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To: Members of the Council

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Wednesday 11th May 2022

Dear Councillor

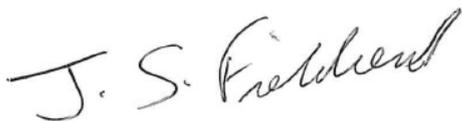
ANNUAL COUNCIL – WEDNESDAY, 18TH MAY, 2022 AT 10:00 HOURS

I refer to your recently circulated agenda for the above meeting and now enclose the following items of business:-

Agenda Item 6 - Minutes of a Special Council Meeting held on 23rd March 2022.

Agenda Item 13 – Review of the Council’s Constitution 2021/22 – the parts of the Constitution which were updated/amended as referred to on page 34 of your agenda pack.

Yours faithfully



Solicitor to the Council & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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ANNUAL COUNCIL

Wednesday 18th May 2022 at 10:00 in the Council Chamber, The Arc, Clowne

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Minutes of a special meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 23rd March 2022 at 1000 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Rose Bowler, Anne Clarke, Nick Clarke, Tricia Clough, Paul Cooper, David Dixon (left during Minute No. CL93-21/22), Maxine Dixon (left during Minute No. CL93-21/22), Mary Dooley, David Downes, Steve Fritchley, Donna Hales, Ray Heffer, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson.

Officers:- Karen Hanson (Executive Director - Resources), Pam Brown (Assistant Director Leader's Executive, Partnerships and Communications), Theresa Fletcher (Assistant Director Finance and Resources), Jim Fieldsend (Interim Monitoring Officer) and Alison Bluff (Governance Officer).

CL91-21/22. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Jim Clifton, Stan Fox, Natalie Hoy, Tom Kirkham, Peter Roberts and Sandra Peake.

CL92-21/22. DECLARATIONS OF INTEREST

There were no declarations of interest made.

War in Ukraine

The Leader informed the meeting that Bolsover District Council was doing all it could to support the people who had been displaced in escaping the war in the Ukraine. One or two families had expressed an interest in coming to the District and the Leader and Head of Paid Service would keep Members informed.

CL93-21/22. LOCAL GOVERNMENT REFORM – LEVELLING UP

Councillor Steve Fritchley, Leader of the Council

This the third time I have brought my concerns about the future structure of Local Government before you.

First it was Vision Derbyshire and secondly the then proposed White Paper on Levelling Up.

The discussion on Vision Derbyshire was based on a 'Price Waterhouse Cooper' study commissioned by Derbyshire County Council. I was immediately fearful of the

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loss of sovereignty and associated jobs that it entailed and you all shared my concern.

Our decision meant that the proposed Vision Derbyshire, which was supposedly, “just waiting for Bolsover District Council to agree”, put other district authorities off as well.

However, as I understand it, not all councils have or are debating the County deal or the White Paper but I feel it should be in front of us all – you should feel free to say what you want, whether you support it, whether you don’t support it, whether you need more clarification and so on.

So it is a deal between government and County – we aren’t consulted on this, we have no input into this but you still need to be able to make your feelings known.

Personally, I think we are at the beginning of what may prove to be a major event in the future of Local Government and you should all be aware of it. I understand that the County Council have until Friday to submit their template to the government for consideration.

Whilst I am a believer in project collaboration that aims to produce an end product, I cannot reconcile myself, and neither can Duncan, to reductions in services and job losses and my views are supported by the 3 main Unions; GMB, Unite, Unison, and I have letters to that affect here today.

We need to discuss the ramifications of “Vision Derbyshire”, and I refer to Vision Derbyshire because that was the structure that the County bid was based on. So we need to discuss the ramifications of Vision Derbyshire and the “Levelling Up” White Paper and the politics of either being a party to, or otherwise of, what “might be”.

I want us to talk about the positives of collaboration, we’ve been doing it for years, and the negatives that are providing the impetus for change:

- For a number of years local authorities have relied more and more on the Revenue Support Grant (RSG) to balance the budget. The main ingredients of authorities’ income are Council Tax, NNDR and RSG.
- The limitation on Council Tax increases have essentially controlled the amount of income in that respect.
- The reduction in RSG support is adding to the squeeze.
- The financial security, or even insecurity, from the above has, to some degree, been mitigated by adjustments to the NNDR pool but will not continue.

This forces Local Authorities to reduce expenditure through efficiency savings which has meant staff reductions etc. The easiest solution during this time had been collaboration and shared services – the Bolsover District Council and North East Derbyshire District Council Strategic Alliance is a good example. Over time it produced shared office responsibility but remains essentially part-time working.

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This potentially creates a conflict of loyalty and places the Officer in an invidious position. This would of course be magnified over a county wide or even greater operation.

This ultimately reduces the ability to continue to provide the expected service to residents or, for non-mandatory services, make the operation unsustainable and put more financial pressure on the overall budget.

We, at Bolsover, believe that creating additional income will compensate for the continuous control and squeeze on local authority budgets, therefore, maintaining services.

Collaboration/joint ventures etc. can help with this too; as well as, I might add, by creating jobs in all areas. So, working together on projects can be profitable and I am in full support of these beneficial ventures.

The practicalities of the decision by Government to reduce expenditure mean decisions have to be made on cutting costs and the easiest way in most cases is to reduce staff. That is something we don't want to do.

Some authorities believe that by putting services out to tender to the private sector is a possible solution. Others just slash services and jobs. In the present and in my opinion, the Government want to do just that, but they would much rather force/encourage local authorities to do the job for them, hence "Vision Derbyshire" and "Levelling Up".

There had been a rush by DCC to approach Mr Jenrick, the then Secretary of State for Housing, Communities and Local Government, before the White Paper was published.

You will remember in the "impact of Vision Derbyshire" that savings will be made by reducing "back room" staff and duplicated management and the figures quoted by Price, Waterhouse, Coopers equate to a thousand or so job losses and a reduction in services to local residents. You will draw your own conclusions.

I can understand why some Derbyshire Leaders, whatever their political colour, have signed up to this; some authorities are in more of a predicament than others, having been squeezed financially over the years. Some also have doubts about future liabilities and being part of a larger organisation may give them some comfort.

We all understand the position of County Councils. Their parlous state could be due to the gradual erosion of their mandatory responsibilities and less financial support. There is an argument that bigger is better, that there is economy of scale in a larger organisation – the government would of course find it a lot easier to deal with a mayor than a few dozen leaders and MPs, and in a city or group of large towns, I can see some sense in that. However, as I have said before this District and many others are semi-rural so I'm not sure that by creating any sort of mayoral combined unitary authority will solve the problems of local government fulfilling their

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mandatory responsibilities, satisfying the expectations of the tax payer and maintaining democratic representation.

I've called this extraordinary meeting to enable us all to try and make sense of the smoke and mirror approach to reorganisation that is creating instability.

In today's world where everyone is painfully aware of what could be a burgeoning political and economic melt-down, our residents will want to rely on a known and reliable structure so I believe this to be the wrong time to de-stabilise local government in today's society.

So what is on offer?

It depends who you listen to - the short answer is make your own mind up.

You've got the white paper on levelling up.

Does it all make sense?

So Levelling Up, Unitary Authorities and Vision Derbyshire.

We all need to understand what it means for the future of our residents and our staff.

1 – the government favourite is a mayoral combined unitary authority. It may also be the favourite of the cities across Derbyshire and Nottinghamshire and it may be the desire of the counties too. Some may well think it is the only way and that efficiencies must be made.

2 – there is no extra cash for either option 1 or 2 so any changes will mean job losses. The Minister for Levelling Up, Neil O'Brien, said in the Municipal Journal, "there is no level 2.5". Which is essentially what the County bid is.

What they are saying is; no Mayor - no devolution, no devolution - no cash! Why anyone would want additional responsibility with no additional resources is beyond me.

A combined authority – what is it and what does it mean? For local representation and the delivery of essential and locally preferred services – I don't know what it means, except that it might be diminished. This needs to be completely understood by all the decision makers. That's everyone in here – we're all making this decision. There's no way back!

1 - perhaps not all leaders are supportive of any of the above. Some may be acquiescent to parts or elements of what they think the proposals mean. Equally, I don't think many authorities other than Bolsover have debated any of the proposals to date.

2 – there is also uncertainty of the consequences of any changes. I well remember a visit from Price Waterhouse Cooper in 2019 seeking my opinion on 'non-structural reform' which was commissioned and being developed for Derbyshire County

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Council. They produced the 'case for change' that DCC incorporated into their Vision Derbyshire.

3 – at the time it meant at least 1500 job losses and £50m redundancy costs. It may well mean more under the current suggestions.

4 – there has been a reference to Leicester being part of this regional authority. Not sure about that either.

5 – the government have made it quite clear that a county deal is a deal with counties only and I said earlier the County has to submit its plans by Friday.

Bolsover District Council is keen to demonstrate to our residents that only we are capable of maintaining services and creating a vision for the future with Council homes, industrial units, business support and future plans for further growth and other infrastructure projects either current or planned.

1 – we have rewarded staff for the commitment, loyalty and flexibility during the recent difficult few years and are maintaining our pledge of no compulsory redundancies.

2 – we have kept the public informed over the years through our In Touch magazine, local parish gazettes, and of course Bolsover TV.

3 – we have also maintained and improved services even through the lockdown period.

This seamless buying back of the recycling operation is a good example of progress by an Authority in tune with a changing world especially in really difficult times.

Grant can't be here but he has used technology and has sent us a presentation by a video recording. I've also asked Duncan to give us a recap on what Bolsover District Council has done regarding representation and achievement.

This is not party political – it is purely and simply a debate on what the government is proposing – it's not concrete – the government is yet to decide whether any proposal stacks up. I was asked yesterday why we were having this debate and I said because our Councillors need to know what's happening and I know that not all councils are doing this. So I'd like now to listen to what Karen and Grant have to say.

Karen Hanson, Executive Director – Resources.

The White Paper was long awaited – heard lots of rumours about it leading up to its publication – there were lots of things being said about what it would and wouldn't include – how far it would go, how deep it would go into the changes around local government. However, on the 2nd February, it was published and it's a very hefty document nearly 300 pages long. There is a link to it online. Members could have a printed copy on request.

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The White Paper covers various aspects of the levelling up agenda – you'll be aware that a government department has been created around it and ministers have been put in place to lead on it and it is a big piece of work for local government. It creates a new devolution framework which will be covered in Grant's presentation – through the powers of IT, Grant will be with us this morning as he has recorded his presentation because there is a lot of local aspects that he wanted to share with you this morning. So it covers a new devolution framework, a new independent data body and a new levelling up advisory council. The new independent data body in England will be focused on data transparency and robust evidence to empower citizens with as much information as possible about their local area to strengthen local leaders' knowledge of their services and to share best practice and to increase the central government's understanding on how local government works. The new levelling up advisory council will provide independent expert advice on all matters relating to the design and the delivery of the levelling up agenda. The document also contains 12 new missions and it's a very large part of the White Paper. They are centred around 4 main areas which are;

- Boosting productivity and living standards
- Spreading opportunity and improving public services
- Restoring a sense of community, local pride and belonging
- Empowering local leaders and communities

The 12 new missions are all about closing the gap between the best performing and the worst performing areas across the country.

The devolution framework for England will be explained in a lot more detail in Grant's presentation. It extends beyond the previous areas around the metropolitan areas for the very first time. It's available for every area that wants one and it sets out a pathway to obtain a devolution deal across every area and is underpinned by the 4 key principles.

The devolution deal itself has the 4 principles of effective leadership, a sensible geography which is quite difficult to understand in the document itself. It talks about different types of geography – it talks about an FEA a lot, which is a Functional Economic Area. It also talks about county areas and combined authority areas and different types of geography which may or may not be appropriate. What it does say is that those geographies, those areas do need to be appropriate for individual councils', individual parts of the country.

It must be flexible and able to move on. I think what the White Paper is saying is that if you start off at a level 1 or a level 2, you could potentially move up the ladder to level 3 and stay where you are – it requires and requests flexibility around the future of local government. It also talks a lot about accountability providing clear roles, scrutiny mechanisms and aims to lead and be able to demonstrate improvement.

The White Paper is also extending an invitation for county deals. This piece of work has been going on for some time – you'll be aware that we have already discussed it a couple of times here in Council about what that might mean for the East Midlands area but also for Derbyshire, Derby and specifically what it might mean for Bolsover District.

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There are 9 areas identified within the levelling up White Paper where a county deal may be possible – I've listed them on the screen and you'll see that Derby and Derbyshire is the second on the list. What will happen is that each of those 9 have been requested to complete a template to explain what they want, how they want to take it forward and the government will choose 3 or 4 of those areas to take forward in the first tranche and then will move on to the remaining ones at a later date in 7 years' time.

So how will it work - within the White Paper it is saying it is a simplified system enabling every area to access it – it seeks to legislate a form of new combined authority. The arrangements and the relationships and the contracts will be with upper tier local authorities. A single accountable institution across an FEA or a whole county geography - and district councils can become non constituent members but aren't really decision making bodies around the table – and the expectation is that county councils will work very closely with district councils on these arrangements.

