

To: Chair & Members of the Standards  
Committee

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Friday, 18 September 2020

Dear Councillor

**STANDARDS COMMITTEE**

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held as a Virtual Meeting on Monday, 28th September, 2020 at 14:00 hours.

Members will be sent the details on how to access the Virtual Meeting by email.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of “hybrid” meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer (overleaf) as applying.



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

**If you require this agenda in large print  
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001

*Both documents have been emailed to Members and are available on the Modern.Gov App library.*

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

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

You will find the contents of the agenda itemised from page 3 onwards.

Yours faithfully

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

Solicitor to the Council & Monitoring Officer

**STANDARDS COMMITTEE  
AGENDA**

*Monday, 28 September 2020 at 14:00 hours taking place as a Virtual Meeting*

<b>Item No.</b>	<b>PART 1 – OPEN ITEMS</b>	<b>Page No.(s)</b>
<b>13.</b>	<b>Review of the Council's Constitution Part 2;</b>	<b>4 - 12</b>

## Bolsover District Council

### Standards Committee

28<sup>th</sup> September 2020

<b>Review of the Council's Constitution (Part 2)</b>
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### Report of the Head of Corporate Governance and Solicitor to the Council & Monitoring Officer

This report is public

#### Purpose of the Report

- To consider the list of areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

#### **1 Report Details**

1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Council meeting in May 2019.

1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. The following areas have been identified for review in 2020;

- Discharge of Executive Decisions (Planning/Local Development Orders)
- Revised Cabinet Member Portfolios
- Travel Expenses for Members (Motion from Council)
- Minor wording changes or updating of job titles (housekeeping)

1.3 The table below sets out how these areas of review will be considered over the municipal year and where the matters need to be considered by other Committees for consultation, these have been identified.

Area for Review	Source	Lead Officer	Dates for Consideration
Contract Procedure Rules – Contract Formalities	Legal	Monitoring Officer	Standards Committee 6th July 2020
Review of High Hedges Committee	Governance / Chair of Planning	Senior Governance Officer	Standards Committee 6th July 2020

Safety Committee Terms of Reference	Governance	Health and Safety Manager and HR Organisational Development Manager	Standards Committee 6 <sup>th</sup> July 2020 ( <i>Minor amendment – done under housekeeping</i> )
Discharge of Executive Decisions (Planning/Local Development Orders)	Legal	Monitoring Officer and Legal Team	Standards Committee <b>September 2020</b>
Revised Cabinet Member Portfolios	Administration	Governance Manager	Standards Committee <b>September 2020</b>
Travel Expenses for Members	Motion from Council	Governance Manager	Standards Committee <b>September 2020</b>
Homeloss Payments –Delegated Decisions	Section 151	Monitoring Officer and S151	Standards Committee <b>November 2020</b>
Review of Employee Code of Conduct	Governance	HR and Organisational Development Manager	UECC <b>Special meeting TBC*</b> Standards Committee <b>November 2020</b>
Employment Rules	Governance	Monitoring Officer and Governance Manager	Standards Committee <b>November 2020</b>
Union/Employee Consultation Committee Terms of Reference	Governance	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee <b>November 2020</b>
Licensing TOR	Governance		Standards Committee <b>November 2020</b>
Minor wording changes or updating of job titles (housekeeping)	Governance	Governance Officers	<b>Once final draft version produced</b>

- 1.6 The areas for review for this meeting in the above table are detailed in the appendices to the report and set out the proposal and/or rationale and the sections of the Constitution to be amended.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 To ensure the Council has in place a fit for purpose Constitution which complies with English law.

## **3 Consultation and Equality Impact**

- 3.1 The Director of Corporate Resources & Head of Paid Service, Chief Financial Officer, Monitoring Officer and SAMT are consulted at various stages of the Constitution Review.
- 3.2 Equality Impact Assessments may be carried out in relation to specific areas of review where the need arises. Details of any equality issues will be address in relation to each area of review.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that Constitution is regularly reviewed and given robust oversight.

### **5.2 Legal Implications including Data Protection**

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

### **5.3 Human Resources Implications**

- 5.3.1 There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

## **6 Recommendations**

- 6.1 That the Committee give consideration to proposals for review and support the submission of the proposals to Council as part of the Constitution Review in September 2020.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	None
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	Demonstrating good governance

## 8 Document Information

Appendix No	Title
1	Discharge of Executive Decisions (Planning/Local Development Orders)
2	Revised Member Portfolios
3	Travel Expenses for Members
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager/ Donna Cairns, Senior Governance Officer	01246 217753 01246 242529

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Discharge of Executive Functions – Planning Authority Functions	<p>It has been identified that a number of functions relating to planning are reserved to the Executive and should not be discharged by the Planning Committee. The Functions Regulations specify the functions which must be reserved to Council (and Committees) and that everything else must be Executive.</p> <p>Therefore the following functions will be the responsibility of Executive (or be delegated to officers):</p> <ul style="list-style-type: none"> <li>• Making Local Development Orders (section 61A TCPA);</li> <li>• Creating Simplified Planning Zones (section 82 TCPA);</li> <li>• Creating Enterprise Zones (section 88 TCPA).</li> <li>• Discharge of Conditions</li> </ul> <p>It is proposed that the Discharge of Conditions be delegated to officers, whereas the first three functions be submitted to Executive.</p> <p>The above functions are not explicitly listed in the Terms of Reference for Planning Committee and therefore no amendment is required.</p> <p>As Executive functions, these would be covered by the list of Executive Functions:</p> <p>(30) All other functions not specifically designated as Council functions and not required by law to be exercised by the Council”.</p> <p>The Discharge of Conditions would be covered by the General Delegations to Heads of Service and Assistant Directors – in this case it would be the Assistant Director of Development and Planning.</p>	No change is required to the functions scheme or terms of reference for Planning Committee.



