

ANNUAL COUNCIL

AGENDA

WEDNESDAY 22ND MAY 2019 AT 10:00 HOURS IN THE COUNCIL
CHAMBER, THE ARC, CLOWNE

Item No.		Page No.(s)
1.	Election of Chair of the Council To elect the Chairman of the Council for the 2019/20 Municipal Year.	
2.	Election of Vice-Chair of the Council To elect the Vice-Chairman of the Council for the 2019/20 Municipal Year.	
3.	Apologies for Absence	
4.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:- a) any business on the agenda b) any additional urgent items to be considered c) any matters arising out of the business of those items and withdraw from the meeting at the relevant time, if appropriate.	
5.	Chairs Announcements To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
6.	Election of the Leader of Council	
7.	Appointment of the Deputy Leader and Executive 2019/20 The Leader will confirm the appointment of their Deputy Leader and their Portfolio Members for 2019/20.	TO FOLLOW

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| 8. | <p>Review of the Council’s Constitution
To consider a review of the Council’s Constitution from the Joint Head of Corporate Governance and Monitoring Officer.</p> | Pages 6 to 22 |
| 9. | <p>Appointment to Committees and Advisory Groups 2019/20
To consider the document setting out the nominations of Members to Committees and Advisory Groups for 2019/20 in accordance with the Council’s political balance.</p> | TO FOLLOW |
| 10. | <p>Appointment of Chairs and Vice-Chairs of Committees
To consider the document setting out the nominations for Committee Chairs and Vice-Chairs for 2019/20.</p> | TO FOLLOW |
| 11. | <p>Appointments to Outside Bodies
To consider the document setting out the nominations for Council representatives to serve on outside bodies for 2019/20.</p> | TO FOLLOW |
| 12. | <p>Scheme of Delegation
In accordance with Council Procedure Rules, the Annual Meeting is required to approve the Scheme of Delegation.</p> | Pages 23 to 49 |
| 13. | <p>Operation of Urgency Rules and Thresholds for Key Decisions
In accordance with Council Procedure Rules, the Annual Meeting is required to set thresholds for Key Decisions.</p> | Pages 50 to 54 |
| 14. | <p>Minutes of the Previous Meeting
To approve the Minutes of the Council meeting held on 3rd April 2019</p> | Pages 55 to 62 |
| 15. | <p>Questions from the Public
In accordance with Council Procedure Rule 8, to allow members of the public to ask questions about the Council’s activities for a period of up to fifteen minutes. The replies to any such questions will be given by the appropriate Portfolio Holder.</p> | Pages 63 to 65 |

16. Questions from Members
In accordance with Council Procedure Rule 9, to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or the appropriate Portfolio Holder. None

17. Motions
In accordance with Council Procedure Rule 10, to consider motions on notice from Members.

The following Motion has been submitted under Council Procedure Rule 10 for this meeting.

1. Motion proposed by Cllr Natalie Hoy and seconded by Cllr Ross Walker.

Bolsover District Council notes:

(i) That Members of the public have the right to be able to scrutinise the business of the Council and this should be made as easy as possible.

(ii) That all Members are elected to represent the electorate and should remain transparent and accountable to them at all times

(iii) The United Kingdom has a population of 64.1 million (2013) and 89% of this population are active internet users. 38 million people actively use social media and a further 50% of the total population actively use their mobile telephones to access their social media (source: www.thinkdigitalfirst.com)

(iv) Since January 2014, there has been a 4% growth in active internet users, 6% growth in social media users and 7% growth in mobile users accessing social media (www.thinkdigitalfirst.com)

Bolsover District Council resolves that all public meetings and subcommittees (excluding those items held in exemption) are live streamed through all supported media outlets that it currently manages, as well as any future social media platforms it may use.

18. Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the District of Bolsover.
Report of the Joint Head of Corporate Governance and Monitoring Officer. Pages 66 to 72

19.

Chair's Urgent Business:

To consider any other matter which the Chair is of the opinion should be taken as a matter of urgency

Bolsover District Council

Annual Council

22nd May 2019

<p>Review of the Council's Constitution</p>
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Report of the Joint Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- To consider proposed amendments to the Council's Constitution for adoption as part of the annual review.

1 Report Details

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved the latest version of the Constitution at the Annual Council meeting in May 2018.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution, which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how the Constitution is working to make sure it gives full effect to its purpose.
- 1.4 One of the functions of Standards Committee is to undertake an annual review of the Constitution to ensure it is up to date and in line with legislation and current circumstances.
- 1.5 The Standards Committee and the Constitution Working Group (comprised of the complete membership of Standards Committee) considered the review of the Constitution at its meetings held during the 2018/19 Municipal Year and supported the amendments proposed. The following areas of the Constitution and related procedures have been reviewed;
 - SAJC Terms of Reference
 - Threshold for Consideration of Tenders by Executive
 - Governance Arrangements for Discharging the Licensing Function
 - Joint Employment Committee and Joint Appeals Committee

- Speaking at Meetings (Cllrs Conduct)
- Recording of Executive Decisions
- Informing Portfolio Holders
- Scheme of Delegation
- Section 151 Officer Delegations
- Proper Officer Provisions
- Social Media Guidance for Councillors
- Members Code of Conduct
- Revisions to the Declarations of Interest Form

1.6 Each of the areas of review, other than housekeeping changes, have been set out in detail, including the rationale for the amendments proposed, in **Appendix 1**.

1.7 All of the amendments have been entered into the Constitution at **Appendix 2**. The amendments appear in red as ‘tracked changes’.

Due to the size of the document, a paper copy has not been issued to all Members, however, a copy has been made available on Reception and in the Members’ Room for inspection. The document is also published on the Council’s website and is accessible to Members on their iPads.

1.8 ‘Housekeeping’ amendments to the Constitution will be made following approval. These changes include formatting, numbering, and updating of job titles were applicable.

2 Conclusions and Reasons for Recommendation

2.1 The Standards Committee have carried out the review supported by the Monitoring Officer, Deputy Monitoring Officer and the Governance Manager with a particular focus on certain areas of the Constitution that required attention. These areas have been thoroughly discussed and the amendments proposed are recommended to Council for approval.

2.2 It is required by law to keep an up to date Constitution. Part of the role of the Standards Committee is to review the document on a regular basis and make recommendations to Council as necessary.

3 Consultation and Equality Impact

3.1 The Standards Committee, Chief Executive Officer, Monitoring Officer and Deputy Monitoring Officer have been consulted on the preparation of this document.

3.2 An Equality Impact Assessment has not been necessary as part of this review.

4 Alternative Options and Reasons for Rejection

4.1 The Council may make other amendments or reject the amendments proposed as part of this review. However, the rationale for each proposal has been to ensure the Council's procedures comply with the law, are in line with best practice and are practical and up-to-date, as well as in accordance with other decisions taken by the Council. No alternative options are therefore proposed.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None.

5.2 Legal Implications including Data Protection

5.2.1 The Council is required under the Localism Act 2011 to prepare and keep up-to-date a Constitution that contains its Standing Orders, Code of Conduct, such other information that the Secretary of State may direct and such other information that the Authority considers appropriate.