At the end of my presentation, I will explain how the district councils network are lobbying very hard to increase the voice of district councils to improve what they have got in the levelling up White Paper in terms of the amount of influence they've got around the arrangements.

It's quite a complex technical document in some aspects and it requires a little bit of consideration around what it all means – there are 3 levels of options and there is a table in the document itself which lists the functions, how it will work and whether they fall within the level 1, 2 or 3 deal. It recognises that a 'one size fits all' approach probably won't work - it's a stepped approach and it sets out the powers and functions available for each level. There is scope to negotiate further and as we have just heard from the Leader, the level 3 deal has the largest set of powers but does require a directly elected mayor.

12 missions within an 8 year timeframe, so it's asking that by 2030, these things will be achieved or will be in progress to achieve. All of them are dealing with closing the gap between the highest and lowest performing areas across the whole of England.

So it talks about pay, employment and productivity having risen with the gap between the top and lowest performing areas closing. Domestic public investment in research and development will have increased by 40% outside of the greater south east area. Local public transport connectivity will be significantly closer to the standards of London, and the UK will have improved broadband and 4G coverage with the possibility of 5G for the majority of the population. Closing the gap on primary school achievement across the country and a significant increase in the successful completion of high quality skills training.

From those first 6, you can see why they are wanting to set up the new data body because they will be required to do an awful lot of work around capturing the data, tracking the improvements, and being able to evidence where that gap has or hasn't closed and where those efforts need to be placed across the whole of the country.

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The second 6 are around healthy life expectancy and increasing that by 5 years but also narrowing the gap. The wellbeing will have improved in every area of the UK. Pride in place and satisfaction in town centres. Engagement and local culture to have risen in every area. Renters, and I know from Bolsover's perspective, private sector housing has always been and will continue to be a priority for the Cabinet here and for Council. So that renters have a secure pathway to home ownership, and that non-decent homes will have fallen by at least 50% but at Bolsover, I know we aim to do more than that if we can. Homicide, serious violence, crime and disorder will have fallen, and that every part of England that wants one will be able to access the devolution deal I mentioned earlier.

The District Councils Network, which is a network of all district councils, this is an extremely important piece of work for them. They will look at the county deals and they have included every single district which is affected by the first 9 pathway areas and Bolsover is included in that, so meetings are already taking place across the District Councils Network to look at and to try and secure greater influence and voice in those county deal discussions which have started.

The Network is saying that there are positives to take from the White Paper, level of ambition, economic prosperity, and pride but it does underplay the valuable contribution of district councils. That there is no formal role for district councils in the county deal arrangements and that districts are critical in the delivery of those 12 missions, and the outcomes for local people. The districts need a much fuller role to preserve and enhance the influence of the councils in the key areas of policy development and in establishing the framework around county deals and devolution generally. The Network goes on to say that district councils have a really good story to tell, strong local links and all the things that you are fully familiar with. Councillor Duncan McGregor will be speaking later in this meeting to really give some evidence on what we have achieved around that really good story to tell at a local level.

Pre-recorded presentation by Grant Galloway, Executive Director of Strategy and Development

Members received a pre-recorded presentation from the Executive Director of Strategy and Development who could not be in attendance at the meeting.

County Deal, Vision Derbyshire, Combined Authority, Unitary Authority and Vision Bolsover? What are they? Are they one and the same? Can they co-exist?

Please have your say at the end. Let us know your views, we need to know what Member's preferred option is.

Questions Members may want to consider:-

1. Derbyshire County Council is urging districts to think of the greater good of Derbyshire residents when deciding on whether to support a county deal. What will a county deal mean for the residents of Bolsover District?
2. What are the likely impacts of a county deal now and in the future?
3. Which version of a county deal is likely to prevail?

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This Council has developed a set of policies and strategies and initiatives around growth and transformation – we have a full suite of service and improvement plans which are monitored through a performance management framework and a robust political governance structure - so in other words we are set up to succeed;

- Growth and transformation – Vision Bolsover
- Climate Change - Strategic approach
- Policy reviews
- Service Plans
- PERFORM
- Improvement programmes

This Council adopted its new set of ambitions at Council in January 2020, which focused on customers, environment and economy. It is important to remember its mission statement which is to become a dynamic, self-sufficient and flexible Council that delivers excellent services, whilst adapting to local aspirations and acting as the economic and environmental driver for Bolsover District.

We launched Vision Bolsover as Bolsover’s answer to levelling up 18 months ago and Members are familiar with the content of this document. We are continually assessing and improving what we do and are currently in the process of refreshing the content and updating achievements.

Bolsover knows what it wants to achieve and how it wants to do it!

It is important that Members have a benchmark to weigh up options against – will supporting or rejecting a particular option lead to an improvement or a decline?

The Levelling Up White Paper was published on 2nd February 2022. It sets out the devolution framework around a number of missions including Digital Connectivity, Education, Skills, Pride in Place, Housing and Crime. The Executive Director – Resources will cover these in more detail later.

The White Paper also sets out 9 pathfinder authorities. The cluster around Bolsover District is what we will concentrate on today: Derbyshire County Council and Derby City Council, along with Nottinghamshire County Council and City Council, and Leicestershire County Council. Leicester City did not put a bid in.

Out of the 9 pathfinder authorities, 3 will be chosen to enter into further negotiation with an announcement expected in the autumn of this year. The other 6 authorities will be considered in a later phase which is expected to be around 2024.

The White Paper identifies 3 levels of County deal, each with different levels of powers and functions, which can be seen on the right hand columns of the table (on the slide). This is an extract of the White Paper and can be seen on page 140.

Each of the devolution framework levels are associated with different powers:-

- Level 1 - the local authority working together across a functional, economic area or whole county area, e.g., through a joint committee
- Level 2 – a single institution or County Council without a directly elected mayor, across a functional, economic area or whole county area
- Level 3 – a single institution or County Council with a directly elected mayor across a functional, economic area or whole county area

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Members need to note that;

- Devolution deal - combined authorities will be made up of upper-tier local authorities only (counties and city councils)
- The government's preferred option is directly elected mayors over a combined authority or in their words, a functional economic area
- Greatest level of powers are associated with Level 3, which requires a directly elected mayor
- There is no new money – the funding streams already exist

What other local authorities are saying:-

Leicestershire County Council are pursuing a county deal on their own. They are not in talks with the Nottingham and Derbyshire authorities to create an East Midlands combined authority. They haven't ruled out a directly elected mayor but they have ruled out any form of structural reform – so they are not looking to adopt a unitary county authority. This decision was made in 2019, following opposition from the Leicestershire districts to forming a unitary authority.

The Leader of Nottinghamshire County Council has stated a full devolution deal is what the County should be supporting. We don't know a great deal about Nottinghamshire County and Nottingham City but what they have said is they are in conversation with Derby City and Derbyshire County Council about exploring setting up a combined authority and a mayor for what is currently the D2N2 footprint.

Derby City have been clear that they want a directly elected mayor and they want to pursue a Level 3 deal. They want a combined authority across D2N2 with the addition of Leicestershire County but we know that Leicestershire are not looking at a combined authority model so they have ruled that one out. We also know that they have been pursuing a south Derbyshire unitary authority for several years because they don't feel that Derby City is a big enough unitary authority to be sustainable. They have stated that they don't see the value in district councils, unitary authorities are more efficient in their words, and the county deals should be structured around a unitary authority model, so in other words, Derbyshire should be a unitary authority – and finally, they are not signed up to Vision Derbyshire and the importance of this will become clear in the following slide.

Derbyshire County Council, like Derby City, want a county deal combined authority, to include D2N2 footprint with the addition of Leicestershire County Council. However, as previously stated, Leicestershire County Council don't want a combined authority model. DCC don't want an elected mayor and they want to pursue a level 2 deal at this time. They don't support functional structural reform and they have presented the Vision Derbyshire governance model and the Price Waterhouse Cooper Case for Change model to government as their approach to delivering the county deal.

It is worth noting that out of the 10 authorities across Derbyshire, 40%, which includes the City, only four authorities have formally signed up to Vision Derbyshire.

An extract from the White Paper - In addition to the core elements in the table, there may be scope to consider public sector boundaries on a case-by-case basis, when

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requested, to support devolution. Proposals to pool local authority functions, where it can improve services and increase efficiency will also be supported.

There are some eye watering numbers in the document, which some senior figures in Derbyshire have reservations about being able to be achieved, in other words they don't believe they can be delivered.

The Figures: the green area in the slide shows the impact they claim the wider system benefits in delivering the case for change will be – this equates to £1.27b. The blue area shows the claimed organisational benefits – these are the annual savings targeted to 5 years and they range between £24m and £72m per annum. The biggest part coming from operational efficiencies and effectiveness. Operational efficiency, in their words, means sharing resources, joining up services and consolidating activities, leading to the reduction of employees across 4 key areas – front office, back office, service delivery and senior management.

This table in the slide shows the split between the areas as per the last slide. If you take the maximum savings of £43.7m for the operational savings at year 5, and use £25k as the average employees' salary, then there would be a reduction of more than 1700 employees across the whole of Derbyshire.

What does all this mean?

If a combined authority was set up, district and borough councils will act as “non-constituent” members of any combined authority, having no decision-making powers.

The combined authority would be expected to work closely with the lower-tier councils, but any negotiations for funding would be undertaken by upper-tier authorities. These are the city and county councils.

There are differing view across all parties – Derby City Council want Level 3, DCC Level 2. Derby City a mayor, DCC don't want a mayor. Derby City want combined authorities, DCC want Vision Derbyshire.

Only 4 authorities across Derbyshire have signed up to Vision Derbyshire. A county deal based on Vision Derbyshire, means joint services and a reduction in staff. A unitary authority means the removal of districts and boroughs and reduction in Members across the County.

Questions and discussion:-

- What will a county deal mean for the residents of Bolsover District?
- What are the likely impacts of a county deal now and in the future?
- Which version of a county deal is likely to prevail?

Deputy Leader, Councillor Duncan McGregor

Levelling Up has often been a concept much used but with very little clarity about what it means, except perhaps a vague sense of ensuring a fairer distribution of goods and services across our country and tackling inequalities.

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The levelling up white paper provides more detail on how inequalities may be addressed in key areas of focus or 'missions' related to digital connectivity, education, skills, health and wellbeing, housing, local leadership – all the issues that are synonymous with the work we do within our District Council and through partnerships at a 'District' level.

We at Bolsover District Council are all fully aware of the causes of increased inequalities and therefore the need for levelling up. These inequalities were known to us well before the COVID pandemic; the pandemic simply laid bare just how far the lack of investment and planning in public services had reduced this country and increased the divide between the 'haves' and 'have nots'.

We are the ones our local residents come to for help and support on a daily basis; We are the people who meet regularly with local community leaders and representatives to listen to their concerns and hear the voices of the seldom heard; We are the ones who live within these communities and understand best how to maximise what resources we do have to address the challenges our communities face.

It is this local expertise, this local understanding and knowledge, this local affinity with our community that enables us to use every penny to best effect, and I know you will all fully agree with me when I say that those resources have been and continue to be sorely diminished by the same government that claims it wants to level up.

Local government is about local people and partner organisations working together to improve the life chances and life outcomes for its defined local community. Levelling up is a concept we know well at Bolsover - we have been doing it successfully for years and have an ambition to do so much more. So let me tell you how we have already made significant inroads on our own levelling up agenda in key areas.

Our role in housing

Dragonfly was a Council supported partnership set up to deliver open market sale of residential and commercial developments on land deemed unprofitable for property developers. Dragonfly will stimulate economic growth and can be used to deliver much needed housing and commercial developments in Bolsover, not only on Council land but also selected stalled sites currently in private ownership. They have completed 10 properties so far and are starting another 35 this year. They are also working on planning permission for a further 2 sites.

Over the last 3 years, more than 500 new private sector houses have been built, meeting a continuing high demand, which has equated to £50,000,000 of inward investment, local jobs and apprenticeships. £3,000,000 on local infrastructure meaning more sports provision, green space, education, highways, health and public arts.

Our high performing housing service is also well regarded, particularly the warden service.

We have built 170 Council properties over the past few years working alongside Woodheads to develop new housing across the District.

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Our role in public health

Our work to support health and wellbeing improvements was recognised by the Local Government Association (LGA). It described the public health and leisure work being piloted in deprived areas with schools, families and other partners as “exceptional” with real opportunities to expand and promote this work to support other areas for them to learn from it.

We have been extremely successful in addressing the needs of local people throughout the pandemic and supporting recovery from its worst impacts.

Our staff dealt with over 1,300 enquiries between March and September 2020, with a further 1,257 customer call backs.

We dealt with 893 business grant enquiries, 353 food parcels, supported the collection and delivery of 567 prescriptions, and gave a range of general advice and support to a further 843 people.

We responded locally to what was a global issue – demonstrating very clearly that LOCALISM works best.

As a Council we are also acutely aware of the impact of employment, skills and training on people’s opportunities to fulfil their individual potential, to enable people to be economically independent, to support their mental health, and in doing so, bring prosperity to their wider community. That is why we have proactively supported the Kickstart programme which provides funding to employers to create jobs for 16-24 year olds on Universal Credit. Four young people are currently employed on this scheme within the Council and its partners with a further 2 due to start shortly.

