



To: Chair & Members of the Standards Committee

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Friday, 26th June 2020

Dear Councillor

STANDARDS COMMITTEE – 6TH JULY 2020

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held as a Virtual Meeting and Live Stream on Monday, 6th July, 2020 at 2pm.

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

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 2 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steenberg".

Joint Head of Corporate Governance & Monitoring Officer

The logo for Bolsover District Council, featuring the word "Bolsover" in a large, blue, serif font, with "District Council" in a smaller, blue, sans-serif font below it, all under a red swoosh.

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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or another format please call us on 01246 217753**

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**STANDARDS COMMITTEE
AGENDA**

Monday, 6th July 2020 at 2pm as a Virtual Meeting and Live Stream

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes To consider the minutes of the last meeting held on 24 th February 2020	3 - 12
5.	Local Government Association Model code of Conduct Consultation	13 - 37
6.	Review of the Council's Constitution	38 - 99
7.	Complaints Update Verbal update on statistics of complaints received by the Council against District and Parish Councillors	Verbal Report
8.	Work Programme 2020/2021 To consider the Standards Committee Work Programme for the remainder of the 2020/21 municipal year.	100 - 101

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 24th February 2020 at 1400 hours.

PRESENT:-

Members:-

Councillor Clive Moesby in the Chair

Councillors Tricia Clough, Andrew Joesbury and Deborah Watson.

Officers:- Sarah Sternberg (Head of Corporate Governance and Monitoring Officer), Nicola Calver (Governance Manager), Ann Bedford (Customer Standards and Complaints Officer and Alison Bluff (Governance Officer).

0666. APOLOGIES

An apology was received on behalf of Ruth Jaffray (Coopted Member).

0667. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0668. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0669. MINUTES – 23RD SEPTEMBER 2019

Moved by Councillor Deborah Watson and seconded by Councillor Andrew Joesbury
RESOLVED that the Minutes of a Standards committee held on 23rd September 2019 be approved as a correct record.

0670. CUSTOMER SERVICE STANDARDS / COMPLIMENTS COMMENTS AND COMPLAINTS REPORT 2019/20 (1ST APRIL 2019 – 30TH SEPTEMBER 2019)

Committee considered a report regarding the Council's performance in relation to its customer service standards and the number of compliments, comments and complaints for the period 1st April 2019 to 30th September 2019.

The report identified the following;

Telephones – corporate (target - 93% to be answered within 20 seconds)

98% of incoming calls were being answered corporately within 20 seconds cumulatively. Streetscene Services narrowly missed the target in Q1 (92%).

STANDARDS COMMITTEE

Contact Centres (target - 80% of incoming calls to be answered within 20 seconds)

Contact Centres achieved 76% and 78% for quarters 1 & 2 respectively (78% cumulatively). This was a significant improvement on the same reporting period in 2018/19 (73%).

Revenues & Benefits (direct dial) (target - 60% of incoming calls to be answered within 20 seconds)

79% and 81% was achieved for quarters 1 & 2 respectively (80% cumulatively).

E-mails (target 1 - 100% to be acknowledged within 1 working day and Target 2 - 100% to be replied to within 8 working days)

7,459 email enquiries from the public were received through enquiries@bolsover.gov.uk (3,750 in Q1 and 3,709 in Q2). All were acknowledged within one working day and 99% were replied to in full within 8 working days. E-mails still appeared to be an increasingly popular method of contact with the Council. 6,026 e-mails were received in the same period in 2018/19.

Face to face monitoring (target – 99% not kept waiting longer than 20 minutes at a Contact Centre)

Waiting times were monitored during week commencing 15th July 2019 where 813 customers called into the Contact Centres. 812 (99.88%) waited less than 20 minutes to be served.

Compliments, Comments and Complaints

Compliments

In total 111 written compliments were received during the period (123 were received in the same period in 2018/19). Some compliments cross cut departments.

Comments

16 comments were received, acknowledged and passed to the respective departments for consideration within the target time of 3 working days. Some comments raised valid issues and cross cut departments and as such were responded to corporately.

Complaints

Frontline resolution (stage one)

The customer service standard for responding to these complaints was 3 working days. 91% were responded to within this timescale which was a significant improvement from the 85% achieved in the same period in 2018/19.

Formal Investigation (stage two)

98 complaints (some cross cut departments) were received during this period. 97 (99%) were responded to within the customer service standard of 15 working days. The remaining 1 was partly regarding a service provided by another organisation and was responded to within 19 working days.

There were no trends for this period.

STANDARDS COMMITTEE

Internal Review (stage three)

These were complainants who had made a stage two complaint but still felt dissatisfied. During the period, 28 stage three complaints were received, 93% (26) of which were responded to within standard. As some complaints cross cut departments, the total did not correspond with the total above when viewed in this way.

Ombudsman

During the period, 8 decisions were received from the Local Government and Social Care Ombudsman of 'closed after initial enquiries', 1 of 'not upheld: no maladministration' and 1 of 'upheld: maladministration and injustice'. The latter complaint was complex and the criticism was with regard to a delay in putting the person back on the housing waiting list. One decision was received of 'close the case' from the Housing Ombudsman (HO) and another of 'close the case' for a review of the same complaint as at 18th November 2019.

The Customer Standards and Complaints Officer advised the meeting that all telephone calls to the Council were being managed by Clowne Contact Centre and there were also 3 new customer service advisors in place.

In response to a Member's question, the Customer Standards and Complaints Officer advised the meeting that in relation to percentages worked out – these were rounded down if they were under 0.5% and rounded up if above 0.5%.

Moved by Councillor Andrew Joesbury and seconded by Councillor Clive Moesby
RESOLVED that the report be noted.

The Customer Standards and Complaints Officer left the meeting.

0671. JOINT WHISTLEBLOWING POLICY – ANNUAL REPORT

Committee considered a report in relation to a Joint Whistleblowing Policy between Bolsover District Council and North East Derbyshire District Council.

Whistleblowing was a report from an employee, Member or other person, about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 required employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they had made a protected disclosure.

Whistleblowing policies should foster a climate of openness and transparency in which individuals in the workplace did not feel that they would be victimised, harassed or suffer any reprisals if they raised concerns about wrongdoing within the organisation. The Government expected all public bodies to have adequate whistleblowing procedures in place.

Both Bolsover District Council and North East Derbyshire District Council were committed to updating policies on a regular basis to ensure they were fit for purpose. The Joint Whistleblowing Policy was reviewed in January 2020 where it was concluded that the existing version was satisfactory and up to date with current legislation and best practice and no changes were recommended. The previous review of the policy had taken place in March 2019.

STANDARDS COMMITTEE

The Monitoring Officer had overall responsibility for the maintenance and operation of the Policy and was required to report as necessary, to both councils, on instances of whistleblowing. The meeting was advised that there had been no instances to report for the 19/20 Municipal Year.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury

RESOLVED that (1) the current Joint Whistleblowing Policy was fit for purpose be agreed,

(2) that no instances of whistleblowing had been made since the 2019 Annual Review of the Joint Policy be noted.

0672. FUTURE ARRANGEMENTS FOR COOPTED MEMBERS OF THE STANDARDS COMMITTEE

Committee considered a report in relation to future arrangements for coopted members of Standards Committee.

A Member felt that additional work was needed regarding this matter.

Agreement was reached that the report be deferred to a future meeting to enable additional work to be carried out.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury

RESOLVED that the report be deferred to a future meeting to enable additional work to be carried out.

(Governance Manager)

0673. REVIEW OF THE COUNCIL'S CONSTITUTION (PART 3)

Committee considered a report in relation to areas for review within the Council's Constitution prior to submission to Annual Council for adoption.

The following 8 areas had been identified for review at this meeting;

Delegation Scheme – authority to implement legal changes

From time to time, changes in legislation, government guidance or other regulatory changes impacted on Council policies.

Currently, all such changes must be brought to Executive or Council for approval, (depending on the nature of the policy) even though in the vast majority of cases there was no discretion for Members and the amendments must be accepted.

This can prove difficult where changes must be implemented within a short timescale and cannot practically be reported to Members in time. It was therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Service in the Delegation Scheme.

Where there was any discretionary element to the changes, or the impact of the changes in legislation etc were significant, these could still be reported to Members.

STANDARDS COMMITTEE

The proposed wording of the delegation was;

To make 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.*

In response to a Member's query, the Monitoring Officer suggested that the wording, '**non-substantive**', be added to the above sentence as follows;

*To make **non-substantive** amendments to Council policy, subject to consultation with the Monitoring Officer, in order to: ...*

Reserves – approval of Transformation Reserve – Delegation

Presently, there was a specific delegation to the Section 151 Officer to approve expenditure from the Transformation Reserve. However, although the Section 151 Officer needed to be aware of expenditure from this Reserve, it was not necessary for this Officer to be the delegatee. The actual decisions came through the governance structure set up to deal with Transformation Programme projects and it would be the Transformation Governance Group (TGG) (which included the Leader and other Members) that would decide to progress a project, not the Section 151 Officer.

It was suggested that the delegation be given to the Director of People with an additional requirement that the Section 151 Officer not only has to see the proposal but initials the Delegated Decision form (DD form) to evidence that she has been consulted.

The Budget and Policy Framework Rules at 4.3.6 (2) would also need amending to refer to the Director of People.

Reserves – approval of expenditure from Reserves by Executive

It has always been the case that expenditure from Reserves is agreed by the Executive/Cabinet in a formal decision (this was previously in the Constitution but for some reason was removed). A decision route for expenditure from the Reserves was required for openness and transparency reasons, therefore, this was required to be put back into the Constitution.

Time limits for Questions and Motions to Council

Currently, the deadline for questions and motions to Council was midday, 7 clear working days before the day of the meeting. This gave very little preparation time for those who had to answer the questions or those who wanted to participate in the motion debate.

Accordingly, it was suggested that the deadline be extended by either a further 5 working days or 10 working days.

STANDARDS COMMITTEE

Members agreed that the deadline should be extended to 12 working days.

Budget and Policy Framework/Financial Regulations conflict

With regard to virements, a recent audit report had highlighted that the Budget and Policy Framework Rules conflicted with the Financial Regulations.

The Budget and Policy Framework Rules as amended last year stated at 4.3.6 (1) on page 129:-

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.

(The reference to the Portfolio Holder was added last year following the annual review).