5.3 Human Resources Implications

5.3.1 None.

6 Recommendations

6.1 That the amendments to the Constitution detailed in Appendix 1 and set out in Appendix 2 be approved;

6.2 That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><i>BDC:</i> <i>Revenue - £75,000</i> <i>Capital - £150,000</i> <input type="checkbox"/> <input type="checkbox"/></p> <p><i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	<p>No</p>

Has the relevant Portfolio Holder been informed?	PH for 2018/19 has been involved throughout the process
District Wards Affected	None Directly
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title
1	Summary of Amendments to the Constitution
2	Tracked Changes to the Constitution
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	
Contact Number	
Nicola Calver, Governance Manager	01246 217753

<u>Area of Review</u>	<u>Proposal and Rationale</u>	<u>Sections of the Constitution to be revised</u>
Strategic Alliance Joint Committee – Terms of Reference	<p>At its meeting on 21st May 2018, Executive considered and endorsed a Scrutiny report in relation to a review carried out on the Strategic Alliance Joint Committee by the Customer Service & Transformation Scrutiny Committee.</p> <p>The Scrutiny report set out various recommendations of which one was that the Terms of Reference for the Strategic Alliance Joint Committee was reviewed to ensure that the Committee’s remit remained fit for purpose and was monitoring and developing the work of the Alliance.</p> <p>The Scrutiny report was further considered by the Strategic Alliance Joint Committee on 12th June 2018 and it was agreed that the Terms of Reference be revised with a number of amendments being made.</p>	<p>Part 3 - Responsibility for Functions</p> <p>Page 59 of the Current Version</p>
Threshold for consideration of tenders by Executive	<p>The proposal is to align the threshold for the requirement for tenders to be submitted to Cabinet with the thresholds for Key Decisions. Currently the threshold for tenders to be determined by Cabinet is £50,000. This was set at the same time as the Key Decision threshold.</p> <p>There is no legal basis on which to determine the level of tenders that must be determined by Executive, however, the level of key decisions is considered to be the appropriate level. As tenders will relate to revenue expenditure, the threshold would be £75,000.</p>	<p>Executive Function (18) within Part 3 The Functions Scheme (On page 28 of the current version)</p> <p>The Contract Procedure Rules would also need to be amended to reflect this change</p>

<p>The Council's Governance arrangements for discharging its Licensing responsibilities</p>	<p>Different authorities have responded to the need for specific Licensing Act and Gambling Act governance arrangements in a variety of ways. A common approach has been to simply establish two committees, covering the different legal strands of responsibility.</p> <p>It is proposed that Council be asked to do this by establishing a 'General Licensing Committee', which would deal with taxi and scrap metal licensing etc. and a 'Licensing and Gambling Acts Committee', with responsibility for licensed premises and club / gaming machine permits etc.</p> <p>It is important to ensure that the different aspects of licensing continue to be dealt with holistically under the new governance arrangements. For this reason it is recommended that both committees have the same membership of 15 Members, so that their Members can continue to oversee all aspects of the licensing function.</p> <p>In practice, the committees would meet two or three times a year on the same date. The General Licensing Committee would take place first, followed immediately by the Licensing and Gambling Acts Committee. Consequently, it would continue to feel like a single meeting.</p> <p>The functions of the new committees would have to be incorporated in to the Council's Constitution: It is suggested that the functions of the General Licensing Committee be:</p> <ul style="list-style-type: none"> (a) To consider all licensing matters not covered by the Licensing Act 2003 and the Gambling Act 2005, including Private Hire and Hackney Carriage Drivers, Vehicles and Operators; (b) To make any minor changes and updates to the Council's Hackney Carriage and Private Hire Vehicles, Drivers and Operators Policy following adoption by Council; (c) To make any minor changes and updates to other relevant licensing policies as required 	<p>Part 3 – Responsibility for Functions</p> <p>Page 37 in current version.</p>
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	<p>It is also suggested that the functions of the Licensing and Gambling Acts Committee be:</p> <ul style="list-style-type: none"> (a) To consider all licensing matters related to the Licensing Act 2003 and the Gambling Act 2005; (b) To make any minor changes and updates to the Statements of Policy under both the Licensing Act 2003 and the Gambling Act 2005 that are required following the adoptions by Council of both statements; (c) To recommend to Council to resolve whether to issue a Casino Licence. <p>Sub Committee Arrangements</p> <p>Both of the new committees would have their own sub-committees, which would discharge specific responsibilities of the parent committees.</p> <p>The General Licensing Sub-Committee (which is likely to face an ongoing high volume of taxi licensing work) will meet monthly – as the current Licensing Sub-Committee (Taxis) generally does. These meetings would be included in the Council’s schedule of meetings. The Licensing and Gambling Acts Sub-Committee, by contrast, would have a far more limited workload and therefore meet less frequently. Its meetings would be organised as and when required.</p> <p>Again, The functions of the sub-committees would have to be incorporated into the Council’s constitution. It is suggested that the functions of a General Licensing Sub Committee be:</p> <ul style="list-style-type: none"> (a) To consider all hackney carriage and private hire licensing issues which are referred to it; 	
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	<ul style="list-style-type: none">(b) To consider matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended);(c) To consider scrap metal sites and operators licences. <p>The suggested functions of a Licensing and Gambling Acts Sub-Committee should be:</p> <ul style="list-style-type: none">(a) To consider matters concerning the discharge by the Council of its licensing functions under the Licensing Act 2003;(b) To consider matters concerning the discharge by the Council of its licensing functions under the Gambling Act 2005.	
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<p>Joint Employment Committee and Joint Appeals Committee</p>	<p>Proposals had been put to Council for the JEC and the JAC to amalgamate to form a Joint Employment and Appeals Committee (JEAC). The JEAC would be set as an 8 Member Committee (4 from each council (BDC/NEDDC) and appointing the additional Executive Member representative to the Committee).</p> <p>The rationale for the change is that in the current arrangements, any appeal against a decision by the JEC would be made by the JAC. The JACs membership also comprises both council leaders and deputies and the Leader of the principal opposition in each Council. An appeal cannot be heard by the same Members that heard the original disciplinary or capability case so revised arrangements are required.</p> <p>Further, amendment to the Scheme of Delegation to officers is also proposed to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive Officer, or the Strategic Directors in his absence. The would amend paragraph 10.28 (ii) as follows:</p> <p style="text-align: center;"><i>To determine all staffing matters including but not limited to:</i></p> <p style="text-align: center;">...</p> <p style="text-align: center;"><i>(ii) the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, in the case of statutory officers, their dismissal.</i></p> <p>This has the effect of removing the power to dismiss statutory officers only from the delegation, leaving all other dismissal decisions within the scope of the power.</p> <p>Standards Committee had considered the proposals on the 11th March 2019 and had recommended putting in place the proposed arrangements on a temporary basis pending a formal review as part of the Review of the</p>	<p>Part 3 Responsibility for Functions – Joint Employment Committee (Page 61 of the current version).</p> <p>Part 4.10</p>
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	Constitution in 2019/2020. In addition, UECC had considered the proposals on the 25 th March and concurred with the views of the Standards Committee.	
Councillors' Conduct – Speaking at Meetings	<p>It is proposed that the procedure rules for Councillors when they speak at Council meetings be revised to require Councillors to state their name before speaking and also to use the microphones. It is also proposed that the requirement to stand be removed.</p> <p>Requiring Councillors to state their names before speaking would assist the public and all Members in following the meeting. It is also important for Members to use the microphones to ensure that they can be heard by all participants and observers in the meeting.</p> <p>The requirement for Members to stand could also be considered as discriminatory against Members with a disability or mobility problems, who may struggle to stand, particularly if they need to stand and sit down at regular intervals during a meeting.</p> <p>Council Procedure Rule, rule 21.1, would be amended as follows:</p> <ul style="list-style-type: none"> • When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman and stand where possible. 	<p>Part 4 – Council Procedure Rules – Rule 21.1</p> <p>(Page 91 of the current version)</p>