Similarly, over the past 6 months, 9 students from stubbing Wood special school and Ashgate Croft, have been benefitting from the ‘Supported Insight Scheme’, which provides weekly work experience opportunities for local children. Our focus on creating job opportunities is also why we have developed our Apprenticeship Strategy and put this in action by previously fully spending, if not exceeding, our Apprenticeship Levy.

Managing our environmental resources, reducing our carbon footprint and supporting sustainability is also a key ambition of BDC. We fully appreciate the impact of these issues on the future, as well as current health and wellbeing of our community.

We have been 1 of only 12 councils in the UK and the only one in the East Midlands to secure funding in 2021 from the Woodland Trust under their Emergency Tree Fund. We are investing this £270,000 to create community woodlands up and down our District to both create important environmental resources for our communities and also to help tackle climate change. We are also creating further opportunities for community development and cohesion through volunteering. We have now planted 6,000 trees at our flagship site in Creswell with over 20,000 more to be planted over the next few years.

This is a clear example of localism in action. I quote our Planning Policy Manager in saying that, “this initiative is about BDC providing leadership at a local level and not waiting for others to do it for us”.

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Our role in Economic Development

Over the past 3 years, permission for over 1,000,000 square feet of new commercial buildings has been granted, bringing £150,000,000 of investment and in excess of 4,000 jobs.

We operate business centres accommodating over 100 enterprises with further investment from D2N2 planned to increase this and include a training hub.

We continue to work on attracting investment into road infrastructure including the link between J29 and Shirebrook with £200,000 of external funding secured and consultation on the proposals.

We are working on making better use of mine water energy with help from £800,000 of external funding to help bring forward future homes heated by renewable energy sources.

Managing Resources

Since 2011/2012, BDC has delivered the necessary savings of over £5m. We have achieved this by understanding best where efficiencies could be achieved without losing quality of services and by growing income. Income growth, through, for example, the development of new business units, our new 3G football pitch, and the ongoing delivery of our 'growth corridor', has meant we have been able to mitigate the financial risk created by reduced business rate income and government support.

Another key development to support our financial resilience, has been our focus on tourism. You will already be aware of our amazing beautiful scenery, our easy access to the Peak District, our historically significant buildings such as Bolsover Castle and Hardwick Hall, our internationally recognised ice cave art at Creswell Crags. I'm sure many of us here have also enjoyed the opportunity to visit the markets in our local towns and shop at our 2 large shopping centres at the East Midlands Designer Outlet and Dobbies Shopping Village.

We have much to offer those beyond our local community and will continue to exploit these many attractions to boost tourism and bring additional economic benefit into Bolsover.

Our Local Plan for Bolsover, the Council's Vision Bolsover and our Local Development Scheme and associated growth plans, all outline our ongoing commitment to support further economic regeneration and growth in Bolsover over the next few years and beyond.

In summary – it has been our local knowledge of how to grow our local economy which has enabled us so far to weather the financial challenges that significantly threaten local authorities up and down the country.

Chair, I would like to give Notice on Motion at this point.

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Members' comments:-

Councillor Mary Dooley:

I have previously been involved in meetings with Sheffield City Region, Doncaster and Rotherham – the issue: combined authorities. A lot wanted us to join but BDC stood firm and said a firm no. We would not have gained anything but a few crumbs from the table from these bigger authorities and no voice.

Today, I sit alongside 36 other Councillors representing over 79,000 residents. I ask myself, are we all singing the same song – do we really support the Leadership in all the discussions and the everyday running of the Authority. The Leader has said many times in the past that we all have a part to play. Local reform, Levelling Up Act is the most crucial document to come from the government to take our voice away – taking away the voice from Councillors from the grass roots of politics. There is no new money to be levelling up on the playing field, let alone the likes of Bolsover to all other areas. You all know the other areas in question. We need to act now. I am 100% behind the Leader and the Deputy Leader. I have no qualms taking on the government and other leaders to fight what is being predicted to happen. We must today support the Leadership, not by a nod but by adding your voice and your commitment to those 79,000 residents in Bolsover, to iron out those inequalities that we in Bolsover do our utmost to bridge the gap but most of all your commitment to the Leader of Bolsover and give him 100% assurance that you are standing at the side of him and that's all he can ask for.

Councillor Andrew Joesbury:

I feel that this is the government making a change for the sake of change and it isn't viable in my opinion. They're supposed to be closing the gap but what does that mean financially – it would mean that all the underachieving areas would be taking money from the higher achieving areas which is Bolsover District – our constituents, our rate payers, that's levelling up financially, I think. But it's more than that – were talking about putting the Authority into the hands of Derbyshire, which aren't doing very well themselves. They can't keep the youth clubs open, the local health service where you can't get an appointment at the Dr's – it takes 2 weeks to get a telephone call to make an appointment – they can't fill the pot holes in the road, so how on earth are they going to manage efficiency. This government can't manage the building blocks of our society and I can speak on this from personal experience. My wife is a primary school teacher and used to absolutely love her job but now she hates it. This government has pulled them down and down – same with the nurses - no one has had a pay rise for 10 years. For my wife to catch up in pay rises she hasn't had, she would need a 20% rise. It's not just teachers though, its police, nurses, and everyone who had the pay freeze but they're expecting to change things at a local level. Michael Gove, as a former Education Secretary, thought it was a good idea to put a King James Bible in every school – what a waste of money. They think they are going to make people live 5 years longer – it's in the paper. Crime rate – you can't just bring it down by getting rid of local authorities – it's ridiculous. The closure of youth clubs has had a knock on effect on society. If the kids had got something to do, we would halve the asb, I'm sure but there's no extra money to do it. Same with health - they can't cope with the health service as it is which comes from County. Children's mental health services was gotten rid of and they put it in with adult mental health services which was already struggling.

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The financial implications alone is enough to reject this proposal – it's about posh boys who went to posh schools who don't know what it's like to live in the real world, and they're making change for the sake of change. I am wholeheartedly against this devolution and I think if everyone had a vote on it in the District they would all be against it as well if it was explained to them properly.

(Councillor David Dixon left the meeting at this point.)

Councillor Deborah Watson;

I agree initially with everything that Councillor McGregor had said and particularly that all of us 37 BDC Councillors know our local areas the best, and the Authority is doing a cracking job. It was interesting to note that compared to Europe, England has far fewer councillors per head of population and under some of the proposals under the County deals, we would have even less. Even in this Authority, as you know I represent Tibshelf Ward, and on many occasions I have brought up something that my fellow Members did not know because it was only myself and Councillor Ray Heffer that knew what was happening in my local area. It appears to me that the county deals and the Vision Derbyshire, which ever option you go for, actually shoot the whole argument in the foot. The missions that they list in there are admirable aspirations but I cannot see how doing one of these devolution deals is going to achieve those aspirations. The best way to achieve them is to leave the local areas in the hands of the local people. In the levelling up document it talks all the time about 'local' – so why would you try and achieve things for local areas by removing local representation?

Councillor Clive Moesby;

Thanks for the presentations, it's been good to get more of an understanding of it. We have to take this seriously. I want BDC to stay as it is for the very reasons that have already been said – we understand our areas the best and we look after the whole of the District.

Regarding the 12 Missions:-

Number 2 - Increase spending - 40% - we can't say we don't want more money in our areas – that's good.

Number 3 - Public transport – some areas are starved of public transport, definitely in my area. This happened when deregulation came in and local authorities filled the gap.

Number 4 - 5G and 4G coverage – this has been going on in DCC now for a while - about 8 or 10 years. It's difficult to get it in the rural areas. Would be good if this could be achieved.

Number 6 – Skills Training – we had a report on this a couple of weeks ago so we already looking at this data here at BDC.

Number 7 – Life Expectancy – the Observer published data years ago and said the life expectancy of people in Bolsover was less than some comparable areas in other parts of the country – mainly due to the industrial nature of the work people did at the time and the M1 corridor pollution. Any improvement on this would be welcome.

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Number 9 – Peoples satisfaction with the town centre – we have 4 town centre officers bringing the town centres together and the areas around the centres so we are trying to join things up and improve things for better living conditions for our residents.

Number 10 – renters and owners – we have done a lot of work with absent landlords to try and get properties up to standard and relet – work is ongoing all the time and it's improving.

Number 11 – Serious crime – we have so many partnerships e.g. Police and Crime Panel - putting questions to the Police and Crime Commissioner to make sure she delivers on her policing plan, so people do feel safer in their communities. Speedwatch – addressing issues of speeding. ASB - community engagement with local neighbourhood police - we're working together with so many partnerships to make sure we deliver what we need to.

Number 12 - Devolution deal by 2030 – we've heard already that Derbyshire wants a 2 and Derby City wants a 3 – we should be exploiting this to show that even the ones that are trying to perpetrate the plan aren't even in agreement as to which way forward we should be going.

There are lots of good things in the levelling up plan but we need to deliver them in the way that BDC is structured now.

I have a public finance paper here: it talks about a study carried out by Colin Copus, Emeritus Professor of Local Politics at DeMontford University, and it states that;

- “Bigger councils are not always more efficient”
- “Greater size doesn't mean greater efficiency or better performance - there are no consistent or conclusive results, i.e., the evidence is not there that bigger means better”.

It does say, that working with District Councils Network, Copus suggests that;

- “the size of a council is less important than other factors as the quality of local decision making and public participation”.

We have to take the public along with us and the bigger we get, the more isolated we get from public opinion, and the public are the ones that put us 37 Councillors here today.

The report also says smaller authorities are not always more efficient – there is a level that is good. The report demonstrates that there is no perfect size for local government - *there* is an optimum size per population and geographically for maximum efficiency, and *that's* also mentioned in the White Paper - and we need to get that right. I believe our local geography is the District of Bolsover as it stands at this particular time.

It is a view that the governance role of local government is, or should be, a politically representative institution that responds to the priorities of real communities of place with which the public express a genuine affinity. So that's looking after the people in our areas and making sure they get it. The report says that some services respond

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differently in size but locally democracy suffers under mergers, finding evidence of lower public engagement leading to antagonism between areas – so when you get areas together, you get conflict.

Copus says, the best way forward suggest that cooperation between councils boosts efficiency and indeed capacity. This Council does work with local councils big and small and including Derbyshire County Council. So that's the way – to work together in partnership, the way we have been doing it for many years – through the Strategic Alliance with North East Derbyshire District Council and others.

Finally, it says that district councils deliver so many of the things that are at the heart of the Levelling Up White Paper's 12 missions. So why do we need it if we are doing it already. Why do we need government interference – how can they suggest that they know better? What worries me is that if the government decides that this is the way forward, what we do need to do, is have a foot in both camps, we need to support Bolsover in its present form. We have a wealth of data, a wealth of information, many, many success stories, and we have achievements to hand that we can prove and argue that case. We are local Members, we are supposed to be local champions of our communities. We need to be careful that we don't isolate ourselves in one position. We need to see what is going off on the other side, on the levelling up agenda. I don't want us to lose out if we do get forced down this road, anything that we can get out of it to look after and maintain services for our residents. I don't agree that we can sit on a board but not have any decisions but I think whichever way we go, sadly, we won't be having a say in anything. We need to fight for Bolsover to stay as we are but we need to make sure we have a foot in both camps.

Councillor Allan Bailey;

There is a saying, if it isn't broken, don't mend it. BDC is doing a brilliant job and has done for many years. All elected Councillors of this Council know what the people in their villages want. People in my village approach me for help with their issues. We are all looking after our local people. They report things to DCC like pot holes and its 6 months before they are fixed. I fully back the Leader and Deputy Leader and every Councillor in this room as we work together.

Councillor Maxine Dixon;

I've just been sent an email and I'd like to ask Councillor Fritchley why he didn't forward the email on. It was sent on 2nd March and he was asked if he could forward this on to District Councillors. With regard to the White Paper, we should listen to both sides of the coin, which we've listened to one side, which is fair enough but this is giving Councillors the opportunity to listen to the other side of the coin to make a fair judgement. There are sessions which would have been made available for Monday 14th March at 2pm and again tomorrow, 31st March at 10.30 – I just wondered why the opportunity wasn't given for Councillors to. The email is from Laura Boyce, Corporate Services and Transformation, DCC.

The Leader requested that Councillor Dixon send the link to everyone so they could look at it.

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Councillor Liz Smyth;

I agree with a lot of what has been said. I loved Councillor Andrew Joesbury's comment about a document written by the posh boys because when I read the document it references the Italian Renaissance and the Medici family, and if I'm being kind, that is eccentric or it has a whiff of elitism about it. I also agree with Councillor Deborah Watson, the Council is doing an absolutely cracking job. Everyone here has seen the Vision Bolsover document – not only have we got a vision but we have a plan on how to achieve it as well. You may not have all yet seen the Growth Strategy document yet – but this is the strategy on how we are going to achieve Growth and achieve jobs. Duncan is also right, we have attracted millions of pounds in investment and funding and we are doing an excellent job.

(Councillor Maxine Dixon left the meeting at this point).

