request information and how employees are to meet these requests; • Preparation and presentation of reports in line with the Leader’s request for executive Members to present at meetings; • Call in Decisions and expectations on Members and Officers; • Providing clarity around publicity; • Inclusion of a ‘dos and don’ts’ document as an Appendix to the protocol. 	The Protocol on Councillor – Officer relations is contained within Part 5 of the Constitution – Codes and Protocols – Pages 214 – 222 of the current version.

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	The revised Member/Officer Protocol is attached at Appendix 3 and as this has been rewritten, a tracked changes version was not used and instead any additions have been highlighted in bold.	
Procurement Rules/ Contract Procedure Rules	<p>Minor amendments are proposed to the Contract Procedure Rules to reflect best practice and current working practices. The revised document is attached at Appendix 4. Since agreement of these changes by Standards Committee took place prior to recent changes to the procurement service, one amendment agreed has not be implemented in this report – which referred to the contract with Chesterfield Royal NHS Foundation trust Procurement Service. It is suggested that due to recent changes, these rules are considered again in the next annual review of the Constitution.</p> <p>The rules refer to EU legislation and EU set thresholds related to different types of procurement activities required. These requirements remain in place during the negotiations for United Kingdom's exit from the European Union. A further review will be undertaken at such time that these provisions and requirements are amended or brought under alternative national level legislation.</p>	The Contract Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure – Pages 151-164 of the current version.
Petition Scheme	<p>The Constitution Working Group considered the Council's Petition Scheme in 2016/17 and agreed to retain the contents of the Scheme.</p> <p>The current proposals (attached as Appendix 5) do not alter the procedures for submitting petitions or how they are dealt with, however they are designed to simplify the document and make it more accessible for the public to refer to. Much of the wording in the current scheme is repeated, which is considered unnecessary.</p>	The Petition Scheme is contained in Part 7 to the Constitution.

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>One amendment to the scheme is to include matters subject to consultation in the list of issues excluded from the Scheme. This has been proposed following a review of practices across other authorities and to ensure that statutory consultation procedures are not undermined. Petitions submitted during consultation would be considered by the Council as part of that consultation response.</p>	
Employee Code of Conduct	<p>A new Employee Code of Conduct was approved by Council in 2009. A few sections of this Code were not included in the Constitution but have been available to employees.</p> <p>The Constitution has included some minor amendments over recent years reflecting changes in job titles and new legislation/policies.</p> <p>The proposed revised Employee Code of Conduct (Appendix 6) includes the additional sections from the previously approved version from 2009 and reflects other changes from the current Constitution version, as well as other minor wording changes to bring it up to date.</p> <p>In line with the requests of the Constitution Working Group clarity has been made around criminal activity and drinking at work.</p> <p>The proposed version does not alter in duties or responsibilities for employees. Union representatives have been notified of the current proposal and have no comments.</p>	The Employee Code of Conduct is contained in Part 5 of the Constitution – Pages 194-202 in the current Constitution.
Article 11 – Joint Arrangements	The proposed amendments to Article 11 on Joint Arrangements (Appendix 7) seek to simplify the details of the joint arrangements that are included in the Constitution. Currently a number of joint committees and partnerships are listed, but not all. For consistency, it is proposed that a provision be	Article 11 – Joint Arrangements is in Part 2 of the Constitution –

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>included to require Executive and Council to maintain a list and details of the joint arrangements that have been established and that these lists will be held by Governance, separately to the Constitution. This will ensure that up to date Terms of Reference are held and referred to, rather than waiting for the version in the Constitution to be amended at a future Council meeting.</p> <p>Partnership working, such as the Local Enterprise Partnerships and SCR Combined Authority, are also managed externally by other authorities or bodies and the Council relies upon these bodies to maintain Terms of Reference and other procedural documents.</p> <p>It is however proposed to include a description of the Strategic Alliance within this Article, as this is a significant arrangement of joint working</p>	<p>Articles of the Constitution – Pages 13-15.</p> <p>As a consequence of this proposal, some Terms of Reference would be removed from Part 3 of the Constitution – Responsibility for Functions as set out below</p>
Joint Employment Committee and Joint Appeals Committee	<p>In light of the forthcoming recruitment to vacant positions within the senior management structure, the appointments to the JEC have been questioned.</p> <p>It is suggested that the Membership still reflect the rules of proportionality, however due to the level of the appointments, the Leader and Deputy Leader should be among those named to sit on this Committee.</p> <p>Further, it may become evident that any of those named may be unable to sit at a committee meeting and therefore it would be prudent to have substitutes would could be called up to replace an appointed Member. In order to incorporate the wishes of the Standards committee from when the matter was previously discussed, it is suggested that any substitute would be in place for the duration of an employment procedure.</p>	<p>Responsibility for Functions 3.7 Joint Arrangements -Joint Employment Committee (page 76)</p>