<p>Recording of Executive Decisions to reflect Key Decision Limits</p>	<p>The proposal is to align the threshold for the reporting of officer decisions with the thresholds for Key Decisions. There are statutory requirements for local authorities to publish records of officer decisions in order to promote transparency. The regulations state that officer decisions must be recorded in circumstances that ‘materially affect the [Council’s] financial position’. The Access Procedure Rules currently state that the threshold above which decisions need to be recorded and published is £50,000.</p> <p>The regulations regarding Key Decisions state that a key decision is one which is likely to incur expenditure or make savings which are ‘significant having regard to the Council’s budget for that service or function’.</p> <p>It is considered that these two definitions should be interpreted as the same threshold and therefore it is proposed that the requirements to record and publish officer decisions will only be triggered where the following thresholds are met or exceeded:</p> <ul style="list-style-type: none"> • Revenue - £75,000 • Capital - £150,000 <p>This will provide a simpler set of rules for officers to follow rather than having different thresholds for different procedures and processes.</p> <p>Records will still be maintained of decisions below these levels as required.</p>	<p>Part 4.2, paragraph 4.2.20 of the Access to Information Rules</p> <p>(Page 100 of the current version)</p>
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<p>Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders</p>	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p><u>Decisions outside the Budget or Policy Framework:</u> 4.3.4 (2) – If the Executive and any officers, area committees or joint arrangements discharging functions want to make such a decision, they shall take advice from the Monitoring Officer, the Chief Finance Officer and the Head of Paid Service as to whether the decision they want to make would be contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Budget AND INFORM THE RELEVANT PORTFOLIO HOLDER.</p> <p><u>Virements:</u> 4.3.6 - Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets AND REQUIRED TO INFORM THE RELEVANT PORTFOLIO HOLDER WHEN THE VIREMENT IS IN EXCESS OF £25,000. Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.</p> <p>4.3.6 (2) - No officer may vire funds from the Transformation Reserve, authorisation of which is restricted to the Section 151 Officer.</p>	<p>Part 4.3 Budget and Policy Framework</p> <p>(pages 103 and 104 in current version)</p>
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<p>Procurement Rules – Inclusion of informing Portfolio Holders</p>	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p><u>Engagement of Consultants:</u> 1.8.12 (4) - Procurement plans and/or tenders prepared by external consultants on behalf of the Council must be referred to the Monitoring Officer, Chief Finance Officer, for approval and advice AND THE RELEVANT PORTFOLIO HOLDER INFORMED.</p>	<p>Part 4.8 Procurement Rules</p> <p>(page 146 in current version)</p>
<p>Scheme of Delegation for officers</p>	<p>A request has been made for the following amendments to this section of the Constitution:</p> <p><u>Introduction:</u> 4.10.1 (1) – Removal of mention of NEDDC 4.10.1 (4) - Officers shall MUST consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.</p> <p><u>Transfer of Functions:</u> 4.10.7 (2) - Where a service is restructured, the Chief Executive Officer shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer AND INFORM THE RELEVANT PORTFOLIO HOLDER.</p> <p><u>Chief Executive’s Delegations:</u> 4.10.10 (2) - To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow AND, WHERE APPLICABLE, INFORM THE RELEVANT PORTFOLIO HOLDER. Any decisions taken under this paragraph shall be reported by the Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.</p>	<p>Part 4.10 Scheme of Delegation for officers</p> <p>(pages 155, 157, and 160 in the current version)</p>

	<p>4.10.10 (5) - If there is an urgent need for a commercial decision, the Chief Executive Officer, following consultation with the Leader and/or Deputy Leader AND THE RELEVANT PORTFOLIO HOLDER shall make the decision and endorsement will be sought from the Executive or Council as appropriate.</p>	
<p>Section 151 Officer Delegations</p>	<p>Amendments to the delegation scheme are suggested so as to ensure that the Section 151 Officer has some authority over expenditure from the Transformation Fund and so that the use of earmarked reserves are restricted to authorisation by the Section 151 Officer. This in practice would be as simple as adding the S151 as a signatory on Delegated Decisions of this nature.</p> <p>The changes to the constitution are proposed to be:</p> <p>1 – addition of a further restriction to delegations to Heads of Service (page 157) as follows:</p> <p>(5) Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Financial Regulations. The use of the Invest to Save Reserve (NEDDC) or the Transformation Reserve (BDC) can only be authorised by the Section 151 Officer.</p> <p>2 – amendment to general powers delegated (page 159):</p> <p>9.14 To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.</p> <p>9.15 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.</p>	<p>Scheme of Delegation for Officers</p> <p>(page 155 - 175)</p>

	<p>3 – to add a new delegation for the Section 151 (page 168):</p> <p>13.10 To authorise the use of earmarked reserves (Invest to Save Reserve – NEDDC or Transformation Reserve – BDC).</p>	Budget and Policy Framework Rules (page 104)
Proper Officer Provisions - Elections	The Scheme of Delegation for officers under the Representation of the People’s Act 1983 currently delegates to the Elections Manager for NEDDC only the role of Deputy Acting Returning Officer for a Parliamentary Election. This is an oversight and will need to include the Elections Manager for BDC.	Part 4.10 Scheme of Delegation – Representation of the People’s Act 1983 S.24 (page 172 of the current version)
Proper Officer Provisions	A number of the regulations specified under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to Proper Officer Provisions were not titled correctly within the Constitution and several of the regulations that had Proper Officer Provisions had been omitted from the lists detailed at pages 170 to 175 of the Council’s Constitution.	Part 4.10 Pages 170-175 of the current version.
Social Media Guidance for Councillors	<p>The introduction of a guidance document for Social Media for Councillors would give helpful suggestions and clarification to Members on how they should conduct themselves on the use of Social Media.</p> <p>The Council currently did not issue any guidance on the use of Social Media for Councillors and with Social Media increasingly becoming a more popular form of communication for Elected Members to engage with residents, there was a need for guidance to enable protection for both Councillors and the Authority.</p>	Part 5 – Codes and Protocols

	<p>It was noted that this was not a formal policy nor protocol but a document based on best practice designed to encourage the use of Social Media sensibly.</p> <p>The draft social media guidance for Councillors can be summarised as follows:-</p> <ul style="list-style-type: none"> (a) The guidance is designed to encourage the use of social media sensibly and responsibly and to ensure that use does not adversely affect the Council or its business, nor be damaging to the Councils reputation and credibility or otherwise violate any council policies. (b) The guidance is to advise Councillors with particular regard to issues such as standards, libel, copyright, data protection, bias and pre-determination as well as encouraging good manners online. (c) The guidance makes explicit reference to how aspects of the Code of Conduct for Members will apply to online activity in the same way as they do to any other councillor's use. This is important especially where an individual has a social media account and they comment both as a councillor and as an individual. 	
<p>Members Code of Conduct</p>	<p>The Members' Code of Conduct was adopted by Council in 2012 following the introduction of the Localism Act but had not been formally reviewed since. The Monitoring Officer has carried out a review with proposed changes. In summary these changes are:</p> <ol style="list-style-type: none"> 1. General Conduct – additions to the general conduct expected of Members to ensure that areas around equalities, safeguarding and conduct when speaking to the media would be addressed; 2. Training – a section has been added to set out the requirement to attend essential training with a list of training and the frequency of attendance; 	<p>Part 5 – Codes and Protocols</p>

	<p>3. Predetermination / Bias – an explanation has been included as to what constitutes predetermination or bias and details added around what a Member is required to do should they have any concerns; and</p> <p>4. Member Interests – greater and clearer explanation as to what constitutes a Disclosable Pecuniary Interest (DPI) with notes contained within an Appendix to assist Members. This includes sensitive interests and the rules concerning non-participation where there was a DPI or how to request a dispensation.</p>	
<p>Members Code of Conduct (Declarations of Interest)</p>	<p>As part of the review of the Declarations of Interest Form it was noted that one interest Members were not required to declare was whether or not they held any Premises, Hackney Carriage, Private Hire or similarly related licenses granted to them either by the Council or by another Local Authority. Because this information is not registered, the Authority would not then know how many Elected Members or their partners and spouses have held these licenses or would do in the future. It was therefore suggested that this was a requirement that now needed to be included within the Code of Conduct and on the Declarations of Interest Form in order to be transparent and in line with the seven principles of public life, in particular the principal of integrity.</p>	<p>Part 5 – Codes and Protocols</p>

North East Derbyshire District Council

Council

20 May 2019

Scheme Of Delegation

Report of the Joint Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- For Council to approve the Scheme of Delegations as outlined in Part 3 of the Council's Constitution.

