

**STANDARDS COMMITTEE
AGENDA**

Thursday 13th April 2017 at 1000 hours in the Council Chamber, The Arc, Clowne

Item No.	PART 1 – OPEN ITEMS.	Page No.(s)
1.	<u>Apologies for absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	<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.	
4.	To approve the minutes of a meeting held on 9 th February 2017.	3 to 6
5.	Review of the Council's Constitution;	7 to 20
	Audit Committee Terms of Reference	Appendix 1 21 to 22
	Joint Employment Committee & Joint Appeals Committee	Appendix 2 23 to 24
	Bolsover Employee Appeals Committee	Appendix 3 25 to 27
	Cabinet Roles and Responsibilities	Appendix 4 28 to 29
	Council Procedure Rules	Appendix 5 30 to 50
	Scrutiny Procedure Rules/Call In Procedure	Appendix 6 51 to 54
	Call In Request Form	Appendix 7 55
	Officer Delegation Scheme	Appendix 8 56 to 77
	Petition Scheme	Appendix 9 78 to 86
	Key Decisions	Appendix 10 87 to 89
	Significant Other Interests	Appendix 11 90 to 91
	Planning Speaking Guidelines	Appendix 12 92 to 102
6.	Complaints of Breach of the Code of Conduct – 2017.	103
7.	Work Plan 2016/17.	104 to 105
8.	Proposed Work Plan for 2017/2018.	106

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Thursday, 9 February 2017 at 1400 hours.

PRESENT:-

Councillor R Jaffray in the Chair

Councillors G Buxton, H J Gilmour and C R Moesby

Officers:-

S E A Sternberg (Monitoring Officer), A Wylie (Deputy Monitoring Officer) and N Calver (Governance Manager)

0654. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor B Watson.

0655. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0656. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0657. MINUTES OF THE SPECIAL MEETING HELD ON 3 OCTOBER 2016

Moved by Councillor H J Gilmour and seconded by Councillor G Buxton.

RESOLVED that the Minutes of the meeting of the Standards Committee held on 3 October 2016 be approved as correct record.

0658. HIGH COURT CASE – HONITON PARISH COUNCIL

The Committee considered a High Court case into Honiton Town Council's Judicial Review concerning the ethical framework and the availability of sanctions for breaches of the Code of Conduct.

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The Monitoring Officer presented the case to the Committee for their information. The Honiton case showed that legislation provided the District with the systems to address breaches of the Code of Conduct, however, nothing was provided to Parish Councils and therefore they were not able to determine any breaches and could only approve sanctions recommended by the District.

Further, training was identified as an appropriate sanction when addressing breaches of the Code of Conduct.

Moved by Councillor C R Moesby and seconded by Councillor G Buxton.

RESOLVED that the approved judgement presented be noted.

0659. WEIGHTMANS, LOCAL GOVERNMENT LAWYER – ROLE OF THE MONITORING OFFICER

The Committee considered an article on the role of the Monitoring Officer written by Simon Goacher regarding recent legislative changes around the process for disciplinary action against statutory officers of the Council.

The most recent change was in October 2016 confirming that there was no longer a requirement for a DIP and that any dismissal of a Head of Paid Service, Section 151 Officer or Monitoring Officer had to be approved by full Council. Before any dismissal can be made the proposal must be considered by a panel of Independent Persons.

The Committee considered previous practice and the reasons for change.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.

RESOLVED that the article be noted.

0660. REVIEW OF COUNCIL PROCEDURE RULES

As part of the annual review of the Constitution consideration had been given to the Council Procedure Rules for both authorities. Both sets of Council Procedure Rules (CPRs) offered sound rules and procedures, however, both displayed strengths that could make each other more robust.

A revised set of CPRs was set out in the Appendix to the report and did not make any substantive changes, just aligned the two sets of rules in layout, taking the best elements of each to create one comprehensive document.

It was noted that further influence had been taken from Best Practice across a number of authorities and wording changes had been suggested to provide clarity around some ambiguous matters.

The table set on page 29 of the report suggested changes which were considered to be more than typographical. The Committee considered each of these in turn and

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questioned the Governance Manager around the suggested changes and the rationale behind each.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.

RESOLVED that the proposed changes to the Council Procedure Rules as set out in Appendix 1 to the report be recommended to Council for adoption.

0661. CONSTITUTION REVIEW 2017

The Deputy Monitoring Officer advised that work had commenced on the review of the Council's Constitution in time for the revised Constitution to be placed before the Annual Meeting in May for approval.

It was considered that not all parts of the Constitution would need reviewing beyond house-keeping, however, parts of the Constitution which would require further consideration were:-

- Council Procedure Rules;
- Delegated Decisions and their publication;
- The financial level for Key Decisions;
- Scheme of Delegation to Officers;
- Petitions Scheme;
- Code of Conduct;
- Protocol on Member/Officer relations;
- Joint Employment Committee and Joint Appeals Committee;
- Bolsover Employee Appeals Committee.

Further, financial regulations would be considered separately by the Section 151 Officer but would still be submitted as part of the review of the Constitution through Standards Committee to recommend on to Council.

The timetable and reporting format was discussed and it was noted that Members had previously agreed to set up a working group of all Standards Committee Members to consider revisions to the Constitution. This Working Group would meet twice prior to the forthcoming meeting of Standards Committee in April.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.

RESOLVED the timetable set out within the report be approved and that a series of meetings be scheduled to meet the timetable. It be noted that the Financial Regulations were being reviewed and would be reported separately.

0662. COMPLAINTS OF BREACH OF THE CODE OF CONDUCT – 2016

The Committee considered information in relation to complaints received against Members regarding a Breach of the Code of Conduct. The information also included complaints received relating to Parish Council Members.

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A total of 12 complaints had been received in the period January 2016 to December 2016, all of which had resulted in no further action. No complaints had been received in 2017 to date.

Moved by Councillor C R Moesby and seconded by Councillor H J Gilmour.
RESOLVED that the report be noted.

0663. WORK PLAN

Members considered the Standards Committee Work Plan for 2016/17. The Chair requested for Members to let her know if they wished for any items to be included within her annual report to Council.

Whilst the review of the Constitution would be presented to the Annual Council meeting in May 2017, it was reported that the review of RIPA Policy and Annual Review and the review of the Whistleblowing Policy may be carried out within the new municipal year.

Members had welcomed the presentation given at the Parish Council Liaison meeting and made a request for further sessions. Members undertook to consult Parish Councils within their local areas to gauge interest for any forthcoming sessions.

Moved by Councillor H J Gilmour and seconded by Councillor G Buxton.
RESOLVED that the Work Plan be noted.

The meeting concluded at 1451 hours.

Bolsover District Council

Standards Committee

13 April 2017

Review of the Council's Constitution

Report of the Assistant Director for Governance and Monitoring Officer

This report is public

Purpose of the Report

- To recommend proposed amendments to the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

1 Report Details

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2016.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how it is working to make sure it gives full effect to its purpose.
- 1.4 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. At its meeting on 9th February 2017, the Committee agreed to set up meetings of the Constitution Working Group to consider the review.
- 1.5 The Working Group met on 23rd February 2017 and 16th March 2017 and considered a number of proposed amendments to the Constitution. These are set out in **Table 1**.

TABLE 1:

Meeting	Date	Area Reviewed
Standards Committee	9 th February 2017	<ul style="list-style-type: none"> • Council Procedure Rules
Constitution Working Group	23 rd February 2017	<ul style="list-style-type: none"> • Call In • Joint Appeals Committee • Joint Employment Committee • Officer Scheme of Delegation • Audit Committee Terms of Reference • Levels of Key Decisions
Constitution Working Group	16 th March 2017	<ul style="list-style-type: none"> • Petition Scheme • BDC Employee Appeals Committee • Speaking at Planning Committee • Delegated Decisions • Code of Conduct • Recorded Votes • Officer Scheme of Delegation

- 1.6 In addition to the amendments included in this table, other changes have been proposed that include minor corrections and re-wording to bring the Constitution up-to-date.
- 1.7 A summary of the amendments to the Constitution is attached at **Appendix A** to this report.
- 1.8 A copy of the changed areas of the Constitution with all the proposed amendments shown in red as tracked changes is attached at **Appendix B** to the report.
- 1.9 A focused review has been carried out this year, targeting areas which required greater scrutiny and better understanding. The previous review was considered to be ‘light touch’ concentrating on Housekeeping, which has given the Standards Committee the confidence to be able to channel their efforts on specific areas. Below is a list of the areas of the Constitution that the Working Group feel should be considered during the 2017/18 review. This is duplicated in the Standards Committee’s Work Plan.
- Protocol on Member / Officer Relations

2 Conclusions and Reasons for Recommendation

- 2.1 The Constitution Working Group have dedicated their efforts to particular areas of the constitution that required attention. These areas have been thoroughly discussed and presented for recommendation to Council.
- 2.2 It is required by law to keep an up to date constitution. Part of the role of the Standards Committee is to review the document on a regular basis.

3 Consultation and Equality Impact

- 3.1 The Chief Executive, Chief Financial Officer, Monitoring Officer and Deputy Monitoring Officer have been consulted on the preparation of this document.
- 3.2 An Equality Impact Assessment has not been necessary as part of this review.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

5 Implications

5.1 Finance and Risk Implications

None.

5.2 Legal Implications including Data Protection

- 5.2.1 The Council is required under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct and such other information that the authority considers appropriate.

5.3 Human Resources Implications

None.

6 Recommendations

- 6.1 That the amendments to the Constitution attached at **Appendix A** be approved.
- 6.2 That the areas of focus for the forthcoming 2017/18 Review be noted.
- 6.3 That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is an executive decision 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)	No
District Wards Affected	None.
Links to Corporate Plan priorities or Policy Framework	Demonstrating Good Governance

8 Document Information

Appendix No	Title
A	Summary of Amendments to the Constitution
B	Tracked Changes to specific Areas of the Constitution
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager	01246 242505 01246 217753

Summary of Changes to BDC Constitution

Part	Page No	Section	Summary of changes	Rationale for Change
Part 3 – Committee Terms of Reference	35 REF APP B1	Audit Committee	Agreed to delete ‘including the co-opted Member’, from Call-In requirements of the Audit Committee Terms of Reference.	The Audit Committee Terms of Reference require that for the meeting to be quorate, the co-opted member must be present. There is only one co-optee on the Committee and whilst the presence of the neutral co-optee aids transparency and public confidence, it must be remembered that with this provision, an Audit Committee could be inquorate and fail to go ahead
	72 REF: APP B2	Joint Appeals Committee	To fix membership for the year at the Annual Meeting.	To avoid delay in establishment of this committee.
	72	Joint Employment Committee	To fix membership for the year at the Annual Meeting.	To avoid delay in establishment of this committee.
	TO ADD IN AT PAGE 60 REF APP B3	BDC Employee Appeals Committee	To add the terms of reference to the Constitution	Currently missing from the constitution.
Part 3 – Responsibility for Functions	30 REF APP B4	Cabinet Members Roles and Responsibility	Updated table of Cabinet Members Role and Responsibilities	To reflect changes agreed earlier in Municipal year.

