



24th June 2014

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

You are hereby summoned to attend an Special meeting of the Standards Committee of the Bolsover District Council to be held in Meeting Room 4, The Arc, Clowne, on Thursday 3rd July 2014 at 0930 hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 2.

Yours faithfully

Chief Executive Officer

To: Chairman & Members of the Standards Committee.

ACCESS FOR ALL

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 **01246 242528** **Democratic Services**
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Chief Executive Officer: Wes Lumley, B.Sc. F.C.C.A.



The Government Standard

SPECIAL STANDARDS COMMITTEE

AGENDA

Thursday 3rd July 2014 at 0930 hours in Meeting Room 4, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for absence</u>	
2.	<u>Declarations of Interest</u>	
	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 urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
3.	Further Updates to Revised Constitution Report.	3 to 4
	Appendix A (Council and Planning Committee Functions)	5 to 14
	Appendix B (Financial Regulations)	15 to 32
	Appendix C (Procurement Rules)	33 to 47
4.	Draft Delegation Scheme Report.	48 to 50
	Appendix A (Draft Delegation Scheme)	51 to 63
	Appendix B (Proper Officer Schedule)	64 to 70

Bolsover District Council

Standards Committee

3rd July 2014

Further Updates to Revised Constitution

Report of the Assistant Director of Governance and Monitoring Officer

This report is public

Purpose of the Report

- To advise of additional changes to the Constitution made since the meeting of Standards Committee on 8 April.

1 Report Details

- 1.1 The Committee considered updates to the Constitution at its meeting on 8 April. Further to that meeting a number of other changes have been proposed and these are attached at Appendices A, B and C.
- 1.2 Appendix A sets out the Council and Planning Committee functions from the Functions Scheme, as well as the functions of the New Bolsover Partnership Joint Committee which were agreed at Council on 18 June. The changes already agreed on 8 April are included in the track changes along with some others. These mainly relate to the decision at Council in May to create a new Local Plan Steering Group. In future, it is proposed that only the approval and withdrawal of the Local Plan document will be a Council decision. All other decisions will be referred to Planning Committee with the background work undertaken by the Steering Group. This will enable swifter and more efficient decision making in relation to the Local Plan. Some other minor 'consistency changes' are also proposed.
- 1.3 Appendices B and C are the revised Finance Regulations and Contract Procedures. The changes to the Financial Regulations relate to virements. The Contract Procedure Rules have been updated to enable greater use of e-tendering now that the Council has access to the facility and to reflect the fact that the main operational work on tendering is being undertaken by Chesterfield Royal Hospital (CRH) on behalf of the Council.

2 Conclusions and Reasons for Recommendation

- 2.1 To enable a fully revised Constitution to be brought before Council on 16 July 2014.

3 Consultation and Equality Impact

- 3.1 None.

4 **Alternative Options and Reasons for Rejection**

4.1 None.

5 **Implications**

The Local Government Act 1972 allows delegation of Council functions in certain circumstances.

6 **Recommendations**

6.1 That Standards Committee recommend that the attached changes to the Constitution be forwarded to the Council for approval.

7 **Decision Information**

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 **Document Information**

Appendix No	Title
A	Excerpt from Part 3 – Functions Scheme
B	4.7 - Financial Regulations
C	4.8 - Contract Procedures
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)	
Report Author	Contact Number
Governance Manager	7753

3.2 Council Functions

These are as follows:-

1. The adoption and any amendment to the Constitution,
2. The approval of the Budget and Policy Framework as defined in the Budget and Policy Framework Rules in Part 4 of the Constitution including;
 - The adoption (with or without modification) of the plan or strategy,
 - The giving of instructions requiring the Executive to reconsider any draft plan or strategy submitted to the Executive for consideration,
 - The amendment of any draft plan or strategy submitted to the Council by the Executive for consideration.
3. Any application to the Secretary of State in respect of any Housing Land Transfer.
4. Calculations relating to and setting of Council Tax.
5. Setting the level of Council House rents.
6. The appointment and dismissal of the Chief Executive Officer and Head of Paid Service
7. The appointment and dismissal of Chief Officers and Deputy Chief Officers.
8. Consideration of a report by the Head of Paid Service on management of the Council or by Director of Resources or Monitoring Officer in relation to a Council function.
9. Appointment and Membership of Committees.
10. Election/Appointment of Chairman and Vice-Chairman of the Council.
11. The appointment of Leader, ~~Deputy Leader and members of the Executive.~~
12. The appointment of and any amendment to Terms of Reference of Committees and Sub-Committees and Partnership Working Groups.
13. Authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings in respect of Council Tax, NNDR and Community Charge.

14. In accordance with the provisions of section 101(4) of the Local Government Act 1972, where it is expedient to do so to exercise the powers or duties in relation to any matter contained in the Terms of Reference of any Committee, Sub-Committee or other Council Body other than the Executive.
15. To make determination in respect of the Council's Borrowing and Investment Strategy.
- ~~16. To determine planning applications referred to the Council by the Planning Committee pursuant to Planning Committee Terms of Reference.~~
- ~~17. To determine the Council's requirements for public open space provision in respect of new development proposed under a planning application, in cases where the Planning Committee and the Executive have failed to agree on the appropriate level of provision.~~
- ~~18. The approval of the Council's Draft Published Accounts.~~
- ~~19~~18. National and Provincial Council decisions and recommendations.
- ~~20~~19. Approval of and amendment to the Members' Allowances Scheme including the level of allowances within the scheme following the consideration of report from the Independent Remuneration Panel.
- ~~21~~20. Determining the amount of any allowance payable in respect of the Chairman and Vice Chairman of the Council's expenses, allowances for attending conferences, travelling and subsistence allowances under the Local Government Act 1972.
- ~~22~~21. Subject to the urgency procedure contained in the Access to Information Procedure Rules in Part 4 of this Constitution, making decisions about any matter in the discharge of an executive function which is covered by the Budget and Policy Framework or where the decision maker is minded to make it in a manner which would be contrary or not wholly in accordance with the Budget and Policy Framework.
- ~~23~~22. Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.
- ~~24~~23. The function of specifying a value or description for the purposes of Regulation 8 of the Local Authorities (Executive Arrangements) (Modification of Enactments and Further Provisions) (England) Order 2001 in respect of Contracts Standing Orders.
- ~~25. The imposition of any condition limitation or other restriction on an approval, consent, licence, permission or registration granted by the Council, determining whether and in what manner to enforce any~~

~~failure to comply with such an approval, consent, licence, permission or registration and the amendment, modification or variation of any such consent, licence, permission or registration.~~

2624. All local choice functions set out in 3 below, which the Council has decided, should be undertaken by itself rather than the Executive.
2725. The authorisation of applications by the Executive under section 135 of the Leasehold Reform, Housing and Urban Development Act 1993 (Programme for Disposals) and sections 32 and 43 of the Housing Act 1985 for the disposal of housing land other than under Right to Buy legislation.
- ~~2628. The approval for the purposes of public consultation in accordance with regulation 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of alterations to or the replacement of a development plan.~~
- Decisions relating to the adoption or withdrawal of local development documents and supplementary planning documents associated with the preparation of the Council's Local Plan.
2927. All other matters which by law must be reserved to the Council, including those functions which cannot be the responsibility of the Executive, but which can be delegated to a Committee by the Council. These functions are listed in the Appendix to this part of the Constitution.
2830. Debate petitions to the Authority which contains 1% of the population of the District (700 signatures)

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(8) PLANNING COMMITTEE

TO EXERCISE THE POWERS AND DUTIES OF THE COUNCIL WITH REGARD TO:-

1. The control of development under planning legislation including inter alia historic buildings, conservation, advertisement control, lawful development certificates, hazardous substances control and enforcement of legislation, subject to:-
 - (i) Where the Planning Committee resolve to determine a planning application contrary to the recommendation of the Head of Planning and Environmental Services Development Control Manager, the resolution adopted shall make reference to the material considerations taken into account by the Committee which warrant such a decision, and those material considerations shall be recorded in the minutes.
 - ~~(ii) Where the Planning Committee is minded to approve an application which has been advertised as a departure to the development plan, the application shall be referred to the Council, along with a statement by the Planning Committee, identifying material considerations which have been taken into account and which justify the departure from Policy and that statement and material considerations shall be recorded in the minutes.~~
2. Tree Preservation Orders, the need for planning agreements and obligations, notices under section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of the neighbourhood), Article 4 Directions and the Hedgerows Regulations 1997.
3. Grants for the repair of historic buildings.
- ~~4. Consultation and public participation on the Statement of Community Involvement and supplementary planning documents included in the Local Development Scheme.~~

- ~~5. Consultation on pre-submission issues and options for development plan documents included in the Local Development Scheme.~~

~~Decisions relating to the commencement, publication or submission of local development documents associated with the preparation of the Council's Local Plan~~

~~Decisions relating to the approval of the Local Development Scheme, Statement of Community Involvement and Annual Monitoring Reports.~~

~~Decisions relating to the preparation of local development documents and supplementary planning documents.~~

~~Decisions relating to recommendations from the Local Plan Steering Group.~~

6. Respond to consultations on the preparation of development plan documents, supplementary planning documents, local development schemes, statements of community involvement, and annual monitoring reports, and their amendment and review, from adjoining and nearby district and metropolitan district councils, provided that the response is consistent and compatible with the policies of the Council contained in the Council's adopted or preferred option planning documents, failing which the consultation shall be referred to Council.

- ~~7. The preparation and approval of the Annual Monitoring Report.~~

8. The operation of any function of the Council as a Local Planning Authority not otherwise covered, including commenting on development plan documents prepared by adjoining authorities, and government consultations on the planning legislation.

9. The delegation of such matters within the terms of reference as may be appropriate to the Chief Executive or other appropriate officer.

- ~~10. To determine the open space requirements to be incorporated within new development proposed in an application for planning permission provided these are in accordance with the Council's sports and recreation facilities policies.~~

- ~~10.~~ To issue Notices under Section 31 of the Clean Neighbourhoods and Environment Act 2005.

- ~~11. The designation of conservation areas.~~

- ~~12. Schemes for any town centre development including pedestrianisation and new road schemes.~~

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TO RECOMMEND TO THE COUNCIL WITH REGARD TO:-

Decisions relating to the adoption or withdrawal of local development documents and supplementary planning documents associated with the preparation of the Council's Local Plan.