1 Report Details

- 1.1 It is a requirement under Council Procedure Rules (1.1 (0) of the Council's Constitution, that after the ordinary election of Councillors, Annual Council agrees the Scheme of Delegation as set out in Part 3 of the Constitution.
- 1.2 The Scheme of Delegation (**appendix 1**) outlines the specific delegation of Council and Executive Functions to officers. In Particular;
 - The Chief Executive Officer
 - The Strategic Director – Place
 - The Strategic Director – People
 - The Head of Finance and Resources and Section 151 Officer
 - The Head of Corporate Governance and Monitoring Officer.
- 1.3 The Scheme also outlines Proper Officer Provisions.
- 1.4 The Scheme of Delegation has been amended as set out in the Review of the Constitution report. This report suggests no further changes, but fulfils the requirements to accept it at the Annual Meeting of Council.

2 Conclusions and Reasons for Recommendation

- 2.1 That Council approves the Scheme of Delegation.
- 2.2 The framework outlines the specific delegation of Council and Executive Functions to officers, in order for them to do their paid work as officers of the Council.

3 Consultation and Equality Impact

3.1 There are no equality issues arising from this report.

4 Alternative Options and Reasons for Rejection

4.1 It is a requirement of the Council's Procedural Rules that the Scheme of Delegation is approved.

5 Implications

5.1 Finance and Risk Implications

5.1.1 There are no financial and risk implications arising directly from this report.

5.2 Legal Implications including Data Protection

5.2.1 There are no Legal implications arising directly from this report.

5.3 Human Resources Implications

5.3.1 There are no Human Resources implications arising directly from this report.

6 Recommendations

6.1 It is recommended that Council approves the Scheme of Delegation as set out in the Council Constitution.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes

District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1	Extract from the Constitution - Scheme of Delegation.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
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Report Reference –

4.10 SCHEME OF DELEGATION FOR OFFICERS

4.10.1 Introduction

- (1) This scheme has been adopted by Bolsover District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.
- (2) Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on executive functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- (3) All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- (4) Officers must consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- (5) Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not officers of the Authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (for example Environmental Health).
- (6) References to powers of 'the Council' include functions of the Executive.
- (7) Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- (8) All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.

(9) All delegations to officers are subject to:-

- Statutory requirements
- Contract Procedure Rules
- Financial Regulations/Finance Rules
- Consideration of the policies and plans of the relevant Council
- The Employee Code of Conduct and adopted protocols
- The requirements of the Strategic Alliance Management Team in relation to the overall management and coordination of the Councils affairs
- Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
- The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
- Any provision contained within this Constitution

(10) Where an officer has delegated powers, the Council or the Cabinet/Executive or a committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally, it is always open to an officer not to exercise delegated powers but to refer the matter up as appropriate.

(11) The Chief Executive Officer, Strategic Directors and Heads of Service are all joint posts within the Strategic Alliance. However, the word "Joint" has been omitted from the scheme descriptions.

4.10.2 Exclusions

(1) This Scheme does not delegate:-

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a committee or sub-committee.

4.10.3 Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the

delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager.

4.10.4 Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:-

- that post is vacant
- the post-holder is not at work for any reason

4.10.5 Consultation

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular, consultation must take place with legal, finance and human resources as appropriate.

4.10.6 Restriction on delegations to Heads of Service

- (1) Each delegation to a Head of Service is subject to a limitation that it shall not be exercised if the Head of Paid Service, or an Strategic Director, or the Monitoring Officer, or Section 151 Officer has given a direction to that effect.
- (2) The Head of Paid Service, or a Strategic Director, may exercise any delegated power possessed by a Head of Service whilst a direction is in force with respect to that delegation.
- (3) A Strategic Director may exercise any delegated power possessed by the Chief Executive Officer if that post is vacant or the post holder is absent.
- (4) In the absence of a Strategic Director, a Head of Service within that Directorate may exercise any delegated power possessed by that Strategic Director.
- (5) Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Financial Regulations. The use of the Invest to Save Reserve (NEDDC) or the Transformation Reserve (BDC) can only be authorised by the Section 151 Officer.

4.10.7 Transfer of Functions

- (1) Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.
- (2) Where a service is restructured, the Chief Executive Officer shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and inform the relevant Portfolio Holder.

4.10.8 Proper Officers

- (1) In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the “Proper Officer” in relation to that task. The list of Proper Officers is approved by the Council and is attached at Appendix One.
- (2) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

4.10.9 General powers delegated to all Strategic Directors and Heads of Service

- (1) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- (2) To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.
- (3) To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- (4) To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.

- (5) Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- (6) To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- (7) To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- (8) To exercise the Council's power to publish information about its services including deciding the content of any publication.
- (9) To decide the terms upon which services will be provided to the public, (which may include providing services on different terms to different individuals or classes of individuals).
- (10) To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order. The Chief Executive Officer must be informed of any decision to exclude under this paragraph.
- (11) To deal with the following employment matters in accordance with Council procedures:
 - (i) The employment of all employees below Head of Service level including determining the most appropriate means of recruitment and selection
 - (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas
 - (iii) Application of conditions of service including the authorisation of leave of absence, purchase of annual leave (Bolsover District Council only) and payment of honoraria
 - (iv) Suspension or dismissal of employees below Head of Service level
 - (v) Re-grading of posts below Head of Service level following job evaluation
 - (vi) Determination of job sharing applications
 - (vii) Waive any part of the notice required to be given by an employee to terminate employment.

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- (12) To authorise payments for overtime in accordance with Council procedures.
- (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
- (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- (16) To commission goods, services and works within approved budgets.
- (17) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- (18) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Cabinet/Council subsequently.
- (19) To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, Service Plans, Business Plans, policies, strategies or other plans.
- (20) To carry out any duties or responsibilities as contained with the Financial Finance (NEDDC) or Financial Regulations (BDC).
- (21) To carry out any functions contained within section 2 – Council Functions and section 3 – Local Choice Functions of the Functions Scheme (NEDDC).

Specific Delegations;

4.10.10 <u>Chief Executive Officer</u>		
	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.	Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
(2)	To guide and where appropriate direct Strategic Directors and Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.	
(4)	To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and, where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.	
(5)	If there is an urgent need for a commercial decision, the Chief Executive Officer, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive or Council as appropriate.	

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(6)	To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.	
(7)	To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.	
(8)	To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.	
(9)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	
(10)	To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman.	
(11)	To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.	
(12)	To progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to redundancies which may result from the implementation.	

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(13)	To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from the implementation.		
(14)	To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.		
(15)	To make authorisations of officers from other services at North East Derbyshire District Council to carry out appropriate statutory powers within Bolsover District Council.		
(16)	To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee have authority to issue/grant such authorisations.		
(17)	(i)	To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and;	
	(ii)	To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.	