Part	Page No	Section	Summary of changes	Rationale for Change
Part 4 – Council Procedure Rules	Removal of CPRs and replacement with the document within the appendix. REF APP B5	Throughout	Unifying the term either Chair or Chairman	To assist with the creation of a reflective document. Chairman is more highly used throughout the UK, often with 'Madam' inserted before in speech when used for a female Member.
	The CPRs are fundamentally the same apart from the detailed changes	1.2	Removal of 1.2 and reinsertion at 2.2 under Ordinary Council Meetings	As Committees are established at the meeting of Annual Council, it shouldn't be necessary at that meeting to dissolve or review anything only just established. This should happen at any meeting of Council – Ordinary or Extraordinary.
	-	3.1	To include the Chief Finance Officer within the list of those who may require the Chief Executive Officer to call extraordinary meetings of Council.	This is currently omitted.
	-	4.1	Removal of a commencement time for meetings	Specification of start times will be in the meeting schedule agreed.

Part	Page No	Section	Summary of changes	Rationale for Change
	-	5.2	5.2 amended to include electronic mail as a destination for receiving summons to meetings.	In line with legislation, and to facilitate more paperless working.
	-	5.3	5.3 relevant reports added to the wording	To reflect best practice on complete packs being distributed to members, improving transparency to the public and more efficiency within Governance.
	-	8.1	8.1 wording changes	To provide clarity around public questions.
	-	8.9	8.9 reflective format for Members Questions and Public Questions	To provide clarity around the process.
	-	9.3(b)	Notice of Questions on urgent to be received by 9am on the day of the meeting.	In order to bring the constitution rules in line with each other.
	-	14.4	Recorded Vote - number of Members required to request reduced to 5.	10 Member was deemed to be high, whilst 5 seemed to be common amongst other local authorities.
	-	14.5 Individual Recorded Votes	Agreed that where Council are requested immediately <u>before</u> or <u>after</u> a vote is taken the vote will be recorded in the Minutes.	For convenience.

Part	Page No	Section	Summary of changes	Rationale for Change
	-	25	Inclusion of information around attendance at Committee Meetings	To provide clarity.
Part 4. - Call In and Scrutiny Procedure Rules	125 REF APP B6	4.5.14(a)	Contact with members	Communications to be electronic unless usual method is hard copy.
	125	4.5.14(c)	14 (c) wording changes	Accepted clarifications around Key Decision deadlines for publication.
	126	4.5.14(f)	Rejection of call in by Monitoring Officer	Monitoring Officer to give reasons for refusal in writing. Clarification given on reasons.
	126	4.6.2	Deadline dates for Decision Notices were agreed.	To provide clarity
	126	4.6.3	Agreed for all Call-In requests to be received on a Call-In Request Form.	To provide clarity to the process.
	ADD IN REF: APP B7	Notice of Call in Request Form	To be put in the Constitution Date to be added after each signatory	To provide clarity to the process.

Part	Page No	Section	Summary of changes	Rationale for Change
Part 4 - Officer Scheme of Delegation	172 REF APP B8	Chief Executive Officer Delegation 10.15	Agreed to add to the Delegation Scheme the previously agreed delegation to authorise other authorities to carry out enforcement and taxi and private hire vehicles.	Previously agreed.
	172	Chief Executive Officer Delegation 10.16	Agreed to add delegation to appoint Members to Outside Bodies mid-year.	Streamlined process
	173	Chief Executive Officer Delegation 10.20	Agreed to remove from the Delegation Scheme delegation to the Chief Executive to accept transfers on pension schemes. This remained a delegation to the Director of Operations.	Requisition of Members
	174	Chief Executive Officer Delegation 10.26	Agreed to wording changes proposed on the CEO's determination of staffing matters, and where use of staffing delegation incurs additional expenditure, the additional expenditure should be referred to Executive for approval.	Streamlined process

Part	Page No	Section	Summary of changes	Rationale for Change
	175	Executive Director – Operations Delegation 11.3	Rejected proposals to add in, “in consultation with the Chief Executive to the delegation to determine a request for early release of pension”.	No change
	176	Executive Director – Operations Delegation 11.7	Rejected proposal to raise the level at which bad debts are written off from £2,500 to £5,000.	No change
	178	Executive Director – Operations Delegation 13.11	Agreed to amend North East Derbyshire District Council to Bolsover District Council.	Typographical
	178	Executive Director Operations’ delegation	Agreed that delegation made annually to the Council’s Chief Financial Officer to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with Section 223 of the Local Government Act 1972 be added to the Delegations Scheme.	Agreed By Council
	179	Proper Officer	Agreed to add the Monitoring Officer as Proper Officer, with the Chief Executive Officer to witness and receive Declaration of Acceptance of Office Under S83	Streamlined process

Part	Page No	Section	Summary of changes	Rationale for Change
			(1) to (4).	
Part 4 – Council Procedure Rules Appendix A	263 REF: APP B9	Petition Scheme	Retain a petition scheme for the Council.	No change
	263	Petition Scheme	Retain acceptance of paper versions of petitions and changes would not be made to accommodate EPetitions.	No Change
	265	Petition Scheme	Agreed that the appeal process would still refer to the relevant Scrutiny Committee however wording would be changed.	To allow referral to a different Scrutiny Committee to the Committee that reviewed the petition and offering Scrutiny Members the ability to refer an appeal to the Complaints Procedure.
	263	Petition Scheme	Agreed for the Petition Scheme to be uploaded to the Council website	For transparency
	264	Petition Scheme	No further changes be made to the Petition Scheme in regard to advising petitioners about what is happening with their petitions once they have been submitted.	No change
	265	Petition Scheme	The required steps when considering a petition be retained within the Scheme.	No change

Part	Page No	Section	Summary of changes	Rationale for Change
	Throughout	Petition Scheme	Thresholds remain at the current level for determining how to process petitions.	No change
	None	Petition Scheme	Noted that the Secretary of State would no longer review the Council's scheme under their powers.	No change
Part 4 – Access to Information Procedure Rules	111 REF:APP B10	Key Decision Level 4.2.14	Agreed for the Revenue Key Decision Level to be set at £75,000 and the Capital Key Decision Level to be set at £150,000.	Best practice – to ensure that the financial level for key decisions is appropriate following review.
	111	Delegated Decisions	A form of words to be presented to on definition of Executive Decisions, including a financial limit of £50,000.	Best practice – following a review of the processes followed by other Councils.
	CURRENT PRACTICE	Delegated Decisions	Delegated decisions of below £50,000 would not be put on the website.	Best practice – following a review of the processes followed by other Councils.

Part	Page No	Section	Summary of changes	Rationale for Change
	CURRENT PRACTICE	Delegated Decisions	Agreed that Members would no longer receive Delegated Decision notices.	Best practice – following a review of the processes followed by other Councils.
	CURRENT PRACTICE	Delegated Decisions	Agreed that where a Delegated Decision is consequent upon a decision made at Cabinet that Cabinet would demonstrate that the issue had been considered in detail.	Legislation – although there have been no changes to legislation or guidance, the system has been reviewed against the current guidance.
	CURRENT PRACTICE	Delegated Decisions	Agreed that delegated decisions on HR related matters are no longer publicised on the website or sent to Members.	Legislation – although there have been no changes to legislation or guidance, the system has been reviewed against the current guidance.
Part 5 – Members’ Code of Conduct	189 REF:APP B11	Significant Other Interests	The wording suggested on significant other interests arising from nominations to an outside body by the Council be added to the Code of Conduct.	Clarifications – This leads to difficulties in Executive where the matter before the Executive relates to significant matters such as land transfers or loans of money – particularly for regeneration projects. The affected Councillor inevitably must declare a significant other interest and under the

Part	Page No	Section	Summary of changes	Rationale for Change
				terms of the Constitution leave the Chamber. This leaves the Executive without the member who knows most about what the project.
Part 5 - Planning Protocol	209 REF:APP B12	Planning Protocol	Agreed that the Planning Protocol was robust.	No Change
	N/A	Speaking at Planning Committee Guidance	Agreed that the Speaking at Planning Guidance would be accepted and changed to reflect the current practice of 5 minutes allowed.	For Clarity, does not form part of the Constitution.

BDC AUDIT COMMITTEE TERMS OF REFERENCE

(4) AUDIT COMMITTEE

1. Statement of Purpose

The purpose of the Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment. The Audit Committee will also oversee the Authority's corporate governance arrangements.

2. Reporting Framework

The Audit Committee will report directly to the Council, and provide information to the Executive for action, whilst maintaining its independence.

3. Membership and Structure of Meetings

The Audit Committee will have a membership of six plus one co-opted member and reflect the political composition of the Council. A quorum will constitute at least three members of the Committee, ~~including the co-opted member.~~

The Chair and Vice Chair of the Committee will be elected from its membership.

The Audit Committee will meet at least four times per year.

4. Principal Responsibilities

- (1) To ensure that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions to include the following:-
 - i) Arrangements for the assessment and management of risk within the Authority and ensuring they are embedded within the organisation.
 - ii) Approving and modifying the terms of reference and strategy for internal audit.
 - iii) Receiving and approving the annual internal audit plan and reviewing the external audit plan.
 - iv) Receiving quarterly reports on the progress against the annual audit plan.
 - v) Reviewing and adopting the Annual Governance Statement.
 - vi) Reviewing the Council's anti-fraud policy.

- (2) To consider the Council's Code of Corporate Governance and approve the annual statement in that respect.
- (3) To consider the External Auditors findings from their review of the Statement of Accounts.
- (4) To consider and approve, after review by External Audit the Statement of Accounts and report such to Council. The date by which this must be achieved is 30th September each year.
- (5) To review and adopt the detailed and summary Annual Governance Statement in light of the Internal Audit Annual review, report on the effectiveness of Internal Audit, Governance letters and the financial details shown in the statement of Accounts. In addition when these items are scheduled for consideration the Leader, Deputy Leader and the appropriate Cabinet member would be invited to attend the Audit Committee and participate in the debate and discussion, but no voting rights would be associated with the invitation.
- (6) To review the Council's internal audit function and monitor performance.
- (7) To monitor and ensure implementation of internal and external audit recommendations.
- (8) To be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

BDC JEC AND JAC

(6) JOINT MEMBER PANELS FOR STAFFING MATTERS

1. JOINT EMPLOYMENT COMMITTEE

There will be a Joint Employment Committee of three councillors from North East Derbyshire District Council and three councillors from Bolsover District Council. The membership shall be determined by Council at their Annual Meeting and will reflect the rules of proportionality. ~~by the Chief Executive, following consultation with the Leaders of the political groups, under rules of proportionality.~~

The Joint Employment Committee will have the following roles and functions:

- (i) To interview candidates to posts within the Strategic Alliance Management Team.
- (ii) To appoint candidates to posts within the Strategic Alliance Management Team, with the exception of the Head of Paid Service, the Chief Financial Officer and Monitoring Officer.
- (iii) To recommend to the Councils the appointment of the Head of Paid Service, Chief Financial Officer and Monitoring Officer.
- (iv) To deal with matters of capability (performance and sickness) relating to statutory officers and other chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions.)
- (v) In respect of the dismissal of any of the statutory officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment Committee make a recommendation to the Councils (following the conclusion of any appeal) which will be supported via a report from two of the Councils' Standards Committee Independent Persons.

2.

JOINT APPEALS COMMITTEE

There will be a Joint Appeals Committee of three Councillors from North East Derbyshire District Council and three Councillors from Bolsover District Council. The membership shall be determined by Council at their Annual Meeting and will reflect the rules of proportionality. ~~the Chief Executive, following consultation with the Leaders of the political groups, under rules of proportionality.~~

The Joint Appeals Committee will have the following roles and functions:

- (i) To deal with the final stages of the grievance and harassment procedures for all statutory officers and other chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions.)
- (ii) To deal with appeals from the Chief Executive Officer and chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions), excepting statutory officers against dismissal.
- (iii) To deal with appeals from the Chief Executive Officer and chief officers/deputy chief officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions), excepting statutory officers, against disciplinary action to be taken against them.
- (iv) To deal with appeals from statutory officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions) arising out of disciplinary action taken against them by the Councils' Joint Employment Committee.
- (v) To deal with appeals against dismissal from statutory officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions) arising out of disciplinary or capability proceedings conducted by the Councils' Joint Employment Committee.