Financial Regulations state at 4.7.3 (7):-

Strategic Alliance Management Team (SAMT) and Heads of Service have the authority to transfer savings from one budget area towards additional expenditure in another budget area.

For alignment, it was suggested that the following be added to the Financial Regulations at 4.7.3 (7):-

The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

A reminder should be given via SAMT and the Service Managers Forum.

Small increases in expenditure and effect on the Council's Budget

Changes made to how services were provided (to make them better), sometimes had no cost involved. However, if the cost was significant, a report would be presented to the Executive. As the rules stood currently, a very small increase in budget required formal Member approval and a report would also need to be considered by the Executive.

It was felt that where small increases were involved these could be done by Delegated Decision which would ensure transparency (a formal decision is recorded) whilst still involving Members, (the Leader and/or Deputy Leader and/or Portfolio Holder have to be consulted on every delegated decision) but give a faster route and avoiding Executive dealing with minor increases.

Clearly the Section 151 Officer would need to be able to exercise control over this and it was therefore suggested that a new delegation be given to the Section 151 officer as follows;

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.

STANDARDS COMMITTEE

Council Procedure Rules - Rule 8 Questions by the public

Bolsover District Council restricted who may ask questions to Council to members of the public who were on the Council's Register of Electors or who were Non Domestic Rate Payers to the District.

A review showed that neighbouring authorities allowed any member of the public to ask questions at their council so long as they met the scope.

Concern had been raised that people who had a connection to the District may not qualify to ask a question under this current rule and consideration had now been given to extend this to include people who had a local connection to the District.

For the purposes of Housing, the Housing Act 1996 defined that a person had a local connection to a district if –

1. *(a) they are, or were in the past, normally resident there, and that residence was of their own choice; or,*
2. *(b) they are employed there; or,*
3. *(c) they have family associations living there; or,*
4. *(d) of any special circumstances.*

Committee could accept that anyone could ask a question as the current scope limited this to a matter which was one the Council had a responsibility or which affected the District. This restriction would ensure that whomever asked a question could only do so if it genuinely affected the District.

The proposed wording of the amended rule 8.1 (a) was -

Members of the public ~~who are on the Register of Electors for Bolsover District Council, or who are Non Domestic Rate Payers to District,~~ may ask questions of Members of the Executive at ordinary meetings of the Council.

Access to Information – Member attendance during exempt items of Executive

The Council Procedure Rules made provision, at rule 25.3 for Members who were not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that Committee or Sub-Committee during the private session considering exempt items, unless the Committee or Sub-Committee asked them to leave.

This rule had in practice been applied to Executive, although technically Executive was not a Committee. It was therefore proposed, in the interests of clarity, that the term Executive be added to the wording of this rule.

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough
RESOLVED that the following changes to the Council's Constitution be agreed and recommended to Council for approval;

- 1 Scheme of Delegation to Officers - all Strategic Directors and Heads of Service;

STANDARDS COMMITTEE

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

- b) the wording, '**non-substantive**', be added to the following sentence;

*To make **non-substantive** amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:*

2 Reserves – approval of Transformation Reserve - Delegation

- a) This delegation be moved to the Director of People,
- b) Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them,
- c) The Budget and Policy Framework Rules number 4.3.6 (2) be amended to refer to the Director of People.

3 Reserves – approval of expenditure from Reserves by Executive Executive functions in Part 3 of the Constitution at point (8) to be amended as follows;

*The provision of such resources (**including expenditure from Reserves**) as may be necessary for the proper operation of the Council provided the resources are within the Budget and Policy Framework.*

4 Time limits for Questions and Motions to Council

The deadline for questions and motions to Council be changed to midday, 12 clear working days before the day of the meeting.

5 Budget and Policy Framework/Financial Regulations conflict

The following be added to the Financial Regulations at 4.7.3 (7):-

The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

A reminder should also be given via SAMT and the Service Managers Forum.

6 Small increases in expenditure and effect on the Council's Budget

Add at 4.10.13 the following (Section 151 Officer Delegation Scheme);

STANDARDS COMMITTEE

- a) 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.

7 Council Procedure Rules - Rule 8 Questions by the public

Rule 8.1 (a) be amended as follows;

Members of the public ~~who are on the Register of Electors for North East Derbyshire District Council, or who are Non Domestic Rate Payers to District~~, may ask questions of members of the Cabinet at ordinary meetings of the Council.

8 Access to Information – Member attendance during exempt items of Executive

‘Executive’ be added to the wording at 25.3 in the Council Procedure Rules.

(Governance Manager)

0674. COUNCILLOR STANDARD

Committee considered a report regarding an open letter issued by the Chair of the Committee on Standards in Public Life in relation to standards of conduct expected of those in public office. The letter contents was attached at Appendix 2 to the report.

In view of recent issues surrounding the tone of public debate nationally, which seemed to be largely resulting from behaviour in the House of Commons, the letter suggested that council’s have an explicit description of acceptable behaviour from Members.

During the last review of the Council’s Constitution, an appendix was added to the Protocol for Member/Officer Relations. This dealt with what Members could expect from officers, what officers could expect from Members and what Members acting in their role as employer should do and not do. This included:-

“Chairs of Meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct.”

Now that Council meetings were filmed, the public was seeing more of how the Council meeting was run by Members.

The Monitoring Officer felt that the Council should have an explicit description of acceptable behaviour from Councillors in their official role and a draft ‘Members’ Standard’ was attached as an appendix to the report for Committee’s consideration. Further, if Members wished to do so, the draft could be sent to Group Leaders for comment also.

In response to a Member’s query, the Monitoring Officer advised Committee that in law, a chair’s decision(s) in a meeting was final and could not be challenged, except in a court of law afterwards.

Members agreed that with regard to, ‘Do show respect to the Chair and obey the decisions of the Chair’, in the draft Standard, the word **obey** be changed to **comply**. Also that this

STANDARDS COMMITTEE

point, and '*Do not challenge the decisions of the Chair in the meetings*', be moved down the list to make them the last 2 bullet points under their heading.

Moved by Councillor Deborah Watson and seconded by Councillor Andrew Joesbury

RESOLVED that (1) with regard to bullet point: *Do show respect to the Chair and obey the decisions of the Chair*, in the draft Standard, the word **obey** be changed to **comply**,

(2) the above bullet point and the next bullet point in the draft Standard, *Do not challenge the decisions of the Chair in the meetings*, be moved down the list, to make them the last 2 bullet points under their heading,

(3) the draft Members Standard be presented to Council for approval.

(Governance Manager/Monitoring Officer)

0675. COMPLAINTS UPDATE

Committee considered a verbal report of the Monitoring Officer in relation to complaints received against Members.

In 2019, twenty complaints were received by the Monitoring Officer of which 10 remained open and mainly referred to one parish council.

Two complaints remained open for 2020.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury

RESOLVED that the update be noted.

0676. WORK PROGRAMME 2019/2020

Committee considered their Work Programme 2019/20.

A Member requested an update in relation to Member Champions. The Governance Manager noted that this would be discussed at the April meeting.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury

RESOLVED that the Work Programme 2019/20 be noted.

The meeting concluded at 1425 hours.

Bolsover District Council

Standards Committee

6th July 2020

Local Government Association Model Code of Conduct Consultation
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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 inform the Committee of the Local Government Association's (LGA) consultation on the model member code of conduct.

1 Report Details

- 1.1 The Local Government Association is providing a model member code of conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.
- 1.2 The LGA has committed to reviewing the current model member code of conduct, as recommended by the Committee on Standards in Public Life's report into Local Government Ethical Standards. The LGA held an event on Civility in Public Life with a range of stakeholders at the end of 2019 and three consultation workshops at the beginning of 2020. The LGA consultation draft model member code of conduct is a result of this initial work.
- 1.3 The LGA has published the model member code of conduct for consultation. This is available to view on the LGA's website - <https://www.local.gov.uk/local-government-association-model-member-code-conduct>. The consultation will run for 10 weeks from Monday 8 June until Monday 17 August.
- 1.4 A comparison between the Council's member code of conduct and the consultation model member code of conduct has been made and this is attached to the report at Appendix 1.

2 Conclusions and Reasons for Recommendation

- 2.1 The Committee should consider whether it has any comments to make on the consultation.
- 2.2 The Committee should be presented with the final version of the model member code of conduct when it is published (expected in the autumn) and at that time consider whether any changes are required to the Council's member code of conduct.

- 2.3 It is important that the Council has a clear and up to date Member Code of Conduct setting out the behaviours and responsibilities required in the role of Councillor as the Council has a duty to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority.

3 Consultation and Equality Impact

- 3.1 There is no equality impact from the report.
- 3.2 The Committee are being consulted on the LGA's model member code of conduct.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options at this time as the Committee is just being informed of the consultation.

5 Implications

5.1 Finance and Risk Implications

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

5.2 Legal Implications including Data Protection

- 5.2.1 Section 27 of the Localism Act 2011 places a duty on local authorities to promote and maintain high standards of conduct by Councillors and co-opted Members of the authority. Section 27(2) requires local authorities to adopt a code dealing with the conduct of Councillors and co-opted Members when they are acting in those capacities.
- 5.2.2 Section 28 of the Localism Act deals specifically with the code of conduct. The code of conduct adopted must be consistent with the general principles of public life.

5.3 Human Resources Implications

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

6 Recommendations

- 6.1 That Members note the current open consultation in regards to the LGA's model code of conduct and provide any comments to the Monitoring Officer to feed into a response to the consultation.
- 6.2 That the outcome of the consultation and the final version of the model member code of conduct be submitted to a future meeting of the Committee.

7

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

8

Appendix No	Title
1	LGA's model member code of conduct
2	Comparison of Bolsover District Council's code of conduct with the draft model member code of conduct
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Nicola Calver	7753

Local Government Association Model Member Code of Conduct

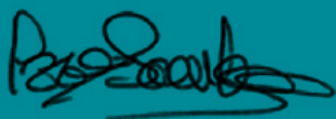
Introduction

The Local Government Association (LGA) is providing this Model Member Code of Conduct as part of its work on supporting the sector to continue to aspire to high standards of leadership and performance.

The role of councillor in all tiers of local government is a vital part of our country's system of democracy. In voting for a local councillor, the public is imbuing that person and position with their trust. As such, it is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. The conduct of an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to and want to participate with. We want to continue to attract individuals from a range of backgrounds and circumstances who understand the responsibility they take on and are motivated to make a positive difference to their local communities.