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(18)	Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.	
(19)	To exercise any of the powers delegated to a Strategic Director or Head of Service.	
(20)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation	
(21)	Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the Local Government Pension Scheme transfers policy.	
(22)	Following consultation with the Section 151 Officer, if they see fit to accept transfers (in respect of an individual employees application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.	
(23)	Following consultation with the Bolsover District Council Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).	
(24)	Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.	

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(25)	Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.	
(26)	To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.	
(27)	To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff).	
(28)	To determine all staffing matters including but not limited to:-	
(i)	determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).	
(ii)	the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, in the case of statutory officers , their dismissal.	
(iii)	Approving secondments and temporary appointments of any staff.	

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(29)	Where the decision of the Chief Executive Officer taken under (27) above will incur additional expenditure which cannot be met by approved budgets, then the matter will be referred to the Executive/Cabinet, provided that the remit of the Executive/Cabinet shall be limited to decisions on financial matters only.	
(30)	To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant ward members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.	
(31)	Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.	

4.10.11 Strategic Director – Place

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Emergency Planning Lead.	
(2)	To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To deputise for the Chief Executive Officer in his absence and exercise any powers delegated to him.	
(4)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(5)	Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet/Executive to meet the statutory deadline.	
(6)	Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.	
(7)	To carry out Rights of Way functions for which the Council is responsible to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	

(8)	To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).	Applications for discretionary Disabled Facilities Grants must be submitted to Executive (BDC) / Cabinet (NEDDC).
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4.10.12 Strategic Director – People

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Safeguarding lead.	
(2)	To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To deputise for the Chief Executive Officer in his absence and exercise any powers delegated to him.	
(4)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	

4.10.13 Head of Finance and Resources and Section 151 Officer

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.	
(2)	Have responsibility for the proper administration of the financial affairs of the Council.	

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(3)	After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer, to report to the Council Meeting (or to the Cabinet/Executive in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.	
(4)	To approve the Draft Statement of Accounts prior to consideration by External Audit.	
(5)	To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.	
(6)	After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Executive/Cabinet.	
(7)	Following consultation with the Leader and Deputy Leader, to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park (Bolsover District Council only).	
(8)	To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.	
(9)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	

(10)	To authorise the use of earmarked reserves (Invest to Save Reserve (NEDDC) or Transformation Reservice (BDC).	
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4.10.14 Head of Corporate Governance and Monitoring Officer

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.	
(2)	To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.	
(3)	Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and Information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.	
(4)	Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.	
(5)	To negotiate and settle claims and disputes without recourse to court proceedings.	

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(6)	To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.	
(7)	To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.	
(8)	To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.	
(9)	To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.	
(10)	Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).	
(11)	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.	
(12)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings .	

Proper Officer Provisions

The relevant post holders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions and any subsequent amendments:

Proper Officer Provisions And Designation Of Officers To Statutory Functions/Roles

The relevant post holders listed below have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive Officer Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Chief Executive Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer

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S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
S.115(2)	Receipt of money due from officers	Head of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Head of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs – Deputy	Chief Account (BDC) and Chief Account (NEDDC)
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Head of Corporate Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Head of Finance & Resources and S.151 Officer.
S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)

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s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Chief Executive Officer Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Chief Executive Officer
S.248	Officer who will keep the Roll of Freeman	Chief Executive Officer
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Chief Executive Officer
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer

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Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Strategic Director – Place Head of Property and Commercial Services
Representations of the People Act 1983		
S.8	Registration Officer	Chief Executive Officer
S.8	Deputy Registration Officer	Head of Corporate Governance and Monitoring Officer Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.35	Returning Officer for Local Elections	Chief Executive Officer
S.35	Deputy Returning Officer for Local Elections	Head of Corporate Governance and Monitoring Officer Elections Manager (BDC) Elections Manager (NEDDC)
S.24	Acting Returning Officer for a Parliamentary Election	Chief Executive Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer Elections Manager (BDC) Elections Manager (NEDDC)
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Chief Executive Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Chief Executive Officer

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S.128, S.131, S.145, S.146	Provisions relating to election petitions	Chief Executive Officer
S. 200	Publication of Notices under the Act	Chief Executive Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Chief Executive Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Chief Executive Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Chief Executive Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive Officer except as specifically provided in this scheme
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulation 2	Determination of documents constituting Background Papers	Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Monitoring Officer

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Regulation 15	Inspection of background papers	Monitoring Officer
Regulation 13	Individual Executive decisions	Monitoring Officer
Regulation 7	Access to agenda and connected reports	Monitoring Officer
Regulation 10	General exception relating to Key Decisions	Monitoring Officer
Regulation 16	Members' rights of access to documents	Monitoring Officer
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Head of Property and Commercial Services
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Head of Housing and Community Safety
Public Health Act 1961		
S.37	Control of any verminous article	Head of Housing and Community Safety
Localism Act 2011		
S. 33	Submission of written requests for Standards Dispensations	Monitoring Officer
S. 81	Administration of Community Right to Challenge	Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Monitoring Officer

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Freedom of Information Act 2000		
S. 36	Qualified Person determining prejudice to effective conduct of public affairs	Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.3A	Employers certificate for exemption from politically restricted posts	Head of Paid Service
S.4	Head of Paid Service	Chief Executive Officer
S.5	The Monitoring Officer	Head of Corporate Governance
S. 5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Chief Executive Officer
Data Protection Act 2018		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager

Bolsover District Council

Annual Council

22rd May 2019

Operation of Urgency Rules and Financial Limit for Key Decisions

Report of the Joint Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- The purpose of this report is to:
 - (a) Advise of Key Decisions taken under statutory Special Urgency Rules in the past 12 months.
 - (b) Advise of decisions taken under Urgency Rules within the Council's Scrutiny Rules (this is where call in provisions are waived as the decision is urgent and cannot be reasonably deferred).
 - (c) Set the Key Decisions threshold for the forthcoming year in line with the constitutional requirement at Annual Council Meetings.

1 Report Details

- 1.1 A Key Decision is an Executive (i.e. Cabinet or officer) decision which is likely to:
- Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - Be significant in terms of its effects on communities living or working in an area comprising two or more wards within the District.
- 1.2 In determining the meaning of "significant" the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council considers the level for significant income or expenditure for the forthcoming year to be £75,000 for revenue and £150,000 for capital.
- 1.3 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that all Key Decisions must be published at least 28 days prior to being made. Where this is not possible the decision may still be made so long as there is compliance with General Exception provisions. This involves informing the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) and publishing

a notice five days prior to making the decision outlining the reasons why compliance with the requirements is not possible.

- 1.3 Where it is impractical to comply with the General Exception rules, a Key Decision may only be taken in cases of Special Urgency. This is where the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) agrees that the decision is urgent and cannot be reasonably deferred. Again, the Council must publish a notice setting out the reasons why the decision is urgent and cannot be reasonably deferred.
- 1.4 The Leader is required to submit, at least on an annual basis, a report setting out those decisions where Special Urgency rules have been used. The report must cover the period since the last report was issued and contain details of the decisions that were made. Since the last such report to Council in May 2018, there has been one decision taken using Special Urgency rules. Details of this decision is attached at Appendix 1.
- 1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months there have been no decisions taken using these urgency provisions.
- 1.6 Finally, this report enables Council to review the threshold for Key Decisions on a regular basis. It is recommended that the financial threshold for an executive decision to be considered as significant be maintained at the levels set out in paragraph 1.2.

2 Conclusions and Reasons for Recommendation

- 2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and to review the financial threshold for Key Decisions.

3 Consultation and Equality Impact

- 3.1 None.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

5. Implications

5.1 Finance and Risk Implications

- 5.1.1 There are no financial or risk implications arising from this report.

5.2 Legal Implications including Data Protection

5.2.1 This report is to comply with The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 regarding key decision rules and use of urgency procedures.