14. Bolsover Employee Appeals Committee

1) Purpose

There will be an Employee Appeals Committee to consider and determine appeals against dismissals arising from the Council's employment procedures (e.g. disciplinary, capability, sickness absence etc). These procedures apply to all employees other than those who are covered by any special provisions of their terms and conditions.

2) Membership

The Employment Appeals Committee will comprise of three elected Members determined at their Annual Meeting and will reflect the rules or proportionality. Each Member on the Committee can have a deputy appointed by Council who can deputise for them if they are unable to make the meeting or have a conflict of interest.

Members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises by nomination of the relevant party leader.

The Head of Paid Service or or their representative 'Management Representative' will make the management case. Witnesses may be called.

3) Function

The Committee will conduct a review of the original decision to see if it was reasonable in the circumstances. This may involve rehearing the original evidence and any evidence that has come to light following the decision and considering any matters raised relating to the original decision whether or not they were known to the Management Representative at the time the initial decision was taken. No unrelated matters shall be considered.

The Committee will decide whether to allow or dismiss the appeal.

4) Rules and Procedures

a) Secretariat

In order to maintain impartiality and confidentiality, the HR department will administer meetings of the Appeals Committee. This will include organising meetings, producing confidential documents for members and taking a record of the proceedings. Minutes will be produced and kept on record.

b) Frequency of Meetings

Meetings of the Appeals Committee will be convened when required.

c) Quorum and Voting

Each of the three Members appointed to the Committee are required to be present for the meeting to commence. The three Members are allocated one vote each and the Chairman does not have a casting vote in this instance.

d) Proceedings

The employee shall be given at least five working days notice in advance of the time and place of the hearing and he/she must be told that he/she shall be entitled to be represented by their representative and shall be able to call witnesses and to present the documents relevant to his/her case. Copies of any documents relevant to the case and intended for submission/consideration and names of witnesses the parties intend to call should be exchanged by both parties at this time.

The Appeals Hearing shall proceed as follows:-

- i) The Chair shall introduce all persons in the room, and their respective roles, emphasising the limited role of the advisers.
- ii) If the employee is alone he/she should be asked if they are aware that they may have a representative and whether they would like to adjourn in order to arrange for one to attend.
- iii) The Management Representative will make a statement as to why the decision to dismiss was taken and may call witnesses.
- iv) Witnesses will wait outside until called.
- v) The Employee (or Representative) shall have the opportunity to ask questions of the Management Representative and witnesses.
- vi) The Committee shall have the opportunity to ask questions of the Management Representative and witnesses. The witnesses shall leave having given their evidence.
- vii) The Employee may put his/her case and may call witnesses. Witnesses will wait outside until called.
- viii) The Management Representative shall have the opportunity to ask questions of the employee and his/her witnesses.
- ix) The Committee shall have the opportunity to ask questions of the employee and his/her witnesses. The witnesses shall leave having given their evidence.

- x) The Management Representative and the Employee shall have the opportunity to sum up their case if they so wish, with the Management Representatives submission being received first.
- xi) The Management Representative, the employee and their representative shall withdraw.
- xii) Any advisors to the Committee remain in the room during the deliberation.
- xiii) The Committee shall deliberate only recalling the Management Representative and the Employee to clear points of uncertainty on evidence already given. If recall is necessary, both parties and representatives are to return notwithstanding that only one may be concerned with the points giving rise to doubt.
- xiv) The Committee will decide whether to allow or dismiss the appeal and will announce the decision to the employee personally. The outcome will be confirmed in writing with reasons within five working days.

The decision of the Committee is final and there shall be no further appeals to the Council

CABINET MEMBERS – ROLES AND RESPONSIBILITIES

	Leader	Cabinet Member	Cabinet Member	Cabinet Member	Cabinet Member	Cabinet Member
Portfolio	Economic Growth	Customer Services and Revenues and Benefits	Community Cohesion, Audit, Legal and Governance	Health and Wellbeing	Corporate Plan, HR and Leisure	Housing and IT
Corporate Aims and Cabinet Responsibilities	All	Providing customers with excellent service Transforming our organisation	Community Cohesion Audit Legal Governance	Helping communities to be healthier, safer, cleaner and greener	All	Helping communities to be healthier, safer, cleaner and greener Transforming our organisation
Services	Finance Partnerships Economic Development Regeneration Planning Property and Estates	Customer Services Revenues and benefits	Community Safety Governance Internal Audit	Environmental Health Street-scene Public Health	Performance HR Social Inclusion Leisure	Housing IT
Scrutiny Committee	All	Customer Services and Transformation	Healthy, Safe, Clean and Green Budget Scrutiny	Healthy, Safe, Clean and Green	All	Healthy, Safe, Clean and Green

CABINET MEMBERS – ROLES AND RESPONSIBILITIES

<u>CABINET MEMBER</u>	<u>PORTFOLIO</u>	<u>DETAILS</u>	<u>SCRUINTY COMMITTEE</u>
<u>Leader</u>	<u>Overall Strategy</u>	<ul style="list-style-type: none"> • <u>Regeneration – Strategic Housing</u> • <u>Economic Development</u> • <u>Finance and Investment</u> • <u>Partnership / Collaborative Working</u> • <u>Joint Authority Issues</u> • <u>Devolution</u> 	<u>All</u>
<u>Deputy Leader</u>	<u>Community Development and Integration</u>	<ul style="list-style-type: none"> • <u>Community Development (Economic and Social)</u> • <u>Community Integration</u> • <u>Partnership Working</u> • <u>Properties and Estates</u> • <u>Equal Opportunities</u> • <u>Leisure</u> • <u>Performance (Corporate Plan)</u> 	<u>Healthy Safe Clean and Green Committee</u>
<u>Cabinet Member</u>	<u>Housing and Community Safety</u>	<ul style="list-style-type: none"> • <u>Housing</u> • <u>Housing Strategy</u> • <u>Community Safety</u> • <u>Planning and Local Plan</u> • <u>Safeguarding</u> 	<u>Growth Scrunity</u>
<u>Cabinet Member</u>	<u>Corporate Services</u>	<ul style="list-style-type: none"> • <u>Revenues and Benefits</u> • <u>Audit</u> • <u>HR and Payroll</u> • <u>Governance</u> • <u>Legal</u> 	<u>Customer Services and Transformation Committee</u>
<u>Cabinet Member</u>	<u>Health and Wellbeing</u>	<ul style="list-style-type: none"> • <u>Health and Wellbeing</u> • <u>Environmental and Public Health</u> • <u>Health and Safety (inspection and enforcement)</u> • <u>Licensing</u> 	<u>Healthy Safe Clean and Green Committee</u>
<u>Cabinet Member</u>	<u>Commercial Development and Efficiencies</u>	<ul style="list-style-type: none"> • <u>Efficiency Plans</u> • <u>Procurement</u> • <u>High Street Regeneration</u> 	<u>Growth Scrutiny</u>
<u>Cabinet Member</u>	<u>Neighbourhood Services</u>	<ul style="list-style-type: none"> • <u>Member Development</u> • <u>Streetscene</u> • <u>Customer Services</u> • <u>ICT</u> • <u>Emergency Planning</u> 	<u>Customer Services and Transformation Committee</u>

BOLSOVER AND NE DERBYSHIRE DISTRICT

Council Procedure Rules

These rules set out how meetings of the Council and most committees will be conducted, for example who can speak, when and how proposals are debated.

1. Annual Council Meeting

TIMING AND BUSINESS

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- 1.1 In a year when there is an ordinary election of *Councillors*, the annual meeting will take place within 21 days of the retirement of the outgoing *Councillors*. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the *Chairman* of the Council is not present;
- (b) elect the *Chairman* of the Council;
- (c) ~~appoint~~ elect the *Vice Chairman* of the Council;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the *Chairman* of the Council and/or the *Chief Executive*;
- (g) elect the *Leader of the Council*;
- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Executive / Cabinet;
- (l) consider any other business as set out in the notice of the meeting.

COMMITTEES AND OUTSIDE BODIES

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- ~~(jh)~~ appoint at least one *Scrutiny Committee* and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the *Council Meeting* nor are *Executive Functions*
- ~~(ki)~~ decide the size and terms of reference for those committees;
- ~~(lj)~~ decide the allocation of seats to political groups in accordance with the political balance rules set out in Appendix A;
- ~~(mk)~~ receive nominations of *Councillors* to serve on each committee and outside body; and

(~~nt~~) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Executive / Cabinet~~Cabinet~~;

(~~om~~) agree the scheme of delegation set out in Part 3 of this Constitution; and-

(~~pn~~) approve the financial threshold for Key Decisions.

~~1.2 Provided always that this is without prejudice to the right of the Council at any time to establish or dissolve any board or committee (apart from the Cabinet) or to review its size and terms of reference.~~

2. Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with the agreed calendar of meetings. Ordinary meetings will:

(a) elect a person to preside if the Chairman of the Council or Vice Chairman of the Council is not present;

(b) approve the minutes of the last meeting and sign them as a correct record;

(c) receive any declarations of interest from Members;

(d) receive any announcements from the Chairman of the Council, Leader, Members of the Executive / Cabinet or the Chief Executive;

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(e) receive any Deputations or consider petitions submitted in accordance with the Council's Petitions Scheme

(f) receive any questions from, and provide answers to, the public;

(g) receive any questions from Mmembers of the Council;

(h) deal with any business from the last Council meeting;

(i) receive reports from the Executive/~~Cabinet~~ and the Council's committees and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;

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(j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;

(k) consider motions on notice;

(l) receive Minutes of Committees which have been previously circulated;

(m) consider any business as required by statute; and

(nt) consider any other business specified in the summons to the meeting.

2.2 It is the right of Council at any ordinary or extraordinary meeting to establish or dissolve any board or committee (apart from Cabinet / Executive) or to review its size and terms of reference giving regards to existing rules around proportionality.

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2.3 If a meeting of Council is to be cancelled before the notice and summons has been sent out, this is to be agreed with the Chairman and Vice Chairman of the Council and the Leader of the Council, or Deputy Leader in their absence.

2.4 No meeting of Council shall be cancelled if the notice and summons has already been sent out.

3. Extraordinary Meetings

3.1 The people or bodies listed below may require the *Chief Executive* to call Council meetings in addition to ordinary meetings:

(a) the Council by resolution;

(b) the *Chairman* of the Council;

(c) the *Monitoring Officer*, ~~and~~or

(d) the Chief Finance Officer; and

(ed) any five Members of the Council if they have signed a requisition presented to the *Chair of the Council* and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 When requested, the *Chief Executive* shall call a meeting of the Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next ordinary meeting of the Council.

3.3 No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

4. Time and Place of Meetings

4.1 All Council meetings will ~~begin at 2.00 p.m.~~be in accordance with the agreed Meetings Schedule. unless the or at such other time and/or place as may be determined by the Chairman or, in the Chairman's absence, the Vice-Chairman in advance of the summons to the meeting being despatched. Council Meeting or the Chair of the Council decides otherwise. The Council will normally meet in the Council Offices.