I've also read the Price Waterhouse Cooper document which was commissioned by DCC and if you read that document and the White Paper, you get the feeling that there is a theme running through which is efficiencies because this doesn't actually seem to achieve very much, this local government reform - it does seem to be change for change sake. I wonder if it's just a diversion. When they say they want to make efficiencies, it worries me. If we end up with a mayoral combined authorities or county deals, we will end up with all the power and all the money going away from areas like this and it will all go to enormous unitary authorities. The enormity could be several counties and some of us have experience of huge unitary authorities or even DCC which is quite a big authority. Localism is best because otherwise customer service becomes non-existent for our residents – they can never get hold of anyone, they can never get anything done because they can't get to talk to anyone, and the other bad thing is because they combine they make all these redundancies and an enormous redundancy bill. There are a lot people here who work really hard and are doing an amazing job, and if this happens, some of them will lose their jobs, it's inevitable. If there is a redundancy bill, the Council and its residents will pay for it, and what happens if all this disappears, this Authority here that makes all this money, well the spend that we spend in the local area will cease and it will have a huge knock on effect to all those people out there and those people who provide services to this Council will be worse off and could well lose their jobs too. This kind of local government reform just means less representation – you get someone from Nottingham City deciding what happens in Barlborough – it's not right. I suspect that all of the money will get spent on the densely populated areas in the cities – that will be their focus. I support Duncan because localism is best – I know it in my heart.

Councillor Donna Hales;

We all became Councillors because we wanted to represent our constituencies – I've had experience at DCC were I met a portfolio holder over a highways issue and he didn't even know what I was talking about – it was really frustrating to me and was totally unacceptable the way I was spoken to. That summed up to me that the work we do in the locality is really important. My constituents know me, they see me, I shop here, I work here sometimes, I live here, I run local things in terms of community work etc. This government has talked a lot about decentralisation – this is just a form of centralisation again. They are taking away what they gave us – they gave us responsibility for running our own areas and now they are going to take it away from us

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again - it's all about control. Efficiencies is about cuts – 27% of families in BDC are living in poverty and that is some working families as well – how are they going to be represented by someone who doesn't know this area, the history, the demographics and the problems that we have. We have huge amounts of clinically vulnerable people in BDC as well – how is one unitary authority going to manage those people – it's just not acceptable and I agree I am in full support of this Council.

Councillor Tricia Clough;

I spoke to some people where I volunteer about what the government are proposing to do and they said they did not like it - they like to know who they are dealing with, who they are talking to. They don't always agree with what BDC does but they also recognise some of the good things that it does. The areas where they don't feel safe or they don't see things are happening is usually things that are related to the County Council. Like Andrew said, the youth services which has gone. This isn't the way to go – it's always the closer the better because they are the people that hear and can put things into practice.

Councillor Nick Clarke;

I have an issue with efficiencies because it means nothing but cuts to people's jobs and families will be devastated. It means loss of spending power in the local community. There are a couple of things I noted from Grant's presentation earlier regarding the front office – financial benefits, that's cuts, reduced full time employees. Enabling customers to self-serve – again your taking away the assistance they get with a face to face service – you can't talk to a computer, if you talk to someone across a desk then both get more back. When services are centralised into a larger body you lose all the local knowledge which affects local residents' issues. I agree with what has been said here today – this is not the way forward – it's not levelling up it is levelling down.

Councillor Janet Tait;

I fully support the Leader and Deputy Leader – we cannot afford to lose BDC. The world is upside down at the moment and we are facing a cost of living crisis. It is the wrong time to restructure local government – people are going to depend on us over the next 5 – 10 years. I also think it is very disappointing that the Conservative Members have left and are not taking part in this debate and they're not trying to defend what their government is doing to the people in our constituencies.

Councillor Steve Fritchley, Leader of the Council

This is why I wanted this debate to be a free debate, unencumbered with any whips or anything like that and I know for a fact that's not been the case in other parts of Derbyshire – I wanted to know exactly what Members thought and felt, no matter what your party, I wanted you to say how you felt.

I know what all this means – job losses, reduction in service and everything you've all mentioned today. Then I think am I being bloody minded, am I not wanting to join in or as Clive said earlier, do we really want to be left behind? I want to fight forever and a day until it got to the point if I lost – this is how we are going to get the best deal for the people we represent.

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The Council collected £4.1m in Council Tax but we spend £67m (some of this is rent income also) in the local economy through procurement, spending, wages etc. That is a good mark-up – take that away and that is £60m taken away from the District and that will leave a big hole. I am really encouraged with what you have said here today and I thank you for it.

Councillor Andrew Joesbury;

I'd like to ask the Leader what the next step is.

Councillor Steve Fritchley, Leader of the Council

We don't know because there are 2 or 3 different things running at the same time. We have the levelling up White Paper, then the County Deal, which is somewhat different to levelling up options, then Vision Derbyshire, which is a cross between perhaps a level 2 and a level 3 and as I said earlier, one of the Ministers said there is no level 2 and a half and best thing to do is grab it with both hands.

Then there is the ambitions of one or two people locally in Derbyshire, Derby City, Nottinghamshire, Notts City, Leicester, as well because the government want only a few people to talk to rather than people like me. If the government just want to talk to barons – because that what a 3 county mayoral combined authority would be, that one mayor would become a baron and would have more power than a dozen MPs and other leaders. So if we are going to have restructure, let's do it properly, let's look at representation, do it from the government down and have a big debate on it.

Clive mentioned the money and yes we would like it but where would it be coming from - efficiencies which means job losses – if people aren't working, they're not spending it locally. We will go into terminal decline – we've seen it before where town and city centres have been decimated because of this. I like the Keynesian approach to the economy where whatever we are spending becomes someone else's wages, savings, mortgage and rent payments and on and on – it's worked for a long time.

I'd like to thank Members for what you have said and I know I can go into a debate knowing I have the full support of this Authority.

Councillor Andrew Joesbury;

What is the MP for Bolsover, Mark Fletcher's stance on this?

Councillor Steve Fritchley, Leader of the Council

Well he has previously stated that the Council's priorities are his priorities. Bolsover is doing a good job in spite of everything that has been thrown at us but we are still here and that is a credit to all of us.

Councillor Tom Munro;

I couldn't agree more with all the comments regarding cuts – they have a lot of knock on effects. As the Leader has already suggested, it completely ruins the whole basis of a Keynesian economy which is vital for the success of all communities and a whole

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country because not only have you got the loss of income, you have the loss of tax hole, therefore, the beginning of a nasty and unavoidable decline across the whole of society. Another issue around the package put forward in the White Paper, is the complete loss of accountability. I'm sure many Members here have filled in fault reports on DCCs website and just received an immediate response email but there is absolutely no accountability. Like Councillor Donna Hales, I also had a similar experience with a portfolio holder from DCC who I wrote to as a matter of courtesy and to this day I have never had an acknowledgement from that portfolio holder. I am fully behind not going down the route of any of the proposals in the White Paper because there could be other models - it isn't exhaustive at the end of the day the models that are available.

Councillor Allan Bailey;

From an historical perspective, even the Magna Carta stated that local people would have the say over their local economy.

Councillor Duncan McGregor;

I would like to thank everyone who has made a contribution today and I appreciate the comments which have been made.

I would like to confirm and underpin the comments made by another agency which was a peer review we had around 18 months ago. Our success on delivering our ambitions has been recognised and endorsed by others and I quote;

The LGA has suggested that with so much positive work in the Bolsover District Council, the partnership can afford to be bolder and develop its work further”.

“New Members elected during May 2019 have brought renewed passion and commitment to service local residents and visitors well”.

“Bolsover District Council knows its communities well and has a strong clear understanding of the District which is informing the Council’s work programme, including approaches to public health, community cohesion and developing tourism strategy”.

“Bolsover District Council as a partnership organisation is highly regarded by partners and resident, as evidenced by the many positive comments from stakeholders - with this partnership success largely attributed to the work of a highly effective, skills efficient and effective internal partnership team.

The work we are doing together are focused on issues and not politics, was also recognised;

“with BDCs different political groups, generally working well together, working constructively, to talk through issues and find and agree solutions”

Very importantly colleagues, the LGA notes;

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“Bolsover District Council’s Members and officers are committed, loyal and often long serving, passionate and keen to make the best decisions and deliver the most effective work to benefit the Districts residents and visitors”.

To conclude, I suggest to you that levelling up is what we have been doing successfully as a Council, as a partner, as an employer as a group of committed individuals who know and understand our local community of Bolsover District Council. Levelling up is not something that can be achieved from a central bureaucratic headquarters many miles away. It will not be achieved by those with only an academic and sterile understanding of the needs of local people. It will only be achieved by continuing to strengthen the local democratic process and influence of local people at local level – a District level and providing us with the resources to invest every penny where we know it will make the most impact.

Moved by Councillor Duncan McGregor and seconded by Councillor Ray Heffer
RESOLVED that (1) Bolsover District Council supports the continuation of two tier government in Derbyshire and urges other Derbyshire councils to do the same,

(2) the Leader of the Council be empowered to explore other alternatives if necessary.

(Leader of the Council)

Update on ex District Councillor Ken Walker

The Chair provided the meeting with an update on ex District Councillor Ken Walker.

The meeting ended at 1155 hours.

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.

Unless otherwise stated, or where 'working day' is used as a description, a deadline within this Constitution is deemed to be 5pm

1. Annual Council Meeting

TIMING AND BUSINESS

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.

1.1A No requirement to hold an Annual Meeting

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:

- a) Where called by the Chair or,
- b) Following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

1.1B 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 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 Head of Paid Service;
- (g) elect the Leader of the Council in the year of the District Council elections only;

- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Cabinet;
- (i) consider any other business as set out in the notice of the meeting.

COMMITTEES AND OUTSIDE BODIES

- (j) 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
- (k) decide the size and terms of reference for those committees;
- (l) decide the allocation of seats to political groups in accordance with the political balance rules set out in Appendix A;
- (m) receive nominations of *Councillors* to serve on each committee and outside body; and
- (n) 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.
- (o) agree the scheme of delegation set out in Part 3 of this Constitution.
- (p) approve the financial threshold for Key Decisions.

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 the Chairman will sign them as a correct record;
 - (bb) where the Minutes are approved by virtual means, arrangement will be made after the meeting and within 2 months, for signatures to be made in hard copy.
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Chairman of the Council, Leader, Members of the Cabinet or the Head of Paid Service;

- (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 Members of the Council;
 - (h) deal with any business from the last Council meeting;
 - (i) receive reports from the Executive 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;
 - (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
 - (k) consider motions on notice;
 - (l) 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 the Cabinet) or to review its size and terms of reference, giving regards to existing rules around proportionality.
- 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 Under regulation 491) of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, meetings may be moved or cancelled. This shall only be exercised with the consent of the Chair or, in the Chair's absence, the Vice-Chair.

3. Extraordinary Meetings

- 3.1 The people or bodies listed below may require the Head of Paid Service to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
 - (b) the Chairman of the Council;
 - (c) the;

- (d) the Chief Financial Officer; and
 - (e) any five Members of the Council if they have signed a requisition presented to the Chairman 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 Head of Paid Service 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.

****The above paragraph does not restrict the agenda to one item of business and that such items as Questions and Motions shall be included on the agenda for any extraordinary meetings.***

4. Time and Place of Meetings

- 4.1 All Council meetings will be in accordance with the agreed Meetings Schedule 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.
- 4.1A For all purposes of the Constitution the term 'meeting' is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to 'place' is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.

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.

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.

5.3A The summons for a virtual meeting will specify the digital platform on which the meeting will be taking place and how Members can access it. Details of how the public may view or listen to the meeting will also be published with the summons.

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 Chairman of boards or committees.

6.1A If the Chair is remotely attending a meeting and their connection is disrupted, the Vice Chair shall preside over the meeting in the Chair's absence. If both the Chair and Vice Chair are absent (or disconnected) from the meeting, the meeting will stand adjourned for 15 minutes. If the Chair or Vice Chair is unable to re-enter the meeting, the meeting shall be adjourned to a later date, or the business shall be considered at the next ordinary meeting.

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.

7.1A A Member attending a meeting remotely will be counted for the purpose of establishing a quorum so long as that Member can, when they are speaking, be heard (and seen where possible) and they can hear (and see where possible) the other Members attending the meeting and the Monitoring Officer, or other officer appointed to act on his/her behalf. In addition, a remote attendee must be able to be heard (and seen where possible) by, and in turn hear (and see where possible) any members of the public entitled to attend the meeting and who appointed to act on his/her behalf. In addition, a remote attendee must be able to be heard (and seen where possible) by, and in turn hear (and see where possible) any members of the public entitled to attend the meeting and who exercise a right to speak at the meeting.

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. If this is caused by technical difficulties experienced by a Member trying to access the virtual meeting, then a period of 15 minutes shall be allowed to able the issue to be resolved. If the meeting remains inquorate, 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.

- 7.3A The failure of any technological provision, whether that leads to a partial or complete loss of contact, shall not invalidate any part of the deliberations or any vote taken, providing a quorum is maintained. The person chairing the meeting may adjourn the meeting if they deem that appropriate whilst any technological issues are resolved.
- 7.3B If there is urgent or time-limited business that must be conducted at a meeting, it should be made clear to Members that the meeting would continue and a vote would be taken without their attendance in the event of a communication/technical failure.