5.3 Human Resources Implications

5.3.1 There are no human resources implications arising from this report.

6 Recommendations

6.1 That Council:

- (a) Notes there has been one decisions taken over the past 12 months under Special Urgency rules;
- (b) Notes there have been no decisions taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title
Appendix 1	Details of decision under special urgency
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
Donna Cairns, Senior Governance Officer	01246 242529

Decisions Taken Under Special Urgency Rules

Meeting Date	Report Title	Decision	Reason For Urgency
Executive 3 rd December 2018	Provision of Facilities Management Services Bolsover District Council (Exempt – Paragraphs 3 and 5)	<p>RESOLVED that Executive approve the appointment of J Tomlinson’s Ltd to provide Facilities Management Services as outlined within the report for a further interim period of six months to enable a further tender exercise to be carried out.</p> <p>REASON FOR DECISION: Following the approved tender procedure and subsequent evaluation it is recommended that an interim extension of six months be sought to the existing contract in order to allow sufficient time to undertake a re-tender exercise.</p> <p>OTHER OPTIONS CONSIDERED: Consideration was given to letting the contract to J. Tomlinson’s Ltd following their tender submission, however because of the lack of competition, uplift and uncertainty of pricing, this option was discounted.</p>	Extension of existing contract for a period of six months to ensure continued provision whilst services are re-tendered

Minutes of a meeting of Council held in the Council Chamber, The Arc, Clowne on Wednesday 3rd April 2019 at 1000 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors A. Anderson, P. Barnes, R. J. Bowler, P. M. Bowmer, G. Buxton, T. Cannon, T. J. Connerton, C. P. Cooper, P. A. Cooper, M. Dooley, S.W. Fritchley, H.J. Gilmour, A. Joesbury, D. McGregor, C. R. Moesby, B.R. Murray-Carr, K. Reid, J. E. Smith, E. Stevenson, A. M. Syrett, R. Turner, K.F. Walker, B. Watson, D.S. Watson and J. Wilson.

Officers:-

D. Swaine (Chief Executive Officer), K. Hanson (Strategic Director - Place), S. E. A. Sternberg (Joint Head of Corporate Governance – Monitoring Officer), V. Dawson (Solicitor – Team Manager – Contentious and Deputy Monitoring Officer), T. Fletcher (Chief Accountant – acting Section 151 Officer) and N. Calver (Governance Manager).

0845. APOLOGIES

Apologies for absence were received from Councillors T. Alexander, T. Bennett, J. A. Clifton, M. Crane, S. Peake, J. Ritchie and P. Smith.

0846. DECLARATIONS OF INTEREST

No Declarations of interest were made at the meeting.

0847. CHAIRS ANNOUNCEMENTS

The Chairman informed Members of the announcement made the previous day by Central Government of funding available for street cleansing initiatives. Bolsover District Council had been allocated approximately £15,500 for litter picking schemes with a short timescale of 8 days to allocate the funds.

0848. MINUTES OF THE PREVIOUS MEETINGS

Consideration was given to the Minutes of Council held on Wednesday 20th February 2019 as set out in pages 4 to 12 of the Agenda pack.

Moved by Councillor R. Turner and seconded by Councillor A. M. Syrett

RESOLVED that the Minutes of the Meeting held on 20th February 2019 be approved as a correct record and be signed by the Chairman.

(Governance Manager)

Consideration was given to the Minutes of Council held on Wednesday 6th March 2019 as set out in pages 13 to 17 of the Agenda pack.

Moved by Councillor R. Turner and seconded by Councillor A. M. Syrett

RESOLVED that the Minutes of the Meeting held on 6th March 2019 be approved as a correct record and be signed by the Chairman.

(Governance Manager)

0849. QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule 8 Members of the public were able to ask questions of an Executive Member about the Council's activities for up to a period of 15 minutes.

One question had been submitted to this meeting of Council under Rule 8 of the Council Procedure Rules.

Question submitted by Mrs Judith Duvall and Mrs Carol Hutchinson to Cllr D McGregor, Deputy Leader and Portfolio Holder for Corporate Governance

In response to the Intergovernmental Panel on Climate Change's 2018 special report on the impacts of global warming of >1.5C above pre-industrial levels which showed that we have less than 12 years to reduce greenhouse gas emissions and avoid the catastrophic impacts of climate change.

Will Bolsover District Council declare a climate emergency and develop an appropriate action plan to achieve net zero carbon by 2030?

Additionally, will they call upon Derbyshire County Council and Derby City Council to declare a climate emergency and develop an appropriate action plan to achieve net zero carbon by 2030?

In offering his response, Councillor D. McGregor, confirmed that Bolsover District Council believed that Climate Change was the most pressing issue facing our communities today. The District Council recognised the need to find ways to achieve carbon reduction whilst balancing the need for economic growth and prosperity of its communities. The Council was required to reduce its use of climate damaging energy and adapt the way it operated to better utilise more environmentally friendly sustainable materials, products and practices in a move to a lower carbon lifestyle.

Councillor McGregor confirmed that the Council was committed to this challenge and to the principal of carbon reduction. To this end, the Council had recently developed and adopted a Carbon Reduction Plan which set out how the Council aimed to work with its partners, businesses and communities to achieve this and reduce its carbon footprint by 50% by 2030.

It was acknowledged that knowledge, awareness, technology, products and regulations in relation to climate change were evolving at a rapid pace. Councillor McGregor therefore stated that the Councils plan would be reviewed and updated regularly to change and flex as new opportunities arose which supported, and possibly furthered, its ambition for carbon reduction.

Councillor McGregor urged Mrs Duvall to approach Derbyshire County Council and Derby City Council, and any other public sector organisation in regard to her campaign.

SUPPLEMENTARY QUESTION

Mrs Duvall exercised her right to ask a supplementary question of the Deputy Leader. In the supporting documents that Mrs Duvall had circulated to Members of the Council, she had made reference to a mineral plan being developed for Derbyshire and expressed her concerns around the content within that plan with regard to carbon emissions. She queried whether the Council could give support to the County Council to develop and monitor areas that wished to set up being carbon neutral.

In responding, the Deputy Leader informed the Council that Derbyshire County Councils plans were underway. He requested for the Chief Executive to raise this matter at any forthcoming meetings that he was to attend where this matter could be discussed.

0850. QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule 9 Members of Council were able to ask questions about the Council's activities to either the Chair of the Council, Chairman of a specific Committee or a relevant Portfolio Holder.

No questions were submitted to this meeting of Council under Rule 9 of the Council Procedure Rules.

0851. MOTIONS

In accordance with Council Procedure Rule 10 Councillors were able to submit Motions on Notice for consideration at meetings of Council.

No Motions on Notice were submitted by Members to this meeting of Council under Rule 10 of the Council Procedure Rules.

0852. REPORTS ON URGENCY ITEMS TAKEN BY THE EXECUTIVE

When appropriate, meetings of Council were to receive a report from the Executive detailing any Key Decisions taken under special urgency provisions or Key Decisions exempt from Call-in.

There were no urgency decisions to report to this meeting of Council.

0853. RECOMMENDED ITEMS

There were no items recommended for consideration at this meeting of Council.

0854. PROPOSED CALENDAR OF MEETINGS

Members gave consideration to a report of the Deputy Leader and Portfolio Holder for Corporate Governance who presented the proposed calendar of meetings for 2019/2020 for Council's approval. The schedule of meetings had been drawn up using the rules previously used in relation to ensuring that meetings were held when statutory business required, to meet Legal obligations, and that the requirements of the Constitution were met in terms of frequency of meetings.