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5. Notice of Meetings

5.1 ~~The Monitoring Officer or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.~~

5.2 At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by him/her by post or electronic mail to every Member of the Council or by leaving it at their usual place of residence. Members may provide details in writing of an alternative address or email to which he/she wishes summons to be sent to, or such other address as the member shall have notified to him/her in writing as the address to which he/she wishes summonses to be sent or by sending it in electronic form to a particular electronic address agreed by the member.

5.3 The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by any relevant reports.

~~5.2—The Monitoring Officer or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules.~~

6. Chairman of Meeting

6.1 The person presiding at a meeting of the Council may exercise any power or duty of the Chairman of the Council. Where these rules apply to meetings of boards or committees, references to the Chairman of the Council also include the chair of boards or committees.

7. Quorum

7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater.

7.2 If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned.

7.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Questions by the Public

8.1 General.

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

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~~8.2 Order of Questions.~~

~~Where provision is made for questions by the public at a Council meeting, a maximum of fifteen minutes will be allowed. Questions will be asked in the order of which notice of them was received, except that the Chair of the Council may group together similar questions.~~

8.23 Notice of Questions.

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

8.34 Number of Questions.

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

8.45 Scope of Questions.

The Monitoring Officer may reject a question if ~~it~~:

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

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

8.56 Record of Questions.

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

8.62 Order of Questions.

~~Where provision is made for questions by the public at a Council meeting, a maximum of fifteen minutes will be allowed. Questions will be asked in the order of which notice of them was received, except that the *Chairman of the Council* may group together similar questions.~~

8.7 Asking the Question at the Meeting.

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

8.8 Supplementary Question.

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

8.9 Written AnswersResponse

~~Any question which cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the member to whom it was to be put, will be dealt with by a written answer. An answer may take the form of:~~

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

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8.10 Reference of Question to the *Executive / Cabinet* or a Committee.

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Unless the *Chairman of the Council* decides otherwise, no discussion will take place on any question, but any Councillor may move that the matter raised by a question be referred to the *Executive / Cabinet* or the appropriate

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~~C~~ommittee. Once seconded, such a motion will be voted on without discussion.

9. Questions By Councillors

9.1 On Reports of the ~~Executive / Cabinet~~ or Committee.

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A Councillor may ask the Leader, ~~or the~~ Chairman of the Council or a ~~C~~ommittee Chairman questions without notice about an item in a report of the ~~Executive / Cabinet~~ or of that ~~C~~ommittee when it is being considered.

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9.2 Questions on Notice at Council Meetings.

Subject to rule 9.3, a Councillor may ask the Chairman of the Council, the Leader, any Councillor of the ~~Executive / Cabinet~~ Members or the Chairman of a ~~committee~~, of any ~~C~~ommittee a question about any matter in relation to which the Council has powers or duties or which affects the District.

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9.3 Notice of Questions.

A Councillor may only ask a question under Rule 9.2 if either:

- (a) they have given at least seven clear working days notice in writing of the question to the Monitoring Officer; or
- (b) the question relates to urgent matters, they have the consent of the Councillor to whom the question is to be put and the content of the question is given to the Monitoring Officer by ~~12 noon~~ 9am on the day of the meeting.

9.4 Response.

An answer may take the form of:

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

9.5 Supplementary Question.

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

9.6 Number of Questions.

Questions on notice are limited to one per Councillor per meeting, plus one supplementary question.

9.7 Time for Questions.

There will be an **overall** time-limit of fifteen minutes on Councillors' questions with no extension of time and questions not dealt with in this time will be dealt with by written response.

9.8 Format of Questions.

Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The *Chairman of the Council* will decide whether a Councillor is contravening this rule and stop the Councillor concerned. The *Chairman of the Council's* ruling will be final.

10. **Motions - on Notice**

10.1 Notice.

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Monitoring Officer not later than midday on the day seven clear working days before the date of the meeting. These will be entered in a book open to inspection by the public.

~~10.2 Motions Set Out in the Agenda.~~

~~Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.~~

10.23 Scope.

Motions must be about matters for which the Council has a responsibility or which affect the area. The *Chairman of the Council* may, on the advice of the *Chief Executive*, refuse a motion which is illegal, scurrilous, improper or out of order.

~~10.32 Motions Set Out in the Agenda.~~

~~Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.~~

11. **Motions and Amendments - Without Notice**

11.1 The following motions and amendments may be moved without notice:

- (a) to appoint a *Chairman* of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda;

- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) to suspend a particular Procedure Rule ~~to which Rule 21 applies~~;
- (n) to exclude the public in accordance with the Access to Information Procedure Rules;
- (o) not to hear a Councillor further or to require a Councillor to leave the meeting; (rules 22.2 and 22.3) and
- (p) to give the consent of the Council where its consent is required by this Constitution.

12. Rules Of Debate

12.1 No Speeches to be Made Until Motion Seconded.

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

12.2 Right to Require a Motion in Writing.

Unless notice of the motion has already been given, the *Chair of the Council* may require it to be written down and handed to him or her before it is discussed.

12.3 Secunder's Speech.

When seconding a motion or amendment, a Councillor may reserve his or her speech until later in the debate.

12.4 Content and Length of Speeches.

Speeches must be directed to the question under discussion or to a personal explanation or point of order. A Member presenting a report of the Cabinet or other Member Group or moving a motion, of which notice has been given under Rule 10, may speak for up to ten minutes. No other speech may exceed 5 minutes. The *Chair of the Council* may consent to extend the time limit on speeches.

12.5 When a Councillor May Speak Again.

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Councillor;
- (b) to move a further amendment if the motion has been amended since he or she last spoke;
- (c) if ~~his or her~~their first speech was on an amendment moved by another Councillor, to speak on the main issues (whether or not the amendment on which he or she spoke was carried);
- (d) to exercise a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

12.6 Amendments to Motions

- (a) An amendment must be relevant to the motion and ~~should~~**may**:
 - (i) refer the motion to an appropriate body or individual for consideration or re-consideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others;
 - (iv) insert or add words;
- as long as the effect ~~of ii-iv~~ is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the *Chairman* of the Council will read out the amended motion before accepting any further amendment or, if there are none, put it to the vote.

12.7 Alteration of Motion

- (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Councillor may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of Motion.

A Councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

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12.9 Right of Reply

- (a) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.
- (c) The mover of an amendment shall have ~~an~~ right of reply to the debate on the amendment, just before the mover of the original motion.

12.10 Motions Which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion;
- (b) to amend the motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- ~~(g) that the meeting continue for a further half hour;~~
- (h) to exclude the press and public in accordance with the access to information rules; ~~or~~
- (i) that a Councillor be not further heard or to exclude the Councillor from the meeting (under rules 22.2 and 22.3).

12.11 Closure Motions

- (a) A Councillor may move without comment the following motions at the end of a speech of another Councillor:
 - (i) to proceed to next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.

- (b) If a motion to proceed to next business is seconded and the *Chairman of the Council* thinks the item under discussion has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the *Chairman of the Council* thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed, he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or adjourn the meeting is seconded and the *Chairman of the Council* thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of Order.

A Councillor may raise a point of order at any time and the *Chair of the Council* will hear them immediately. A point of order may only relate to the alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the rule or law and the way in which he or she considers it has been broken. The ruling of the *Chair of the Council* on the matter will be final.

12.13 Personal Explanation.

A Councillor may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the *Chair of the Council* on the admissibility of a personal explanation will be final.

13. **Previous Decisions and Motions**

13.1 Motion to Rescind a Previous Decision.

A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least one third of **all** Councillors.

13.2 Motion Similar to one Previously Rejected.

A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least one third of **all** Councillors.

Once a motion or amendment to which this Rule applies has been dealt with, no Councillor can propose a similar motion or amendment within the next six months.

14. Voting

14.1 Majority.

Unless this Constitution (or the law) provides otherwise any matter will be decided by a simple majority of those Councillors present and voting in the room at the time the question was put.

14.2 Chairman of the Council's Casting Vote.

If there are equal numbers of votes for and against, the *Chairman of the Council* will have a second or casting vote. There will be no restriction on how the *Chairman of the Council* chooses to exercise a casting vote.

14.3 Show of Hands.

Unless a recorded vote is demanded (under rule 14.4) the *Chairman of the Council* will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Recorded Vote.

If ~~ten~~ five Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Where matters affecting the Council's budget or Council Tax are considered by Council then a recorded vote will take place as a matter of course.

14.5 Right to Require Individual Vote to be Recorded.

Where any Councillor requests it immediately before or after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

14.6 Voting on Appointments.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

The number of votes each Member has is restricted to the number of vacancies to be filled.

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15. Minutes

15.1 Signing the Minutes.

The *Chairman of the Council* will sign the minutes at the next **available suitable** meeting. The *Chairman of the Council* will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting.

Where in relation to any meeting, the next meeting for the purposes of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of schedule 12 relating to the signing of minutes.

15.3 Recording Attendance

An attendance register shall be circulated at each meeting of the Council and Members shall record their attendance at the meeting by signing the Register, and the names of Members attending the meeting will be recorded in the Minutes.

Any Member leaving a meeting before it's conclusion must first indicate to the Chairman thier intention to leave.

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16. **Petitions**

16.1 The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions submitted under the Council's Petitions Scheme ~~attached as Appendix A to these Procedure Rules~~ will receive an acknowledgement from the Council within 10 working days of receipt.

16.2 That acknowledgement will set out what the Council plans to do with the petition.

16.3 If a petition contains more than 700 / 1000 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

16.4 The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

16.5 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.

16.6 The Council will decide how to respond to the petition at this meeting.

[Please refer to the Petition Scheme appended to the Constitution Appendix A for full details.]

~~17. Councillor Call for Action~~

~~Councillor Call for Action (CCfA) is a mechanism through which Councillors can raise issues relating to the Ward they represent which are of significant community concern. This is intended only to be used when all the usual channels for resolving such issues have been exhausted.~~

~~The CCfA Guidance adopted by the Council on 11 May 2009 is included at **Appendix B** to these Procedure Rules.~~

178. Deputations

- | **178.1** *Deputations* may be received at any meeting of the Council following five clear working days written notice to the *Monitoring Officer*. They must be about matters for which the Council has a responsibility or which affect the area. The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it relates to the Council's functions or affects the area. The *Chair of the Council* may, on the advice of the *Chief Executive*, refuse a *Deputation* which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.
- | **178.2** A maximum of two *Deputations* only will be permitted at any meeting and they will be selected in the order notice is received. Only one *Deputation* will be permitted if the *Monitoring Officer* receives notice of a petition under Rule 16.
- | **178.3** A *Deputation* may consist of up to five people, of whom no more than two may speak, except to answer Councillors' questions.
- | **178.4** The *Deputation* may address the meeting for no more than five minutes and Councillors may then question the deputation for a further five minutes.
- | **178.5** The relevant portfolio holder or appropriate Council member may, if he or she chooses, then address the meeting for up to three minutes.
- | **178.6** No vote will be taken on a *Deputation*. A Councillor may propose that the subject matter be placed on the agenda of the next ordinary meeting of the relevant committee, such a motion to be moved and seconded formally and put without discussion. If no such motion is moved or carried, the *Deputation* will be referred to the relevant *Director* or *Assistant Director* who will respond to it in writing within 28 days.

189 Requirements for Members to Withdraw from Meetings

- | **189.1** Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.
- | **189.2** Subject to paragraph 19.3 where a member has a significant other interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered.
- | **189.3** A member with a significant other interest in any business of the authority may still attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Immediately after making representations, answering questions or giving evidence the member must withdraw from the meeting room (including the public gallery) for the consideration and vote on the business.