8. Questions by the Public

8.1 General.

- (a) Members of the public may ask questions of members of the Executive at ordinary meetings of the Council.
- (b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 1530 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions and responses shall not be a matter of debate.

8.2 Notice of Questions.

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

8.3 Number of Questions.

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

8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

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

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

8.5 Record of Questions.

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

8.6 Order of Questions.

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

8.7 Asking the Question at the Meeting.

The Chairman of the Council will invite the questioner to put the question to the member named in the notice.

8.7A Management of Public questions for virtual Meetings

It may not be possible for the questioner to attend the meeting of Council by virtual means, and in those instances the clerk to the Council, prior to the commencement of the meeting, will have arranged for the response to their question to be submitted to the questioner in writing, thus allowing an opportunity for a supplementary question to be formulated and offered

(without notice) in the meeting. Council Procedure Rules 8.8 and 8.9 still apply in this scenario.

The clerk will read the original question, following which the Member to which the question was put will respond, as per their prior written response. The clerk will then read the supplementary question which will be answered during the meeting.

8.8 Supplementary Question.

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

8.9 Response

An answer may take the form of:

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

8.10 Reference of Question to the Executive or a Committee.

Unless the 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 or the appropriate board or Committee. Once seconded, such a motion will be voted on without discussion.

9. Questions by Councillors

9.1 On Reports of the Executive or Committee.

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

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 Executive Members or the Chairman any Committee a

question about any matter in relation to which the Council has powers or duties or which affects the District which is not, in the opinion of the Monitoring Officer, illegal, scurrilous, improper or out of order.

9.3 Notice of Questions.

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

- (a) submitted the question in writing to the question to the Monitoring Officer no later than **midday, twelve clear working days** before the day of the meeting; 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 9 am on the day of the meeting.
- (c) details of questions submitted by Councillors on notice will be circulated to Executive Members immediately after the deadline has passed.

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.

9.9 Withdrawal of Questions

A question which has been accepted and published may be withdrawn by the Member who asked it provided that they indicate this in writing to the Monitoring Officer and the Member to which the question has been asked not later than 24 hours in advance of the meeting.

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, twelve clear working days before the date of the meeting.** These will be entered in a book open to inspection by the public. Details of motions submitted by Councillors on notice will be circulated to Executive Members immediately after the deadline has passed.

10.2 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 Head of Paid Service, refuse a motion which is illegal, scurrilous, improper or out of order.

10.3 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;
- (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

12.1A Debate in Virtual Meetings

In addition to the below provisions, in virtual meetings, Members, where possible, will indicate a wish to speak at the opening of a debate to allow the Chairman to collate a list of Members to call upon. These will be heard in order of receipt.

12.1 Seconding Motions and Amendments

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded, without a seconder, the motion or amendment fails.

12.2 Right to Require a Motion in Writing.

Unless notice of the motion has already been given, the Chairman 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 Chairman 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 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:

- (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) above 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.
- (d) 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.

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 a 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
- (a) to adjourn a meeting
- (b) to exclude the press and public in accordance with the access to information rules
- (h) 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.

(e) When a motion that the debate be now adjourned is carried, the discussion shall be resumed at the next meeting, when the Member who moved its adjournment shall be entitled to speak first.

(Members may use the term 'defer', however, in the context of a debate commenced this is classed as 'adjournment'.

12.12 Point of Order.

A Councillor may raise a point of order at any time and the Chairman 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 Chairman 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 Chairman 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 the 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 of Council.

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.

14.3A Voting in Virtual Meetings

Where a vote is taken within a meeting of Council, where affirmation may not be easily seen on screen or where Members are joining by audio means only, the clerk will assist the Chairman and request a verbal affirmation by roll call. In this instances, the record of the vote will not be entered in to the Minutes as a Recorded Vote.

14.4 Recorded Vote.

If three 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 setting of 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 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.

15. Minutes

15.1 Signing the Minutes.

The Chairman of the Council will sign the minutes at the next 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.

Where the meeting is attended remotely, Members in attendance will be entered into the register by the clerk.

Any Member leaving a meeting before its conclusion must first indicate to the Chairman their intention to leave.

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 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 1,000 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 for full details.]

17. Deputations

- 17.1 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 Chairman of the Council may, on the advice of the Head of Paid Service, 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.

- 17.2 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.
- 17.3 A Deputation may consist of up to five people, of whom no more than two may speak, except to answer Councillors' questions.
- 17.4 The Deputation may address the meeting for no more than five minutes and Councillors may then question the deputation for a further five minutes.
- 17.5 The relevant portfolio holder or appropriate Council member may, if he or she chooses, then address the meeting for up to three minutes.
- 17.6 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 Strategic Director or Head of Service who will respond to it in writing within 28 days.

18 Requirements for Members to Withdraw from Meetings

- 18.1 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.
- 18.2 Subject to paragraph 18.3 below and paragraph 11 (d) of the Code of Conduct, 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.
- 18.3 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.
- 18.3A Where a virtual meeting is taking place or a Member is attending the meeting remotely, if a Member is required to withdraw from the meeting they must do so by disconnecting their telephone/video call.

19. Use of Media and Other Communication Methods

Subject to Rule 22, 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.

20. Exclusion of the Public

20.1 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 22 (disturbance by the public).

20.1A When confidential or exempt issues as defined in Schedule 12A of the Local Government Act 1972 are under consideration at the meeting, no members of the public at remote locations must be able to hear or see the proceedings during such meetings. Any Member in remote attendance who fails to disclose that there are other persons present who are not so entitled will be in breach of their Code of Conduct responsibilities.

21. Councillors' Conduct

Speaking at Meetings

21.1 When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman. Whilst there is no requirement, Councillors are permitted to stand to address Council should they wish to do so.

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.

21.3A Where a virtual meeting is taking place or a Member is attending the meeting remotely, Members must comply with any Council guidelines on how they should indicate their wish to speak and other rules on participation during the course of debate.

Disturbance by Members

21.4 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.

- 21.5 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.
- 21.6 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.

22. Disturbance By Public

- 22.1 If a member of the public interrupts proceedings, the Chairman of the Council will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 22.2 If there is a general disturbance in any part of the meeting room open to the public the Chairman of the Council shall order that part to be cleared.

23. Suspension and Amendment of Council Procedure Rules

- 23.1 Any of the Council Procedure Rules to which this Rule applies may be suspended by motion on notice or without notice.
- 23.2 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.

24. Application of Council Procedure Rules to Committees

- 24.1 Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees.

24.2 Rule 13.2 does not apply to applications heard by either the Planning or the Licensing Committee. It does apply however to all other decisions taken by those Committees.

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 he/she is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Head of Paid Service, is engaged in interviewing candidates for any position with the Council or in existing appellate functions in 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 Executive, any Committee or Sub-Committee deciding in accordance with the 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 Executive, that Committee or Sub-Committee may remain unless the Executive, 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.

Appendix A

Proportionality Rules

1. Eight clear working days in advance of the Annual Meeting of Council (or in advance of any meeting of Council which considers proportionality), the Monitoring Officer shall inform the Leader of each of the political groups showing what allocation of seats would, in the Monitoring Officer'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 Monitoring Officer seven clear 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 Monitoring Officer as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.

HOUSING ALLOCATIONS REVIEW PANEL (HARP)

Objective - To ensure that housing decisions are made fairly and transparently.

- (1) The HARP will be made up of three members:-
 - The ~~Housing Needs~~ Community Safety and Enforcement Manager-Manager
 - The Housing Enforcement Manager
 - A Housing Needs Officer or a Tenancy Management Officer (on a rota)
- (2) The ~~the Housing Enforcement Manager or the Community Safety and Enforcement Manager~~ Housing-Needs Manager or the Housing-Enforcement Manager must be in attendance with at least one other panel member.
- (3) The Panel will seek information from others as needed. This will include the housing team for the area. However, neither the applicants nor their advocates will be able to attend the meeting.
- (4) The Panel will meet monthly, or as needed, to consider urgent cases. The Panel will have several functions including:-
 - (i) to consider applicants to be barred from the waiting list. To set timescales or conditions that would allow the person to be reconsidered,
 - (ii) to confirm the level of priority given to applicants to be considered for smaller accommodation,
 - (iii) to consider cases whose housing needs are not met through the normal guidance, for example, families who need additional rooms to cope with medical conditions, or families who are suffering from harassment or serious anti-social behaviour,
 - (iv) to ensure that the Authority makes best use of its housing stock by making direct allocations to unusual properties (examples may be properties with extensive adaptations).
- (5) The Panel will be able to consider unusual and emergency applications, for example, people with multiple and complex housing needs; those who have a need to be rehoused in a particular type of property, or to ensure that the Council makes best use of particular properties or adaptations.
- (6) The Panel will be able to make the following decisions:-

- (i) To award absolute priority to an applicant – to ensure they are awarded a particular property,
- (ii) To award additional points to reflect the needs of the applicant,
- (iii) To waive the normal rules on property size and location,
- (iv) To request additional information or clarification. This may include seeking independent advice or medical or other complex issues,
- (v) To award no priority.

(7) Minutes

Minutes will be kept of each meeting and decisions noted. This will ensure that decisions made are robustly checked against other decisions.

- (8) Applicants will be informed of their case within 10 working days of each meeting.
- (9) Information and trends from the panel will inform future revisions of the Allocations Policy. Anonymous summaries of decisions made will be circulated to the Portfolio Holder for Housing.
- (10) All decision letters from the panel should inform the applicant of their right to appeal any decision and of the role that elected Members can play as advocates in this process. Any appeal should be considered initially by the Head of Environmental Health. If he/she believes there may have been an error in the process of the panel, or receives 'significant' new information, he/she can refer the case back to the panel to reconsider.

(11) Appeals

Any other appeal will be considered by an Appeal Board consisting of:-

- The Head of Environmental Health
- The Portfolio Holder for Housing
- An officer member of Senior Management Team

(Note: In cases that are within the Portfolio Holder's Ward, the Portfolio Holder will be excluded from the Appeal Board with their place taken by another Member of the Executive).

The Appeal Board will look at individual cases and determine if the panel has made a decision that:-

- (i) is consistent with other decisions made by the panel,
- (ii) has taken account of all the information made available,
- (iii) taken into account information it shouldn't have taken into account.

The Appeal Board can decide either to uphold the original panel decision or to ask the panel to reconsider the case. The Appeal Board cannot make any other decision.

AUDIT AND CORPORATE OVERVIEW SCRUTINY COMMITTEE

Purpose and Responsibilities

The purpose of this 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 Committee will also oversee the Authority's corporate governance arrangements.

In addition to the above powers conferred on Scrutiny, this Committee shall have the following specific functions;

- (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 evaluate the tenders for the appointment of external auditors.**
- (4) To consider the External Auditors findings from their review of the Statement of Accounts.
- (5) 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.
- (6) 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 Committee and participate in the debate and discussion but no voting rights would be associated with the invitation.

- (7) To review the Council's internal audit function and monitor its performance.**
- (8) To monitor and ensure implementation of internal and external audit recommendations.**
- (9) To be responsible for ensuring effective scrutiny of the Treasury Management Strategies and associated policies.**
- (10) To receive the Executive's Budget proposals and scrutinise them in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution, to include;**
 - i Making recommendations to the Executive in respect of those Budget proposals in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.**
 - ii Monitoring the Council's Budget, (General Fund, Capital Programme and Housing Revenue Account), on a quarterly basis.**
 - iii Questioning the relevant Portfolio Holders and officers in relation to financial issues arising out of the quarterly monitoring of Budgets.**
 - iv Making recommendations to the Executive in respect of financial issues arising out of the Budget Monitoring.**
 - v Referring to the relevant thematic Scrutiny Committee any performance or other non-financial issues arising out of the quarterly monitoring of the Council's Budget.**
- (11) To enable each of the Scrutiny Chairs to present update information from their respective Committees.**
- (12) Receive a quarterly update on performance against relevant Corporate Plan targets from the Portfolio Holders, to include;**
 - i Monitoring performance management of the Council including reviewing performance against service plans and indicators relating to the corporate aims.**
 - ii Referring continued exceptions in performance to the relevant thematic Scrutiny Committee for further investigation/detailed review.**

3.1 SCHEME OF DELEGATION FOR OFFICERS

4.10.1 Introduction

- (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.
- (2) Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on Executive Functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- (3) All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- (4) Officers must consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- (5) Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not officers of the Authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (for example Environmental Health).
- (6) References to powers of 'the Council' include functions of the Executive.
- (7) Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- (8) All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- (9) All delegations to officers are subject to:-
 - Statutory requirements
 - Contract Procedure Rules
 - Financial Regulations/Finance Rules
 - Consideration of the policies and plans of the relevant Council
 - The Employee Code of Conduct and adopted protocols

- The requirements of the Strategic Alliance Management Team in relation to the overall management and coordination of the Councils affairs
 - Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
 - The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
 - Any provision contained within this Constitution
- (10) Where an officer has delegated powers, the Council or the Cabinet/Executive or a committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally, it is always open to an officer not to exercise delegated powers but to refer the matter up as appropriate.
- (11) A number of the Directors and Heads of Service are joint posts within the Strategic Alliance. However, the word “Joint” has been omitted from the scheme descriptions.