All councils are required to have a local Member Code of Conduct. This Model Member Code of Conduct has been developed in consultation with the sector and is offered as a template for councils to adopt in whole and/or with local amendments. The LGA will undertake an annual review of the Code to ensure it continues to be fit-for-purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code, whilst the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

As a councillor we all represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent everyone (in our ward/town/parish), taking decisions fairly, openly, transparently and with civility. Councillors should also be treated with civility by members of the public, other councillors and council employees. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations. This Code, therefore, has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.



Councillor Izzi Seccombe OBE
Leader, LGA Conservative Group



Councillor Nick Forbes CBE
Leader, LGA Labour Group



Councillor Howard Sykes MBE
Leader, LGA Liberal Democrats Group



Councillor Marianne Overton MBE
Leader, LGA independent Group

Purpose

The purpose of this Code of Conduct is to assist councillors in modelling the behaviour that is expected of them, to provide a personal check and balance, and to set out the type of conduct against which appropriate action may be taken. It is also to protect yourself, the public, fellow councillors, council officers and the reputation of local government. It sets out the conduct expected of all members and a minimum set of obligations relating to conduct. The overarching aim is to create and maintain public confidence in the role of member and local government.

Application of the Code

The Code of Conduct applies to you when you are acting [or claiming or giving the impression that you are acting]¹ in [public or in]² your capacity as a member or representative of your council, although you are expected to uphold high standards of conduct and show leadership at all times. The Code applies to all forms of member communication and interaction, including written, verbal, non-verbal, electronic and via social media, [including where you could be deemed to be representing your council or if there are potential implications for the council's reputation.] Model conduct and expectations is for guidance only, whereas the specific obligations set out instances where action will be taken.

The seven principles of public life

Everyone in public office at all levels – ministers, civil servants, members, council officers – all who serve the public or deliver public services should uphold the seven principles of public life. This Code has been developed in line with these seven principles of public life, which are set out in appendix A.

Model member conduct

In accordance with the public trust placed in me, on all occasions I will:

- act with integrity and honesty
- act lawfully
- treat all persons with civility; and
- lead by example and act in a way that secures public confidence in the office of councillor

In undertaking my role, I will:

- impartially exercise my responsibilities in the interests of the local community
- not improperly seek to confer an advantage, or disadvantage, on any person
- avoid conflicts of interest
- exercise reasonable care and diligence; and
- ensure that public resources are used prudently and in the public interest

Specific obligations of general conduct

This section sets out the minimum requirements of member conduct. Guidance is included to help explain the reasons for the obligations and how they should be followed. These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.

Civility

- 1. Treating other councillors and members of the public with civility.**
- 2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.**

Civility means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a civil manner. You should not subject individuals, groups of people or organisations to unreasonable or excessive personal attack.

In your contact with the public you should treat them courteously. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.

In return you have a right to expect courtesy from the public. If members of the public are being abusive, threatening or intimidatory you are entitled to close down any conversation in person or online, refer them to the council, any social media provider or if necessary, the police. This also applies to members, where action could then be taken under the Member Code of Conduct.

Bullying and harassment

- 3. Not bullying or harassing any person.**

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. The bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and not always be obvious or noticed by others.

The Equality Act 2010 defines harassment as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Impartiality of officers of the council

- 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.**

Officers work for the council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. Although you can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

Confidentiality and access to information

- 5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.**
- 6. Not preventing anyone getting information that they are entitled to by law.**

Local authorities must work openly and transparently, and their proceedings and

printed materials are open to the public except in certain circumstances. You should work on this basis but there will be times when it is required by law that discussions, documents and other information relating to or held by the council are treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

Disrepute

7. Not bringing my role or council into disrepute.

Behaviour that is considered dishonest and/or deceitful can bring your council into disrepute. As a member you have been entrusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on other councillors and/or your council.

Your position

8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the council provides you with certain opportunities, responsibilities and privileges. However, you should not take advantage of these opportunities to further private interests.

Use of council resources and facilities

9. Not misusing council resources.

You may be provided with resources and facilities by the council to assist you in carrying out your duties as a councillor. Examples include office support, stationery and equipment such as phones, and computers and transport. These are given

to you to help you carry out your role as a councillor more effectively and not to benefit you personally.

Interests

10. Registering and declaring my interests.

You need to register your interests so that the public, council employees and fellow members know which of your interests might give rise to a conflict of interest. The register is a document that can be consulted when (or before) an issue arises, and so allows others to know what interests you have, and whether they might give rise to a possible conflict of interest. The register also protects you. You are responsible for deciding whether or not you should declare an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise.

It is also important that the public know about any interest that might have to be declared by you or other members, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. Discuss the registering and declaration of interests with your Monitoring Officer/Town or Parish Clerk and more detail is set out in appendix B.

Gifts and hospitality

11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.

12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.

You should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you

because you are a member. However, you do not need to register gifts and hospitality which are not related to your role as a member, such as Christmas gifts from your friends and family, or gifts which you do not accept. However, you may wish to notify your monitoring officer of any significant gifts you are offered but refuse which you think may have been offered to influence you.

Note – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.

Breaches of the Code of Conduct

Most councillors conduct themselves appropriately and in accordance with these standards. Members have both individual and collective responsibility to maintain these standards, support expected behaviour and challenge behaviour which falls below expectations.

Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. Each local authority must publish a code of conduct, and it must cover the registration of pecuniary interests, the role of an 'independent person', and sanctions to be imposed on any councillors who breach the Code.

The 2011 Act also requires local authorities to have mechanisms in place to investigate allegations that a member has not complied with the Code of Conduct, and arrangements under which decisions on allegation may be made.

Failure to comply with the requirements to register or declare disclosable pecuniary interests is a criminal offence. Taking part in a meeting or voting, when prevented from doing so by a conflict caused by disclosable pecuniary interests, is also a criminal offence.

Political parties may have its own internal standards and resolution procedures in addition to the Member Code of Conduct that members should be aware of.

Example

LGA guidance and recommendations

Internal resolution procedure

Councils must have in place an internal resolution procedure to address conduct that is in breach of the Member Code of Conduct. The internal resolution process should make it clear how allegations of breaches of the Code of Conduct are to be handled, including the role of an Independent Person, the appeals process and can also include a local standards committee. The internal resolution procedure should be proportionate, allow for members to appeal allegations and decisions, and allow for an escalating scale of intervention. The procedure should be voted on by the council as a whole.

In the case of a non-criminal breach of the Code, the following escalating approach can be undertaken.

If the breach is confirmed and of a serious nature, action can be automatically escalated.

1. an informal discussion with the monitoring officer or appropriate senior officer
2. an informal opportunity to speak with the affected party/ies
3. a written apology
4. mediation
5. peer support
6. requirement to attend relevant training
7. where of a serious nature, a bar on chairing advisory or special committees for up to two months
8. where of a serious nature, a bar on attending committees for up to two months.

Where serious misconduct affects an employee, a member may be barred from contact with that individual; or if it relates to a specific responsibility of the council, barred from participating in decisions or information relating to that responsibility.

Endnotes

1. CSPL recommend that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”
3. Subject to footnotes 1 and 2 above
4. See CSPL website for further details www.gov.uk/government/news/the-principles-of-public-life-25-years
5. ACAS’s definition of bullying

Appendices

Code Appendix A

The principles are :

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Code Appendix B

Registering interests

1. Within 28 days of this Code of Conduct being adopted by the council or your election or appointment to office (where that is later) you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).
2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest in Table 1 or 2, or of any change to a registered interest, notify the Monitoring Officer.

Declaring interests

3. Where a matter arises at a meeting which directly relates to an interest in Table 1, you must declare the interest, not participate in any discussion or vote on the matter and must not remain in the room unless granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
4. Where a matter arises at a meeting which directly relates to an interest in Table 2, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

5. Where a matter arises at a meeting which directly relates to your financial interest or well-being (and is not a Disclosable Pecuniary Interest) or a financial interest or well-being of a relative or close associate, you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.
6. Where a matter arises at a meeting which affects –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body covered by table 1 below

you must disclose the interest.

7. Where the matter affects the financial interest or well-being to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest you must declare the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to declare the nature of the interest.

Table 1: Disclosable Pecuniary Interests

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 .
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer.
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*'director' includes a member of the committee of management of an industrial and provident society.

*'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

Any Body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council;	
Any Body—	(a) exercising functions of a public nature;
	(b) directed to charitable purposes; or
	(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
of which you are a member or in a position of general control or management.	



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please contact us on 020 7664 3000.
We consider requests on an individual basis.

Code of Conduct

The LGA is running a consultation on the draft member code of conduct for 10 weeks from Monday 8 June until Monday 17 August.

Comparison of the draft Model Code of Conduct and the current NED Councillor Code of Conduct.

<u>MODEL CODE OF CONDUCT</u>	<u>NED CODE OF CONDUCT</u>	<u>NOTES/DIFFERENCES</u>
<u>Purpose</u> Short introductory paragraph explaining that the code sets out the conduct expected of all members and a minimum set of obligations relating to conduct.	<u>Introduction</u> Short introduction that states that members have a statutory responsibility to have regard to the following principles – sets out the seven principles of public life.	
<u>Application of the Code</u> Sets out when the code applies. Model conduct and expectations is for guidance only, whereas the specific obligations set out (below) instances where action will be taken.	Sets out that in accordance with the Localism Act, when acting or appearing to act in capacity as a councillor, a member should be committed to behaving in a manner that is consistent with the seven principles of public life.	
<u>The seven principles of public life</u> The model code has been developed in line with these seven principles of public life, which are set out in an appendix to the Code. Everyone in public office should uphold the seven principles of public life.	The code is based upon the Nolan Principles – the seven principles of public life	Both set out the seven principles
<u>Model member conduct</u> Sets out the following:		No individual section on this in the NED code but generally covered in next section (below).