1920. Use of Media and Other Communication Methods

Subject to Rule 23, a person may report on or provide commentary on the proceedings of a meeting using any means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later.

204. Exclusion Of The Public

204.1 The public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 23 (disturbance by the public).

212. Councillors' Conduct

SPEAKING AT MEETINGS

212.1 When a Councillor speaks at Council, he/she must address the meeting through the Chairman and stand and address the Chairman.

21.2 If more than one Councillor wishes to speak, the Chairman will ask one to speak, and the other will refrain. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or personal explanation.

21.3 When the *Chairman* of the Council stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

DISTURBANCE BY MEMBERS

212.42 If a Councillor is guilty of misconduct by persistently disregarding the ruling of the *Chairman* of the Council, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any Councillor may move that the Councillor is not further heard. If seconded, the motion will be voted on without discussion.

212.53 If the Councillor continues to behave improperly after such a motion is carried, any Councillor may move either that the Councillor leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.

212.64 If there is a general disturbance making orderly business impossible, the *Chairman* of the Council may adjourn the meeting for as long as he or she thinks necessary.

223. Disturbance By Public

223.1 If a member of the public interrupts proceedings, the *Chair of the Council* will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.

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223.2 If there is a general disturbance in any part of the meeting room open to the public the *Chair of the Council* shall order that part to be cleared.

234. Suspension and Amendment of Council Procedure Rules

234.1 Any of the Council Procedure Rules to which this Rule applies may be suspended ~~by motion on notice or without notice for all or part of the business of a meeting at which suspension is moved by a motion.~~

234.2 Such a motion cannot be moved without notice unless at least one half of the whole number of Councillors of the Council are present.

~~23.3 Suspension can only be for the duration of the meeting from the point of resolution to the move in to private session.~~

~~2423.43~~ This Rule applies to Rules 8 to 13, 16 and 17.

245. Application of Council Procedure Rules to Committees

245.1 Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees other than Cabinet.

25. Attendance at Committee Meetings by Members of the Council

25.1 ~~A Member of the Council may, with the approval of the appropriate Chairman, attend any meeting of a Committee or Sub-Committee and, if so invited by the Chairman of that Committee or Sub-Committee, may speak but not vote on business before that meeting.~~

25.2 ~~No Member of the Council shall attend any Standing Committee or Standing Sub-Committee or any other Committee, Sub-Committee or other body set up by the Council of which she/he is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Chief Executive, is engaged in interviewing candidates for any position with the Council or in existing appellate functions relation to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council.~~

25.3 ~~In the event of any Committee or Sub-Committee deciding, in accordance with Access to Information Procedure Rules to exclude the public whilst any matter of a confidential or exempt nature is discussed, any Member of Council who is present who is not a Member of that Committee or Sub-Committee may remain unless the Committee or Sub-Committee ask him/her to leave or if he/she is precluded by any other Rule or Code of Conduct issue from remaining. In the case of Sub-Committee and Working Party meetings, which are not ordinarily open to the press and public, it shall similarly be open to the Sub-Committee or Working Party to ask a non-member to leave.~~

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APPENDIX A

PROPORTIONALITY RULES

1. Eight working days in advance of the Annual Meeting of Council, the Chief Executive shall inform the Leader of each of the political groups showing what allocation of seats would, in the Chief Executive's opinion, best meet the requirements of section 15 of the Local Government and Housing Act.
 2. Proposed nominations to Committees by the Political Groups must be given to the Chief Executive seven working days prior to the Annual Meeting of the Council, or as soon as practicable before the Annual Meeting.
- In years where no District Council elections are held, the procedure outlined above will be followed. In election years, the notice will be sent by the Chief Executive as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.

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4.5 SCRUTINY PROCEDURE RULES

4.5.14 Call In

- a) When a Key Decision¹ is made by the Executive or a committee of the Executive, or under joint arrangements, or in line with any delegation within the Constitution, the decision shall be published electronically, including where possible by electronic means, and shall be available at the main offices of the Council within two working days of being made.
- b) Copies of the notice of decision will be provided to all members within the same timescale.
- c) All Key Decisions will come into effect five working days ~~(not including the day of the meeting) after the meeting~~ after the publication of the decision unless three scrutiny members give notice in writing to the Governance Manager requesting to call in the decision.
- d) If no notice requesting call-in of a Key Decision is received in this five working day period the decision may be implemented.
- e) The call-in request should be on a completed 'call-in' request form and include the names and signatures of the three signatories, the decision making principles it is believed have been breached and also the reasons for this. The decision making principles are:
 - Proportionality (the decision must be proportionate to the desired outcome)
 - Due consultation and the taking of professional advice from officers
 - Respect for human rights
 - A presumption in favour of openness
 - Clarity of aims and desired outcomes
 - Regard for equal opportunities
 - Options are considered and reasons for the decision given
 - Consideration of all relevant factors
 - Decision is in the best interests of the District as a whole

Upon receipt of the call-in form the Governance Manager will

¹ A Key Decision is an executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that income or expenditure of £50,000 or more is significant.

- f) consider the request to ensure the correct information has been submitted. The Monitoring Officer may reject it if:
- It relates to a non-executive decision or is a decision where a statutory appeal is available
 - Insufficient information has been provided
 - It is vexatious, malicious or politically motivated
 - It contains insufficient evidence as to how the decision-making principles have been breached
 - The decision has been previously called in
 - The reasons given have been addressed in a previous call-in
- g) Reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the call-in request prior to the closure of the five working day call-in period.
- h) Upon determining that the call-in request is valid the Monitoring Officer will decide, having regard to the functions of each Scrutiny Committee, which Scrutiny Committee will hear the call-in. The Executive and relevant Council officers will also be notified of the call-in request. The Governance Manager will then call a meeting of the relevant Scrutiny Committee.
- i) The relevant Scrutiny Committee must meet to consider the call-in as soon as reasonably practicable and at the latest within 10 working days of the receipt of the call-in notice. If the meeting does not take place in this period then the decision may be implemented. Special meetings of the Scrutiny Committee will be called if necessary to consider call-ins in this period.
- j) The lead signatory, being the first named member on the call-in, will be invited to attend the relevant Scrutiny Committee to present the call-in, outline the reasons for the request and answer questions from the Committee. They will not be entitled to vote, unless they are a member of the Scrutiny Committee that considers the call-in. The relevant Executive member/decision-making officer will also be entitled to attend the meeting and be invited to address the Scrutiny Committee and answer questions from the Committee. The format for the call-in consideration is set out in the Call In Procedure Rules.
- k) If, having considered the decision, the Scrutiny Committee is still concerned about it, they may refer the matter back to the decision-maker setting out in writing the reasons for its concerns. If the decision is a decision made by the Executive, the Executive shall reconsider it at their next meeting (or a special meeting if necessary), amending the decision or not, before adopting a final decision.

- l) If the Scrutiny Committee decides not to refer the decision back to the decision-maker it may be implemented on the date of the Scrutiny Committee.
- m) If the Scrutiny Committee concludes that the decision is outside the Budget and Policy Framework then it may refer the decision to Council. When exercising this option, the Scrutiny Committee must evidence how and why the decision is outside the Framework and give due regard to the advice of the Chief Executive and Monitoring Officer on this matter.
- n) If the matter is referred to Council and the Council does not object to a decision that has been made then the decision may be implemented on the date of the Council meeting.

4.5.15

Call In and Urgency

- a) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the relevant Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the relevant Scrutiny Committee, permission of the Chairman of the Council may be sought and in his absence, the Vice-Chairman's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- b) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

4.6 CALL IN PROCEDURE

4.6.1 Who Can Call In an Item

Any Member of any of the three Scrutiny Committees with the support of 2 further Scrutiny Committee Members.

4.6.2 Deadline Date for Calling In ~~Decisions~~any Item Contained in the Executive Minutes

The deadline date for any decision eligible for call in will be published on the decision notice produced within 2 working days of the decision being taken. The specific date will be given in the notification accompanying the Executive minutes, but ~~the~~ the time scale for call in is five clear working days from the publication date of the decision notice ~~of Executive.~~

~~4.6.3 Number of Members Required to Call In an Item, Successfully~~

~~Any three Scrutiny Committee members~~

4.6.34 Method by which Items May be Called In

All Call In requests must be received on a Call In Request Form prior to the close of the Call In Period. However, Members may give early notice of Call In writing, in person or over the phone.

- ~~• In writing~~
- ~~• E mail - this may be done using a Members terminal within the Council Offices or where a member has the facility via the internet,~~
- ~~• By fax - as with written notifications, the faxed message may contain the signature of more than one Member,~~

4.6.5 Recording of Called In Items

The Governance Manager shall be responsible for keeping and maintaining a log of called in items. In practice this log will be kept by the Governance Officers who are authorised to accept notifications from Members.

A log shall be maintained in chronological order according to when requests are received. This log will be open for inspection by any Member of the Council, upon request.

4.6.6 What may be Called In

Any Key Decision on an Executive agenda other than an agenda item which is part of the Budget and Policy Framework, or any Key Decision made by the Leader or officers under delegated powers.



Notice of Call-In Request

In accordance with Rule 4.5.14 of the Scrutiny Rules, that are contained within the Council's Constitution, we the undersigned hereby give notice that we wish to call-in the following Key Decision:

Decision (please include minute / delegated decision no.)	
Title of item / decision	
Date of Decision Publication	

We believe that the following principles of decision-making have been breached by the making of this decision:

Principle	Tick	Reason why breached
Proportionality		
Due consultation and the taking of professional advice from officers		
Respect for human rights		
A presumption in favour of openness		
Clarity of aims and desired outcomes		
Regard for equal opportunities		
Options are considered and reasons given for the decision		
Consideration of all relevant factors		
Decision is in the best interests of the District as a whole		

Lead signatory:

Name: Date:.....

Signed:

Name: Date:.....

Signed:

Name: Date:.....

SCHEME OF DELEGATION FOR 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. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- 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 Monitoring Officer.

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;

~~9.11.2~~

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.

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10. Specific Delegations

10. Chief Executive Officer	
Delegations	Exceptions
<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.</p>

<p>10.6 To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.</p> <p>10.7 To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.</p> <p>10.8 To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.</p> <p>10.9 To consider and co-ordinate any investigation by the Local Government Ombudsman or the Housing Ombudsman.</p> <p>10.10 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> <p>10.11 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>	
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10.12 To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.

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.

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.

10.15 (i)-To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and:

(ii) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions or do anything required in respect of the hackney carriage and private hire licensing enforcement function.

~~40.15~~10.16 Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.

~~Following consultation with the relevant portfolio holder to select a substitute to represent the Council and~~

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~~Executive on outside bodies if the nominated representative is unable to attend.~~

~~10.16-17~~ To exercise any of the powers delegated to ~~the~~an Executive Director or Assistant Director.

~~10.17-18~~ To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

~~10.18-19~~ Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the LGPS transfers policy.

10.20 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.

~~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.~~

~~10.20-21~~12 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)

~~10.21-22~~23 Following consultation with the

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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.

10.22-234 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.

10.23-245 To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.

10.24-256 To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);

10.25267 (i) To determine ~~all~~ ~~all~~ staffing matters. ~~This includes including but not limited to:~~
(i) ~~D~~etermining matters relating to structure (additions, reductions, post title changes and other changes to the establishment)
(ii), ~~T~~he 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 the appointment and dismissal.
(iii) ~~For the avoidance of doubt this power includes Approving~~ ~~secondments~~ and temporary appointments of any staff.