Where the Delegation Scheme refers to Heads of Service, this also includes Assistant Directors.

4.10.2 Exclusions

(1) This Scheme does not delegate:-

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

4.10.3 Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager.

4.10.4 Reserve Delegations

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

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

4.10.5 Consultation

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

4.10.6 Restriction on delegations to Heads of Service/Assistant Directors

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

4.10.7 Transfer of Functions

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

4.10.8 Proper Officers

- (1) In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council and is attached at **Appendix One**.

- (2) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

4.10.9 General powers delegated to all Directors and Heads of Service

- (1) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- (2) To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.
- (3) To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- (4) To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.
- (5) Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- (6) To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- (7) To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- (8) To exercise the Council's power to publish information about its services including deciding the content of any publication.
- (9) To decide the terms upon which services will be provided to the public, (which may include providing services on different terms to different individuals or classes of individuals).
- (10) To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order.
- (11) To deal with the following employment matters in accordance with Council procedures:
 - (i) The employment of all employees below Head of Service/Assistant Director level including determining the most appropriate means of recruitment and selection
 - (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas

- (iii) Application of conditions of service including the authorisation of leave of absence, purchase of annual leave (Bolsover District Council only) and payment of honoraria
 - (iv) Suspension or dismissal of employees below Head of Service/Assistant Director level
 - (v) Re-grading of posts below Head of Service/Assistant Director level following job evaluation
 - (vi) Determination of job sharing applications
 - (vii) Waive any part of the notice required to be given by an employee to terminate employment.
- (12) To authorise payments for overtime in accordance with Council procedures.
 - (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
 - (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
 - (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
 - (16) To commission goods, services and works within approved budgets whether or not the decision is above or below the key decision threshold. This also includes occasions where the agreed contractual terms
 - (17) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
 - (18) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Cabinet/Council subsequently.
 - (19) To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, Service Plans, Business Plans, policies, strategies or other plans.
 - (20) To carry out any duties or responsibilities as contained with the Financial Finance (NEDDC) or Financial Regulations (BDC).
 - (21) To carry out any functions contained within section 2 – Council Functions and section 3 – Local Choice Functions of the Functions Scheme (NEDDC).

- (22) To make non substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:
- i) reflect changes in the law, government or regulators' guidance, and other Council policies; or
 - ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles.

4.10.10 Executive Director of Resources		
	<u>Delegations</u>	<u>Exceptions</u>
(1)	<u>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.</u>	
(2)	<p><u>To determine all staffing matter including but not limited to:-</u></p> <ul style="list-style-type: none"> (i) <u>Determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).</u> (ii) <u>The appointment, dismissal, suspension or discipline of staff, save that in relation to the Directors, Assistant Directors this does not include the appointment and in the case of the statutory officers their dismissal.</u> 	
(3)	<u>Approving secondments and temporary appointments of any staff.</u>	
(4)	<u>To act as the Safeguarding lead.</u>	
(5)	<u>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 implementation.</u>	
(6)	<u>To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within NEDDC.</u>	

(7)	<u>Following consultation with the section 151 Officer, delegation in respect of points 1,3 and 1.4 of the Local Government Pension Scheme transfers policy</u>	
(8)	<u>Following consultation with the section 151 Officer, if they see fit to accept transfers (in respect of an individual employee's 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 has not been informed of the time limit.</u>	
(9)	<u>Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.</u>	
(10)	<u>To authorise the making of notices and orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. In the case of Public Space Protection Orders only these will require consultation with the Leader or Deputy Leader of the Council and relevant ward members, and authorisation given incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.</u>	
(11)	<u>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.</u>	
(12)	<u>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.</u>	
(13)	<u>To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy</u>	

	<u>Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Executive Director to the next meeting of Council explaining the reasons for the decision.</u>	
(14)	<u>If there is an urgent need for a commercial decision, the Executive Director, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive or Council as appropriate.</u>	
(15)	<u>To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.</u>	
(16)	<u>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 in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.</u>	
(17)	<u>To exercise any of the powers delegated to an Assistant Director.</u>	
(18)	<u>To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.</u>	
(19)	<u>Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.</u>	
(20)	<u>To make customers vexatious under the Compliments, Comments and Complaints Policy.</u>	
(21)	<u>To authorise the use of earmarked reserves or Transformation Reserves.</u>	

	<u>Delegated decisions relating to Transformation Reserves to be initialled by the Section 151 Officer to evidence they have seen them.</u>	
(22)	<u>Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</u>	
(23)	<u>To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.</u>	
(24)	<u>To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director or the Section 151 Officer.</u>	
(25)	<u>Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a Neighbourhood Plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.</u>	
(26)	<u>Following a consultation with the Leader and the relevant Portfolio Holder, to make a Neighbourhood development Plan where more than half of those voting in an applicable referendum have voted in favour of the plan.</u>	
(27)	<u>To carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and</u>	

	<u>Responsibilities)(England)(Regulations 2000 (as amended).</u>	
(28)	<u>To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).</u>	
	<u>Exception to para 22: Applications for discretionary Disabled Facilities Grants must be submitted to Executive.</u>	
(29)	<u>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.</u>	
(30)	<u>To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function. To authorise the making of Public Space Protection Orders.</u>	
(31)	<u>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 Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.</u>	
(32)	<u>To undertake and determine a review of a decision on compensation in relation to a</u>	

	<u>listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.</u>	
(33)	<u>To serve Section 215 Town and Country Planning Act 1990 notices.</u>	
4.10.11	<u>Executive Director of Strategy and Development</u>	
	<u>Delegations</u>	<u>Exceptions</u>
(1)	<u>To act as the Emergency Planning Lead.</u>	
(2)	<u>To deputise for the Head of Paid Service in their absence and exercise any powers delegated to them.</u>	
(3)	<u>The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders under that Act, in accordance with procures approved by the Council</u>	
(4)	<u>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.</u>	
(5)	<u>(Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.</u>	
(6)	<u>(Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder</u>	
(7)	<u>(Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder</u>	

(8)	<u>(Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.</u>	
(9)	<u>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.</u>	
(10)	<u>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.</u>	
(11)	<u>To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Executive Director to the next meeting of Council explaining the reasons for the decision.</u>	
(12)	<u>If there is an urgent need for a commercial decision, the Executive Director, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive or Council as appropriate.</u>	
(13)	<u>To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.</u>	
(14)	<u>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 in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.</u>	
(15)	<u>To exercise any of the powers delegated to an Assistant Director.</u>	

(16)	<u>To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.</u>	
(17)	<u>Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.</u>	
(18)	<u>To make customers vexatious under the Compliments, Comments and Complaints Policy.</u>	
(19)	<u>To authorise the use of earmarked reserves or Transformation Reserves.</u> <u>Delegated decisions relating to Transformation Reserves to be initialled by the Section 151 Officer to evidence they have seen them.</u>	
(20)	<u>Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</u>	
(21)	<u>To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.</u>	
(22)	<u>To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director or the Section 151 Officer.</u>	
(23)	<u>Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a Neighbourhood Plan proposal following receipt of the examiner's report, in</u>	

	<u>accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.</u>	
(24)	<u>Following a consultation with the Leader and the relevant Portfolio Holder, to make a Neighbourhood development Plan where more than half of those voting in an applicable referendum have voted in favour of the plan.</u>	
(25)	<u>To carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities)(England)(Regulations 2000 (as amended).</u>	
(26)	<u>To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).</u>	
	<u>Exception to para 20: Applications for discretionary Disabled Facilities Grants must be submitted to Executive.</u>	
(27)	<u>To authorise another local authority to carry out the licensing²⁷ enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions.</u>	
(28)	<u>To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function. To authorise the making of Public Space Protection Orders.</u>	
(29)	<u>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</u>	

	<u>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 Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.</u>	
(30)	<u>To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.</u>	
(31)	<u>To serve Section 215 Town and Country Planning Act 1990 notices.</u>	
4.10.12	<u>Director of Development</u>	
(1)	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.	
(2)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(3)	To guide and where appropriate direct the Assistant Director and the Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(4)	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).	
(5)	(Further delegated to Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.	
(6)	(Further delegated to Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.	
(7)	(Further delegated to Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder	
(8)	(Further delegated to Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.	
4.10.13	<u>Assistant Director of Finance and Resources and Section 151 Officer</u>	
	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.	
(2)	Have responsibility for the proper administration of the financial affairs of the Council.	
(3)	After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer, to report to the Council Meeting (or to the Cabinet/Executive in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.	

(4)	To approve the Draft Statement of Accounts prior to consideration by External Audit.	
(5)	To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.	
(6)	After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Executive/Cabinet.	
(8)	To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.	
(9)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(10)	To initial Delegated Decisions relating to Transformation Projects to evidence that the Section 151 Officer has been consulted.	
(11)	To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.	
(12)	<u>Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.</u>	
(13)	<u>To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.</u>	

(14)	<u>To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.</u>	
(15)	<u>To serve Section 215 Town and Country Planning Act 1990 notices.</u>	
4.10.14	<u>Head of Corporate Governance Assistant Director of Governance and Monitoring Officer</u>	
	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.	
(2)	To 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.	
(3)	To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.	
(4)	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.	
(5)	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.	

(6)	To negotiate and settle claims and disputes without recourse to court proceedings.	
(7)	To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.	
(8)	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.	
(9)	To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.	
(10)	To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.	
(11)	Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).	
(12)	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.	
(13)	To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.	
(14)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	
(15)	Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.	
(16)	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).	
(17)	To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.	
(18)	To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman subject to informing the Head of Paid Services.	
(19)	To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.	
(20)	To provide a dispensation under Section 85 of the Local Government Act 1972, where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council Meeting which could consider it.	
(21)	to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.	

Proper Officer Provisions

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

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

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

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Monitoring Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Monitoring Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer
S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100F(2)	The officer to determine when a document should	Monitoring Officer

	not be open to inspection because it discloses exempt information.	
S.115(2)	Receipt of money due from officers	Head of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Head of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs – Deputy	For BDC – the NEDDC Head of Finance & Resources and S.151 Officer and for NEDDC – the BDC Head of Finance & Resources and S.151 Officer
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Head of Corporate Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Head of Finance & Resources and S.151 Officer.
S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)

S.238	Certification of byelaws	Governance Manager
S.248	Officer who will keep the Roll of Honorary Aldermen and Freemen	Governance Manager
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Director of Development
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
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director of Environment and Enforcement Director of Development (BDC)
Representations of the People Act 1983		
S.8	Registration Officer	Head of Corporate Governance and Monitoring Officer

S.8	Deputy Registration Officer	Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.35	Returning Officer for Local Elections	Head of Corporate Governance and Monitoring Officer
S.35	Deputy Returning Officer for Local Elections	Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.24	Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Head of Corporate Governance and Monitoring Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Head of Corporate Governance and Monitoring Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Head of Corporate Governance and Monitoring Officer
S. 200	Publication of Notices under the Act	Head of Corporate Governance and Monitoring Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Head of Corporate Governance and Monitoring Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		

S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Head of Corporate Governance and Monitoring 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.	Head of Corporate Governance and Monitoring Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Head of Paid Service except as specifically provided in this scheme
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulation 2	Determination of documents constituting Background Papers	Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet	Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 15	Inspection of background papers	Monitoring Officer
Regulation 13	Individual Executive decisions	Monitoring Officer
Regulation 7	Access to agenda and connected reports	Monitoring Officer
Regulation 10	General exception relating to Key Decisions	Monitoring Officer

Regulation 16	Members' rights of access to documents	Monitoring Officer
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Director of Development (BDC) and Director of Environment and Enforcement
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director of Environment and Enforcement
Public Health Act 1961		
S.37	Control of any verminous article	Director of Environment and Enforcement
<u>Public Health (Control of Disease) Act 1984</u>		
<u>S11, 18, 20, 21, 22, 24, 29, 31, 36, 40,42, 43 and 48</u>		<u>Monitoring Officer</u>
<u>Public Health (Infectious Diseases) Regulations 1988</u>		
<u>Regulations 6, 8, 9, 10</u> <u>Schedule 3 and 4</u>		<u>Monitoring Officer</u>
Localism Act 2011		
S. 33	Submission of written requests for Standards Dispensations	Monitoring Officer

S. 81	Administration of Community Right to Challenge	Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Monitoring Officer
Freedom of Information Act 2000		
S. 36	Qualified Person determining prejudice to effective conduct of public affairs	Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.3A	Employers certificate for exemption from politically restricted posts	Head of Paid Service
S.4	Head of Paid Service	Director of Corporate Resources
S.5	The Monitoring Officer	Head of Corporate Governance
S. 5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Director of Corporate Resources

Data Protection Act 2018		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager

7 PETITIONS SCHEME

7.1 Petitions

(1) The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.