MODEL CODE OF CONDUCT	NED CODE OF CONDUCT	NOTES/DIFFERENCES
<p>In accordance with the public trust placed in me, on all occasions I will:</p> <ul style="list-style-type: none"> • Act with integrity and honesty • Act lawfully • Treat all persons with civility; and • Lead of example and act in a way that secure public confidence in the office of councillor <p>In undertaking my role, I will:</p> <ul style="list-style-type: none"> • Impartially exercise my responsibilities in the interests of the local community • Not improperly seek to confer an advantage, or disadvantage, on any person • Avoid conflicts of interest • Exercise reasonable care and diligence; and • Ensure that public resources are used prudently and in the public interest 		

<p><u>Specific obligations of general conduct</u></p> <p>This section sets out the minimum requirements of member conduct.</p> <p>These obligations must be observed in all situations where you act [or claim or give the impression that you are acting] as a councillor [or in public], including representing your council on official business and when using social media.</p> <p>As a councillor I commit to:</p> <p><u>Civility</u></p> <ol style="list-style-type: none"> 1. Treating other councillors and members of the public with civility. 2. Treating council employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play. <p><u>Bullying and harassment</u></p> <ol style="list-style-type: none"> 3. Not bullying or harassing any person <p><u>Impartiality of officers of the council</u></p> <ol style="list-style-type: none"> 4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council. <p><u>Confidentiality and access to information</u></p>	<p><u>General Conduct</u></p> <p>As a Member of North East Derbyshire District Council, I will ensure my conduct is in accordance with the statutory principles of this Code of Conduct by:</p> <ol style="list-style-type: none"> a. Dealing with people, representations or enquires from residents, members of our communities and visitors fairly, appropriately and impartially. (similar to 1 – model code) b. Behaving in accordance with the Council's legal obligations, alongside any requirements contained within North East Derbyshire District Council's policies, protocols and procedures, including on the use of the Authority's resources. (similar to 9 – model code) c. Acting in accordance with the Council's ICT policies, ensuring that ICT resources are not used improperly and having regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986. (similar to 9 – model code) d. Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of 	<p>Note regarding model code – items in square brackets [x] refer to recommendations made by the Committee on Standards in Public Life (CSPL) and may be part of a future Government consultation. This includes possible future sanctions and appeals processes.</p> <p>NED code doesn't set out general conduct as the minimum requirement of member conduct as the Model code does.</p> <p>NED code doesn't set out when these obligations must be observed as the Model code does.</p> <p>NED code doesn't include - not bullying or harassing any person (although does cover treating people with respect) (model code 3)</p> <p>NED code doesn't include - not compromising the impartiality of anyone who works for the council (model code 4)</p> <p>NED code doesn't have specific line on not bring council into disrepute (model code 7)</p>
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<p>5. Not disclosing information given to me in confidence or disclosing information required by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.</p> <p>6. Not preventing anyone getting information that they are entitled to by law</p> <p><u>Disrepute</u></p> <p>7. Not bringing my role or council into disrepute</p> <p><u>Your position</u></p> <p>8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else</p> <p><u>Use of council resources and facilities</u></p> <p>9. Not misusing council resources</p> <p><u>Interests</u></p> <p>10. Registering and declaring my interests</p> <p>[Appendix B to the code sets out more information on registering and declaring interests in line with Table 1 (Disclosable Pecuniary Interests) and Table 2 (Other Registerable Interests).</p> <p><u>Gifts and hospitality</u></p> <p>11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the</p>	<p>North East Derbyshire District or the good governance of the Authority in a proper manner. (similar to 7 – model code)</p> <p>e. Complying with the requirements of the Council's Protocol on Gifts and Hospitality by registering with the Monitoring Officer any item of hospitality that I receive of the value of £25 or more. (similar to 12 – model code)</p> <p>f. Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member or co-opted member of my Authority. (similar to 8 – model code)</p> <p>g. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.</p> <p>h. Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.</p> <p>i. Contributing to making the Council's decision-making processes as open and</p>	<p>NED code covers the following, which are not in the model code:</p> <ul style="list-style-type: none"> • Acting in accordance with Cllrs Guidance on Social Media • Not giving the impression you are acting in an official capacity when you are acting in a personal capacity • Reporting a safeguarding issue
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<p>council or from persons who may apply to the council for any permission, licence or other significant advantage</p> <p>12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt</p> <p>(see model code for further information on each of the 12 sections not included here)</p>	<p>transparent as possible. I will do this by allowing residents to access information they are entitled to by law, helping them to understand the reasoning behind the decisions taken and enabling them to be informed when holding me and other members to account. (similar to 6 – model code)</p> <p>j. Restricting access to information when the wider public interest or the law requires it. (similar to 5 – model code)</p> <p>k. Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government. (similar to 2 – model code)</p> <p>l. Always treating people with respect, including the organisations and public I engage with and those I work alongside. (similar to 1 – model code)</p> <p>m. Providing leadership through behaving in accordance with these principles when championing the interests of the community, with other organisations, as well as within this Authority.</p>	
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	<p>n. Promoting equality by not discriminating against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation of disability (similar to 1 – model code)</p> <p>o. Promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirement, by leadership and example.</p> <p>p. Acting in accordance with the requirements set out in the Social Media Guidance for Councillors.</p> <p>q. Must be clear when communicating with the media or speaking in public that you do not give the impression you are acting in an official capacity when you are acting in a personal capacity.</p> <p>r. Report a safeguarding issue to the appropriate authority</p>	
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<u>MODEL CODE OF CONDUCT</u>	<u>NED CODE OF CONDUCT</u>	<u>NOTES/DIFFERENCES</u>
<p><u>Breaches of the Code of Conduct</u></p> <p>States what requirements there are for relevant authorities under the Localism Act 2011 to publish a code of conduct, that must cover the registration of pecuniary interests, the role of an independent person and what sanctions will be imposed for any breach of the code.</p> <p>There is an example internal resolution procedure</p>	<p>NED Councillor Complaints Procedure sets out the possible sanctions that may be imposed for a breach.</p>	
<p><u>Appendix A</u></p> <p>Sets out the principles</p>	<p>Principles covered at start of code</p>	
<p><u>Appendix B</u></p> <p>Information on registering and declaring interests</p>	<p>Covered within main section of code</p> <p><u>Members Interests</u></p> <p>Information on notification of disclosable pecuniary interests – details of regulations set out in Appendix B – and register of interests, sensitive interests, non-participation in cases, dispensations, criminal offences, other interests, licences, and interests arising in relation to scrutiny committees.</p> <p><u>Pre determination or bias</u></p> <p>Short paragraph on participating in a decision if involved in campaigning in a political role</p>	

<u>MODEL CODE OF CONDUCT</u>	<u>NED CODE OF CONDUCT</u>	<u>NOTES/DIFFERENCES</u>
	<u>Training</u> Sets out what essential training Cllrs must attend – details set out in Appendix A	Model code doesn't cover training

Other things to note

1. CSPL recommends that “Section 27(2) of the Localism Act 2011 should be amended to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority”.
2. CSPL recommend that “councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.”

Bolsover District Council

Standards Committee

6th July 2020

Review of the Council's Constitution (Part 1)
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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;
- Contract Procedure Rules – Contract Formalities
 - Review of High Hedges Committee
 - Safety Committee Terms of Reference
 - Employee Code of Conduct / Employment Rules
 - UECC Terms Of Reference
 - Discharge of Executive Decisions (Planning)
 - Licensing Terms Of Reference
 - 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.
- 1.4 In addition to the above areas for review, and further to the Chief Executive Officer (CEO) post being disestablished and to enable business to continue as usual by taking reference to the CEO out of both the Delegation Scheme and the Council Procedure Rules, changes were made to the Officer Delegation Scheme and Council Procedure Rules under Delegated Decision Notice BDC DD/012/20/SS dated 4th March 2020. These are attached as tracked changes at Appendix 6d and 6e to the report.

Area for Review	Lead Officer	Dates for Consideration
Contract Procedure Rules – Contract Formalities	Monitoring Officer	Standards Committee 6th July 2020
Review of High Hedges Committee	Senior Governance Officer	Standards Committee 6th July 2020
Safety Committee Terms of Reference	Health and Safety Manager and HR Organisational Development Manager	Standards Committee 6 th July 2020 (<i>Minor amendment – done under housekeeping</i>)
Review of Employee Code of Conduct	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee September 2020
Employment Rules	Monitoring Officer and Governance Manager	Standards Committee September 2020
Union/Employee Consultation Committee Terms of Reference	HR and Organisational Development Manager	UECC Special meeting TBC* Standards Committee September 2020
Discharge of Executive Decisions (Planning)		Standards Committee September 2020
Licensing TOR		Standards Committee September 2020
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	Once final draft version produced

- 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 July 2020.

7 Decision Information

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

Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	Demonstrating good governance

8 Document Information

Appendix No	Title
6a	Contract Procedure Rules - update
6b	Disestablishment of High Hedges Committee - rationale
6c	Safety Committee update
6d	Council Procedure Rules - update
6e	Delegation Scheme - update
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager/ Donna Cairns, Senior Governance Officer	01246 217753 01246 242529

Part 4.8 Procurement Rules

Agenda Item 6a

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4.8 CONTRACT PROCUREMENT RULES

4.8.1 Introduction

- (1) These Contract Procedure Rules (the Rules) provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to ensure that all procurement activity is conducted with openness, probity and accountability. Above all, the Rules are designed to ensure both that the Council complies with the statutory framework and obtains value for money including the required level of quality and performance from all contracts that are let. Every contract for the supply of goods and services and for the execution of works made by or on behalf of the Council shall comply with these Rules and the Public Contracts Regulations 2015 ("the Regulations").
- (2) E-procurement procedures shall be used wherever possible. These include e-tendering, purchase cards, etc. Where appropriate e-auctions may be used, so long as provision is made for this in the advert. Requests for quotations, pre-qualification questionnaires and invitations to tender should wherever practical be issued to tenderers by electronic means. Where e-tendering is utilised then this must be undertaken by way of the corporate e-tendering system which is managed on the Council's behalf by the Procurement Unit.
- (3) Before any tendering exercise is considered, reference must be made to the Council's procurement and equalities guidelines. The Council is committed to dealing fairly with all relevant discrimination groups as defined in the Equalities Act 2010. A failure to take into account special requirements for these groups in a tender would be a significant corporate failure, affecting the reputation and standing of the Council.
- (4) All procurement arrangements must ensure compliance with the Council's responsibility in respect of the Freedom of Information Act, Environmental Information Regulations 2004 and the Data Protection Act and the General Data Protection Regulation.
- (5) [Generally the rules set out in part 4.8.5 must be followed when procuring all good, services or works. Part 4.8.4 contains the exemptions to the normal rules](#)

(6) Any employee who fails to comply with Contract Procedure Rules may be subject to disciplinary action.