(ii) Where the decision of the Chief Executive Officer taken under (i) above will incur additional

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<p>expenditure which cannot be met by approved budgets 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>10.276 To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant ward members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.</p> <p>10.27–28 Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver’s Licence with immediate effect, on grounds of public safety, in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration.</p>	
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11. Executive Director (Operations)	
Delegations	Exceptions
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.	
11.2 To deputise for the Chief Executive Officer in his absence and exercise	

	<p>any powers delegated to him.</p>
<p>11.3</p>	<p>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</p>	<p>To approve the Draft Statement of Accounts prior to consideration by External Audit</p>
<p>11.5</p>	<p>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>11.6</p>	<p>Have responsibility for the proper administration of the financial affairs of the Council.</p>
<p>11.7</p>	<p>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>

11.8	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
11.9	to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with S223 of the Local Government Act 1972.	

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,	

	<p>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.</p>
13.3	<p>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.</p>
13.4	<p>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.</p>
13.5	<p>To negotiate and settle claims and disputes without recourse to court proceedings.</p>
13.6	<p>To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.</p>
13.7	<p>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.</p>
13.8	<p>To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.</p>
13.9	<p>To provide advice on the scope of powers and authority to take decisions, financial impropriety,</p>

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 Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Chief Executive Officer
S. 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 <u>Legal Service Manager (Solicitor)</u>
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Senior Principal Solicitor or Principle Solicitor <u>Legal Services Manager (Solicitor)</u>

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 Freeman	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) Legal Services Manager (Contentious Team) (Solicitor)
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, Part11, paragraph 3	Chief Executive Officer

BDC PETITIONS SCHEME

Petitions

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Governance Officer
Bolsover District Council
The Arc
High Street
Clowne
Derbyshire
S43 4JY

Petitions can also be presented to a meeting of the Council. These meetings take place on a four weekly basis, dates and times can be found at www.bolsover.gov.uk If you would like to present your petition to the Council or would like your Councillor or someone else to present it on your behalf, please contact Democratic Services on (01246 242529) or email democratic.services@bolsover.gov.uk 10 days before the meeting and they will talk you through the process. If your petition has received 700 signatures or more it will also be scheduled for a Council debate and if this is the case we will let you know when this will happen.

Who can submit a petition?

Any person regardless of age who lives, studies or works in the District is able to submit a petition.

Merging petitions

Where the Council receives petitions relating to the same issue we will consider amalgamating the signatories only with the approval of the petition organisers.

What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take.
- the contact details for the petition organiser (lead petitioner) so the Council knows who to contact
- the name, address, postcode and signature of any person supporting the petition.
- Date the petition is submitted.

Issues specifically excluded from the Petition Scheme

The following matters are specifically excluded under the Petitions Scheme and will not be considered:

- Any matter relating to a planning decision, including a development plan document or the community infrastructure levy
- Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
- Any matters for which the Standards Committee has powers for determining complaints received under the Local Assessment Framework.
- Any matter relating to an individual or entity in respect of which that individual has a right of recourse to a review or right of appeal conferred by or under any enactment.
- Any matter which is substantially the same as a petition submitted in the previous 12 months.
- Any matter which is considered to be vexatious, discriminatory, abusive or otherwise inappropriate.
- Any matter which is considered to be “exempt” under the Local Government Act 1972, Access to Information Act 1985, the Data Protection Act 1998, the Freedom of Information Act 2000 or the Environmental Information Regulations 2004.

What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by

email. We will not send you anything which is not relevant to the e-petition you have signed.

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

How will the Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:-

- taking the action requested in the petition;
- considering the petition at a Council meeting;
- undertaking research into the matter;
- holding a public meeting;
- holding a consultation;
- holding a meeting with petitioners;
- referring the petition for consideration by one of the Council's Scrutiny Committees – this will be to the most relevant Scrutiny Committee. *
- calling for a referendum;
- writing to the petition organiser setting out our views about the request in the petition.

*Scrutiny committees are committees made up of Councillors who are responsible for scrutinising the work of the Council – in other words, a committee that has the power to hold the Council's decision makers to account.

Where a petition relates to specific wards or area the relevant ward members will be informed when a petition is received and how it will be considered.

If your petition is about something over which the Council has no direct control (for example a local hospital) we will consider making representations on behalf of the community to the relevant body. The Council works with local partners through the Local Strategic Partnership (LSP) and where possible we will work with these partners to respond to your petition. For information on the LSP partners visit: [www.bolsoverpartnership.org]. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

If your petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council Debates

If a petition contains more than 700 signatures it will be debated by the full Council unless it is a petition asking for a senior Council Officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.

The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Where the Council has received several different petitions it may be necessary to limit the number to be heard at a particular meeting of the Council but we will inform you if this is the case.

Where the issue is one on which the Council's Executive (Cabinet) are required to make the final decision, the Council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer Evidence

Your petition may ask for a senior Council Officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior Council Officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 350 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Scrutiny Committee(s). The senior staff that can be called to give evidence include:

- Chief Executive
- Chief Finance Officer/Section 151 Officer
- Director of Transformation
- Assistant Director – Governance and Monitoring Officer

You should be aware that the Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The Committee may also decide to call the relevant Councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the Chair of the Committee by contacting Governance on 01246 242529 up to three working days before the meeting.

Petitions which will not be reported

Repeat Petitions

Petitions will not normally be considered if they are received within twelve months of another petition having already been considered by the Authority on the same matter.

Rejected Petitions

We will not take action on any petition which we consider to be vexatious, defamatory, frivolous, abusive, discloses any confidential or exempt information or is otherwise inappropriate, or does not relate to a matter which is the responsibility of the Authority, or over which the Authority has some influence, and will explain the reasons for this in our acknowledgement of the petition.

~~Petitions will not be accepted if in the opinion of the Chief Executive, they are vexatious, abusive or otherwise inappropriate or do not relate to a matter which is the responsibility of the Authority, or over which the Authority has some influence.~~

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that one of the Council's Scrutiny Committees review the steps that the Council has taken in response to your petition. This will be the relevant Scrutiny Committee when your matter has been considered by Council, or an alternate Scrutiny Committee when your matter has been dealt with by the relevant Scrutiny Committee. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

~~If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's relevant Scrutiny Committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.~~

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, referring the matter to the corporate complaints procedure, making recommendations to the Council's Executive

(Cabinet) and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

PETITIONS FORM

The Council has a petitions scheme which sets out how local people can submit a petition to highlight issues of concern within their local area. It sets out what essential information needs to be included and how the Council can respond to the issues raised.

The form is intended to assist the public in setting out the issues relating to their petition but other formats are also acceptable.

Purpose of petition
Ward/Area the Petition Issues Cover
What action do you wish the Council to take in relation to this issue?
Would you like the opportunity to present this petition to a meeting of the Council? YES/NO (cross out the word that does not apply)
Would you like your Ward Councillor to present the petition on your behalf? YES/NO (cross out the word that does not apply)
Contact details of the Petition Organiser (Lead Petitioner) Name: (Please print)

Address (including postcode)
Contact telephone number:
Email address:
Signature of Lead Petitioner:
Date of Petition:

Please complete and return this form to:

Governance Officer
Bolsover District Council
The Arc
High Street
Clowne
Derbys
S43 4JY

BDC KEY DECISIONS

4.2.14 Key Decisions

In these Rules a “key decision” means an executive decision, which is likely:-

(a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council’s budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

In determining the meaning of “significant” for the purposes of (a) above, the Council must have regard to any guidance for the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance). The Council has decided that revenue income or expenditure of £75,000 or more, and Capital income or expenditure of £150,000 or more is considered significant.

~~A “key decision” is an executive decision, which is likely:-~~

~~(a) to result in the Council incurring expenditure which is, or the making of savings which are, to the value of £50,000 or more; or~~

~~(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.~~

4.2.15 Publicity in Connection with Key Decisions

- (1) Key Decisions to be taken at the forthcoming meeting of the Executive will be set out in the Council’s List of Key Decisions published 28 days in advance of the meeting.
- (2) Where, in relation to any matter:-
 - (a) the public may be excluded from the meeting at which the matter is to be discussed; or
 - (b) documents relating to the decision need not be disclosed to the public because they contain confidential or exempt information, the List of Key Decisions will contain particulars of the matter but may not contain any confidential or exempt information.

4.2.16 General Exception

- (1) If a matter which is likely to be a Key Decision has not been included in the List of Key Decisions then subject to paragraph 4.2.17 the decision may still be taken:
 - (a) where the Chief Executive has informed the Chair of the relevant Scrutiny Committee or, if there is no such person, each member of the Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;

(b) where the Chief Executive has made available at the offices of the Council for inspection by the public and published on the Council's website a copy of the notice given pursuant to sub-paragraph (a);

and

(c) after five clear days have elapsed following the day on which the Chief Executive made available the notice referred to in sub-paragraph (b).

- (2) As soon as reasonably practicable after the Chief Executive has complied with paragraph 4.2.16(1) he must publish a notice setting out the reasons why compliance with paragraph 4.2.16(1) was impracticable.

4.2.17 Cases of Special Urgency

- (1) If by virtue of the date by which a decision must be taken paragraph 4.2.16 (General Exception) cannot be followed, then the decision can only be taken if the Chief Executive obtains the consent of the relevant Chair of Scrutiny Committee, that the taking of the decision cannot be reasonably deferred. If there is no relevant Chair of the Scrutiny Committee, or if the Chair of the Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.
- (2) As soon as reasonable practicable after the Chief Executive has obtained agreement under paragraph 4.2.17(1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must publish a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.

4.2.18 Recording of executive decisions

After any meeting of the Executive or any of its Committees, whether held in public or private, the Chief Executive will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision, any alternative options considered and rejected as well as any conflicts of interest and dispensations noted.

4.2.19 Recording of executive decisions made by individuals

- (1) An executive decision made by a member or officer which is a Key Decision will be recorded using the Council's delegated decision form available from the Governance Team.
- (2) Each decision will contain details of the decision, including the date it was made, reasons for the decision, any alternative options considered and rejected, any conflicts of interest recorded and dispensations noted.

4.2.20 Additional rights of access to documents for members of local authorities

- (1) All Members are entitled to inspect any document, (except those available only in draft form), which is in the possession of or under the control of the Executive and contains material relating to any business previously transacted at an Executive meeting unless it contains exempt information under categories 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972.
- (2) The rights conferred by this section are in addition to any other rights that a member of the Council may have.

4.2.21 Additional rights of access to documents for members of overview and scrutiny committees

- (1) Subject to Rule 4.2.21(2), a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a meeting of the Executive or an executive decision taken under delegated powers.
- (2) Scrutiny Committee is not entitled to;
 - (a) Any document in draft form;
 - (b) Any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision the Scrutiny Committee is reviewing or scrutinising or intends to scrutinise.

4.2.22 Reports to the local authority where the key decision procedure is not followed

- (1) If a decision has been made by the Executive and it was not treated as a Key Decision but a Scrutiny Committee feels that it should have been then that Scrutiny Committee may require the Executive to submit a report to Council within a period specified by the Scrutiny Committee.
- (2) If Executive is of the view that the decision was not a Key Decision then they must provide their reasons for that opinion.