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>This would also be reflected for Joint Appeals Committee, however wording is suggested that the membership for any appeals hearing would not be the same as the original membership for when the employment matter was considered.</p> <p>The proposed changes to the Constitution are set out in Appendix 8.</p>	
<p>Removal of Terms of Reference and Protocols for Committees or joint arrangements that no longer meet or have changed in format</p>	<p><u>Joint Board/Shared Services Protocol etc</u></p> <p>As set out above, there is a lack of consistency with which joint arrangements are included in the Functions Scheme within the Constitution. Much of what is included related to joint working between Bolsover District Council, North East Derbyshire District Council and Chesterfield Borough Council, including Joint Board, Shared Services Scrutiny Panel and a Shared Services Consultation Protocol. Joint working between these three authorities has evolved over the years and the number of shared services covered by these arrangements is now only the Internal Audit Consortium. A separate committee exists for the management of the Chesterfield and District Crematorium – which is not mentioned in the Constitution.</p> <p>Joint Board meetings have reduced in frequency as a consequence of the reduction in its remit, to just two being scheduled in 2018/19 and the Shared Services Scrutiny Panel has only met once in the last 3 years, prior to the Building Control Service becoming part of the Derbyshire Wide building control company. As Chesterfield Borough Council is the lead authority managing the meetings of Joint Board, there is no need for all three Councils to retain the level of detail regarding meeting procedures as is currently contained in the Bolsover District Council Constitution.</p>	<p>The Joint Working Protocol, Joint Board arrangements and the Shared Services Scrutiny Panel would be removed from Part 3 of the Constitution – Responsibility for Functions – Pages 63-68 and 71-75 of the current version.</p>

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p><u>Bolsover Conservation Area Advisory Committee</u> It is proposed that the Terms of Reference for the Bolsover Conservation Area Advisory Committee be removed from the Constitution as this Committee has not met for many years.</p> <p><u>Pleasley Park and Vale Conservation Area Joint Committee</u> It is proposed that the Terms of Reference for Pleasley Park and Vale Conservation Area Joint Committee be removed from the Constitution as it no longer meets as a formal Committee but now meets as an advisory group. The Terms of Reference would be retained by Governance to continue supporting the meeting, but the meetings are organised on a more informal basis.</p> <p><u>Re-establishing a Committee or Advisory Group</u> The Terms of Reference for any Committees or Groups removed from the Constitution are retained in archived copies of previous versions of the Constitution. If any future decisions are made to re-establish any Committee or advisory group that is removed from the Constitution, these documents may be recalled and updated as necessary.</p>	<p>The Terms of Reference for the Bolsover Conservation Area Advisory Committee and the Terms of Reference for Pleasley Park and Vale Conservation Area Joint Committee are contained in Part 3 of the Constitution – Responsibility for Functions – Pages 49-52 of the current version.</p>
Revisions to Terms of References of Committees to reflect current working practices	<p><u>Housing Allocations Review Panel</u></p> <p>The Terms of Reference for the Housing Allocations Review Panel include provision for a list of cases to be considered by the Panel to be circulated to local members (at paragraph 10). This practice has not been followed for some years as it is not recognised as best practice for Members to be sent this personal data as a matter of course, rather than on a need to know basis. It is therefore proposed that this provision be removed as set out in Appendix 9.</p>	<p>Housing Allocations Review Panel is contained in Part 3 of the Constitution – Responsibility for Functions – Pages 51-55 of the current version</p>

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Disabled Facilities Grants procedures	<p>A separate report was submitted to Standards Committee explaining the proposal to alter the procedure for the approval of Disabled Facilities Grants (DFGs).</p> <p>This would remove the power from the Terms of Reference for Licensing Committee and add it as an Executive Function in the functions scheme. This reflects the legal requirement for the grants to be dealt with as a matter for the Executive.</p> <p>It is also proposed that mandatory DFGs be approved at officer level, with only discretionary applications being submitted to Executive.</p> <p>Executive and Licensing Members have been consulted on the proposal.</p>	<p>Executive Functions are contained in Part 3 of the Constitution, Responsibility for Functions – Pages 26 - 28 of the current Constitution.</p> <p>Licensing Terms of Reference are in the same Part – Pages 37 - 38.</p> <p>The Scheme of Delegation to Officers is currently in Part 4 of the Constitution – Pages 168-188, however it is proposed that this section be moved to Part 3 Responsibility for Functions.</p>
Removal of role profiles for obsolete roles	<p>The role profile for the role of Chair of Scrutiny Management Board can be removed from the Constitution as this role no longer exists.</p>	<p>The role profiles are contained within Part 5 of the Constitution – Codes and Protocols.</p> <p>This role profile is on page 231 of the current version.</p>
Access to Minutes and Minute Books submission to Council	<p>It is proposed that new procedures be put in place to enable Members to access copies of minutes to all Committees and Advisory Groups as soon as they are finalised and that Minute Books will no longer be produced and submitted to Council meetings.</p>	<p>The Council Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure.</p>