Commented [JF1]:

- (76) [A-Definitions of terms used in these rules;](#)

Commented [JF2]: I have moved the definitions section to the start of these rules from the glossary at the back

[Code of Practice Means the Council's Code of Practice for Procurement including accompanying guidance.](#)

Part 4.8 Procurement Rules

Contract Means any form of contract, agreement or other arrangement for the supply of goods, services or works.

Contracting Officer Means any officer who proposes to procure goods services or works.

Goods Covers all supplies and materials that the Council purchases or obtains.

Senior Officer Means one of the following: Chief Executive, Strategic Directors, Assistant Directors and Heads of Service.

Services Includes all services which the Council purchases or obtains including advice, specialist consultancy work, agency staff, etc.

Works Includes all construction and repairs in respect of physical assets (buildings, roads, etc.). Glossary of Terms can be found at the end of this section.

Commented [JF3]: Theresa has suggested adding Heads of Service to this. Is this agreed? Do we want to extend the ability to agree an exemption to a Head of Service or do we want to reserve this to Directors, and Assistant Directors

4.8.2 Compliance with Contract Procedure Rules

- (1) The provisions contained in these Rules are subject to the statutory requirements of both the European Union and the United Kingdom. The European rules will remain in place following Britain's departure from EU until at least 31st December 2020. A review of the legal requirements will need to be carried out following the end of the EU transitions period. However it should be noted that the majority of Council contracts are below the thresholds set by the EU and so will not be affected by Brexit
The letting and content of contracts shall conform to all statutory requirements and be subject to any over-riding directives of the

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European Union relating to contracts and procurement. These Rules cannot be waived, since a failure to comply with legislation may result in a legal challenge with consequent reputational and financial risk. If you are uncertain, advice should be sought from a member of the Procurement Service or the Monitoring Officer Legal Services.

- (2) In estimating relevant contract values, officers shall have regard to the following rules regarding aggregation. See Appendix A. The estimated or proposed contract value is the value or consideration for the contract as a whole (not an annual value) and any contract with an option to extend the contract period will be valued to include any provision for such extension period. For example, a three year option to extend for a further two years will be valued as the consideration for a five year contract.

Commented [JF4]: I have copied the aggregation rules from Appendix A as I thought they should also be in the main body of this document

Partnerships

Part 4.8 Procurement Rules

- (3) These Rules apply, in addition to other procurements, to any proposal for the Council to become involved in a joint venture or partnership, including the monitoring of any such arrangement.

Where Partnership arrangements, or working with other public bodies, are used in order to procure goods or provide services then consultation must take place with both the Monitoring Officer and the [Chief Financial Officer/Head of Finance and Resources](#) prior to entering into such arrangements. Such arrangements should only be pursued on the basis that appropriate approval from the Council's statutory officers and from appropriate Council bodies have been secured prior to any formal commitments being given.

4.8.3 Normal Procedure

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

- ~~(a)~~ £1 to £1,000
- ~~(b)~~ £1,001 to £5,000
- ~~(c)~~ £5,001 to £25,000
- (d) £25,001 to £50,000
- (e) £50,001 to ~~£~~EU Threshold
- (f) Over the EU Threshold

[The specific rules for each of the above categories is contained in part 4.8.5 of these rules.](#)

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

- (a) in-house services (for example, printing and design etc.)
- (b) established corporate contracts or framework agreements
- (c) request for quotation
- (d) Tender
- (e) framework contracts established by Purchasing Consortia or other Local Authorities (following advice from the Procurement Service)
- (f) for low-value purchases, Purchasing Cards can be used provided they are not used with the intention of undermining

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Part 4.8 Procurement Rules

the use of approved or corporate contracts, or to circumvent the procedures set out within this document.

In considering whether to utilise any of the above options officers must take into account the fact that their use is subject to EU and/or UK Statutory requirements.

- (3) **Orders and payments for goods, services and works shall be undertaken in accordance with the Financial Procedure Rules.**
- (4) **Before entering into a contract, the authorised Contracting Officer must:-**
 - (a) Be satisfied that a specification (where appropriate) that will form the basis of the contract has been prepared (the specification should be retained on the appropriate contract file held within the service), and
 - (b) Have prepared and documented an estimate of the cost of the contract including, where appropriate, any maintenance and on-going costs (the estimate should be retained on the appropriate contract file held within the service), and
 - (c) Ensure that all evaluation criteria have been determined in advance, put into order of relative importance with weightings for each element and published in the tender pack; and
 - (d) For contracts where there are clear risks, and for all contracts over £750,000, produce and maintain a documented risk register for the procurement process and for the eventual contractual relationship. As a minimum documentation should be maintained analysing all risks, identifying how they will be managed, and naming responsible officer(s).
- (5) **Before entering into a contract the Contractingauthorised Officer must:-**
 - (a) Be satisfied about the technical capability of such proposed contractor and be satisfied that s/he has the power and authority to enter into the contract; and
 - (b) Ensure that these Rules have been complied with, and that the proposed contract represents value for money; and
 - (c) For all contracts that exceed £750,000, the Contractingauthorised Officer shall undertake appropriate checks to ensure that the proposed contractor has the financial and resource capacity (taking account of contract value and risk) to perform the contract (unless the contractor

Part 4.8 Procurement Rules

has already been subjected to a recent satisfactory financial check). Financial vetting shall be undertaken by a designated financial officer, who shall advise on what, if any, security should be provided by the contractor.

(6) Advertising;

All tenders shall be advertised and, where appropriate, full details should be available for download from the website <http://www.sourcederbyshire.co.uk/>. As part of the Government's Transparency Agenda details of all forthcoming contracts should be published on the Council's website at the earliest opportunity. Such details should be notified via email to the Chief Financial Officer. Where the contract value is above £25,000 details must also be published on the **Government's Contracts Finder website**. Details of such contracts must be provided to the Procurement Service who will arrange for appropriate advertising to be undertaken. Again such communication should be via email. Contract award notices shall also be published on the website and on Contracts Finder within 90 days of the contract being advertised.

Officers should consider whether the contract will be of benefit to other public sector bodies. If so, consideration should be given to including text along the following lines in the advert;

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

Such text should only be incorporated with the approval of the Procurement Service.

- (7) All EU notices shall be referred, in advance of sending to the OJEU, to the Procurement Service to advise on wording.
- (8) Where the contract is over the OJEU threshold the Council must offer unrestricted and full direct free of charge access online to the procurement documents from the date of publication of the notice in OJEU.

4.8.4 Exemptions to Contract Procedure Rules

- (1) In exceptional circumstances and ~~S~~subject to statutory requirements tenders need not be invited in accordance with these Rules in the following cases:-
 - (a) In the case of the supply of goods:-

Part 4.8 Procurement Rules

- ~~(i) the goods or materials are proprietary articles and, in the opinion of the appropriate Senior Officer (which should be put in writing and retained on the project file), no reasonably satisfactory alternative is available, and A proprietary article is an item which the vendor has exclusive rights to sell.~~
 - ~~(ii) Exemptions under this rule have been notified to the Procurement Service.~~
 - (b) The work to be executed or the goods or services to be supplied are controlled by a statutory body and there is no reasonable prospect that works, goods or services can be executed or supplied by another statutory or non-statutory body.
 - (c) The work to be executed or the goods or services to be supplied constitute an extension to an existing contract and ~~it is the view of the Senior Officer that~~ it would not be in the interests of the service or the Council to tender the contract. ~~The Senior Officer or his or her nominee should consult with the Procurement Service and a record of the decision must be placed in the project file.~~
 - (d) The contract is for the execution of work or the supply of goods or services ~~certified by the appropriate Senior Officer~~ to be required so urgently as to preclude the invitation of tenders. ~~The appropriate Portfolio Holder shall be kept informed of such decisions and a record of the decision shall be retained by the service and a copy sent to the Procurement Service.~~
 - (e) The contract relates to commissioning, ~~such as~~ of projects funded by external grant where, for example, there is no (or insufficient) marketplace to tender for the supply of goods, services or works required.
OR
The contract relates to a project where there is no (or insufficient) marketplace to tender for the supply of goods, services or works required
- A decision on whether any of the above exemptions applies shall be made only by a Senior Officer by a formal Delegated Decision. In making the decision the Senior Officer shall consult with the Procurement Service and the relevant Portfolio Holder**
- (2) ~~Nothing contained in the above exceptions exempts officers either from using the Council's internal services, where appropriate, or from following established arrangements in Rule 4.8.3. Officers should ensure that the best possible balance of value for money and quality is obtained for the Council.~~

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Part 4.8 Procurement Rules

- (3) Tenders need not be invited where they have been undertaken by any consortium, collaboration or similar body, where the Council is able to access contracts. Officers should contact the Procurement Service to ensure that any contracts let by such a consortium, collaboration or similar body are in accordance with UK and EU procurement directives and regulations.
- (4) Where the Council acts as lead body on a consortium or collaborative arrangement, the procedures for tendering contained within these Rules shall be followed.

4.8.5 Contracting & Financial Guidelines

- (1) Contracting Officers should look to order goods and services that are required in-house or through a framework or consortium arrangement as illustrated in Rule 4.8.3.(2) If, however, the Council or the consortium providing them do not have the goods or services or resources available to meet the reasonable needs of the service or there is no suitable framework then an alternative supply may be sourced following the rules set out below. In these circumstances the authorised officer must record why the goods or services have been procured through other means, and retain a formal copy of that document. In all circumstances a purchase order must be issued as required by financial regulations.
- (2) It is good practice (for all but small value and routine purchases) to obtain a written quotation. For further information on this, please contact a member of the Procurement Service.
- (3) **Contracts £1 to £1,000**
Procurement of goods and services estimated to be for amounts up to £1000 shall be by oral or written quotation and preferably from at least three suppliers unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required. There is no mandatory procurement involvement.
- (4) **Contracts £1,001 to £5,000**
Procurement of goods and services estimated to be for amounts in the range £1,001 to £5,000 shall be by written quotation from at least three suppliers, unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required. There is no mandatory procurement involvement.
- (5) **Contracts £5,001 to £25,000**
Procurement of goods and services estimated to be for amounts in the range £5,001 to £25,000 shall be by formal written request for quotation (RFQ) from at least three suppliers, unless an arrangement under 4.8.3.(2) has already been established for the

Part 4.8 Procurement Rules

~~goods, services or works required. There is no mandatory procurement involvement.~~ Contracting Officers should seek advice from Procurement prior to commencing the procurement

(6) **Contracts £25,001 to £50,000**

Procurement of goods and services estimated to be for amounts in the range £25,001 to £50,000 shall be by formal ~~written~~ request for quotation (RFQ) from at least three suppliers, ~~unless an arrangement under 3.2 has already been established for the goods, services or works required.~~ Unless Procurement Services advises that a formal Invitations to Tender should be undertake. Details must also be published on the Government's Contracts Finder website, which must be done through the Procurement Service.