10th April 2017

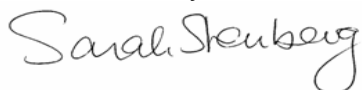
The Arc
High Street
Clowne
Derbyshire
S43 4JY

Dear Sir or Madam

STANDARDS COMMITTEE – THURSDAY 13TH APRIL 2017 AT 10AM

Further to your recently circulated agenda, please now find a supplementary report in relation to Agenda Item 5, Appendix 10. Pages 1 to 3.

Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chair and Members of the Standards Committee.

ACCESS FOR ALL

If you need help understanding this document or require a larger print on translation, please contact us on the following telephone number:-

 **01246 242528** **Democratic Services**
Minicom: 01246 242450 **Fax: 01246 242423**



Tel 01246 242424 **Fax** 01246 242423 **Minicom** 01246 242450
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Bolsover District Council

Standards Committee

13th April 2017

Supplementary report on the definition of “executive decision” for inclusion in the Constitution.

Report of the Monitoring Officer

This report is public

Purpose of the Report

- To provide Members with a definition of “executive decision” for inclusion in the Council’s Constitution.

1 Report Details

- 1.1 As reported to the Constitution Working Group the practice has been to record every executive decision on a Delegated Decision form (DD form) and then publish in accordance with the statutory rules. Constitution Working Group decided that there should be a definition of “executive decision” in the Constitution so that decisions outside that definition would not be placed on the website. This would mean ordinary day to day operational decisions made by officers would not be published. Records would be kept of the decision by the officer.
- 1.2 Constitution Working Group was content that the financial figure for this should be £50k. Decisions with a financial implication of less than £50k would not therefore be published.
- 1.3 in order to achieve this it will be necessary to amend paragraph 4.2.19 of the Access to Information Rules of the Constitution.
- 1.4 The proposed definition of “executive decision” is:-
- “Executive Decision” is defined as a decision in connection with the discharge of an executive function which will or is likely to incur expenditure or savings in excess of £50,000 or generate a revenue return/income in excess of £50,000 as a specific consequence of that decision.
- 1.5 The recommendation is that this becomes 4.2.19 (1) and that (1) becomes (2) and is amended as follows:-

An executive decision made by a Member or officer ~~which is a key decision~~ will be recorded using the Council's Delegated Decision form available from the Governance Team.

1.6 Paragraph (2) will then become Paragraph (3).

2 Conclusions and Reasons for Recommendation

2.1 The changes implement the wishes of the Constitution Working Party with regard to reducing the number of delegated decisions published.

3 Consultation and Equality Impact

3.1 The Constitution Working Party has been involved in the process of working out these changes and has recommended the changes to Standards Committee.

3.2 There are no equalities impacts in relation to this change.

4 Alternative Options and Reasons for Rejection

4.1 To keep things as they are. Members rejected this as it was felt that too many delegated decisions of a routine nature were being published.

5 Implications

5.1 Finance and Risk Implications

5.1.1 None

5.2 Legal Implications including Data Protection

5.2.1 Councils are required by Law to have a system in place for publishing delegated executive decisions. It is recognised that Councils may wish to define their own lower limit for such publication. This report recommends that that change is made.

5.3 Human Resources Implications

5.3.1 None

6 Recommendations

6.1 That Paragraph 4.2.19 of the Access to Information Rules is amended to read:-

(1) "Executive Decision" is defined as a decision in connection with the discharge of an executive function which will or is likely to incur expenditure or savings in excess of £50,000 or generate a revenue return/income in excess of £50,000 as a specific consequence of that decision.

(2) An executive decision made by a member or officer will be recorded using the Council's Delegated Decision form available from the Governance Team.

- (3) Each decision will contain details of the decision, including the date it was made, reasons for the decision, any alternative options considered and rejected, any conflicts of interest recorded and dispensations noted.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is an executive decision 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
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
None	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	
Report Author	Contact Number
Sarah Sternberg	2414

Non participation in case of significant other interest:

Where you have an interest in any business of your authority you also have a significant other interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:

- Affects your financial position or the financial position of a person or body described in paragraphs (a) or (b)(1)(2)(3) (i) or (ii) above.

Where you have a significant other interest in any business of the Council you may not participate in any discussion of the matter at the meeting and you may not participate in any vote taken on the matter at the meeting. If your interest is not registered, you must disclose the interest to the meeting. In addition you must leave the room where the meeting is held while any discussion or voting takes place (subject to the following paragraph).

Where you have significant other interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.

Where your significant other interest arises as the result of your nomination to a body by the Council and following declaration of the interest you may stay to present the report and answer questions provided that:-

- You have stated your intention to remain in the Chamber at the time of making your declaration.
- Your contribution is limited to presenting the report and answering any questions.
- You do not become involved in the debate.
- You do not attempt to move a motion
- You leave the Chamber before a vote is taken.

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Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of your authority in respect of:

(i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;

(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;

(iv) an allowance, payment or indemnity given to members;

(v) any ceremonial honour given to members; and

(vi) setting Council Tax or a precept under the Local Government Finance Act 1992.

BOLSOVER DISTRICT COUNCIL

SPEAKING AT THE PLANNING COMMITTEE AND COUNCIL MEETINGS
ON A PLANNING APPLICATION

The Council lets applicants, and people who have written to it about planning applications, speak at the Planning Committee. Each speaker is given 5 minutes. But they must comply with **the Code of Conduct for Speakers at meetings at which a planning application will be determined.**

Note 1: Five minutes is longer than you think. Few speakers use all the time.

*Note 2: Most planning applications are determined by a Planning Officer, and NOT at a meeting of the Planning Committee or Council. These **delegated** applications are dealt with entirely in writing. If you wish to speak to the officer who will determine a delegated application you should contact him/her through the case officer.*

Note 3: A few applications are determined at meetings of the Council. These rules and the Code of Conduct apply to speaking at the Planning Committee and to speaking at the Council.

* **Who can speak?**

The following can speak; the applicant and/or his/her agent; people who have written in objecting to, or supporting, the application; people representing bodies who have commented on the application; representatives of parish and town councils, and the County Council.

District Councillors who are not members of the planning committee can obtain approval from the Chairman or Vice Chairman of the committee to attend at the Committee meeting and speak about a planning application. These Councillors are also covered by the Code of Conduct. These Councillors cannot vote on the decision of the Committee, and cannot join in the Committee debate.

The Code of Conduct also covers District Councillors who are on the Planning Committee, but have declared a prejudicial interest. These Councillors are permitted to speak on the application, but must leave the room after they have spoken and cannot vote on the decision of the Committee, and cannot join in the debate.

The Code of Conduct does not allow people to repeat what previous speakers have said. So where a number of people want to say the same, or similar things, they should agree a spokesperson to make their points. Spokespersons should be agreed if more than ten people wish to speak for, or against, the application.

* **What is the Council's procedure to tell people about the opportunity to speak at meetings?**

When an application is received and it is allocated to be decided by Councillors, the Council sends out these guidelines and code of conduct, along with a response slip indicating whether you wish to speak, to the following,

- the applicant, or his/her agent, when the application is received.
- all those notified of the application by letter who make a written response, when their comments are acknowledged.
- all others making written comments, when their comments are acknowledged. Letters received in the week of the meeting are acknowledged by first class post.

Most applications are allocated to be decided by officers.

Sometimes the way in which the application is to be decided is changed, during the time it is being processed, and it is sent to be decided by councillors. In those cases the Council will tell everyone about the change. The Council will notify the applicant, those making comments, consultees and district councillors. Applicants and those making comment will also be sent a copy of the information leaflet and code of conduct.

* **If I want to speak, how do I arrange it?**

If you have received a response slip from the Council with a letter of acknowledgement, fill it in and send it to the Council, for the attention of the [Democratic Services Senior Governance Officer](#). If you do not have a response slip, telephone the [Democratic Services Officer Governance Team](#) (telephone 01246 242424). You will need to tell the officer the title of the application, its code number, the date you sent in your letter and whether you wish to speak for or against the application. You will also be asked for your day time telephone number. The [Democratic Services Senior Governance Officer](#) will ask you to confirm that you do not object to your details being passed on to others, to encourage the selection of a spokesperson, if this is necessary.

If you have returned your response slip, or telephoned the ~~Democratic Services Officer~~Governance Team, you will be told of the date and time of the meeting at least five days before it takes place. You will then need to telephone the officer to confirm that you still wish to speak. Do this no later than 12.00 noon on the day before the meeting.

When contacting the ~~Democratic Services~~Senior Governance Officer be ready to give your name, address and telephone number, the application description and code number, the date you sent in your letter of comments and whether you wish to speak for or against. If you are acting as a spokesperson for others you should say who, and how many people, you are speaking for. If you are speaking on behalf of another you should give the name of the person for whom you are speaking for. You should make a note of the name of the officer who takes your details.

If you will be making the same points as others, for example following a petition or duplicated letters of objection or support, you should choose a spokesperson to speak for you all at the meeting.

If ten or more people say they want to speak on either side, 5 days or more before the meeting, they will be told of the names, addresses and telephone numbers of each other and will be encouraged to choose a spokesperson.

Requests to speak will be logged in the order they are received, but spokespersons representing a number of people will speak before individuals. The aim is for spokespersons representing the largest numbers of people to speak before other spokespersons, but this cannot be guaranteed.

Quite often, at the time that you tell the Council you want to speak, the date of the meeting at which the application will be considered will not yet have been decided. When you are told of the date you may not be able to attend, because of other commitments. This will be unfortunate, but the Council will not defer consideration of an application because you cannot get to the meeting.

You may ask someone else to speak at the meeting on your behalf.

* **Do I have to speak, if I have written in?**

No. The meeting gets a detailed written report describing the application and all comments received relating to it. The report includes an assessment of the main planning issues and a written recommendation about what decision is appropriate. The public can read these reports before the meeting. They can be seen on the Council's Web Site. A further written supplementary report may be given to councillors three days before the meeting, to cover any letters or communications which have been received up to that day. A further written supplementary report may also be provided on the morning of the meeting, to cover any further letters received.

The written reports should be a fair and balanced presentation of the application, and the views on it.

* **If I decide not to speak, can I still attend the meeting to listen to the debate?**

Yes, but you need to advise the [Democratic Services Senior Governance](#) Officer (telephone 01246 242424) so that you can be notified of the date of the meeting at least 5 days before the meeting.

* **What am I permitted to say?**

The purpose of allowing you to speak is to enable you to summarise your support for, or concerns about, the application.

You should confine your comments to planning issues

- By law, planning applications must be determined in accordance with the policies in the Regional Spatial Strategy, Derbyshire Structure Plan and the Bolsover District Local Plan, unless there are other relevant issues (called material considerations).
- There may be many relevant issues, for example:

- Government planning guidance
- Previous planning decisions on the site
- Court cases on similar proposals elsewhere
- Highway safety and traffic
- Design, appearance and layout
- Conservation of buildings, trees and wildlife
- Residential amenities

- The following issues are almost always irrelevant and will not be taken into account:

- The morals or motives of the applicant or developer
- Matters which are directly controlled by other laws
- Future development intentions within the application site
- Competition from a rival commercial operation

Time is limited, deal with your main points first.

You are subject to the normal laws of slander and defamation, and your comments are recorded.

You may not repeat points made by previous speakers. Where a number of people wish to make the same or similar points, it is more effective for a spokesperson to present their views. Spokespersons will speak before other members of the public.

* **Where and when are the meetings held?**

The meetings are held at the Council offices at The Arc, Clowne, S43 4JY. Planning Committee meetings usually take place every four weeks, on Wednesdays, starting at 10.00 a.m. Some applications are determined by the Council. These meetings also usually take place on Wednesday mornings.