- ~~11. Proposals to prepare and review the Regional Spatial Strategy and Sub-Regional Spatial Strategy.~~
- ~~12. The Local Development Scheme and its review.~~
- ~~13. Approval of preferred options and the final Development Plan documents for submission to the Secretary of State, and the adoption of development plan documents.~~
- ~~14. The submission to the Secretary of State, and the adoption, of the Statement of Community Involvement and its review.~~
- ~~15. The adoption of development plan documents and supplementary planning documents.~~
- ~~16. The designation of conservation areas.~~
- ~~17. Schemes for any town centre development including pedestrianisation and new road schemes.~~
- ~~18. The determination of planning applications contrary to adopted Council policy and recommendations of the Head of Planning and Environmental Services.~~
- ~~19. The provision of public open space facilities on development proposed in planning applications where the provision would be contrary to the Council's sports and recreation facilities policies.~~

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(-) NEW BOLSOVER JOINT PARTNERSHIP COMMITTEE TERMS OF REFERENCE

1. STATUS

1) New Bolsover Partnership Committee is a Joint Committee of Bolsover District Council and Derbyshire County Council established under section 101 (5) and 102(1) of the Local Government Act 1972 in order to discharge the functions of those Councils in relation to the New Bolsover Heritage Lottery Fund Heritage Grant.

2) The Committee has power to co-opt members to the Partnership Committee pursuant to section 102 (3) of the Local Government Act 1972 but these co-opted members shall not hold voting rights (section 13 of the Local Government and Housing Act 1989).

3) The Committee is not a partnership as defined in section 1 of the Partnership Act 1890 and further the Partnership Committee is a non-profit making group.

2. PURPOSE

(1) The purpose of the Partnership Committee is to oversee jointly the Development phase of the New Bolsover Heritage Grant scheme in accordance with the grant offer dated 8 April and the application form dated 18 November and all associated documents. This will include:-

- o The development of all documents required for the round 2 application, to include activity plan, conservation plan, management and maintenance plan, business plan, specification for energy works and match funding, tender documentation to RIBA/L1 Stage C
- o Community consultation and community development work to be carried out by partners including CVP, Derbyshire Environmental Services, Junction Arts, the Heritage Skills Hub
- o Work with local organisations and residents to development as many opportunities as possible for resident involvement in the scheme, including in its management, with appropriate support and development opportunities for individuals
- o Development of training and skills development proposals, prioritising opportunities for local residents
- o Development of interpretation proposals for the scheme, both during and after delivery
- o Development of proposals to ensure public benefits exceed private gain for privately owned properties, including security measures to allow grant repayment in the event of sale and to ensure appropriate management and maintenance
- o Development of robust monitoring and evaluation proposals for all aspects of the project

3. GOALS AND OBJECTIVES OF THE PARTNERSHIP COMMITTEE

Working in partnership with a range of organisations the Partnership Committee aims to stimulate a conservation-led regeneration project for New Bolsover Model Village with the following objectives:

The main aims of the project are:-

- To implement a programme of repair and restoration which will include the reinstatement of architectural detailing such as windows
- To work in partnership with community organisations to strengthen community spirit and promote pride in local heritage
- To improve housing and housing conditions for local people through physical improvement, better maintenance, and improved thermal efficiency
- To provide local training and volunteering opportunities

4. POWERS OF THE PARTNERSHIP

(1) The issuing of grants in accordance with regulations set down by Heritage Lottery Fund

(2) Approval of documents outlined in Paragraph 2(1) and Stage 2 Grant applications.

5. MEMBERSHIP OF THE PARTNERSHIP COMMITTEE AND VOTING

(1) The Initiative Committee shall comprise the following members:-

VOTING MEMBERS:-

(i) 10 members appointed by Bolsover District Council

(ii) 2 members appointed by Derbyshire County Council

NON VOTING CONSULTEE MEMBERS:-

(i) 1 member appointed by English Heritage from the English Heritage East Midlands Conservation Team.

(ii) 1 representative from Heritage Lottery Fund

(iii) 1 representative from each of the following:-
Residents Association, Heritage Hub, Derbyshire Environmental Studies,
Groundwork Creswell, Bolsover Local Strategic Partnership, Junction Arts.

THE PARTNERSHIP COMMITTEE WILL BE ADVISED BY

(i) Assistant Director - Planning and Environmental Health

- (ii) Head of Housing , Bolsover District Council.
 - (iii) Housing Asset Manager
 - (iv) Housing Strategy Manager
 - (iv) Conservation and Design Manager, Derbyshire County Council..
 - (v) Project Manager – New Bolsover Heritage Grant Scheme .
 - (vi) Community Consultation officer
- And other officers of Bolsover District Council as necessary.

SECRETARIAT

(1) The Clerk to the Partnership Committee shall be the Monitoring Officer of Bolsover District Council who will provide the secretariat to the Partnership Committee and, in particular, will be responsible for convening meetings and recording the minutes.

The Treasurer of the Committee shall be the Chief Finance Officer for the time being of Bolsover District Council or that Officer's representative.

. FREQUENCY OF MEETINGS

(1) The Partnership Committee shall meet quarterly with such further meetings as the Chairman or any two members of the Initiative Committee or the Chief Executive Officer may consider necessary or may request in the event of urgent business arising

(2) At least five clear days notice will be given by the Monitoring Officer of the business to be conducted at a meeting, except in the case of an emergency, in which event the secretariat will give such notice as is reasonably practicable in the circumstances.

6. QUORUM

(1) The quorum and voting for any meetings of the Partnership Committee shall be 3.

(2) Voting shall be by simple majority of all those present and entitled - to vote.

7. NATURE OF MEETINGS

(1) Meetings of the Partnership Committee shall be held in public unless members of the Partnership Committee wish to discuss matters of a confidential or exempt nature in which event they have the right to exclude members of the press and public in accordance with the Local Government Act 1972 and related provisions.

(2) The provisions of the Local Government Act 1972 including section 100 (Access to Information) and any amending legislation or Regulations apply to meetings of the Partnership Committee.

(3) . Bolsover District Council's Procedure Rules shall apply to the proceedings of meetings of the Partnership Committee.

8. MINUTES

(1) Minutes shall be kept of each meeting by the Monitoring Officer and shall be signed as an accurate record at the beginning of the following meeting by the person presiding. Copies of minutes shall be forwarded to the Bolsover District Council and Derbyshire County Council upon signature.

9. CORRESPONDENCE

(1) The official correspondence of the Partnership Committee shall be conducted through the Monitoring Officer of Bolsover District Council.

4.7 FINANCIAL REGULATIONS

4.7.1 General

- (1) The finances of the Council shall be subject to the regulations and control of the Executive and these regulations shall apply to all Directorates, Departments and officers of the Council.
- (2) Any officers of the Council receiving from a government department or other source any communication of any kind which has financial implications shall immediately notify the Chief Executive and the Chief Finance Officer who shall be consulted in connection with any correspondence or discussions involving finance.
- (3) Prior to the submission of any agenda item having a financial implication the relevant Assistant Director shall consult with the Chief Finance Officer and such report shall include a note of the Chief Finance Officer's advice.
- (4) No financial matter shall be considered by the Executive unless an item in relation thereto appears on the agenda for the meeting and there has been prior consultation between the Chief Executive, the Chief Finance Officer and the Assistant Director concerned.
- (5) Section 151 of the Local Government Act 1972, states ".every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". This officer is known as the Section 151 Officer or Chief Finance Officer.
- (6) Section 114 of the Local Government Finance Act 1988, requires the Chief Finance Officer to report on unlawful or potentially unlawful expenditure of a course of action likely to cause loss or deficiency.

4.7.2 Revenue Estimates

- (1) The detailed form of revenue estimates shall be determined by the Chief Finance Officer consistent with the general direction of the Executive as outlined in the approved Budget Strategy.
- (2) Estimates of income and expenditure on revenue accounts, reserves and provisions for the subsequent financial year shall be prepared by the Chief Finance Officer in consultation with the Chief Executive and then referred to Strategic Alliance Management Team. All estimates shall be forwarded to the Executive to report thereon with its recommendations to the Council.

- (3) Executive shall upon receipt of the report of the Chief Finance Officer make recommendations to the Council on the approval of a three year medium term forecast and the amount of the Council Tax to be levied.
- (4) The three year medium forecast will be compiled using a prioritisation process for revenue bids which will assess:-
 - a) Contribution towards the Council's Corporate Aims
 - b) Statutory obligations
 - c) Financial implications (including VFM)
 - d) Risk
- (5) Any proposal to Executive or a committee, which would involve the incurring of expenditure during a year in respect of which the Council has approved a budget or a programme of capital expenditure shall be accompanied by a report of the Assistant Director concerned indicating the sufficiency or otherwise of the finance provision in the budget or programme.
- (6) Expenditure shall not be incurred or a reduction in income authorised unless it is included in the annual estimates or is covered by a supplementary estimate.
- (7) Strategic Alliance Management Team and Assistant Directors shall have the authority to transfer savings from one budget area towards additional expenditure in another budget area. ~~Assistant Directors shall have the authority to vire in any one financial year, up to the value of £1,500 direct employee expenses excepted.~~ Strategic Alliance Management Team shall have the authority to vire up to the value of ~~£1250,000~~ £1,250,000 in total excluding direct employee expenses. Above this limit the consent of the Executive shall be obtained. In addition to these limits SAMT shall have the authority to vire funding from grant or holding accounts into revenue budgets provided that such funding is used for the originally approved purpose. Approval for the acceptance and utilisation of any external grant above the level of £25,000 must also be secured from Executive. Any savings secured from staffing budgets may be vired to agency or overtime budgets in order to maintain services with the agreement of SAMT. All other vacancy savings will be utilised in order to meet corporate vacancy management targets.
- (8) Subject to Regulation 13, upon approval by the Council of the annual estimates the Executive or committee or Director or Assistant Director as appropriate shall be entitled to incur the expenditure authorised therein.
- (9) It shall be the responsibility of each appropriate officer to expend the budget allocation efficiently, effectively and economically and ensure that no approved estimates shall be overspent.
- (10) The Chief Finance Officer shall ensure that the Chief Executive and

each Assistant Director and Director has detailed information of receipts and payments under each head of approved estimate and such other relevant information as agreed between them.