(7) **Contracts £50,001 to EU Threshold**

Procurement of goods and services estimated to be for amounts in the range of £50,001 to EU THRESHOLD shall be by formal open Invitation to Tender (ITT), ~~unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required,~~ whereupon mini competition will be encouraged with all appropriate suppliers. For evaluation purposes, a standing invitation to the evaluation meeting shall be made to officers from Finance, Legal and Audit, along with the relevant Portfolio Holder or substitute and the appropriate commissioning officer.

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

Procurement of goods and services estimated to be for amounts in the range EU THRESHOLD AND ABOVE shall be by formal open Invitation to Tender (ITT). Where contracts of this value are undertaken then appropriate professional support must be secured from either the Procurement Service or from an appropriately qualified external advisor. Both the Monitoring Officer and the Chief Financial Officer must be made aware of the position.

In considering whether or not a procurement exercise is subject to OJEU requirements you must consult with ~~Procurement~~ Legal Services. In particular you should consider whether extensions to a contract, or operating it for a period in excess of one year, will breach OJEU financial limits. Where any contract has a value above or approaching OJEU limits it is the responsibility of the client officer to ensure that appropriate legal advice is secured throughout the tendering and contractual process.

(9) **SME Participation**

To facilitate SME participation in awards of contracts consideration should be given to dividing contracts into smaller lots where appropriate. Procurement Services will advise on whether a contract could be divided. Where a contract may be divided the relevant officer shall consult with a Senior Officer. If a decision is taken not to divide a contract into lots then the

Part 4.8 Procurement Rules

responsible officer must maintain a written summary of the reasoning underlying that decision.

4.8.6 Probity

- (1) In every instance appropriate written documentation must be retained together with the rationale for the decision making process. This documentation shall meet as a minimum the requirements specified in the 2015 Public Contract Regulations. In addition, any information that may be required for submitting annual reports to the Government or other agencies must be maintained.
- (2) Documentation in either paper or electronic format must be appropriately filed and retained for an appropriate period of time. The Council's Document Retention Policy will provide appropriate background guidance but ultimately the senior officer involved must determine the retention period.
- (3) All contracts for goods, services and works must be registered on the Contracts Register and the original contract documents held centrally and securely in Legal Services.
- (4) Tenderers may be offered a debrief, to assist them in preparing future bids. The ~~Contracting relevant~~ Officer should also keep a record of all debrief requests and responses.
- (5) In accordance with EC Procurement Directive 2004/18/EC, any company responding to an EU tender shall be excluded from the tender process if it, or its directors have been convicted of; corruption, bribery, cheating the revenue, fraud or theft, fraudulent trading, an offence in connection with taxation, an offence under Counter Terrorism legislation or money laundering. Where a service has information relating to the above, contact ~~the Monitoring Officer~~ Legal Services or the Procurement Service for advice.

4.8.7 Receipt and Custody

- (1) Tenders are managed by way of a corporate e-tendering system operated on the Council's behalf by the Procurement Service. This provides a clear electronic audit trail of the tender process.
- (2) Responses to pre-qualification questionnaires (PQs) and quotations (RFQs) are not deemed to be tenders and should be returned to the originating officer, either via hard copy or electronically via email or e-tendering system.

4.8.8 Opening and Evaluation of Tenders

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Part 4.8 Procurement Rules

- (1) Where e-tendering is used, all tenders will be submitted to and held in a secure electronic vault. This may only be opened by the Procurement Service after the due date for tenders has closed.
- (2) The lead officer of the evaluation team is responsible for ensuring that the team is adequately resourced to ensure compliance with the Public Contract Regulations and with accepted good practice. A report outlining the results of the evaluation process will then be presented to Executive, if necessary, to approve the award of the contract.

4.8.9 Extension of Deadline for Receipt of Tenders

Where a tender is submitted in competition and is received after the specified time then it shall be disqualified. Before the specified time has been reached, the Monitoring Officer may determine whether to extend the deadline.

4.8.10 Acceptance

- (1) Contracts shall be evaluated and awarded in accordance with the evaluation criteria issued with the tender documentation. Only those tenders that comply with the evaluation criteria shall be considered for acceptance. Tenders must be evaluated on the basis of "most economically advantageous" tender (MEAT) that complies with the requirements of tender documents, is not excluded by virtue of Regulation 57 of the Regulations and meets the selection criteria. Cost-effectiveness and price quality ratio may be taken into account when determining MEAT.
- (2) A tenderer who submits a qualified or conditional tender shall be given the opportunity to withdraw the qualification or condition without amendment to the tender. If the tenderer fails to do so the tender must be rejected.
- (3) Prior to final contract award, the contractor must provide evidence of adequate insurance to cover both public and employers' liability, and produce such evidence during the life of the contract at the reasonable request of the authorised officer.
- (4) For all procurements covered by the EU Directives, a statutory minimum standstill period after the award decision is issued is required to allow companies an opportunity to challenge the decision. The standstill time depends on the circumstances and is set out in Regulation 87 of the Regulations.
- (5) A voluntary waiting period is operated for procurements below the EU threshold, at the discretion of the Procurement Service.

Part 4.8 Procurement Rules

- (6) The notification of the award decision to unsuccessful bidders, based on the most economically advantageous tender, must be issued in line with the timescales of the standstill period and should contain:-

- the award criteria
- the reasons for the decision, including the characteristics and relative advantages of the successful tender and the score (if any) obtained by the recipient and the successful tender;
- the name of the winning tenderer
- confirmation of the dates and duration of the standstill period.

For all sub-OJEU threshold contracts, the following details of contracts that have been awarded should be advertised on the Contracts Finder website:-

- name of contractor;
- date contract entered into;
- contract value;
- whether contractor was SME or VCSE.

- (7) All contracts must be notified to the Procurement Service, including performance monitoring information, with a copy to the [Chief Financial Officer/Head of Finance and Resources](#).

[\(8\) All contracts with a value above the Key Decision threshold must be approved by the Executive. All other contracts may be authorised by a Senior Officer](#)

4.8.11 Nominated/Named Sub-Contractors and Suppliers

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

4.8.12 Engagement of Consultants

- (1) ~~An authorised officer~~[The Council](#) may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service. Where such services are available in-house, the ~~Contracting authorised Officer~~ must consult with a Senior Officer before taking any decision to make an external appointment.

Part 4.8 Procurement Rules

- (2) Consideration should be given to using appropriate framework agreements for business, professional, and ICT consultancy services. Advice should be sought from the Procurement Service.
- (3) External consultants and technical officers engaged to supervise contracts must follow these Rules as applicable and their contracts for services must state this requirement.
- (4) Procurement plans and/or tenders prepared by external consultants on behalf of the Council **must** be referred to the [Monitoring Officer, Legal Services and Head of Finance and Resources Chief Financial Officer](#), for approval and advice and the relevant Portfolio Holder be informed.
- (5) The [Contracting relevant Officer](#) is required to submit a Request for Service form (found on the intranet) to the Procurement Service in respect of all consultancy and advisor contracts where the value of the contract is above £5,000. In estimating relevant contract values, officers shall have regard to the rules regarding aggregation. ~~See Appendix 'A' - see rule 4.8.2.~~
- (6) All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided on request of the authorised officer, and lodge all such documents and records with the [Contracting authorised Officer](#) at the end of the contract.
- (7) The [Contracting authorised Officer](#) shall ensure that any consultant working for the Council has appropriate indemnity insurance.

4.8.13 Contract Conditions

Every contract for goods and services regardless of value shall be in writing and shall specify:

- (1) the work, materials, matters or things to be furnished had or done;
- (2) the price to be paid, with a statement of discounts or other deductions; and
- (3) the time, or times within which the contract is to be performed

Part 4.8 Procurement Rules

Every contract over £750,000 shall be in a form approved by ~~the Team Manager—Solicitor or their nominee~~ Legal Services.

4.8.14 Extending Existing Contracts

- (1) ~~The authorised officer, subject to the budget being available, and after consultation with the appropriate Senior Officer, may extend a contract subject to the extension being within the scope of the original scheme (subject to Rule 4.8.4 (1)(c) enables contracts to be extended. The Contracting Officer must ensure that there is sufficient budget available for the extension.~~
- (2) If the original contract was subject to the EU procurement regulations, the contract can only be extended if it meets one or more of the six statutory grounds as set out in Regulation 72 of the Regulations.

4.8.15 Performance Bonds and Guarantees

- (1) In the case of all contracts valued above £750,000 the authorised officer shall determine, based on advice from the ~~Chief Financial Officer~~ Head of Finance, the degree of security (if any) required to protect the Council from a contractor default. This may be a performance bond or some other form of financial or performance guarantee.
- (2) Where an order is placed with an in-house service and work forming part of that order is sub-contracted to an external company, then the provisions of Rule 4.8.15 (1) will apply.
- (3) Where a performance bond and/or parent company guarantee is required, then the tender documents must provide for this.

4.8.16 Liquidated Damages

Any contract which is estimated to exceed £100,000 in value or amount, and is for the execution of works, or for the supply of goods or materials by a particular date or series of dates, shall provide for

liquidated damages. The amount to be specified in each such contract shall be determined by a Senior Officer in consultation with Legal Services.

Commented [JF6]:

4.8.17 Further Information

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

Total Value	Method of Completion
-------------	----------------------

Part 4.8 Procurement Rules

Up to £50,000	Signature	Solicitor to the Council <u>an officer authorised to sign contracts</u>
£50,001 and above	Sealed	See (3) below

(2) **Signature**

The ~~Contracting authorised Officer~~ responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it, i.e. an Executive minute or a formal Delegated Decision or if below the DD limit (£50,000) a written authorisation from the Senior Officer.