In addition the schedule had been devised to address some suggested changes including a reduction in the frequency of Council meetings to 6 weekly and the proposed changes to the establishment of Licensing Committee.

Members were informed that briefing meetings would be held prior to the first meetings of Licensing, Planning, Audit and Corporate Governance Scrutiny Committees to provide an opportunity for Members to refresh themselves around the functions of the

Committee and their role within it. Training would also be provided for all Chairman and Vice Chairman and would be arranged by The Governance Team after the Annual Meeting.

Moved by Councillor D. McGregor and seconded by Councillor A. M. Syrett

RESOLVED that:

- 1) the 2019/2020 calendar of meetings attached to the report as Appendix 1 be approved and the points as outlined in paragraph 1.4 be noted; and
- 2) delegated authority be granted to the Governance Manager following consultation with the Leader of the Council and the Chairman of the relevant Committee or working groups to amend the calendar of meetings for 2019/2020 as and when required.

(Governance Manager)

0855. PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 WITHIN THE DISTRICT OF BOLSOVER

Members gave consideration to a report of the Portfolio Holder for Corporate Governance which set out the required stages of the Legal process to confirm the re-adoption of the provisions of Part II of The Local Government (Miscellaneous Provisions) Act 1976 within the whole of the Bolsover District Council administrative area. Members noted that all Councils that licensed Hackney Carriage and Private Hire Vehicles, drivers and operators were required to adopt Part II of the Act 1976, however, Bolsover District Council was unable to evidence the date that the Act was formally adopted by this authority. It was therefore considered that Council formally re-adopted the Act as a high priority. There was two stages to the re-adoption firstly, there must be a resolution from Council for adopting provisions of the 1976 Act and, secondly a notice would need to be published in the local newspaper as set out in 1.8 of the report.

The recommendation put in the report was for the Council to approve its intention to pass a resolution to adopt the 1976 Act and, on that basis, a further report would be submitted to the forthcoming meeting of Council on the 22nd May 2019.

Moved by Councillor D. McGregor and seconded by Councillor A. M. Syrett

RESOLVED that

- 1) the intention to pass a resolution to adopt be approved, to the extent which they are not already in force, with the provisions of Part II of the 1976 Act in relation to the whole District as set out in Appendix 3;
- 2) the Council publish notice of the intention to adopt the act in line with the Legal requirements; and

- 3) copies of the notices be served on all Parish Councils within the District in accordance with the Act.

(Monitoring Officer)

0856. JOINT EMPLOYMENT COMMITTEE AND JOINT APPEALS COMMITTEE

The Council received a report of the Joint Head of Corporate Governance and Monitoring Officer setting out proposals for revised arrangements for the Joint Employment Committee (JEC) and the Joint Appeals Committee (JAC) in relation to Members of the Strategic Alliance Management Team (SAMT). The report also set out the reviews of the Standards Committee and the UECC on the proposals. Attached at Appendix 1 of the report were the proposals put forward to the meeting of Council on the 6th March 2019 that were deferred for consideration by the Standards Committee and the UECC.

The proposals contained within were for the JEC and the JAC to amalgamate to form a Joint Employment and Appeals Committee (JEAC). The JEAC was set as an 8 Member Committee and an amended Terms of Reference was appended to the report as well as suggested changes to the Scheme of Delegation. It was reported that the Standards Committee considered the proposals on the 11th March 2019 and recommended putting in place the proposed arrangements on a temporary basis pending a formal review as part of the Review of the Constitution 2019/2020. In addition the UECC considered the proposals on the 25th March and concurred with the views of the Standards Committee.

Moved by Councillor D. McGregor and seconded by Councillor A. M. Syrett

RESOLVED that

- 1) the Joint Employment Committee and the Joint Appeals Committee be merged to become the Joint Employment and Appeals Committee (JEAC)
- 2) the proposed Membership and Terms of Reference for the JEAC and the proposed amendment to the Scheme of Delegation for Officers as set out in the report be approved. *(This includes approving the Membership to the JEAC as 8 members, 4 from each of the Councils and appointing the additional Executive Member representative to the Committee).*
- 3) it be noted that the arrangements would be reviewed as part of the 2019/2020 planned annual Constitutional review by the Standards Committee; and
- 4) delegated authority be given to the Chief Executive as the Head of Paid Service to make any minor alterations required to the process.

(Monitoring Officer)

0857. ACHIEVEMENTS 2015/2019

The Chief Executive Officer gave a presentation to Members regarding achievements over the four year term of office 2015 – 2019. The term commenced with a new Leader and Cabinet following the May Annual meeting in 2015 and the Chief Executive Officer commenced his employment with the Authority in October 2015. Shortly after, a Senior Management Review commenced where two Strategic Directors were appointed and the Senior Management Team was revised.

Members gave consideration to the future deficit over the forthcoming years and the need for sustainable income be achieved through maximisation of income, service redesign and business cost reduction.

A transformation plan was now in place with staff engaged in the process and an aspiration for commerciality. Some of the key achievements highlighted were:

- Development of a Morrisons store
- Opening of The Arc facility
- Securing £1.36 million Migration Fund for Shirebrook
- Remaining in D2N2 LEP
- Securing of funding to clear the Coalite site
- Working with HS2
- Achieving the agreed Local Plan following the risk of intervention
- Development of the Clowne Garden Village (creation of 2700 jobs)
- £2,200 secured for the manufacturing zone
- Secured funding of £444,000 for the business rates pilot
- Joint Venture with DragonFly
- Building 91 properties with the B@Home scheme
- Development of the Model Village at Bolsover
- Development of an Apprenticeship scheme

A good Senior Management Team had been developed that had good relationships with Members and a new Corporate Plan was in the development phase. The Leader of the Council expressed her gratitude to the staff body and Members as a whole for the work undertaken over the previous 4 years and for rising to the challenges the Authority had faced during the times of austerity.

Moved by Councillor T. Munro and seconded by Councillor R. Turner

RESOLVED that the presentation be noted.

0858. CHAIRMAN'S CLOSING REMARKS

Councillor T. Munro, Chairman of the Council, expressed his thanks to all Councillors for their support during the period of his Chairmanship. He expressed gratitude to all Councillors for their hard work and dedication, not only to Bolsover District Council, but also to their constituents. To those Members not standing he expressed a particular thank you and he offered his best wishes to their future endeavours. For all the Members standing for re-election he wished them good luck in their Election campaigns. Further he expressed his appreciation to all Officers for assisting Members who serve the residents of the District.

Councillor D. McGregor, Deputy Leader of the Council, spoke on behalf of all Members to express thanks to the Leader of the Council, Councillor A. M. Syrett, who was not seeking re-election. Councillor Syrett was a long standing member of the Authority having served 16 years for Bolsover District with the last 4 as Leader of the Council. He applauded the Leader's ability to be able to work in collaboration with others and for improving the social and economic health of the organisation leaving a positive legacy for a new Leader from May.

A presentation of flowers was made to the opposition group.

The meeting closed at 11:29 am.

Council – 22nd May 2019

Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.

i) Question submitted by Kate Heasman directed to the Leader of the Council

A significant number of councils along the proposed HS2 route have written to the Government urging Ministers to halt all work on HS2 amid warnings of the destruction being caused to communities. I have attached a letter from Buckinghamshire County Council for your information.

They have requested that HS2 be banned from carrying out further work, including ground investigations, demolitions and construction of access roads until the end of the year when ministers are due to decide on issuing a formal 'Notice to Proceed' to HS2 Ltd. (which was previously due to be issued in June).