(2) Paper petitions can be sent to:-

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

(3) 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 [Sarah Jim FieldsendSternberg](#) — Monitoring Officer on (01246 [2470572424](#)) or email [her- aten MonitoringOfficer@ne-derbyshire.gov.uk](mailto:MonitoringOfficer@ne-derbyshire.gov.uk) 10 days before Formatted: Highlight meeting and she will talk you through the process. If your petition has received 1,000 signatures or more from residents in the District, it will also be scheduled for a Council debate and if this is the case she will let you know when this will happen.

7.2 Who Can Submit a petition?

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

7.3 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.

7.4 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.

Part 7 Petitions Scheme
Last Updated [May-Jan 2024](#)

- the contact details for the petition organiser (lead petitioner) so the Council knows who to contact. (the contact details of the petition organiser **will not** be placed on the website).
- the name, address, postcode and signature of any person supporting the petition.
- Date the petition is submitted.

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 the petition organiser to explain the reasons.

7.5 Issues specifically excluded from the Petition Scheme

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

- Any matter relating to a planning application or decision.
- Any matter relating to a licensing decision, including licensing applications under the Licensing Act 2003 and the Gambling Act 2005.
- Where any matter is currently or imminently subject to a consultation exercise, a decision as to whether the Petition can be dealt with under the Council's Petitions Scheme will be made by the Head of Paid Service having received the advice of the Monitoring Officer on the matter.
- ~~Any matter which is currently or imminently subject to a consultation exercise~~
- ~~Any matter which has been subject to a statutory consultation exercise, and the consultation exercise has now closed, such as the Local Plan or other local development plan documents.~~
- Any matters relating to complaints against Councillors under the Code of Conduct.
- Any matter where there is an existing right of appeal.
- Statutory petitions such as requesting a referendum on having an elected mayor.
- 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.

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- 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.

We will notify you of the reasons for your petition not being dealt with if it is excluded under one or more of the above grounds.

7.6 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.

The petition will also 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).

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.

7.7 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 will usually include one or more of the following:-

- writing to the petition organiser setting out our views about the request in the petition.
- considering the petition at a Council meeting (where there are 1,000 signatures or more from residents of the District);

The Council may take other actions, such as holding public meetings or consultations, explore options to tackle the matter in conjunction with our local partners, or we may refer the petition for consideration by one of the Council’s Scrutiny Committees*.

**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.

7.8 Full Council Debates

If a petition contains more than 1,000 signatures from residents of the District, 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 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.

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.

7.9 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 from residents of the District, the relevant senior officer will give evidence at a public meeting of one of the Council's Scrutiny Committees. The senior staff that can be called to give evidence include:-

- Directors
- Monitoring Officer
- Chief Financial Officer
- Heads of Service

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 Portfolio Member, Ward Member or other appropriate Member 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 the Scrutiny Officer on 01246 242385 up to three working days before the meeting.

7.10 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 for 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. To request a review, please contact the Monitoring Officer on (01246) 217057 or email her on MonitoringOfficer@ne-derbyshire.gov.uk within 28 days of the response you have received to the petition.

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 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 <small>(Please print)</small>
Address (including postcode)
Contact telephone number:
Email address:
Signature of Lead Petitioner:
Date of Petition:

Please complete and return this form to:

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

4.5 SCRUTINY PROCEDURE RULES

4.5.1 The Number and Arrangements for Scrutiny Committees

(1) The Council will have four Scrutiny Committees which will perform all scrutiny functions on behalf of the Council. The ~~four~~three Scrutiny Committees will be the;

- Audit and Corporate Overview Scrutiny Committee
- Customer Service Scrutiny Committee,
- Local Growth Scrutiny Committee
- Climate Change and Communities Scrutiny Committee.

~~(2) There will be an Audit and Corporate Overview Scrutiny Committee comprising the Members who are not members of the Executive.~~

~~(23)~~ The Terms of Reference of the Scrutiny Committees will be as outlined in Part 3 of this Constitution.

4.5.2 Who May Sit on Scrutiny Committee?

All Councillors, [except Members of the Executive], may be Members of the Scrutiny Committee. No Member may be involved in scrutinising a decision in which that Member has been directly involved.

The membership of each Committee will reflect the political composition of the Council. Members will be appointed at the Annual Council Meeting, and subsequently as required following a change in political composition and/or responsibilities.

4.5.3 Co-optees

Each Scrutiny Committee or each Scrutiny sub-Committee shall be entitled to recommend to Council the appointment of such non-voting co-optees as the Scrutiny Committee or Scrutiny sub-Committee considers appropriate.

The Audit and Corporate Overview Scrutiny Committee will have an additional co-opted Independent Non-Voting Member, as part of its allocated membership.

4.5.4 Meetings of the Scrutiny Committees

The Scrutiny Committees shall meet in accordance with the timetable of meetings approved by the Annual Meeting of Council. In addition, extraordinary meetings may be called from time to time as and when appropriate. A meeting of one of the Scrutiny Committees may be called by the Monitoring Officer if considered necessary following consultation with the Chair of the relevant Scrutiny Committee. Further meetings may be arranged as required on an Informal basis, to enable Review work to be completed.

4.5.5 Quorum

The quorum for each Scrutiny Committee shall be at least 3 Members of the Scrutiny Committee.

4.5.6 Who Chairs the Meetings of the Scrutiny Committees?

The Chair of each Scrutiny Committee and any sub-Committees will be drawn from among the Councillors sitting on the relevant Scrutiny Committee or sub-committee, and be appointed by the Annual Council Meeting.

4.5.7 Work Programme

The Scrutiny Chairs will be responsible for setting the Annual Work Programme for each of the four Scrutiny Committees and in doing so shall take into account the wishes of Members of the four Scrutiny Committees including the wishes of those who are not Members of the largest political group on the Council. The Annual Work Programme shall include matters on which there are requests from the Council or the Executive for advice, where this can be accommodated.

4.5.8 Agenda Items

- (1) Any Member of the relevant Scrutiny Committee shall be entitled to give notice to the Governance Manager of an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Governance Manager will notify the Scrutiny and Elections Officer who will ensure that it is included on the next available agenda.
- (2) The relevant Scrutiny Committee shall also respond to requests from the Council, as soon as their work programme permits - and if it considers it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the relevant Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the

Executive shall consider the report of the relevant Scrutiny Committee within one month of receiving them. Policies will be considered by the relevant Scrutiny Committee before submission to the Executive.

- (3) Any non-Executive Member who is not a member of the Scrutiny Committee may refer any matter relevant to the Scrutiny Committee's functions to that Committee. The Member should give notice to the Monitoring Officer. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda. The Committee shall then determine whether it wishes to pursue the item suggested by the Member.

4.5.9 Policy Review and Development

- (1) The role of the Scrutiny Committees, in relation to the development of the Council's Budget and Policy Framework, is set out in detail in the Budget and Policy Framework Procedure Rules.
- (2) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (3) The Scrutiny Committees, through specially set up working groups, if appropriate, may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

4.5.10 Reports from the Scrutiny Committee

- (1) Once it has formed recommendations on proposals for development, the relevant Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Executive, (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate, (if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- (2) The Executive shall consider the report of the Scrutiny Committee at its next ordinary meeting following submission of the report to the Monitoring Officer. Where a report is submitted to the

Council, the report shall be considered at the next ordinary meeting of the Council provided that the Executive has met in the meantime and had the opportunity to formulate its views on the report. If the Executive has not had that opportunity, the report will be considered at the following meeting of the Council.

4.5.11 Making Sure That Scrutiny Reports are Considered by the Executive

- (1) Once the relevant Scrutiny Committee has completed its deliberations on any matter, a copy of its final report will be forwarded to the Monitoring Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Monitoring Officer refers the matter to Council, the Executive will have 6 weeks in which to respond to the Scrutiny report and the Council shall not consider it within that period.

When the Council does meet to consider any referral from a Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Executive to the Scrutiny proposals.

- (2) Scrutiny Committees will in any event have access to the Executive's List of Key Decisions and timetable for decisions.

Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the relevant Scrutiny Committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

4.5.12 Members and Officers Giving Account

- (1) Any Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service, the Chief Financial Officer, the Monitoring Officer, and any Director, or Head of Service, to attend before it to explain in relation to matters within their remit:-
 - (i) any particular decision or series of decisions
 - (ii) the extent to which the actions taken implement Council policy; and/or service performance.

- (iii) and it is the duty of those persons to attend if so required.
- (2) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Chair of the requiring Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance.

4.5.13 Attendance by Others

A Scrutiny Committee may invite people other than those people referred to in paragraph 4.5.12 above, to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, Members and officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional.

4.5.14 Call-In of Key Decisions

- (1) 'Call-in' should not be confused with the scrutiny of anticipated decisions before they are made (i.e. matters on which Scrutiny Committees can formulate proposals and recommendations.) 'Call-in' refers to the calling in of a decision after it is made but before it is implemented, and only applies to Key Decisions.
- (24) 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 and shall be available at the main offices of the Council within two working days of being made.
- (23) Copies of the Notice of Decision will be provided to all Members within the same timescale.
- (43) All Key Decisions will come into effect five working days after the publication of the decision unless three Scrutiny Members give notice in writing to the Governance Manager requesting to call-in the decision.

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 revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is considered significant.

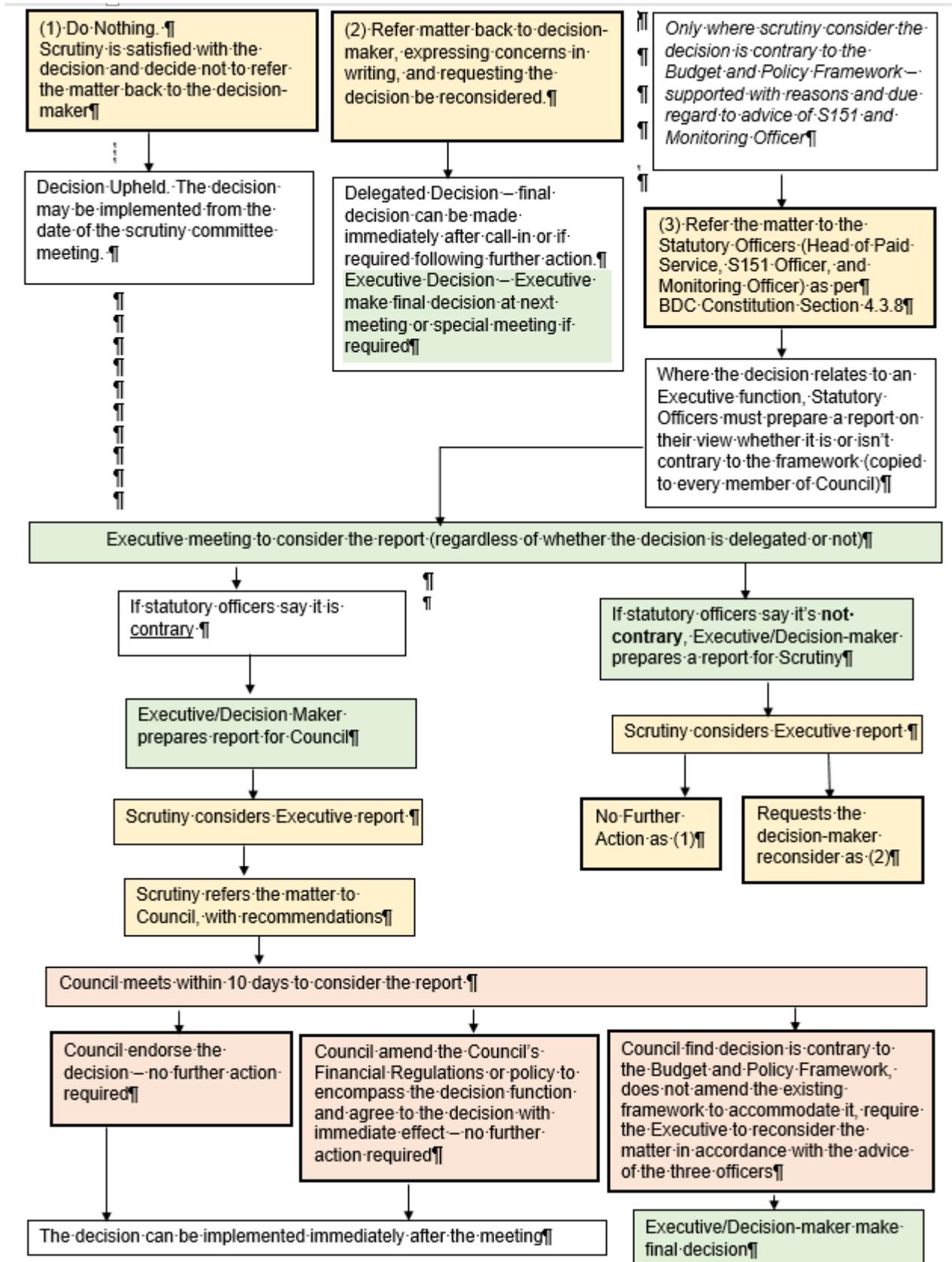
- (5) Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in Article 13.2 of this Constitution; where a key decision has been taken which was neither published in accordance with the requirements for the list of Key Decisions, not subject to the 'general exception' or 'special urgency procedures' set out in this Constitution or where a decision is outside the policy or budgetary framework.
- (64) If no notice requesting call-in of a Key Decision is received in this five working day period, the decision may be implemented.
- (75) 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
- (8) Upon receipt of the call-in form, the Governance Manager will 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
- (79) 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.
- (108) 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/~~decision-maker~~ 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.