### STANDARDS COMMITTEE – 28<sup>TH</sup> SEPTEMBER 2020

#### COUNCIL 4<sup>TH</sup> MARCH 2020

#### 0708. MOTIONS

In accordance with Council Procedure Rule 10, Council considered motions on notice from Members.

a) Motion from Councillor James Watson:

*Bearing in mind Council's adoption at its 19 February 2020 meeting of the mileage and related travel expenses policy for employees. Council now resolves to incorporate the stated paragraph below from that policy into the Members Allowance Scheme. The stated paragraph to be inserted as the first paragraph of section 6.4 of the Members Allowance Scheme with subsequent paragraphs of the section renumbered accordingly.*

*The stated paragraph is:*

*Official travel must always be conducted in an economical manner and alternative means such as telephone/video conferencing, public transport, pool cars etc must be considered as a first option. This approach supports the Council's Climate Change and Transformation agendas.*

The motion was moved by Councillor James Watson and seconded by Councillor Ross Walker. Councillor Ross Walker reserved the right to speak.

Councillor James Watson spoke in support of his motion by stating his belief that if the stated paragraph was good enough to be in the officer policy, it was good enough to be in the Member one as well.

Councillor Andrew Joesbury spoke on the motion and expressed his belief that Members already did conduct official travel economically. He felt that Councillor James Watson's travelling carbon footprint might not be high because of his attendance record at meetings.

The Chair reminded Councillor Andrew Joesbury not to make personal remarks.

Councillor Ross Walker responded to Councillor Andrew Joesbury by stating how some Members were unable to attend meetings because of what he felt was the Council's failure to consider changing meeting times for working people.

The Leader of the Council spoke on the motion. He stated that he did not think the motion was unreasonable, but he felt it would be better served as something for the Standards Committee to consider instead, so the Committee could discuss the issue in a coherent and reasonable manner.

## AMENDMENT

In accordance with Council Procedure Rule 12.6, Councillor Steve Fritchley (Leader of the Council) moved an amendment to the motion to refer the motion to the Standards Committee for consideration. The amendment was seconded by Councillor Duncan McGregor.

Councillor James Watson exercised his right of reply by stating his belief that this was not an issue that required referral to Standards Committee, and it should instead simply be adopted by Members. He felt that the amendment was palming the issue off to another body instead of actually considering it, and was concerned that some past motions that were referred to other bodies by Council appeared to never be dealt with, like the one he submitted to Council about air quality on 11<sup>th</sup> September 2019, or the social media live streaming motion submitted to Annual Council on 22<sup>nd</sup> May 2019 by Councillor Natalie Hoy.

On being put to the vote, the amendment to the motion was carried.

On being put to the vote, the substantive motion was carried. Councillor James Watson wished his disapproval of the substantive motion to be recorded.

**RESOLVED** that the motion be referred to the Standards Committee for consideration.  
(Governance Manager)

PORTFOLIOS – BDC EXECUTIVE						
LEADER OF THE COUNCIL – POLICY, STRATEGY, RESOURCES AND MEDIA						
Councillor Duncan McGregor	Councillor Sandra Peake	Councillor Mary Dooley	Councillor Clive Moesby	Councillor Nick Clarke	Councillor Deborah Watson	Councillor Liz Smyth
CORPORATE GOVERNANCE	HOUSING	PARTNERSHIPS AND LEISURE	FINANCE AND COMMUNITY SAFETY	CARBON REDUCTION EFFICIENCIES	ENVIRONMENTAL HEALTH AND LICENSING	ECONOMIC DEVELOPMENT
Planning	BDC Housing	Partnership Strategy	Accountancy	Recycling	Environmental Health	Commercial Property
Health and Safety - Council	Strategic Housing	Customer Services	Audit	Fleet Management	Grounds Maintenance	Estates Management
Elections	Emergency Planning	Leisure	Procurement	Carbon Reduction Plan	Street Scene	Facilities Management
Governance	Property Services	Transformation Programme	Finance	Observations on Planning Applications and other Council activities	Impact of HS2	High Street Development
HR		Local Enterprise Partnerships	Revenues and Benefits		Food Safety	Development and Investment
Legal		One Public Estate	Treasury Management		Environmental Health & Safety	Economic Development
Performance			Community Safety		Licensing	
Democratic Services			Payroll		Health and Wellbeing	
					Waste Collection	