4.7.3 Capital Programmes

- (1) A capital programme covering a period of three years shall be prepared annually by the Chief Finance Officer in consultation with the Chief Executive and Strategic Alliance Management Team for inclusion in the Budget. All capital estimates shall be forwarded to the Executive who shall report thereon with recommendations to the Council.
- (2) The Capital Programme will be compiled using a prioritisation process for capital projects which will assess:-
 - a) Contribution towards the Council's Corporate Aims
 - b) Statutory Obligations
 - c) Financial implications (including VFM and external funding opportunities)
 - d) Risk
- (3) If an urgent and unforeseen item of capital expenditure becomes necessary the Executive shall be informed at the earliest possible stage and the project may only proceed after appropriate funding has been identified and approved.
- (4) No scheme shall commence until such a scheme and its associated revenue costs have been approved by Executive or Council.

4.7.4 Accounting

- (1) The Chief Finance Officer shall be responsible for keeping the accounts of the Council and all accounting procedures and financial records of the Council and its officers in a way approved by that officer.
- (2) It shall be the duty of the Chief Finance Officer to arrange for a satisfactory, and as far as possible, ~~consistent~~ uniform accounting system to be adopted throughout the Council and the introduction or amendment of any books, forms or procedures and computer systems with regard to cash, stores or other accounts shall require the prior approval of the Chief Finance Officer. All such accounting records shall be in accordance with appropriate legislation, and relevant codes of accounting practice.
- (3) The Chief Finance Officer shall supervise and keep under review safe and efficient arrangements for the receipt of monies paid to the Council and the issue of monies payable by the Council and in particular, the following principles shall be observed in the allocation of accounting duties:-

- (a) The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.
 - b) Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.
- (4) The Chief Finance Officer shall be responsible for the preparation of the Council's Annual Accounts and shall prepare a Statement of Accounts ~~to be approved by Council~~ by the 30th June each year, in accordance with the Accounts and Audit Regulations 2003 ~~(as amended)~~. ~~The Audited Committee shall approve the audited Statement of Accounts by the 30th September each year.~~

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4.7.5 Banking Arrangements

- (1) The Chief Finance Officer shall be authorised to operate such banking accounts as that officer thinks fit with the bankers approved from time to time by the Council but shall report each account opened to the Executive.
- (2) All arrangements regarding the Council's banking accounts with the bankers and for the issue of cheques shall be made by or under arrangements approved by the Chief Finance Officer.
- (3) All banking stationery, including cheques, shall be ordered on the authority of the Chief Finance Officer who shall make proper arrangements for safe custody.

4.7.6 Income

- (1) The collection of all money due to the Council shall be under the supervision of the Chief Finance Officer. The Chief Executive, Directors and Assistant Directors shall provide the Chief Finance Officer with a list of officers authorised to sign accounts, or requests for accounts, on his behalf together with specimen signatures and a note of any restrictions applying thereto. Amendments to such lists shall be notified to the Chief Finance Officer on the occasion of any change. All accounts issued in respect of monies due to the Council shall be made through the Chief Finance Officer or under arrangements approved by that officer.
- (2) Each Assistant Director shall furnish the Chief Finance Officer with such particulars in connection with work done, goods supplied or services rendered and of all other amounts due as may be required by that officer to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.

- (3) The Chief Finance Officer shall be notified promptly of all money due to the Council and shall be advised of proposals which may generate income prior to any contracts, leases, agreements or arrangements being entered into.
- (4) All official receipts, forms, books, tickets, order books and other documents representing monies due to or to be paid by the Council shall be ordered, controlled and issued to Departments by the Chief Finance Officer.
- (5) All monies received on behalf of the Council in any Department shall be deposited promptly and intact with the Chief Finance Officer or otherwise as that officer directs. Money held or received by or on behalf of the Council shall not be borrowed or used to encash personal cheques or for any other purpose.
- (6) Every transfer of official money from one member of staff to another shall be evidenced in the records of the Departments concerned by entry of the amount and dated signature of the receiving officer.
- (7) Each officer who receives money on behalf of the Council or for which that officer is accountable to the Council shall keep an accurate and chronological account of all receipts and their deposit with the Chief Finance Officer, the Council's bankers or as otherwise directed by the Chief Finance Officer.
- (8) The Chief Finance Officer shall be empowered to write off sums up to and including £1,000 where recovery seems impossible or impracticable. Records supporting these write offs will be made available on request. Amounts in excess of £1,000 shall not be written off without the authority of the Executive.

4.7.7 Insurance

- (1) The Chief Finance Officer shall effect all insurance cover including insurance reserves and provisions and negotiate all claims in consultation with other officers where necessary.
- (2) Directors and Assistant Directors shall give prompt notification to the Chief Finance Officer of all proposals involving properties, vehicles or other new risks which require to be insured and of any alterations affecting existing insurance.
- (3) Directors and Assistant Directors shall notify the Chief Finance Officer immediately of any loss, liability or damage or any event or circumstances likely to lead to a claim.
- (4) The Chief Finance Officer shall annually or at such other period as that officer may consider necessary review all insurance in consultation with the Chief Executive, Directors or Assistant Directors as necessary.

4.7.8 Treasury Management and Trust Funds

- (1) All investments of money and all borrowings shall be made in the name of the Council and all securities shall be held in the custody of the Chief Finance Officer or other officer so designated.
- (2) The Chief Finance Officer shall be the Council's registrar of stock, bonds and mortgages and shall maintain records of all borrowing of money by the Council, except that the Chief Finance Officer shall be empowered to name the Council's bankers as registrar in respect of any particular issue when he deems this necessary.
- (3) All matters in connection with the borrowing of monies including bank overdraft within the limits approved by the Council and all other matters in connection with the raising or repayment of loans shall be carried out by the Chief Finance Officer subject to the approval of the Executive.
- (4) The investment or utilisation of monies on hand and other accumulations and the sale or realisation of investments shall be made by the Chief Finance Officer subject to the approval of the Executive.
- (5) All trust funds shall wherever possible be in the name of the Council and all officers acting as trustees by virtue of their official position shall deposit all securities relating to the trust with the Council's Bankers unless the deed provides otherwise in which case they shall notify the Chief Executive or Chief Finance Officer as appropriate of the circumstances.
- (6) This Council adopts CIPFA's "Code for Treasury Management in Local Authorities".
- (7) A Treasury Policy Statement setting out its strategy and procedures shall be adopted by the Council and thereafter its implementation and monitoring shall be delegated to the Executive.
- (8) All money (as defined in the Code) in the hands of the Council shall be aggregated for the purposes of Treasury Management and shall be under the control of the Officer designated for the purposes of Section 151 of the Local Government Act 1972.
- (9) All executive decisions on borrowing, investment or financing shall be delegated to the Chief Finance Officer through that officer to staff, who shall all be required to act in accordance with CIPFA's "Code for Treasury Management in Local Authorities".

- (10) The Chief Finance Officer shall report quarterly to the Executive on the activities of the Treasury Management operation and on the exercise of Treasury Management powers delegated to that officer. One such report shall comprise an Annual Report on the Treasury Management for presentation by 30th September of the succeeding financial year.

4.7.9 Advance Accounts

- (1) The Chief Finance Officer shall provide such advance accounts as that officer considers appropriate for such officers of the Council as may need them for the purpose of defraying expenses. Such accounts shall be maintained on an imprest system and Officers holding these accounts shall maintain a record of their receipts and payments in the form and manner prescribed by the Chief Finance Officer.
- (2) Where the Chief Finance Officer considers appropriate an account shall be opened with the Council's bankers for use by the imprest holder who shall not cause such an account to be overdrawn. It shall be a standing instruction to the Council's bankers that the amount of any overdrawn balance on an imprest holders banking account shall be reported immediately to the Chief Finance Officer.
- (3) No income received on behalf of the Council may be paid into an advance account but must be paid over to the Chief Finance Officer as provided in these regulations.
- (4) Payment shall be limited to minor items of expenditure of amount and nature approved by the Chief Finance Officer and shall be supported by a receipted voucher to the extent that officer may require.
- (5) An Officer responsible for an advance account shall give to the Chief Finance Officer a certificate as to the money held at 31st March each year and at any time as specifically requested, or before leaving the employment of the Council or otherwise ceasing to be entitled to hold an imprest advance, account to the Chief Finance Officer for the amount advanced.

4.7.10 Ordering of Work, Goods and Services

- (1) All orders for goods, work or services shall be in a form agreed by the Chief Finance Officer and must clearly show the nature and/or quantity of goods, materials, work or services to be supplied to the Council and the estimated cost. Official orders should be submitted via electronic methods where possible. All verbal orders must be confirmed by a written order not later than the next working day. All orders placed must comply with the Council's Procurement Strategy. The method of ordering via the internet or other electronic means will be subject to approval of the Chief Finance Officer. Each electronic order must have a commitment raised and a satisfactory audit trail.
- (2) No order shall be issued for work, goods or services, the cost of which is not covered by the approved annual estimates or by special financial provision.
- (3) Official orders shall be signed only by Directors, Assistant Directors or officers authorised by them. Directors and Assistant Directors shall be responsible for all official orders issued from their department. A list of Officers authorised to sign on behalf of the Council together with specimen signatures shall be supplied to the Chief Finance Officer by the appropriate Assistant Director with a note of any limit applying thereto. Amendments to such lists shall be notified to the Chief Finance Officer on the occasion of any change.

4.7.11 Payment of Accounts

- (1) Directors and Assistant Directors shall have authority to incur expenditure on routine matters and within approved estimates provided:
 - (a) it complies with Contracts Standing Orders and Financial Regulations,
 - (b) it is in accordance with approved Council policy,
 - (c) competitive tenders or quotations are obtained where appropriate and in all cases endeavour made to obtain the best value for money and the signature of the Assistant Director or such officer nominated by the Assistant Director, on any order, account or goods received note shall imply that these requirements have been met.