(3) **Sealing**

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

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

- the Council may wish to enforce the contract more than six years after its end; or
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- where there is any doubt about the authority of the person signing for the other contracting party; or
- the Total Value exceeds £75,000

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

The original signed/sealed contract must be ~~deposited with the relevant department and~~ recorded on the Contracts Register and stored securely within Legal Services.

Appendix A - Financial Thresholds and Aggregation Rule

Contract Value		Process	Award Procedure based on	Contract Opportunity Publication/Route	Documentation
From	To				
£0	£1,000	Oral quotation	Preferably At least 3 oral quotations	No mandatory procurement involvement	Employee identifying need to record details on quotation database.
£1,001	£5,000	Written quotation	Minimum of three written quotations	No mandatory procurement involvement	Employee identifying need to record details on quotation database.
£5,001	£25,000	RFQ (Request for quotation)	Three written Quotations based on a RFQ document with simplified Ts&Cs	No mandatory p Advis to be obtained from Procurement Services before commencing procurement involvement.	Must be based on a written specification provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs must be accepted.
£25,001	£50,000	RFQ (Request for quotation) Procurement may advise to undertake a formal tender in which case the procedure below should be followed.	Three written Quotations based on a RFQ document with simplified Ts&Cs	Mandatory procurement involvement. Advertised in Source Derbyshire and the electronic RFQ system (INTEND). Contracts over £25,000 also published on Contracts Finder.	Must be based on a written specification provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs must be accepted.
£ 50,001	Up to EU Threshold as amended each year	Formal tender (report to Executive if over the Key Decision Threshold)	Full tender process	Mandatory procurement involvement. Advertised in Source Derbyshire and Contracts Finder, if appropriate INTEND, Specialist publication if appropriate	ITT documentation as relevant with sealed bids which may be submitted via an electronic tendering process. Must be based on a written specification provided to the supplier by the Council. Council Ts&Cs must be accepted.

Part 4.8 Procurement Rules

EU Threshold	above	Formal tender	Full tender process	Mandatory procurement involvement. OJEU, Advertised in Source Derbyshire , if appropriate INTEND, Specialist publication if appropriate	PQQ and ITT documentation as relevant with sealed bids which may be submitted via an electronic tendering process. Must be based on a written specification provided to the supplier by the Council. Council Ts&Cs must be accepted.
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NB The Contract Value shall be calculated as follows: The estimated or proposed contract value is the value or consideration for the contract as a whole (not an annual value) and any contract with an option to extend the contract period will be valued to include also any provision for such extended period (e.g. a three year contract with an option to extend for a further two years will be valued as the consideration for a five year contract).

Part 4.8 Procurement Rules

Appendix B – Glossary of Definitions;

Authorised Officer Means any officer who by the nature of his or her job, or as directed by a manager, is authorised to place orders.

Code of Practice Means the Council's Code of Practice for Procurement including accompanying guidance.

Contract Means any form of contract, agreement or other arrangement for the supply of goods, services or works.

Goods Covers all supplies and materials that the Council purchases or obtains.

Senior Officer Means one of the following: Chief Executive, Strategic Directors and Assistant Directors.

Services Includes all services which the Council purchases or obtains including advice, specialist consultancy work, agency staff, etc.

Works Includes all construction and repairs in respect of physical assets (buildings, roads, etc.).

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Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Disestablishment of High Hedges Committee and Delegation of functions to Director of Environment and Enforcement	<p>Part 8 of the Anti-Social Behaviour Act 2003 gives the Council authority to deal with complaints and remedial action in respect of high hedges. It sets the procedure which must be followed and is a strictly regulated process. There is little discretion in the assessment as calculations and formulas are used to assess whether a hedge is too high (as it has an adverse effect on a neighbour's enjoyment of their home and/or its garden or yard) and the remedial action required.</p> <p>The Local Government (Functions and Responsibilities) Regulations 1990 (as amended) require that this function not be exercised by the Executive; it is a council function. However it is not reserved for Council itself, it may be delegated.</p> <p>Bolsover District Council has established a High Hedges Committee which has been delegated this function. The Committee has met once recently in January 2020. Prior to this, the last meeting was in 2010 when a concessionary fee was considered. The last complaint was heard in 2009.</p> <p>The recent meeting of the High Hedges Committee has highlighted that the calling of a committee for this purpose is not the most efficient procedure due to the highly regulated nature of the decisions to be made. Following the meeting, the Chair requested that officers look in to alternative methods of dealing with high hedges complaints.</p> <p>It is therefore proposed that the Committee be disestablished and that the functions, as set out below, be delegated to the Director of Environment and Enforcement:</p>	<p>Part 3 – Functions Scheme Removal of High Hedges Committee – page 45 of the current version</p> <p>Addition to Scheme of Delegation to Officers Specific Delegations to the Director of Environment and Enforcement page 89 of the current version. <i>(Please note other changes to the delegation scheme have been agreed to reflect the changes to the SAMT structure in March 2020)</i></p>

	<ul style="list-style-type: none"> i) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2004, regulations and orders made under that Act, in accordance with procedures approved by the Council. ii) Procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003. <p>The first of these functions will in practice be carried out by Planning Officers authorised by the Director of Environment and Enforcement.</p> <p>From a comparison of other authorities, it appears to be common practice for this function to be delegated to officers rather than a committee solely for this purpose.</p> <p>Members of the High Hedges Committee have been consulted on the proposal. Responses to the consultation will be reported verbally to the Standards Committee meeting.</p>	
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Part 3 Responsibility for Functions

SAFETY COMMITTEE

(1) Purpose

The overall purpose of the Safety Committee is to promote cooperation between the Council and its employees in developing and carrying out measures to manage health and safety risks and to secure the health and safety of employees, service users, contractors and any others who may be affected by the work of the Council.

- (i) To promote the development of a safety culture throughout Bolsover District Council.
- (ii) Reviewing the adequacy of and effectiveness of Bolsover District Council's Corporate Health and Safety Policy and any task specific or local health and safety policies, practices, procedures or safe systems of work.
- (iii) Reviewing accident and industrial disease information and trends, to identify unhealthy or unsafe conditions and practices, along with recommendations for remedial action.
- (iv) Review of health and safety information, risk assessments, audit reports, safety inspections and other monitoring information, making appropriate recommendations for remedial action.
- (v) Analysis of information, reports and correspondence from enforcing authorities (Health and Safety Executive, Fire Service etc).
- (vi) Consideration of reports from safety representatives.
- (vii) To receive reports from the Health and Safety Manager in relation to point (vi).
- (viii) To approve new health and safety policies and procedures and amendments to existing policies and procedures.

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Part 3 Responsibility for Functions

- (ix) To review arrangements for health and safety information and training.
- (x) To review the impact of proposed or new legislation, codes of practice or legal judgements.
- (xi) To consider any other health and safety matters raised by Committee members.

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(2) Membership

- (i) The Committee shall comprise representatives of management and employees holding office for a period of one year and eligible for reappointment or re-election.
- (ii) The composition of the Employer's Side of the Committee shall be 5 elected Members with voting rights. The Head of Corporate Governance, the HR Manager and the Health and Safety Manager shall attend in an advisory capacity without voting rights; together with such other officers of the Council as may be appropriate having regard to matters to be discussed.
~~The composition of the Employer's Side of the Committee shall be 5 elected Members with voting rights. The Head of Corporate Governance and the Health and Safety Manager shall attend in an advisory capacity without voting rights; together with such other officers of the Council as may be appropriate having regard to matters to be discussed.~~
- (iii) The Employees' Side of the Committee shall comprise 5 representatives selected by the local branch of the Trade Union representing the employees.
- (iv) The Union Side shall submit the names of their representatives forming the Employees' side to the Committee to ~~the Chief Executive Officer of the Council~~ the Governance Manager not later than the beginning of each meeting.
- (v) The Committee shall appoint a Chairman and Vice Chairman from among the Committee. When the Chairman is appointed from one side of the Committee the Vice-Chairman will be appointed from the other side. These officers will also act as Chairman of their respective sides of the Committee.
- (vi) The Governance ~~Team~~ Manager will act as Secretary to the Committee.

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Part 3 Responsibility for Functions

- (vii) The members of the Committee shall hold office for one year and shall be eligible for re-appointment. Any vacancy that occurs shall be filled as it arises by the relevant side.

(3) Advisors

- (i) Either side shall have the right to have in attendance upon them, persons with a specialised knowledge, in a consultative or advisory capacity but without the right to vote. Such attendance shall be notified to the Secretary of the Employers' side who will arrange for notices of meeting, agendas and minutes to be forwarded to such representatives unless requested otherwise.

(4) Procedure

- (i) Regular meetings shall be convened during working hours at 3 monthly intervals and held at The Arc, Clowne.
- (ii) Meetings may be called by the Chairman at any time at the request of either side, such requests to be submitted through their respective Chairmen.
- (iii) Employees will be granted time off with pay to attend a reasonable number of meetings and will be entitled to payment in the event of meetings continuing beyond normal working hours.
- (iv) The Employees' side shall submit to their respective secretary's, items which they wish to be included on the agendas of regular meetings and they will be responsible for forwarding this information to the Governance Team not later than 14 days prior to a meeting.
- (v) In the event of a scheduled meeting being due and there being no items from either side, following consultation with the Chairman and Vice-Chairman, the meeting may be cancelled and Members advised accordingly.
- (vi) The agenda for business of regular meetings shall be circulated by the ~~Chief Executive Officer~~ Governance Manager to each member and to any consultative or advisory representative not later than 10 working days before a meeting. The matters to be discussed at any meetings of the Committee shall be stated on the agenda with a notice summoning the meeting provided that any other business may be considered if admitted by a majority vote of each side. Nominated trade union officers shall be provided with 6 copies of the agenda and reports to circulate to their members as appropriate and to their full-

Part 3 Responsibility for Functions

time Trade Union officials.

- (vii) Two members of the Employers' Side and two members of the Employees' Side of the Committee shall together constitute a quorum.
- (viii) An individual employee wishing to raise with the Committee any question within the function shall do this through his/her appropriate representative on the Committee.

PART 4 OF THE CONSTITUTION

Council Procedure Rules

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

1. Annual Council Meeting

TIMING AND BUSINESS

- 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;
- 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 ~~No meeting of Council shall be cancelled if the notice and summons has already been sent out.~~ **Formatted:** Indent: Hanging: 1.27 cm Under regulation 4(1) 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 *Monitoring Officer*;
- (d) the Chief Finance 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.