- (119) The relevant Scrutiny Committee must meet to consider the call-in as soon as reasonably practicable and at the latest within 20 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 ~~a call-ins~~ in this period.
- (120) 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.
- (134) 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.
- (142) 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.
- (153) 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 Financial Officer and Monitoring Officer on this matter. [This is contained within section 4.3.8 of the Budget and Policy Framework Rules.](#)
- (164) 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.

Call-In Procedure Flowchart

On hearing evidence, the Committee can take one of the following courses of action:



4.5.15 Call-In and Urgency

- (1) 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.
- (2) 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.

4.5.16 The Party Whip

When considering any matter in respect of which a Member of the relevant Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the relevant Committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

4.5.17 Procedure at Scrutiny Committee Meetings

(1) Business to be Considered

Scrutiny Committees shall consider the following business;

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
- (iv) responses of the Executive to reports of the Committee.
- (v) the performance information being presented to the Scrutiny Committee and

- (vi) the business otherwise set out on the agenda for the meeting.

(2) Attendance by Portfolio Holders

Portfolio Holders will attend a Scrutiny Committee meeting where performance management information relevant to the portfolio is being presented or by invitation of the Chair as part of a review.

(3) Completion of Review

Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(~~34~~) Report Following Review

Following any investigation or review, the relevant Committee shall prepare a report and submit the report to the Executive and/or Council as appropriate and shall make its report and findings public.

4.5.18 Matters within the Remit of more than one Scrutiny Committee

Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the Committee conducting the review shall invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

Two or more Scrutiny Committees may, from time to time, establish working groups comprising members from their Committees to look into issues of mutual concern.

4.5.18 Annual Scrutiny Conference

Each year the Scrutiny & Elections Officer will organise an Annual Scrutiny Conference to consider proposals for the ~~four~~three Scrutiny Committees Annual Work ~~Programmes~~plans. Portfolio Holders should be invited to attend this Conference.

4.6	CALL-IN PROCEDURE
4.6.1	<u>Who Can Call-In an Item</u>
	Any Member of any of the fourthree Scrutiny Committees with the support of two further Scrutiny Committee Members.
4.6.2	<u>Deadline Date for Calling In Decisions</u>
	The deadline date for any decision eligible for call-in will be published on the decision notice produced within two working days of the decision being taken. The time scale for call-in is five clear working days from the publication date of the decision notice.
4.6.3	<u>Method by which Items May be Called-In</u>
	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, in writing, in person or over the phone.
4.6.45	<u>Recording of Called-In Items</u>
	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.
4.6.56	<u>What may be Called-In</u>
	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.
4.6.6	<u>Call-in Process</u>
(1)	<u>The process for considering the Call In is set out below:</u>
	<u>(a) Lead signatory submission – The lead signatory to the Call-in will be invited to address the Scrutiny Committee and make a statement of explanation in respect of the decision called-in. They should aim to explain how the decision is in breach of the decision-making principles. The address should be limited to 20 minutes. The lead signatory may share the 20 minutes with other signatories. The Scrutiny Committee may ask questions of the lead signatory. The</u>

	<p><u>three signatories to the Call In are asked to set out their reasons for calling in the item.</u></p>
	<p><u>(b) Portfolio Holder/Decision-Maker submission – The lead Portfolio Holder (or the Decision-maker if a delegated decision) will be invited to address the Scrutiny Committee. Relevant officers can be called upon to support the submission. The address should be limited to 20 minutes and should address the reasons given by the lead signatory for the call-in. They should also aim to explain why the decision has not breached the principles of decision-making. The Scrutiny Committee may ask questions of the portfolio-holder/decision-maker.</u></p>
	<p><u>(c) Scrutiny Committee deliberations – The Scrutiny Committee needs to make a decision based on the discussion that has taken place. The Chair should make it clear that no submissions from the Portfolio Holder/Decision-Maker or lead signatory (or any other signatory if they have already spoken) will be heard whilst the Committee deliberates. The Call-in signatories, Portfolio Holder and Officers may remain in the room while this happens.</u></p>
	<p><u>(d) Right of Reply – The Portfolio Holder/Decision-Maker followed by the lead signatory may exercise a right of reply responding to the submissions and questions previously heard. No questions may be asked after the Rights of Reply. Closing statements should last no longer than 5 minutes.</u></p>
	<p><u>(e) Scrutiny Committee decision – The Scrutiny Committee may decide to:</u></p> <ul style="list-style-type: none"> <u>• Take no further action.</u> <u>• Refer the matter back to Executive or to the Decision-maker for delegated decisions, setting out the reasons for its concerns.</u> <u>• Refer to the statutory officers if deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework.</u> <p><u>All Members of the Scrutiny Committee designated to hear the Call-in may participate in the vote, including any signatories to the Call-In, providing they are Members of the Committee.</u></p>
<u>(2)</u>	<p><u>If the Committee decides on the evidence considered to take no further action and endorses the decision, then the original decision may be implemented immediately after the meeting.</u></p>

<p><u>(3)</u></p>	<p><u>If the Committee decides to refer the matter back to the Executive/Decision-maker then it will be reconsidered by them subsequent to the Scrutiny Committee meeting. Having reconsidered the original decision, the Executive/Decision-maker may decide to affirm their original decision or to take a different decision.</u></p>
<p><u>(4)</u></p>	<p><u>The Committee may not refer the matter to Council unless, supported with reasons and evidence and advice from the 3 statutory officers, it is deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework. The Executive must be involved in the process before Council considers the matter, as per the flowchart at 4.5.14.</u></p>

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 (tick only those that apply):

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		

As signatories to the form, we confirm we have read and understand the guidance on Call-in.

Lead signatory:

Name: Date:.....

Signed:

Name: Date:.....

Signed:

Name: Date:.....

Completion of Call-In Request Form – Guidance Note

- (1) Only Key Decisions not already implemented can be called-in.
- (2) Once a Call-in of a decision has taken place that decision cannot be called-in again for the same issues. However, if a revised decision has been made, following previous call-in, and Members believe there is evidence of a different breach, this can be called-in.
- (3) You should only submit evidence against the decision-making principles you believe have been breached. Evidence is NOT required against all the principles.
- (4) When providing reasons of why a principle has been breached, include clear evidence:
 - a. You can make reference to the reports presented as part of the decision.
 - b. You can provide additional documentary evidence e.g. evidence of local opinion/correspondence.

Examples:

Where a decision is called-in due to a perceived breach of 'Due consultation' and Members believe there is evidence of local opinion that has not been considered, the Members completing the Call-In Request should include evidence of correspondence received that supports the view of the local area. This is particularly important where this could contradict consultation evidence already considered by the decision-maker.

Ensure that the issue being challenged as part of the Call-in is within the boundary of what Scrutiny can address. Scrutiny cannot challenge an issue that should be addressed by a Regulatory Committee such as Planning or Licensing. For example, where reference is made to the impact of a proposed development on the biodiversity of the area, this is a planning consideration to be considered by Planning Committee as part of any planning application – not an issue Scrutiny can impact.

Reference to issues that are beyond the decision in question and that have been dealt with by other processes will not add weight to the Call-in. For example, reference to the impact on highways is in fact a planning consideration which requires a response from DCC Highways in relation to any planning applications impacting the area of the District in question. This is beyond the remit of Scrutiny.

4.3 BUDGET AND POLICY FRAMEWORK RULES

4.3.1 The Budget and Policy Framework

The Council is responsible for the adoption of the Budget and Policy Framework as set out in Article 4 of this Constitution. The following is a list of the plans and strategies which make up the Budget and Policy Framework:-

Plan, Strategy or Budget	Body
Borrowing & Investment Strategy	<ul style="list-style-type: none"> Audit and Corporate Overview Scrutiny Committee
Budget	<ul style="list-style-type: none"> Council Audit and Corporate Overview Scrutiny Committee Executive
Capital Strategy	<ul style="list-style-type: none"> Audit and Corporate Overview Scrutiny Committee
Corporate Plan	<ul style="list-style-type: none"> All Scrutiny Committees
Crime & Disorder Reduction Strategy	<ul style="list-style-type: none"> Climate Change and Communities Scrutiny Committee
Health and Well Being Strategy	<ul style="list-style-type: none"> Climate Change and Communities Scrutiny Committee
Housing Strategy	<ul style="list-style-type: none"> Customer Services Scrutiny
Business Growth Strategy	<ul style="list-style-type: none"> Local Growth Scrutiny
Licensing Policy	<ul style="list-style-type: none"> Licensing Committee
Local Plan	<ul style="list-style-type: none"> Planning Committee
Pay Policy Statement	N/A

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Sustainable Community Strategy	<ul style="list-style-type: none"> • Climate Change and Communities Scrutiny
Treasury Management Strategy	<ul style="list-style-type: none"> • Audit and Corporate Overview Scrutiny Committee • Executive • Council

4.3.2 The Framework for Executive Decisions

- (1) The Council will be responsible for the adoption of the Budget and Policy Framework. Once the Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.
- (2) The Executive has the responsibility for proposing to the Council, a budget and policies which will form part of the Budget and Policy Framework. It also has responsibility for making decisions within that Budget and Policy Framework.

4.3.3 The Process for Developing the Framework

- (1) The Council will be responsible for the adoption of the Budget and Policy Framework. Once the Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.
- (2) The body identified in the right-hand column above, should be notified of plans to adopt any plan, strategy or budget that forms part of the Budget and Policy Framework and offered the opportunity to consider them.
- (3) The plan, strategy or budget together with any recommendations from the body will then be reported to Executive who will confirm the contents of the proposal before recommending it to Council.

4.3.4 Decisions Outside the Budget or Policy Framework

- (1) Subject to the provisions of 6 (virement), the Executive and any officers, area committees or joint arrangements discharging executive functions, may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Budget and Policy Framework, or contrary to, or not wholly in accordance with the Budget approved by Council, then that decision may only be taken by the Council subject to 4.3.5 below.
- (2) If the Executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer, the

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Chief Financial Officer and the Head of Paid Service as to whether the decision they want to make would be contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Budget and inform the relevant Portfolio Holder. If the advice of the three officers is that the decision would not be in line with the existing Budget and Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in 5 below (urgent decisions outside the Budget and Policy Framework) shall apply.

4.3.5 Urgent Decisions Outside the Budget and Policy Framework

- (1) The Executive, a committee of the Executive, or officers, area committees or joint arrangements discharging executive functions, may take a decision which is contrary to the Council's Budget and Policy Framework, or not wholly in accordance with the Budget approved by Council, if the decision is a matter of urgency. However, the decision may only be taken:-
 - if it is not practical to convene a quorate meeting of the Council; and
 - if the relevant Chair of Scrutiny Committee agrees that the decision is a matter of urgency.
- (2) In the absence of the relevant Chair of Scrutiny Committee, the consent of the Chairman of the Council, and in the absence of both, the consent of the Vice-Chairman will be sufficient.
- (3) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

4.3.6 Virement

- (1) Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets, and required to inform the relevant Portfolio Holder when the virement is in excess of £25,000. Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.

- (2) No officer may vire funds from the Transformation Reserve, authorisation of which is restricted to the Director of Corporate Resources and Head of Paid Service.

Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them.

4.3.7 In Year Changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Executive or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the Budget and Policy Framework may be made by those bodies or individuals except those changes which:-

- (a) will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (c) are in relation to the Budget and Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation but where the existing policy document is silent on the matter under consideration.

4.3.8 Call In of Decisions Outside the Budget and Policy Framework

- (1) An Executive decision can be made either by the Executive at a formally called meeting or under delegated powers by an officer of the Council in accordance with the delegation scheme. Where the relevant Scrutiny Committee is of the opinion that an Executive decision is, or if made, would be contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.
- (2) In respect of functions which are the responsibility of the Executive, the three officers' report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive and (where appropriate) the delegated decision maker, -must meet to decide what action to take in respect of the three officers' report.
- (3) Where the three officers conclude that there was no departure from the Budget and Policy Framework, Executive will prepare and to prepare a report to the relevant Scrutiny Committee.
~~Council in the event that the three officers conclude that the~~

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~~decision was a departure, and to the relevant Scrutiny Committee if the three officers conclude that the decision was not a departure.~~

- (43) If the decision called-in has yet to be made, or has been made but not yet implemented, and the advice from the three officers is that the decision is or would be contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the Budget the decision will be referred to Council, the relevant Scrutiny Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Proper Officer will request for Council to meet within 10 working days from the consideration by Executive of the Call-In report.

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~~A meeting of the relevant Scrutiny Committee will be called to consider the matter fully prior to a meeting of the Council. The Council shall meet within 10 days of the request by the relevant Scrutiny Committee.~~

At the Council meeting it will receive a report of the decision or proposals and the advice of the three officers. The Council may either:-

- (i) endorse a decision or proposal of the Executive as falling within the existing Budget and Policy Framework. In this case, no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
or
- (ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
or
- (iii) where the Council accepts that the decision or proposal is contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of the three officers.