- (2) Directors and Assistant Directors issuing an order shall be responsible for examining, verifying and certifying the related invoice(s) and similarly for any other payment, voucher or account arising from sources within their area of responsibility. Such certification shall be in either electronic form where systems and policy permit or in manuscript by or on behalf of the Director or Assistant Director. Before certifying an account the certifying officer shall be satisfied that:-
 - (a) the work, goods or services to which the account relates have been received, carried out, examined and approved;
 - (b) the prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct;
 - (c) the expenditure has been duly authorised and is within the estimates as indicated by the expenditure code allocated;
 - (d) appropriate entries have been made in inventories, store records or stock books as required; and
 - (e) the account has not been previously passed for payment and is properly payable by the Council.
- (3) Duly certified accounts shall be passed without delay to the Chief Finance Officer who shall examine them to the extent that officer considers necessary, for which purpose that officer shall be entitled to make such enquiries and to receive such information and explanation as that officer may require.
- (4) Any amendment to an account shall be made in ink and initialled by the Officer making it, stating briefly the reasons where these are not self-evident. Any electronic invoice requiring amendment must be returned to the Supplier, or a Credit Note/Supplementary Invoice requested prior to payment.
- (5) Each Director and Head of Service shall, as soon as possible after 31st March and in any case not later than the date set by the Chief Finance Officer, notify the Chief Finance Officer of all outstanding expenditure relating to the previous financial year.
- (6) A list of officers authorised to sign on behalf of the Director and Assistant Directors, together with specimen signatures, shall be supplied to the Chief Finance Officer by the appropriate officer with a note of any limit applying thereto. Amendments to such lists shall be notified to the Chief Finance Officer on the occasion of any change.

4.7.12 Contracts for Building, Constructional or Engineering Works

- (1) Details of every Contract, Agreement, Award or other instrument involving the payment or receipt of money by the Council shall be forwarded to the Chief Finance Officer immediately after execution.
- (2) Where contracts provide for payment to be made by instalment, the Assistant Director shall arrange for the keeping of a contract register or registers to show the state of account on each contract between the Council and the Contractor, together with any payments and related professional fees.
- (3) Payments to Contractors on account of contract shall be made only on a certificate issued by the responsible Officer which shall show the total amount of the contract, the value of work executed to date, materials not fixed, retention money, amount paid to date, amount now certified due and the liability to value added tax.
- (4) Variations in amount, additional payments and any overspending on all contracts shall be notified to the Assistant Director and reported to the relevant Committee by the relevant Head of Service provided always that the variation, additional payment, or overspending exceeding ten thousand pounds or ten per cent of the contract sum whichever is the lower shall be reported forthwith to the relevant Committee, or the Executive as appropriate.
- (5) Variations to contracts must be covered by the issue, at the time, of a Variation Order, a copy of which must be forwarded to the Assistant Director and all relevant documents, including measurement and working papers and minutes of site meetings to be made available to the Assistant Director.
- (6) The final certificate, on completion of a contract, shall not be issued by the responsible officer until the Head of the Internal Audit Consortium has examined and reported on a detailed final account which with all vouchers and documents, including those relating to prime cost items and full particulars of additions, deductions and omissions, shall be produced to the Head of Internal Audit Consortium, who shall be entitled to receive such information and explanations as the Head of Internal Audit Consortium may require in order to be satisfied as to the accuracy of the accounts.

4.7.13 Salaries and Wages

- (1) The payment of all salaries, wages and pensions, compensation and other emoluments to all employees or former employees of the Council shall be made by the Assistant Director - Human Resources and Payroll, under arrangements approved and controlled by the Chief Finance Officer. The Assistant Director – Human Resources is authorised to implement national salary and wage awards.
- (2) All time records or other pay documents shall be in a form prescribed by the Assistant Director – Human Resources and shall be certified in manuscript. A list of officers authorised to sign together with specimen signatures shall be supplied to the Assistant Director – Human Resources by the appropriate Director or Assistant Director with a note of any limit applying thereto. Amendments to such lists shall be notified to the Assistant Director – Human Resources on the occasion of any change.
- (3) The Assistant Director – Human Resources is authorised to implement annual increases in salaries and wages in accordance with locally agreed schemes.
- (4) The Assistant Director – Human Resources shall notify the Chief Finance Officer as soon as possible of all matters affecting the payment of emoluments, and anything else related to this which affects budgets.

4.7.14 Officer Expenses

- (1) Each Director or Assistant Director shall, where appropriate, be responsible for ensuring that performance related payments made to employees are correct and in accordance with records of work carried out and for maintaining such records.
- (2) All claims for payment of car allowances, subsistence allowances, travelling and incidental expenses shall be submitted, duly certified in a form approved by the Assistant Director – Human Resources, to that officer, made up to a specified day of each month, within seven days thereof. A list of officers authorised to sign on behalf of the Director or Assistant Director as appropriate, together with specimen signatures shall be supplied to the Chief Finance Officer with a note of any limit applying thereto. Amendments to such lists shall be notified to the Chief Finance Officer on the occasion of any change.

- (3) The Motor Insurance Policy of any Officer required to use their vehicle on Council business shall cover the official use of the vehicle in the service of the Council. Officers in receipt of Car Allowances shall, on request, produce such policy documentation as may be required.
- (4) The certification by or on behalf of a Director or Assistant Director as appropriate, shall be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred, relevant valid receipts are attached and that the allowances are properly payable by the Council.
- (5) Officers' expense claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Chief Finance Officer.
- (6) The Assistant Director – Human Resources shall be authorised to implement national amendments to rates of travelling and subsistence allowances and incidental expenses.

4.7.15 Security

- (1) Each Director and Assistant Director as appropriate is responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under that officer's control and shall consult the Chief Executive in any case where security arrangements may be needed.
- (2) Maximum limits for cash holdings shall be agreed with the Chief Finance Officer and shall not be exceeded without that officer's express permission.
- (3) Keys for safes and similar receptacles are to be kept in some secure place under the control of one officer or upon the person of those responsible at all times and any loss of such keys must be reported to the Chief Executive forthwith. Arrangements for the retention of duplicate keys must be expressly approved by the Chief Finance Officer.
- (4) The Chief Executive shall be responsible for maintaining proper security and privacy with regard to information held in any computer installation or for use of such installation.
- (5) The Assistant Director – Governance and Monitoring Officer shall have custody of all title deeds and agreements under secure arrangements agreed with the Chief Executive and shall ensure that all titles are registered at the Land Registry as soon as is practicable after coming into the Council's possession.

4.7.16 Stocks and Stores

- (1) Each Director and Assistant Director as appropriate shall be responsible for the care and custody of the stocks and stores in his Department and shall see that all stocks and stores received and issued are promptly recorded.
- (2) The Chief Finance Officer, in conjunction with a Director and Assistant Director as appropriate, shall make such arrangements for stock taking as the Chief Finance Officer may deem necessary.
- (3) The Chief Finance Officer shall be entitled to receive from each Director or Assistant Director as appropriate such information as the Chief Finance Officer requires in relation to stores for accounting, costing and financial records.
- (4) The level of stocks shall be agreed between the Chief Executive and the Director or Assistant Director as appropriate.
- (5) The value of materials and stores considered by the responsible Director or Assistant Director as appropriate; to be surplus to the Council's requirements shall be certified by the Director or Assistant Director as appropriate, prior to disposal. Where the value exceeds £1,000 the items shall be disposed of following report to the Executive or committee concerned by competitive tender or public auction unless the committee decides otherwise in a particular case. Where the value is under £1,000 the Chief Finance Officer shall be entitled to dispose of surplus items as the Chief Finance Officer thinks fit in the best interests of the Council but shall subsequently report thereon to the Executive or Committee concerned.

4.7.17 Council Assets

- (1) The Chief Executive or such other officer nominated by the Chief Executive will maintain a terrier of all properties owned by the Council (except dwellings provided under the Housing Acts), in a form approved by the Chief Finance Officer.
- (2) The Chief Finance Officer will maintain an Asset Register of all assets owned by the Council and in a form in accordance with appropriate legislation and relevant codes of accounting practice.
- (3) The Director or Assistant Director, as appropriate, is responsible for safeguarding all equipment under their control.
- (4) The Chief Finance Officer shall be entitled to receive from the Director or Assistant Director as appropriate, such information as the Chief Finance Officer requires in relation to assets for accounting, costing and financial recording purposes.
- (5) The value of assets considered by the responsible Director or

Assistant Director as appropriate to be surplus to the Council's requirements shall be certified by the Director or the Assistant Director as appropriate, prior to disposal. Where the value exceeds £1,000, the items shall be disposed of following report to the Executive or committee concerned by competitive tender or public auction unless the Executive or committee decides otherwise in a particular case. Where the value is under £1,000 the Chief Executive shall be entitled to dispose of surplus assets as the Chief Executive thinks fit in the best interests of the Council but shall subsequently report thereon to the Executive or committee concerned. Any disposal of land and/or property assets must be made in accordance with the approved strategy.

4.7.18 Member's Allowances

- (1) The Assistant Director – Human Resources shall operate the payment of Members' Allowances and expenses in accordance with the Council's approved scheme.
- (2) The Assistant Director - Human Resources is authorised to implement any prescribed amendments to rates of Members' Allowances and expenses with subsequent report to the Council.
- (3) Payments to Members, including co-opted Members of the Council or its committees who are entitled to claim travelling or other allowances will be made by the Assistant Director – Human Resources upon receipt of the prescribed form duly completed.

4.7.19 Audit

- (1) The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which simply requires that authorities "make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has a responsibility for the administration of those affairs".
- (2) The Accounts and Audit Regulations 2003 issued by the Secretary of State for the Environment require every local authority to maintain an adequate and effective system of internal audit of its accounting records and of its system of internal control in accordance with the proper internal audit practices.
- (3) The basic duties of the external auditor are governed by section 15 of the Local Government Act 1982, as amended by section 5 of the Audit Commission Act 1998.