It is important that this district, which it has been acknowledged, will be a 'net loser' from HS2, seeks written assurances that no preliminary works, removal of trees, hedgerows and demolitions of properties takes place within its boundaries until such time as formal 'Notice to Proceed' has been given to HS2 Ltd. by the Government.

To this end, would Bolsover District Council write to the Secretary of State for Transport, Chris Grayling, the Secretary of State for the Environment and HS2 Ltd asking to gain written confirmation of such assurances for its residents and in support of fellow councils?

Extract from the Council's Constitution

**PART 4
RULES OF PROCEDURE**

Council Procedure Rules

8. Questions by the Public

8.1 General.

- (a) Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.
- (b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions and responses shall not be a matter of debate.

8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

8.3 Number of Questions.

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the District;
- (b) it is defamatory, frivolous or offensive;
- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a District Council planning application that is in the process of being determined.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

8.5 Record of Questions.

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

8.6 Order of Questions.

Questions will be asked in the order of which notice of them was received, except that the Chairman of the Council may group together similar questions.

8.7 Asking the Question at the Meeting.

The Chairman of the Council will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.

8.8 Supplementary Question.

A questioner who has put a question in person may also put one brief supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The Chairman of the Council may reject a supplementary question on any of the grounds in rule 8.5 above or if the question takes the form of a speech.

8.9 Response

An answer may take the form of:

- (a) a direct oral answer
- (b) where the desired information is in a council publication or another published work, a reference to that publication; or
- (c) a written answer circulated later to the questioner.

8.10 Reference of Question to the Executive or a Committee.

Unless the Chair of the Council decides otherwise, no discussion will take place on any question, but any Councillor may move that the matter raised by a question be referred to the Executive or the appropriate board or Committee. Once seconded, such a motion will be voted on without discussion.

Bolsover District Council

Council

22nd May 2019

**PART II OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 1976 WITHIN THE DISTRICT OF BOLSOVER**

Report of the Joint Head of Corporate Governance and Monitoring Officer

This report is public

Purpose of the Report

- On 3rd April 2019 Council approved the intention to pass a resolution to adopt, to the extent it was not already in force, the Provisions of the Local Government (Miscellaneous Provisions) Act 1976. This report explains what steps have been taken to so far and set out the final stages of the legal process to confirm the re-adoption of the 1976 Act for the whole of Bolsover District Council, administrative area.

1 Report Details

- 1.1 Licensing of hackney carriage and private hire vehicles, drivers and operators is governed by several pieces of legislation. All licensing of private hire, and some provisions relating to hackney carriages, derive from Part II of the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 All Councils which licence these trades were required to adopt Part II of the Act. Bolsover District Council is unable to evidence the date that the Act was formally adopted.
- 1.3 In 2013 Aylesbury Vale District Council was involved in a legal challenge after Defendants argued that the Council had not properly adopted the relevant provisions of the 1976 Act. The Council could not prove that they have properly consulted with the parish councils and their case was dismissed. Since that case a number of District Councils have taken steps to ensure that they can evidence both stages of the process of adoption, as outlined below. It is therefore considered that Council formally (re)adopt the Act (to the extent it is not already in force) as a high priority.
- 1.4 There is no intention to change the existing position with respect to Part II of the 1976 Act therefore all policies, practices, conditions and delegations will continue unchanged where applicable.

- 1.5 The procedure for formal adoption of the provisions is set out in full in section 45 of Part II the 1976 Act. The Act can be viewed online at <http://www.legislation.gov.uk/ukpga/1976/57> and a copy can be made available on request to the Legal Services team.
- 1.6 There are two stages: (1) there must be a resolution of the Council adopting the provisions of Part II of the 1976 Act (the “Adoption Resolution”) and (2) there must be compliance with certain matters prior to the Adoption Resolution as set out below.
- 1.7 Prior to adoption the Council is required to:
- (a) Publish for two consecutive weeks, in a local newspaper circulating in our area, a notice of our intention to pass the resolution.

An appropriately worded notice was to be published in the Derbyshire Times on 11th and 18th April 2019. The wording of the notice is shown in show in Appendix 1 however for copyright reasons, scanned copies of the original notices cannot be included in this published/publically available report, however copies and originals are held on internal records.

- (b) Serve a copy of the notice, not later than the date on which it is first published above, on the council of each parish or community which would be affected by the resolution.

A copy of the notice was served by email to the clerks of the relevant parish and town council clerks on 9th April 2019. A full list of all parish and town councils within the district and who have been served is shown in Appendix 2.

2 Conclusions and Reasons for Recommendation

- 2.1 The Council need to ensure that we can evidence formal adoption of the Act and comply with the statutory requirements in terms of notice in the local paper and within each parish.

3 Consultation and Equality Impact

- 3.1 Consultation issues are outlined in the report.

4 Alternative Options and Reasons for Rejection

- 4.1 Not being able to evidence formal adoption of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 but the Council at risk of challenge and is not an option.

5 Implications

5.1 Finance and Risk Implications

5.1.1 The cost implication relating to the publication of statutory notices has been met from the existing licensing budget.

5.2 Legal Implications including Data Protection

5.2.1 Having a formal resolution to adopt the Act, and evidence of the notice and consultation with Parishes in the district is essential to ensure that we have complied with the requirements for Adoption of the Act and to enable enforcement action.

5.3 Human Resources Implications

5.3.1 None.

6 Recommendations

6.1 That Council adopts, to the extent they are not already in force, the provisions of Part II of the 1976 Act in relation to the whole district as set out in Annexe 3 to the report.

6.2 That it be agreed that adoption of Part II of the 1976 Act shall come into effect on 23rd June 2019, this being a date not less than one-month after the day the resolution is passed.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</i> <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No

Has the relevant Portfolio Holder been informed	Yes
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1.	Wording of the notice to be published in Derbyshire Times.
2.	A full list of all parish and town councils within the district and who will have been served.
3.	Appropriate wording for the Adoption Resolution is set out in Annexe 3.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Victoria Dawson, Solicitor (Contentious Team Manager)	Ext 2231

Appendix 1

BOLSOVER DISTRICT COUNCIL

Part II Local Government (Miscellaneous Provisions) Act 1976

NOTICE IS HEREBY GIVEN in accordance with section 45(3) of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act'), that it is the intention of Bolsover District Council ('the Council'), to pass a resolution at a meeting of Council on 22nd May 2019 that the provisions of Part II of the 1976 Act (other than section 45) shall be adopted and shall apply within the District of Bolsover District Council, with effect from 23rd June 2019

A handwritten signature in black ink that reads "Sarah Sternberg". The signature is written in a cursive, flowing style.

Sarah Sternberg
Head of Corporate Governance and Monitoring Officer

Appendix 2

List of parish and town councils served via email with the statutory notice detailed in Appendix 1 on 9th April 2019

- Ault Hucknall
- Barlborough
- Blackwell
- Clowne
- Elmton with Creswell
- Glapwell
- Hodthorpe and Belph
- Langwith
- Old Bolsover (town)
- Pinxton
- Pleasley
- Scarcliffe
- Shirebrook (town)
- South Normanton
- Tibshelf
- Whitwell

Appendix 3

ADOPTION RESOLUTION

RESOLVED:

(1) To the extent that they are not already in force the provisions of Part II of Local Government (Miscellaneous Provisions) Act 1976 1976 Act, (other than section 45), are to apply to the whole area of the Council on and after the appointed day;

(2) The appointed day for the purposes of this resolution shall be 23rd June 2019 (being not before the expiration of the period of one month beginning with the day on which this resolution is passed).

(3) All powers, duties and provisions in the Council's Constitution relating to Part II of the Local Government (Miscellaneous Provisions) Act 1976 and all existing policies, practices and conditions relating thereto shall continue to apply on and after the appointed day.