* **What should I do when I get to The Arc?**

Arrive at least 15 minutes before the meeting starts. There can sometimes be a large number of people arriving for the meeting at the same time and queues can form. Register at the reception desk, then go to the public gallery INSIDE the Council Chamber. Banners and placards will not be admitted.

* **What will be the order of items at the meeting, and will I have to wait long?**

Items are usually dealt with in the order on the agenda. But the Chairman will usually bring forward those applications for which speakers are present, and deal with these first. However, if a lot of people want to speak it may take two hours or more before all the applications are dealt with. The meeting sometimes continues after lunch. It is hard to tell how long each application will take to consider and we cannot predict what time your application will be heard.

* **What are the meetings like, and how is the speaking conducted?**

There are 18 Councillors on the Planning Committee and 37 attend Council meetings. Usually there are also four Council Officers present. The proceedings are formal and follow strict rules. At Council meetings Councillors and Officers stand when speaking. There is limited seating in the public gallery, and, very rarely, when a lot of people come to the meeting, the public may be admitted on a shift system, and you may be asked to wait outside the meeting whilst another application is discussed.

The proceedings are recorded, and records are kept for reference. Speaking is amplified. When it is your turn to speak you will be asked to go from the public gallery, to a podium in front of the meeting, and to speak into a microphone. The Chairman has the power to control the meeting, and may stop the proceedings, or have people ejected, if there is unruly behaviour.

* **Who speaks first on each application?**

Each application will be considered as follows:-

1. The Planning Officer will briefly describe the application and the main issues involved. Any new information included in the supplementary report circulated at the meeting or received earlier that day will be described. Councillors may ask questions of the Planning Officer.
2. Any District Councillor who has declared a prejudicial interest, but who wishes to speak before leaving the chamber, will then be invited to speak by the Chairman.
3. If the application is being considered at a Planning Committee, any District Douncillor who is not on the Planning Committee who has come to speak will then be asked to speak by the Chairman.
4. The Council's Solicitor will then ask people to address the Planning Committee, in the following order;
 - (a) Any speakers from the County Council, the Parish or Town Council or other consultees.
 - (b) Objectors, one at a time,
 - i) spokespersons representing a number of people (in order of the number they represent, if possible).
 - ii) other spokespersons and individuals in the order that they contacted the authority.
 - (c) Supporters, one at a time,
 - i) The applicant and/or his agent
 - ii) Spokespersons representing a number of people (in order of the number they represent, if possible).
 - iii) Other spokespersons and individuals in the order that they contacted the authority.

- (d) The Solicitor will close the public speaking session. No further public speaking will be permitted, except in exceptional circumstances at the discretion of the Chairman of the meeting.

Councillors may ask questions of **each** speaker, after you have spoken, but do not have to.

* **What happens next?**

The Planning Officer will comment on any new information given by speakers, will correct any factual errors, and will comment on any non-planning issues raised by speakers which the meeting must disregard in coming to its decision.

The Councillors on the Planning Committee may then debate the issues, but they do not have to, they can go straight to a vote.

They may request further advice from the Planning Officer or the Solicitor. If legal advice is requested, the Chairman may exclude the public and press whilst the meeting hears the advice, and then the public and press will be allowed back.

The application will be determined by a vote of the eligible Councillors.

The meeting may choose not to determine the application, but to leave the decision to another meeting, perhaps because they want to visit the site, or because they want more information.

They may delegate the application to be decided by the Planning Officer at a later date, after legal agreements or planning obligations have been signed.

If the Planning Committee want to make a decision contrary to Council policy, the application will be deferred and passed to the next meeting of the Council, for the Council to determine.

A few applications for big developments, or on historic buildings, cannot be determined by the Council, but must first be sent to the Government to consider.

* **Is cross examination permitted?**

No. When you speak to the Committee you are not allowed to ask questions, or join in the debate, or reply to comments made by others. But Councillors at the meeting may ask you questions after you have spoken.

* **Can I present evidence in other ways, such as power-point?**

Within the limits of five minutes available you may present power-point, tape recorded, video or other format presentations. The plans submitted with the application will be available to the Councillors and do not need to be presented.

If you wish to make a presentation using any media you must contact the ~~Democratic Services~~Senior Governance Officer at least 24 hours before the scheduled time for the meeting, to agree the technical arrangements. Copies of any documents or photographs to be circulated, or any presentations to be made, in whatever format, must be deposited with the Council 24 hours before the start of the meeting. Copies of these documents, photographs, or presentations will be placed on the public record.

Any presentation, including plans or photographs, must be set up at least one hour before the meeting, and will not be permitted be dismantled until the end of the meeting, or during a break in the meeting for coffee or lunch. The time taken to circulate any photographs, documents or plans, or to activate any presentations, is included within your five minute limit.

* **What happens if, after I have spoken, the Planning Committee or Council does not make a decision, but defers the application to be reconsidered at a future meeting (for example, to allow for a site visit)? Can I speak at the next meeting?**

Not normally. Speakers may only address the Planning Committee or Council once. If, however, the application is significantly amended, you will be reconsulted and will be able to speak on the amendments when the application is reconsidered. If you think that new issues have come to light since you spoke at the meeting and you wish to speak on those new issues only, you should write to the Head of Planning explaining your view. In such cases the Chairman of the meeting will decide whether you can speak to the meeting when the application is reconsidered.

You may attend any future meeting of the Planning Committee or Council as an observer.

If the application is allocated to be determined by a Planning Officer, no information about speaking at meetings is provided to applicants or those writing in.

* **What types of application are covered by the guidelines/code of conduct?**

The Guidelines and code of conduct apply to speaking at Planning Committee or Council meetings on the determination of the following types of applications:-

Applications for outline or full planning permission
Reserved matters approval
General regulations applications
Certificate of lawfulness
Circular 18/84 notifications (government departments)
Circular 14/90 (electricity lines)
Determinations (demolition, agricultural, telecommunications) and prior approvals
Advertisement express consent
Listed building consent
Conservation area consent
Hazardous substances consent
Applications under tree preservation orders

Speaking is not permitted where consultations from other planning authorities on any of the above types of application are being considered, or where consultations on minerals or waste planning applications are being considered, as these applications will not be determined by this council, but by another local planning authority, at another meeting, when speaking should be allowed.

The code of conduct may be extended to other planning matters by discretion, but will not be extended to cover decisions relating to development plan documents, or the enforcement of the planning legislation, or to any delegated decision, exempt item, or any planning issue where the general public have a right to have representations heard by a planning inspector.

BOLSOVER DISTRICT COUNCIL

**CODE OF CONDUCT FOR SPEAKERS AT MEETINGS AT WHICH A
PLANNING APPLICATION WILL BE DETERMINED**

Note: This code applies to meetings of the Planning Committee and the Council when planning applications are to be determined.

- * **You have five minutes.** Your written submission has been summarised, considered and assessed in a written report which has been circulated to the councillors prior to the meeting.
- * If you are speaking for someone else, or as a spokesperson for a group of people, please say who.
- * Be clear, concise and as short as possible.
- * Do not repeat yourself and do not repeat points or arguments made by previous speakers in your category (see below for the categories of speakers).
- * You do not have a right to reply and you are not permitted to cross examine other speakers, ask questions, or join in the debate.
- * Confine your comments to planning issues. Deal with your main points first.
- * You are subject to the normal laws of slander and defamation. Your comments are being recorded.
- * **If you do not comply with this Code of Conduct you will be stopped and asked to comply. If you persist in not complying you will not be permitted to continue speaking.**
- * **The Chairman of the meeting will close and clear the public gallery if there is disturbance or disorder.**

The categories of speakers are:-

1. District Councillors who have declared a prejudicial interest and wish to speak before leaving.
2. District Councillors not on the Planning Committee (this does not apply if the Council meeting taking place is a full Council meeting).
3. Representatives of the County Council.

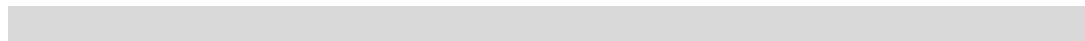
May 2009

4. Representatives of Parish or Town Councils.
5. Other consultees in the planning process.
6. Those member of the public and spokespersons objecting to the application.
7. The applicant, the applicants agent, and members of the public and spokespersons supporting the application.

Complaints of Breach of the Code of Conduct – 2017 – Bolsover District Council

Year	Number Received	PC	DC	Monitoring Officer’s decision in consultation with the Independent Persons – action other than investigation.	Investigation	Hearing	Outstanding.
MC JAN 1/2017	1	√		NFA			

Number (in addition to the above) rejected as being out of jurisdiction



STANDARDS COMMITTEE WORK PLAN 2016/17

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
1. Annual report to Council by Chairman of Standards Committee		•	• Suggested date - July or August 2017 Council	
2. Review of training needs – District and Parish Councillors	<ul style="list-style-type: none"> • District Councillors • Parish Councillors • Monitoring of attendance 	<ul style="list-style-type: none"> • Progress reports at each meeting 	<ul style="list-style-type: none"> • District Cllrs – Through Member Development Working Group. A presentation is being given at the member development session on the 29th November • Parish Cllrs – the same presentation was given at the Parish Council Liaison meeting and the presentation was sent out to all Parish Clerks. 	<p>Done</p> <p>Done</p>
3. Annual Reports -	<ul style="list-style-type: none"> • Year end number of complaints against District and Parish Councillors. • Gifts and hospitality Registers 	<ul style="list-style-type: none"> • Progress reports at each meeting. • . 	<ul style="list-style-type: none"> • The figures, including the previous years figures, are reported at each meeting • 13th June 2016 This was on the agenda for the December meeting. • . 	<p>Ongoing</p> <p>Done</p>
4. Review of standards framework	•	•	<ul style="list-style-type: none"> • Annual review as part of the annual review of the Constitution. <p>April 2017 – a light touch review has been done as part of the Constitution review. If a more in depth review is</p>	Done

ITEM	MILESTONES	DATES OF MEETINGS	COMMENTS	STATUS
			required this should be added to next year's work plan.	
5. Review of RIPA Policy and annual review	•	• .	<ul style="list-style-type: none"> • Annual review. This is likely to be carried out at the end of the year. • Unfortunately it has not been possible to carry out this work so it is suggested that it is dealt with early in the new corporate year and that it is put on the work plan for that purpose. 	
6. Review of whistle blowing policy	•	• .	<ul style="list-style-type: none"> • Annual review. This is likely to be carried out at the end of the year. • This is another review that it has not been possible to complete. Again it is suggested that this is put on the work plan for next year. 	
7. Review of Constitution	• Through Constitution Working Group		<ul style="list-style-type: none"> • The revised Constitution will be presented to the Annual Council Meeting in May 2017. This is the main report for this meeting. 	Done
8. Development of the Annual Standards Committee work plan for 2017 to 2018	•	•	<ul style="list-style-type: none"> • This is on the agenda for this meeting. 	

September 2016

**BDC STANDARDS COMMITTEE WORK PROGRAMME
2017/18**

Meeting date	Item	Comments
12 June 2017	RIPA review – annual review Review of the Member/Officer Protocol Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	
5 September 2017	Review of the Member/Officer Protocol Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	
27 November 2017	Review of whistle blowing policy Annual review of Gifts and Hospitality Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	
26 February 2018	Annual review of the Constitution Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	
8 May 2018	Annual review of the Constitution Annual report to Council by Chairman of Standards Committee Development of the Annual Standards Committee Work plan for the next year. Regular items - review of training needs for District and Parish Councillors, complaints update and work programme	