- (4) Local authorities can also be subject to audit, inspection or investigation by external bodies such as HM Customs and Excise and the Inland Revenue, who have statutory rights of access.
- (5) The Council's internal audit service is provided by an Internal Audit Consortium covering Bolsover, Chesterfield and North East Derbyshire Councils. The Internal Audit Consortium will provide an independent and objective appraisal of systems of internal control. The Internal Audit Consortium will comply with the Standards set out in the CIPFA Code of Practice for Internal Audit in Local Government 2006.
- (6) A continuous internal audit will be provided by the Internal Audit Consortium in accordance with an internal audit plan agreed by the Chief Finance Officer (as client officer) and the Council's Audit Committee. Planned audits will include the examination of accounting, financial and other operations of the Council including:
 - (a) The appraisal and review of the adequacy of internal controls and thereby providing assurances for the annual Statement of Internal Control.
 - (b) The completeness, reliability and integrity of information, both financial and operational.
 - (c) The systems established to ensure compliance with policies, plans, procedures, laws and regulations, i.e., rules established by the management of the organisation, or externally.
 - (d) The means of safeguarding assets.
 - (e) The economy, efficiency and effectiveness with which resources are employed.
 - (f) Whether operations are being carried out as planned and objectives and goals are being met.
- (7) Accordingly, the Chief Executive, Chief Finance Officer and the Head of the Internal Consortium or their authorised representatives shall have authority to:-
 - (a) Enter at all reasonable times on any Council premises or land.
 - (b) Have access to all assets, records (both electronic and otherwise), documents, correspondence relating to any financial and other transactions of the Council and control systems.
 - (c) Require and receive any information and explanation considered necessary concerning any matter under examination.

- (d) Require any employee of the Council to produce or account for cash, stores or any other Council property under the employees control.
 - (e) Access records belonging to third parties, such as contractors, where appropriate.
 - (f) Have direct access to the Council's senior management and elected Members.
- (8) The Head of the Internal Audit Consortium will issues audit reports promptly to the Head of Service/Director concerned and to the Chief Finance Officer (as client officer) detailing the findings and any recommendations arising from each audit.
- (9) Directors and Assistant Directors will then ensure that internal audit reports are considered and completed. Implementation Schedules are returned to the Head of the Internal Audit Consortium within the timescales detailed in the report. Any recommendations that are not agreed will be reported to the Audit Committee in the quarterly report. Directors and Assistant Directors if appropriate will inform the Head of the Internal Audit Consortium of any internal controls or changes to existing internal controls.
- (10) The Head of the Internal Audit Consortium will present an Annual Report to the Audit Committee and a report on the Internal Audit Plan and Risk Assessment each year.

4.7.20 Fraud, Corruption and Irregularities

- (1) The Council will not tolerate fraud, corruption or irregularity in the administration of its responsibilities, whether from inside or outside the Council. The strong counter fraud and corruption culture characterised by zero tolerance is supported and promoted by Members and senior officers.
- (2) Internal Audit Consortium staff should be alert in all their work to risks and exposures that could allow fraud and corruption and has developed the Council's Anti-Fraud and Corruption Strategy. All cases of discovered or suspected fraud, corruption or irregularity, should be reported as soon as possible to at least one of the following:-
 - (a) The relevant Assistant Director,
 - (b) The Head of the Internal Audit Consortium
 - (c) The Chief Finance Officer,
 - (d) The Chief Executive
- (3) The Officer to whom this is reported should then pursue the matter in accordance with the Anti-Fraud & Corruption Strategy.
- (4) The exception to this procedure is where other arrangements are in

place such as housing benefit fraud which will follow the Housing Benefits Strategy and Prosecution Policy.

4.7.21 Information Technology

- (1) The Chief Finance Officer shall be responsible for the supervision, development and administration of the Council's computer policies.
- (2) The Chief Executive and Chief Finance Officer shall be consulted and their approval obtained prior to the acquisition of any computer equipment and/or computer software.
- (3) The usage of all the Council's computer equipment and software, including security provisions, shall be in accordance with standards specified by the Chief Finance Officer.
- (4) Each Director or Assistant Director as appropriate shall ensure that all usage of computer facilities within their area of responsibility complies with the provisions of the Data Protection Act and Computer Misuse Act 1990.

4.7.22

- (~~515~~) Any breach of these Financial Regulations should be reported immediately to the Chief Finance Officer or to Internal Audit. The alleged breach will be investigated and if substantiated could result in disciplinary action.

4.7.22 Retention of Financial Records

All financial records shall be retained in accordance with arrangements determined by the Chief Finance Officer.

4.8 PROCUREMENT RULES

4.8.1 Introduction

- (1) These Contract Procedure Rules (the Rules) provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to ensure that all procurement activity is conducted with openness, probity and accountability. Above all, the Rules are designed to ensure that the Council obtains value for money including ~~and~~ the required level of quality and performance in all contracts that are let. Every contract for the supply of goods and services and for the execution of works made by or on behalf of the Council shall comply with these Rules.
- (2) E-procurement procedures shall be used wherever possible. These include e-tendering, purchase cards and others. Where appropriate e-auctions may be used, so long as provision is made for this in the advert. Requests for quotations, pre-qualification questionnaires and invitations to tender should wherever practical be issued to tenderers by electronic means. Where e-tendering is being considered, the e-tendering software that is to be used must be the corporate e-tendering system. ~~No e-tendering system should be used without the approval of the Chief Financial Officer. The Head of Shared Procurement Unit will provide user names and passwords for the corporate e-tendering system.~~
- (3) Before any tendering exercise is considered, reference must be made to the Council's procurement and equalities guidelines. The Council is committed to dealing fairly with all relevant discrimination groups as defined in the Equalities Act 2010. A failure to take into account special requirements for these groups in a tender would be a significant corporate failure, affecting the reputation and standing of the Council.
- (4) Any employee who fails to comply with Contract Procedure Rules may be subject to disciplinary action.
- (5) The Council has produced a Procurement ~~workspace~~ ~~Toolkit which will be~~ available on the intranet ~~which will provide practical guidance in undertaking procurement exercises. For further information on this, please contact the Head of Shared Procurement Unit.~~ This should be adhered to by all officers engaged in procurement activity.
- (6) A Glossary of Terms can be found at the end of this section.

4.8.2 Compliance with Contract Procedure Rules

- (1) The provisions contained in these Rules are subject to the statutory requirements of both the European Union and the United Kingdom. The letting and content of contracts shall conform to all statutory requirements and be subject to any over-riding directives of the European Union relating to contracts and procurement. These Rules cannot be waived, since a failure to comply with European legislation may result in a legal challenge with consequent reputational and financial risk. If you are uncertain, advice ~~should~~ be sought from ~~the~~ a member of the Head of Shared Procurement Unit or the Monitoring Officer.
- (2) In estimating relevant contract values, officers shall have regard to the rules regarding aggregation.

Partnerships

- (3) These Rules apply, in addition to other procurements, to any proposal for the Council to become involved in a joint venture or partnership, including the monitoring of any such arrangement. All procurements must also comply with Freedom of Information and Data Protection requirements.

In relation to the Rules, a joint venture or partnership includes any arrangement involving one or more organisations in addition to the Council through which either a specific project or services within any of the functions of the Council are to be provided. It will also provide a role for the Council or any of its members or officers in whatever structure is used to deliver the project or services involved (such structures may include, but are not limited to, companies, trusts and management committees).

- (4) Before any consideration is given to the Council entering into a joint venture with the private sector or a strategic service delivery partnership with any external organisation and in particular before any detailed negotiations are entered into or before any contract is made or undertaking given by or on behalf of the Council in relation to a joint venture or partnership, the Authorised Officer concerned must submit detailed information concerning the proposed joint venture or partnership to the relevant Director. The Director will give consideration to the proposed joint venture in accordance with these Rules. On receipt of the detailed information above, the Director will ensure that an appropriate project board is convened. The Director will also ensure that appropriate consultation is made with the Strategic Alliance Management Team and Executive.

- (5) Procurement processes for strategic partnerships and privately funded construction (PFI) projects must, prior to any commitment being entered into, be progressed with the written approval of an appropriate Council Committee bodies or one of the statutory officers. Such vehicles raise a range of complex procurement issues which require the agreement of the statutory officers before proceeding include:

- ~~The issue of an information memorandum to prospective bidders setting out the background to the project, the Council's objectives and an outline of the procurement process and timetable, with roles and responsibilities made clear.~~
- ~~An invitation to bidders to demonstrate their track record in achieving value for money through effective use of their supply chain, including the use of small firms; this should continue to be examined as part of contract management.~~
- ~~The inclusion in invitations to tender (or take part in competitive dialogue) a requirement on bidders to submit optional, priced proposals for the delivery of specified social benefits which are relevant to the contract and add value to the community strategy.~~

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4.8.3 Normal Procedure

- (1) **These Rules relate to five categories of procurement based on the estimated value of the contract:**

- a. £1 to £1,000
- b. £1,001 to £5,000
- c. £5,001 to £50,000
- d. £50,001 to £EU Threshold
- e. Over the EU Threshold

- (2) **In all instances, goods, services or works should be obtained via the methods outlined below :**

- a. in-house services (for example, printing and design etc.)
- b. established corporate contracts or framework agreements
- c. request for quotation
- d. tender
- e. In the case of Constructionline, by running a mini-competition
- f. framework contracts established by Purchasing Consortia or other Local Authorities (to be agreed by the Head of Shared Head of Procurement Unit)
- g. for low-value purchases, Purchasing Cards can be used provided they are not used with the intention of undermining the use of approved or corporate contracts

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All of the above options are subject to EU and/or UK Statutory requirements.

- (3) **Orders and payments for goods, services and works shall be undertaken in accordance with the Financial Procedure Rules. In all cases, the following wording must be included in tender and request for quotation documents:**

“Information in relation to this tender may be made available on demand in accordance with the requirements of the Freedom of Information Act 2000. Tenderers should state if any of the information supplied by them is confidential or commercially sensitive or should not be disclosed in response to a request for information under the Act. Tenderers should state why they consider the information to be confidential or commercially sensitive. This will not guarantee that the information will not be disclosed but will be examined in the light of the exemptions provided in the Act.”

- (4) **Before entering into a contract, the authorised officer must:**

- a. Be satisfied that a specification (where appropriate) that will form the basis of the contract has been prepared (the specification should be retained on the appropriate contract file held within the service), and
- b. Have prepared and documented an estimate of the cost of the contract including, where appropriate, any maintenance and on-going costs (the estimate should be retained on the appropriate contract file held within the service), and
- c. For contracts where there is evident risk, and for all contracts over £50,000, produce and maintain a documented risk register for the procurement process and for the eventual contractual relationship. A risk register entry should be made and entered on the appropriate risk register. As a minimum this should analyse all risks, identify how the risks will be managed, and the responsible officer(s).
- d. For all contracts greater than £50,000 a draft contract should be produced to accompany the tender documents or contract terms and conditions.