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	<p>Copies of all Minutes will be uploaded to the Members' Extranet and Members will be emailed once they are available to view. Members may request paper copies of individual sets of Minutes from the Governance Team, rather than being sent copies of all Minutes that Members might not need.</p> <p>Members will also be provided with guidance on who to speak to if they have any questions arising from any Minutes circulated – i.e. the Committee Chair or Cabinet/Executive Portfolio Holder, or the lead officer who will be named after each Minute where there are actions arising. This way Members can access the information and ask the questions they need to at the earliest opportunity, rather than waiting for a future Council meeting.</p> <p>Members may still raise questions at Council meetings via the procedure for Questions of Notice.</p> <p>If there are recommendations from Committees or Cabinet/Executive to Council, these will be submitted by way of a report which will allow for questions, answers and debate, in accordance with Council Procedure Rule 2.1 (i).</p> <p>It is no longer a common practice across local authorities for Minute Books to be prepared and submitted to Council meetings due to the availability of Minutes online and on Members iPads.</p> <p>Replacing the publication of Minute Books with these proposed arrangements will lead to a cost saving of approximately £150 per year printing and £150 per year postage (as it is usually included in the same</p>	<p>Section 2.1 (I) would be removed if this proposal were to be agreed.</p>

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
	envelope as the Council agenda however it sometimes has to be despatched separately). The proposal would also save around 30 hours of officer time in preparation.	
Procedure Rules for Questions from the Public and by Councillors and Motions	<p>Currently there are different deadlines for the submission of questions and motions on notice for Council meetings. For submitting questions from the public and also motions from Members is midday, seven clear days before the meeting. No time is specified for the deadline for Members to submit questions to Council; the procedure rules simply state seven clear days' notice must be given. The deadline has therefore been taken to be midnight.</p> <p>To provide greater certainty and to assist in the processing of the questions and motions on notice, it is proposed that the deadline for all of these submissions be set to midday as set out in Appendix 10.</p>	<p>The Council Procedure Rules are contained in Part 4 of the Constitution – Rules of Procedure.</p> <p>Rule 9.3 would be amended to include a deadline of midday on the day seven clear working days before the meeting.</p>
Questions by the Public at Meetings of Council	<p>Currently there are no restrictions in place on who may ask a question at meetings of Council. There are restrictions in place around the question itself and these are detailed within the relevant section.</p> <p>In a poll of 10 nearby authorities, 4 had restrictions in place to ensure that a member of the public attending a meeting of Council to ask a question was 'on the register of electors; for that district / borough or 'a non-domestic rate payer'. This would effectively guarantee that anyone who wished to pose a question to the Council would live, work or invest in the district.</p> <p>Members are asked to consider whether this restriction should be put in place for Bolsover, and the constitution amended as set out in Appendix 11.</p>	Council Procedure Rules, section 8: Questions By The Public (Page 93)

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Correction of numbering in the Council Procedure Rules	<p>The Council Procedure Rules set out how meetings of the Council and most Committees will be conducted. Paragraph 24 of the Rules sets out which of the Rules apply only to Council and which apply to all Committees and Groups.</p> <p>Reviewing the paragraphs referred to in this section, it would appear that the number refers to incorrect sections.</p> <p>Currently paragraph 24 states:</p> <p><i>24. Application of Council Procedure Rules to Committees</i></p> <p><i>Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees other than Executive.</i></p> <p>It is proposed that this paragraph be moved to after what is currently Rule 25, making Rule 25 - Attendance at Committee Meetings by Members of the Council, the new Rule 24.</p> <p>The paragraph headed Application of Council Procedure Rules to Committees (now numbered 25) would state:</p> <p><i>Rules 4 to 7, 11 to 15 and 19 to 24 apply to meetings of all groups and committees</i></p> <p>This also removes Executive as an exception. These rules have been followed by Executive despite this exception, so this proposal does not directly impact on how Executive meetings will be run, rather it corrects the wording of the procedure rules.</p>	The Council Procedure Rules are contained in Part 4 of the Constitution – (Page 106)