- (5) **Before entering into a contract the authorised officer must:**

- a. Be satisfied about the technical capability of such proposed contractor and be satisfied that s/he has the power and authority to enter into the contract; and
- b. Ensure that all evaluation criteria have been determined in advance, put into order of relative importance with weightings for each element and published in the tender pack; and
- c. Ensure that these Rules have been complied with, and that the proposed contract represents value for money; and
- d. For all contracts that exceed £50,000, the authorised officer

shall undertake appropriate checks to ensure that the proposed contractor has the financial and resource capacity (taking account of contract value and risk) to perform the contract (unless the contractor has already been subjected to a recent satisfactory financial check). Financial vetting shall be undertaken by an officer designated by the Chief Finance Officer, who shall advise on what, if any, security should be provided by the contractor.

(a) Advertising

All tenders shall be advertised and, where appropriate, be available for download on the website <http://www.sourcederbyshire.co.uk/>. Contract award notices shall also be published on the website.

- (6) Officers should consider whether the contract will be of benefit to other public sector bodies. If so they should include the following text in the advert ;

"Tenderers should be aware that although the contracting authority for the purposes of this procurement is Bolsover District Council, one or more other local authorities and/or public bodies from the Counties of Derbyshire and Nottinghamshire may choose to access the concluded contract, without creating any obligation on behalf of any of them to do so."

Such text should only be incorporated with the approval of the ~~Head of the Shared Procurement Unit~~ Head of Procurement.

- (7) All EU notices shall be referred, in advance of sending to the OJEU, to the ~~Head of Shared Procurement Unit~~ Head of Procurement to advise on wording.

4.8.4 Exemptions

- (1) Subject to statutory requirements tenders need not be invited in accordance with these Rules in the following cases:
- a. In the case of the supply of goods:
 - i. the goods or materials are proprietary articles and, in the opinion of the appropriate Senior Officer (which should be put in writing and retained on the project file), no reasonably satisfactory alternative is available, and
 - ii. Exemptions under this rule have been notified to the ~~Head of Shared Procurement Unit~~ Head of Procurement
 - b. The work to be executed or the goods or services to be supplied are controlled by a statutory body.

- c. The work to be executed or the goods or services to be supplied constitute an extension to an existing contract and it is the view of the Senior Officer that it would not be in the interests of the service or the Council to tender the contract. The Senior Officer ~~or his or her nominee should consult with the Head of Shared Procurement Unit who will~~ must ensure that a record of the decision is made on the project file.
 - d. The contract is for the execution of work or the supply of goods or services certified by the appropriate Senior Officer to be required so urgently as to preclude the invitation of tenders. The appropriate Portfolio Holder shall be kept informed of such decisions and a record of the decision shall be retained by the service and a copy sent to the ~~Head of~~ Shared Procurement Unit.
 - e. The contract relates to commissioning, such as ~~for the Working Neighbourhoods Funded~~ projects funded by external grant where, for example, there is no (or insufficient) marketplace to tender for the supply of goods, services or works required.
- (2) Officers should consider using the Council's internal services where appropriate, ~~or using established arrangements,~~ or shared services. Officers should ensure that the best possible balance of value for money and quality is obtained for the Council.
 - (3) Tenders need not be invited where they have been undertaken by any consortium, collaboration or similar body, where the Council is able to access contracts. Officers should contact the ~~Shared Procurement Unit~~ Head of Procurement to ensure that any contracts let by such a consortium, collaboration or similar body are in accordance with UK and EU procurement directives and regulations.
 - (4) Where the Council acts as lead body on a consortium or collaborative arrangement, the procedures for tendering contained within these Rules shall be followed (including the delivery, opening and acceptance of tenders).

4.8.5 Contracting & Financial Guidelines

- (1) Officers should order goods and services that are required through an arrangement illustrated in Rule 4.8.3.(2) If, however, the Council or the consortium providing them do not have the goods or services or resources available to meet the reasonable needs of the service then an alternative supply may be sourced. In these circumstances the authorised officer must record why the goods or services have been procured through other means, and retain a formal copy of that documentsend a copy of the record to the Head of Shared Procurement Unit. In all circumstances a written purchase order is required.

- (2) It is good practice (for all but small value and routine purchases) to obtain a written quotation. The Procurement Toolkit shows the procurement route for the examples described below. For further information on this, please contact ~~the a member of the~~ Head of Shared Procurement Unit.
- (3) **Contracts £1 to £1,000**
Procurement of goods and services estimated to be for amounts up to £1000 shall be by oral or written quotation, unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required. There is no mandatory procurement involvement.
- (4) **Contracts £1,001 to £5,000**
Procurement of goods and services estimated to be for amounts in the range £1,001 to £5,000 shall be by written quotation from at least three suppliers, unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required. There is no mandatory procurement involvement.
- (5) **Contracts £5,001 to £50,000**
Procurement of goods and services estimated to be for amounts in the range £5,001 to £50,000 shall be by formal written request for quotation (RFQ) from at least three suppliers, unless an arrangement under 4.8.3. (2) has already been established for the goods, services or works required.
- (6) **Contracts £50,001 to EU Threshold**
- i. Procurement of goods and services estimated to be for amounts in the range £50,001 to EU THRESHOLD shall be by formal open Invitation to Tender (ITT), unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required, whereupon mini competition will be encouraged with all capable suppliers. For evaluation purposes, a standing invitation to the evaluation meeting shall be made to officers from Finance, Legal and Audit along with the relevant Portfolio Holder or substitute and the appropriate commissioning officer.
- ii. ~~In cases where the goods, services or works are covered by Constructionline or another framework agreement, this list may be used provided that at least three written quotations are obtained (and more where, in the opinion of the Authorised Officer, there is a reasonable level of competition or variety of solutions). The use of Constructionline or a framework must be structured in order to ensure open and fair competition with an appropriate rotation of suppliers from the list.~~

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(7) **Contracts EU Threshold and above**

Procurement of goods and services estimated to be for amounts in the range EU THRESHOLD AND ABOVE shall be by formal open Invitation to Tender (ITT). Where contracts of this value are undertaken then appropriate professional support must be secured from either the Shared Procurement Unit Head of Procurement , or eg a suitable Insurance Broker in respect of an insurance tender. You should also ensure that either the Monitoring Officer or the Chief Financial Officer is aware of the position. ~~Full procedural details will shortly be available on the Procurement website, but for further information on this, please contact the Head of Shared Procurement Unit.~~

4.8.6 Probity

(1) In every instance appropriate written documentation must be retained together with the rationale for the decision making process. ~~there shall be a record of the process.~~ This shall ~~be in accordance with the Procurement Toolkit and shall~~ include the following, plus any information that may be required for submitting annual reports to the Government or other agencies:

- a. the officer(s) undertaking the procurement process and taking the decisions
- b. the rationale for the procurement route taken (including open or restricted procedure if above EU thresholds)
- c. a copy of the specification, risk register and anything required by Financial Regulations
- d. copies of all tenders and completed supplier questionnaire
- e. copy of the evaluation process and reasons for the decisions as to acceptance or rejection for every tender
- f. copy of the award letter and a copy of the relevant Executive report and minute
- g. copy of the final contract
- h. copy of the contract review and management process including the officer responsible for on-going contract management.

Documentation in either paper or electronic format must be appropriately filed and retained for an appropriate period of time. The Council's Document Retention Policy will provide appropriate background guidance but ultimately the senior officer involved must determine the retention period.

(2) All contracts for goods, services and works must be registered on the Shared Procurement Unit Contracts Register and the original contract documents held ~~centrally and securely in Legal Services~~ by the relevant

department.

- (3) Tenderers, whether successful or not, should be offered a debrief, to assist them in preparing future bids. The relevant officer should also keep a record of all debrief requests and responses.
- (4) In accordance with EC Procurement Directive 2004/18/EC, any company responding to an EU tender shall be excluded from the tender process if it, or its directors have been convicted of; conspiracy, corruption, bribery, fraud or money laundering. Where a service has information relating to the above, contact the [Monitoring Officer or the Head of a member of the](#) Shared Procurement Unit for advice.

Bribery Act 2010

Section 7 of the Bribery Act provides that a relevant commercial organisation (including a local authority) is guilty of an offence if a person associated with it bribes another person with the intention of obtaining or retaining business or an advantage in the conduct of business for the commercial organisation. Conviction of a commercial organisation under section 7 of the 2010 Act will attract discretionary rather than mandatory exclusion from public procurement.

Regulation 23(1) sets out the mandatory disqualification criteria: a contracting authority must treat a prospective bidder as ineligible and not select that bidder if it, or its directors, has been convicted of (among other things) conspiracy; corruption; bribery; fraud; or money laundering.

The contracting authority must have actual knowledge that the bidder, its directors or any other person who has powers of representation, decision or control of the economic operator has been convicted of these offences.

Regulation 23(4) sets out discretionary criteria, allowing the contracting authority to choose not to qualify the economic entity. The criteria include: bankruptcy, being the subject of a receiving order, winding up order or administration order (or similar); conviction of a criminal offence relating to the conduct of its business or profession; commission of an act of grave misconduct in the course of its business or profession; and failure to fulfill obligations relating to the payment of social security contributions or taxes.

Regulation 23(4) only applies to the economic operator itself, not to its directors or others with the necessary level of control.

4.8.7 Receipt and Custody

- (1) ~~No tender will be considered unless it is either:~~
- a. ~~Contained in a plain envelope which shall be securely sealed and shall bear the word 'TENDER' followed by the subject to which the tender relates or the number of the tender concerned, but shall not bear any distinguishing matter or mark to indicate the identity of the sender. Prospective tenderers shall be notified accordingly. OR~~
 - ab. ~~Received via the corporate e-tendering system. The Council's preferred approach is that all tenders are managed by way of a corporate e-tendering system. This approach has a number of advantages including a clear electronic audit trail. The Council's statutory Officers will approve the system to be utilised having satisfied themselves that it incorporates appropriate controls to ensure the robustness of the Council's procurement arrangements.~~
 - b. ~~Where an e-tender process is not considered to be suitable then the following procedure should be used~~

~~No tender will be considered unless it is either:~~

~~Contained in a plain envelope which shall be securely sealed and shall bear the word 'TENDER' followed by the subject to which the tender relates or the number of the tender concerned, but shall not bear any distinguishing matter or mark to indicate the identity of the sender. Prospective tenderers shall be notified accordingly.~~

~~b~~

- (2) Subject to 4.8.7. (1) a. tenders where the estimated value exceeds £50,000 shall immediately on receipt be consecutively numbered and remain in the custody of the Governance Team until the time appointed for opening. Any officer receiving tenders shall indicate on the envelope the date and time of its receipt by him or her.
- (3) Requests for quotation (RFQ) where the estimated cost does not exceed £50,000 may be addressed impersonally to the appropriate Senior Officer.
- (4) Responses to pre-qualification questionnaires (PQQs) and quotations (RFQ's) are not deemed to be tenders and should be returned to the originating officer, either via hard copy or electronically via email or e-tendering system.

4.8.8 Opening and Evaluation of Tenders

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- (1) Where e-tendering is used, all tenders will be sent to a secure electronic vault. This may only be opened by the Shared Procurement Team after the due date for tenders. The Executive Member and representatives from Finance, Legal and Audit may attend.
- (2) Where the e-tendering procedure is not utilised Tenders tenders shall be opened and recorded at one time and by not less than two officers designated for that purpose, as well as the. The designated Executive member may be invited and a Governance Officer should be present.
- (32) Tenders submitted in hard copy must be opened by the same officers and at the same time as documents received via any e – tendering system ~~where it is operating alongside the manual system.~~
- (34) In respect of tenders with a value in excess of £50,000, any officer from the Finance, Legal or Internal Audit sections has the right to attend any tender opening. ~~Where the corporate e tender system is used theyat~~ have the right to consider the details of the tender submission – including date of submission etc – as contained within that system.
- (54) Once opened, tenders shall be passed to the evaluation team which ~~will~~ may include the relevant Portfolio Holder or substitute. A report outlining the results of the evaluation process will then be presented to Executive, ~~if necessary,~~ to decide on the award of the contract.

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4.8.9 Late Tenders

Where a tender is submitted in competition and is received after the specified time then it shall be disqualified. No late tender will be accepted except by the Head of the Head of Shared Procurement Unit or by This shall be subject to a test of reasonableness on the part of the Head of Shared Procurement Unit and the Assistant Director— Governance and Monitoring Officer who may give consideration as to whether disqualification of such a tender would pass a reasonableness test. Any such tender should be returned promptly to the tenderer who should be notified accordingly. The tender envelope may be opened to ascertain the name and address of the tenderer concerned.

4.8.10 Acceptance

- (1) Contracts shall be evaluated and awarded in accordance with the evaluation criteria issued with the tender documentation. Only those tenders that comply with the evaluation criteria shall be considered for acceptance. Tenders must be accepted on the basis of “most economically advantageous” tender.
- (2) A tenderer who submits a qualified or conditional tender shall be given the opportunity to withdraw the qualification or condition without

amendment to the tender. If the tenderer fails to do so the tender must be rejected.

- (3) Prior to final contract award, the contractor must provide evidence of adequate insurance to cover both public and employers' liability, and produce such evidence during the life of the contract at the reasonable request of the authorised officer.
- (4) For all procurements covered by the EU Directives, a statutory minimum period of 10 calendar days standstill time after the award decision is issued is required to allow companies an opportunity to challenge the decision.

The notification of the award decision to unsuccessful bidders, based on the most economically advantageous tender, should contain:

- the award criteria;
 - the score the tenderer obtained against those award criteria;
 - the score the winning tenderer obtained;
 - the name of the winning tenderer
- (5) All contracts must be notified to the ~~Head of Shared Procurement Unit~~ Head of Procurement, including performance monitoring information. WHAT DOES THIS MEAN IN PRACTICE

4.8.11 Nominated/Named Sub-Contractors and Suppliers

It is recommended that contracts are awarded to a single entity or lead contractor, who in turn will take contractual responsibility for the performance (and risks) for all sub-contractors and supply-chains. This reduces the risk of the Council becoming party to disputes between contractors.

4.8.12 Engagement of Consultants

- (1) An authorised officer may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service. Where such services are available in-house, the authorised officer must consult with a Senior Officer before taking any decision to make an external appointment.
- (2) Consideration should be given to using appropriate framework agreements for business, professional, and ICT consultancy services.
- (3) External consultants and technical officers engaged to supervise contracts must follow these Rules as applicable and their contracts for services must state this requirement.
- (4) Procurement plans and / or tenders prepared by external consultants

on behalf of the Council **must** be referred to the Monitoring Officer, Chief Financial Officer, or Head of the Shared Procurement Head of Procurement Unit for approval and advice.

- (5) The relevant officer is required to submit a Request for Service form (found on the intranet) to the Head of Head of Procurement Shared Procurement Unit in respect of all consultancy and advisor contracts where the value of the contract is above £5,000.
- (6) All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided on request of the authorised officer, and lodge all such documents and records with the Authorised Officer at the end of the contract.
- (7) The authorised officer shall ensure that any consultant working for the Council has appropriate indemnity insurance.

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4.8.13 Contract Conditions

Every contract for goods and services regardless of value shall be in writing and shall be based on the standard terms and conditions held by the Sshared Procurement Unit.

Every contract over £50,000 shall be in a form approved by the Senior Principal Solicitor or his nominee.

4.8.14 Extending Existing Contracts

- (1) The Authorised Officer, subject to the budget being available, and after consultation with the appropriate Senior Officer, may extend a contract subject to the extension being within the scope of the original scheme (subject to Rule 4.8.4 1 (c)).
- (2) If the original contract was subject to the EU procurement regulations, the contract can only be extended within the parameters identified in the original EU contract notice or if the notice explicitly contained provision for extension.

4.8.15 Performance Bonds and Guarantees

- (1) In the case of all contracts valued above £50,000 the authorised officer shall determine, based on advice from the Chief Finance Officer, the degree of security (if any) required to protect the Council from a contractor default. This may be a performance bond or some other form of financial or performance guarantee.
- (2) Where an order is placed with an in-house service and work forming part of that order is sub-contracted to an external company, then the provisions of Rule 4.8.15 (1) will apply.

- (3) Where a performance bond and/or parent company guarantee is required, then the tender documents must provide for this.

4.8.16 Liquidated Damages

Any contract which is estimated to exceed £100,000 in value or amount, and is for the execution of works, or for the supply of goods or materials by a particular date or series of dates, shall provide for liquidated damages. The amount to be specified in each such contract shall be determined by a Senior Officer in consultation with Legal Services and appropriate stakeholders.

4.8.17 Further Information

- (1) **Agreements shall be completed as follows:**

Total value	Method of Completion	Solicitor to the Council
Up to £50,000	Signature	Solicitor to the Council
£50,001 and above	Sealed	See (3) below

- (2) **Signature**

The Authorised Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it.

- (3) **Sealing**

Where contracts are completed by each side adding their formal seal, the affixing of the Council's seal will be attested by the Monitoring Officer together with the Chairman or in their absence, the Vice-Chairman of the Council, or in their absence, another Councillor.

An entry of every sealing shall be made and consecutively numbered in a book kept for the purpose. The seal must not be affixed without the authority of the Council, Executive, a committee or under delegated powers. A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end; or
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- where there is any doubt about the authority of the person signing for the other contracting party; or
- the Total Value exceeds £50,000.

(4) **Archiving and lodgment of records**

The original sealed contract must be deposited with ~~the Council's Legal Services~~ the relevant department and recorded on the Contracts Register.

Bolsover District Council

Standards Committee

3rd July 2014

Draft Delegation Scheme

Report of the Assistant Director of Governance and Monitoring Officer

This report is public

Purpose of the Report

- To provide Standards Committee with the draft Delegation Scheme for consideration.
- To allow Standards Committee to recommend approval to the Council.

1 Report Details

- 1.1 Attached is the draft delegation scheme and proper officer schedule for discussion.
- 1.2 The aim of the draft is to simplify the delegation scheme for the Council, changing it from a specific delegation basis to a generic delegation basis. The latter means an area of activity will be delegated rather than specific power under a particular section of an Act. This is very different for the Council and has previously been accepted in principle by the Constitution Working Group and by other members via a Members Involvement Session in November 2013.
- 1.3 There will be a need for further documents showing further delegations which will not be included in the Constitution. For example Environmental Health have produced a table of delegations from the Assistant Director of Planning and Environmental Health to others within the Department such as the Environmental Health Manager. This must be maintained by the Department and be provided to the courts as necessary if it is needed in legal proceedings. The positive to this is it should provide for easier amendment when new legislation is enacted and employees change. However it is vital that in these cases the Departments maintain an up to date record.

2 Conclusions and Reasons for Recommendation

- 2.1 A lot of time has been spent on this by a number of officers from across the Council. However it is essential that it works – this is the most important aspect.
- 2.2 This will stream line decision making for officer decisions by ensuring that the same officer delegations exist in both the Council and the Council's Strategic Alliance partner, North East Derbyshire District Council, to carry out the same type of action.

3 Consultation and Equality Impact

- 3.1 Members have already been involved in the Constitution review process (through the Constitution Working Party) and a Member Involvement Session and have in principle approved the format of the draft scheme.
- 3.2 Officers have been consulted on the content of the scheme.
- 3.3 No equality impact assessment has been carried out as the Constitution contains the internal legal processes of the Council and is largely set out in statute.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council's Delegation Scheme is not fit for purpose and needs review so continuing without amendment is not an option.
- 4.2 The current Scheme is based on the identification of individual powers and contains a very specific list of statutory powers. This format runs the risk of not identifying all the powers required to run the Council and leaving the Council unable to act when required. There is therefore a significant risk to keeping the current scheme. Delegation specific schemes offer more risk in that many more matters are not covered than are covered.
- 4.3 The two Councils have differently formatted Delegation Schemes which makes management difficult. If the two different formats are kept, this would continue the current requirement for officer time being spent on determining whether each Council's Delegation Scheme supports the same course of action. It is not efficient.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There is no financial implication of this report.
- 5.1.2 In terms of risk, the risk to the Council from the current delegation scheme format is outlined above.

5.2 Legal Implications including Data Protection

- 5.2.1 Councils are obliged to maintain an up to date delegation scheme and to publicise it. In the Council's case, the Annual meeting is required to formally approve the current delegation scheme in addition to the other requirements to keep the scheme on the web site. This was done at the recent Annual Meeting.
- 5.2.2 There are no data protection issues.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That Standards Committee recommend that the draft delegation scheme be forwarded to the Council for approval.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	Yes/No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
A	Draft Delegation Scheme
B	Proper Officer Schedule
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)	
The existing Constitutions of both Councils and legislation including, but not limited to, the Local Government Acts of 1972 and 2000 as amended.	
Report Author	Contact Number
Assistant Director of Governance and Monitoring Officer	2414 and 7057

SCHEME OF DELEGATION TO OFFICERS**1. Introduction**

- 1.1 This scheme has been adopted by Bolsover District Council and North East Derbyshire 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.
- 1.2 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.
- 1.3 All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- 1.4 Officers shall 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.
- 1.5 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).
- 1.6 References to powers of 'the Council' include functions of the executive.
- 1.7 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.
- 1.8 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.
- 1.9 All delegations to officers are subject to:
- Statutory requirements
 - Contract Standing Orders
 - 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 co-ordination 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

1.10 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.

1.11 The Chief Executive Officer, Executive Directors and Assistant Directors are all joint posts within the Strategic Alliance. However, the word "Joint" has been omitted from the scheme descriptions.

2. Exclusions

2.1 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.

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 Reserve Delegations

4.1 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

5 Consultation

5.1 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.

6 Restriction on delegations to Assistant Directors and Heads of Service (BDC)

6.1 Each delegation to an Assistant Director/ Head of Service is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a Executive Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.

6.2 The Head of Paid Service, or an Executive Director, may exercise any delegated power possessed by an Assistant Director/Head of Service whilst a direction is in force with respect to that delegation.

6.3 An Executive Director may exercise any delegated power possessed by the Chief Executive if that post is vacant or the post holder is absent.

6.4 In the absence of an Executive Director, an Assistant Director/Head of Service within that Directorate may exercise any delegated power possessed by that Executive Director.

7 Transfer of Functions

7.1 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.

7.2 Where a service is restructured, the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Assistant Director of Governance.

8 Proper Officers

8.1 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.

8.2 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.

9 General powers delegated to all Executive Directors and Assistant Directors

- 9.1 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.
- 9.2 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.
- 9.3 To sign licences and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- 9.4 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.
- 9.5 Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- 9.6 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.
- 9.7 To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- 9.8 To exercise the Council's power to publish information about its services including deciding the content of any publication.
- 9.9 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).
- 9.10 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 must be informed of any decision to exclude under this paragraph.
- 9.11 To deal with the following employment matters in accordance with Council procedures:
 - 9.11.1 The employment of all employees below Assistant Director/ Head of Service level including determining the most appropriate means of recruitment and selection;
 - 9.11.2 Formulation, review and revision of person specifications and job descriptions for posts within their service areas;

- 9.11.3 Application of conditions of service including the authorisation of leave of absence, purchase of annual leave (Bolsover District Council only) and payment of honoraria;
- 9.11.4 Suspension or dismissal of employees below Assistant Director level;
- 9.11.5 Re-grading of posts below Assistant Director/ Head of Service level following job evaluation;
- 9.11.6 Determination of job sharing applications;
- 9.11.7 Waive any part of the notice required to be given by an employee to terminate employment.
- 9.12 To authorise payments for overtime in accordance with Council procedures.
- 9.13 To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- 9.14 To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate.
- 9.15 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property.
- 9.16 To commission goods, services and works within approved budgets.
- 9.17 To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- 9.18 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.
- 9.19 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.

10. Specific Delegations

10. Chief Executive Officer		
Delegations		Exceptions
10.1	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.
10.2	To guide and where appropriate direct Executive Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
10.3	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.	
10.4	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. 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.	
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 shall make the decision and endorsement will be sought from the Executive or Council as appropriate.	
10.6	To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning	

	<p>Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.</p>	
10.7	<p>To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.</p>	
10.8	<p>To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.</p>	
10.9	<p>To consider and co-ordinate any investigation by the Local Government Ombudsman or the Housing Ombudsman.</p>	
10.10	<p>To consider and report on any report of the Local Government 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.</p>	
10.11	<p>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.</p> <p>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.</p>	
10.12	<p>To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.</p>	

<p>10.13 To make authorisations of officers from other services at North East Derbyshire District Council to carry out appropriate statutory powers within Bolsover District Council.</p> <p>10.14 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.</p> <p>10.15 Following consultation with the relevant portfolio holder to select a substitute to represent the Council and Executive on outside bodies if the nominated representative is unable to attend.</p> <p>10.16 To exercise any of the powers delegated to the Executive Director or Assistant Director.</p> <p>10.17 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.</p> <p>10.18 Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the LGPS transfers policy.</p> <p>10.19 Following consultation with the Executive Director of Operations, 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.</p>	
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<p>10.20 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)</p>	
<p>10.21 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.</p>	
<p>10.22 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.</p>	
<p>10.23 To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.</p>	
<p>10.24 To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);</p>	
<p>10.25 (i) To determine all staffing matters. This includes determining matters relating to structure (additions, reductions and other changes to the establishment), the appointment, dismissal, suspension or discipline of staff save that in relation to the Chief Executive Officer, the Executive Directors and the Assistant Directors this does not include</p>	

<p>the appointment and dismissal. For the avoidance of doubt this power includes secondments and temporary appointments of any staff.</p> <p>(ii) Where the decision of Chief Executive Officer taken under (i) above requires consideration of the financial/budgetary implications and a decision in that respect only, 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.</p> <p>10.26 To authorise alcohol exclusion zones and incur necessary expenditure to create, manage or revoke an alcohol exclusion zone.</p>	
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11. Executive Director (Operations)	
Delegations	Exceptions
<p>11.1 To guide and where appropriate direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.</p> <p>11.2 To deputise for the Chief Executive Officer in his absence and exercise any powers delegated to him.</p> <p>11.3 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.</p> <p>To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.</p>	

<p>11.4 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.</p> <p>11.5 Have responsibility for the proper administration of the financial affairs of the Council.</p> <p>11.6 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.</p> <p>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)</p> <p>11.7 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.</p>	
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12. Executive Director of (Transformation)	
Delegations	Exceptions
12.1 To guide and where appropriate direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
12.2 To deputise for the Chief Executive Officer in his absence and exercise any powers delegated to him.	
12.3 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	

Growth Directorate

13 Assistant Director of Governance and Monitoring Officer	
Delegations	Exceptions
13.1 To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.	
13.2 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.	
13.3 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.	
13.4	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.	
13.5	To negotiate and settle claims and disputes without recourse to court proceedings.	
13.6	To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.	
13.7	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.	
13.8	To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.	
13.9	To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.	
13.10	Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).	
13.11	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the NEDDC Gifts and Hospitality Register.	

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:

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
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. 96	Disclosure of Members Interests	Monitoring Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100(B)(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
S.100(B)(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100(C)(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer
S.100(D)(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer

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:

S.100(D)(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100(F)(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	Executive Director (Operations)
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Executive Director (Operations)
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Executive Director (Operations)
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	Assistant Director of Finance, Revenues and Benefits.
S.191	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Executive Director (Operations)
S.225	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Executive Director (Operations)
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
S.229(5)	Certification of photographic copies of documents	Senior Principal Solicitor or Principle Solicitor
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Senior Principal Solicitor or Principal Solicitor

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:

S.238	Certification of byelaws	Chief Executive Officer
S.248	Officer who will keep the Roll of Freemen	Chief Executive Officer
Schedule 12 Government Act 1972		Local
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
Schedule 14		
Para 25	Certification of resolution passed under this paragraph	Chief Executive Officer
Schedule 16		
Para 28	Deposits of lists of buildings of special architectural or historic interest	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

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:

Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Executive Director (Operations)
Representations of the People Act 1983		
S.8	Registration Officer	Chief Executive Officer
S.8	Deputy Registration Officer	Assistant Director of Governance and Monitoring Officer Head of Elections (BDC) Elections Manager (NEDDC)
S.35	Returning Officer for Local Elections	Chief Executive Officer
S.35	Deputy Returning Officer for Local Elections	Assistant Director of Governance and Monitoring Officer Head of Elections (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	Assistant Director of Governance and Monitoring Officer Head of Elections (BDC) Elections Manager (NEDDC)
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	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

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:

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 3	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Monitoring Officer
Regulation 5	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 6	Inspection of background papers	Monitoring Officer
Regulation 9	Individual Executive decisions	Monitoring Officer
Regulation 11	Access to agenda and connected reports	Monitoring Officer
Regulation 12	Publicity in connection with Key Decisions	Monitoring Officer
Regulation 15	General exception relating to Key Decisions	Monitoring Officer
Regulation 17	Members' rights of access to documents	Monitoring Officer
Regulation 21	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Building Property and Contracts Manager
Public Health (Control of Disease) Act 1984		
S.31	Certification by officer of need for disinfection of premises	Assistant Director of Planning and Environmental Health.
S.32	Certification by officer of need to remove person from infected house	Assistant Director of Planning and Environmental Health

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:

Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Assistant Director of Planning and Environmental Health
Public Health Act 1961		
S.37	Control of any verminous article	Assistant Director of Planning and Environmental Health
Localism Act 2011		
S. 81	Administration of Community Right to Challenge	Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Monitoring Officer
Freedom of Information Act 2000		
S. 36	Qualified Person	Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.3	Employers certificate for exemption from politically restricted posts	Monitoring Officer
S.4	Head of Paid Service	Chief Executive Officer
S.5	The Monitoring Officer	Assistant Director of Governance
S. 5	Deputy Monitoring Officer	Governance Manager Principle Solicitor(BDC only)
S.15	Officers to receive notices relating to membership of political groups	Monitoring Officer

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:

S. 19	Keeping the Register	Monitoring Officer
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		
	Officer who will give written notice of appointment or dismissal of officers listed in Schedule 2, Part 11, paragraph 3	Chief Executive Officer