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 seen and heard (and seen where possible) by, and in turn see and 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 Members trying to access the meeting, or the hosting of or host at the virtual meeting, then a period of 15 minutes shall be allowed to able the issue to be resolved. If the meeting remains inquorate, Rremaining 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 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 communications/technological 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 15 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions and responses shall not be a matter of debate.

8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday 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 to 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.

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.

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 Chair 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.
- (e) After an amendment has been carried, the *Chairman of the Council* will read out the amended motion before accepting any further amendment or, if there are none, put it to the vote.

12.7 Alteration of Motion

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

12.8 Withdrawal of Motion.

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

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.

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 Chair 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

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

25.

Appendix A

Proportionality Rules

1. Eight clear working days in advance of the Annual Meeting of Council, 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.

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

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

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

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4.10.7 Transfer of Functions

- (1) Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.
- (2) Where a service is restructured, the ~~Chief Executive Officer~~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 ~~Strategic~~ Directors and Heads of Service

- (1) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- (2) To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.
- (3) To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- (4) To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.
- (5) Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- (6) To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.

- (7) To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- (8) To exercise the Council's power to publish information about its services including deciding the content of any publication.
- (9) To decide the terms upon which services will be provided to the public, (which may include providing services on different terms to different individuals or classes of individuals).
- (10) To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order. ~~The Chief Executive Officer must be informed of any decision to exclude under this paragraph.~~
- (11) To deal with the following employment matters in accordance with Council procedures:
 - (i) The employment of all employees below Head of Service level including determining the most appropriate means of recruitment and selection
 - (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas
 - (iii) Application of conditions of service including the authorisation of leave of absence, purchase of annual leave (Bolsover District Council only) and payment of honoraria
 - (iv) Suspension or dismissal of employees below Head of Service level
 - (v) Re-grading of posts below Head of Service level following job evaluation
 - (vi) Determination of job sharing applications
 - (vii) Waive any part of the notice required to be given by an employee to terminate employment.
- (12) To authorise payments for overtime in accordance with Council procedures.
- (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
- (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- (16) To commission goods, services and works within approved budgets.
- (17) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- (18) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Cabinet/Council subsequently.
- (19) To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, Service Plans, Business Plans, policies, strategies or other plans.
- (20) To carry out any duties or responsibilities as contained with the Financial Finance (NEDDC) or Financial Regulations (BDC).
- (21) To carry out any functions contained within section 2 – Council Functions and section 3 – Local Choice Functions of the Functions Scheme (NEDDC).

- ~~To make 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~~
 - ~~correct obvious, technical or clerical errors and to take account of changes of any names or titles.~~
- ~~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.~~

Specific Delegations:

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4.10.1 0	Chief Executive Officer Director of Corporate Resources and Head of Paid Services																																						
	<table border="1"> <thead> <tr> <th data-bbox="268 457 1398 516">Delegations</th><th data-bbox="1398 457 1541 516">Exceptions</th></tr> </thead> <tbody> <tr> <td data-bbox="268 516 1398 863">(1) To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.</td><td data-bbox="1398 516 1541 863">Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.</td></tr> <tr> <td data-bbox="268 863 1398 914">To act as the Safeguarding lead.</td><td data-bbox="1398 863 1541 914"></td></tr> <tr> <td data-bbox="268 914 1398 1003">(2) To guide and where appropriate direct Strategic Directors and Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.</td><td data-bbox="1398 914 1541 1003"></td></tr> <tr> <td data-bbox="268 1003 1398 1092">To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.</td><td data-bbox="1398 1003 1541 1092"></td></tr> <tr> <td data-bbox="268 1092 1398 1205">(3) To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.</td><td data-bbox="1398 1092 1541 1205"></td></tr> <tr> <td data-bbox="268 1205 1398 1374">(4) To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and, where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Chief Executive OfficerDirector of Corporate Services to the next meeting of Council explaining the reasons for the decision.</td><td data-bbox="1398 1205 1541 1374"></td></tr> <tr> <td data-bbox="268 1374 1398 1516">(5) If there is an urgent need for a commercial decision, the Chief Executive OfficerDirector of Corporate Resources, 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/Cabinet or Council as appropriate.</td><td data-bbox="1398 1374 1541 1516"></td></tr> <tr> <td data-bbox="268 1516 1398 1632">(6) To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.</td><td data-bbox="1398 1516 1541 1632"></td></tr> <tr> <td data-bbox="268 1632 1398 1665">(7) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.</td><td data-bbox="1398 1632 1541 1665"></td></tr> <tr> <td data-bbox="268 1665 1398 1777">(8) To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.</td><td data-bbox="1398 1665 1541 1777"></td></tr> <tr> <td data-bbox="268 1777 1398 1863">(9) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.</td><td data-bbox="1398 1777 1541 1863"></td></tr> <tr> <td data-bbox="268 1863 1398 1949">(10) To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman.</td><td data-bbox="1398 1863 1541 1949"></td></tr> <tr> <td data-bbox="268 1949 1398 2119">(11) To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.</td><td data-bbox="1398 1949 1541 2119"></td></tr> <tr> <td data-bbox="268 2119 1398 2205">(12) To progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to redundancies which may result from the implementation.</td><td data-bbox="1398 2119 1541 2205"></td></tr> <tr> <td data-bbox="268 2205 1398 2318">(13) To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from the implementation.</td><td data-bbox="1398 2205 1541 2318"></td></tr> <tr> <td data-bbox="268 2318 1398 2404">(14) To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.</td><td data-bbox="1398 2318 1541 2404"></td></tr> <tr> <td data-bbox="268 2404 1398 2490">(15) To make authorisations of officers from other services at North East Derbyshire District Council to carry out appropriate statutory powers within Bolsover District Council.</td><td data-bbox="1398 2404 1541 2490"></td></tr> <tr> <td data-bbox="268 2490 1398 2573">(16) To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee have authority to issue/grant such authorisations.</td><td data-bbox="1398 2490 1541 2573"></td></tr> </tbody> </table>	Delegations	Exceptions	(1) To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.	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Part 3.1 Scheme of Delegation for Officers

(17)	(i)	To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and;	
	(ii)	To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.	
(18)	Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.		
(19)	To exercise any of the powers delegated to a Strategic Director or Head of Service.		
(20)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation		
(21)	Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the Local Government Pension Scheme transfers policy.		
(22)	Following consultation with the Section 151 Officer, if they see fit to accept transfers (in respect of an individual employees application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.		
(23)	Following consultation with the Bolsover District Council Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).		
(24)	Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.		
(25)	Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.		
(26)	To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.		
(27)	To exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff).		
(28)	To determine all staffing matters including but not limited to:-		
	(i)	determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).	
	(ii)	the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer , Strategic Directors , Assistant Director and Heads of Service, this does not include the appointment and, in the case of statutory officers, their dismissal.	
	(iii)	Approving secondments and temporary appointments of any staff.	
(29)	Where the decision of the Chief Executive Officer Head of Paid Service taken under (2xxx7) above will incur additional expenditure which cannot be met by approved budgets, then the matter will be referred to the Executive/Cabinet, provided that the remit of the Executive/Cabinet shall be limited to decisions on financial matters only.		
(30)	To authorise the use of earmarked reserves or Transformation Reserves (BDC), (Invest to Save Reserve (NEDDC), (Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them).		
(30)	To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant ward members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.		
(31)	Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.		

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4.10.1 Strategic Director of Environment and Enforcement—Place

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<u>Delegations</u>		<u>Exceptions</u>
(1)	To act as the Emergency Planning Lead.	
(2)	To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To deputise for the Chief Executive Officer Head of Paid Services in his absence and exercise any powers delegated to him.	
(4)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(5)	Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet/Executive to meet the statutory deadline.	
(6)	Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.	
(7)	To carry out Rights of Way functions for which the Council is responsible to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	
(8)	To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).	Applications for discretionary Disabled Facilities Grants must be submitted to Executive (BDC) / Cabinet (NEDDC).
(i)	To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and;	
(ii)	To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.	
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.		

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4.10.1 Strategic Director—People

2

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

Director of Development (BDC)4.10.1
3

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.	
To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
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.	
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).	

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Head of Finance and Resources and Section 151 Officer

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

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4.10.1 Head of Corporate Governance and Monitoring Officer

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	<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.	
	<u>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.</u>	
(2)	To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.	
(3)	Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and Information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.	
(4)	Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.	
(5)	To negotiate and settle claims and disputes without recourse to court proceedings.	
(6)	To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.	
(7)	To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.	
(8)	To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.	
(9)	To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.	
(10)	Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).	
(11)	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.	
	<u>To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.</u>	
(12)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	
	<u>Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.</u>	
	<u>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).</u>	
	<u>To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.</u>	
	<u>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.</u>	
	<u>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 Services, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.</u>	

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Proper Officer Provisions

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

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

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

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Chief Executive Officer Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Chief Executive Officer <u>Monitoring Officer</u>
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	<u>Monitoring Officer</u> Chief Executive Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer
S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
S.115(2)	Receipt of money due from officers	Head of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Head of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Head of Finance & Resources and S.151 Officer

S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs – Deputy	Chief Account (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 Chief Account (NEDDC)
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Head of Corporate Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Head of Finance & Resources and S.151 Officer.
S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Chief Executive Officer Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Chief Executive Officer <u>Governance Manager</u>
S.248	Officer who will keep the Roll of Freeman	Chief Executive Officer <u>Governance Manager</u>
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Chief Executive Officer Monitoring Officer <u>Director of Development</u>
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	Strategic Director – Place of Environment and Enforcement Head of Property and Commercial Services Director of Development (BDC)

Representations of the People Act 1983		
S.8	Registration Officer	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
S.8	Deputy Registration Officer	Head of Corporate Governance and Monitoring Officer Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.35	Returning Officer for Local Elections	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
S.35	Deputy Returning Officer for Local Elections	Head of Corporate Governance and Monitoring Officer Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.24	Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer 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 Chief Executive 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 Chief Executive Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
S. 200	Publication of Notices under the Act	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Head of Corporate Governance and Monitoring Officer Chief Executive Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Chief Executive Officer Head of Paid Services 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	Head of Property and Commercial Services 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	Head of Housing and Community Safety Director of Environment and Enforcement
Public Health Act 1961		
S.37	Control of any verminous article	Head of Housing and Community Safety Director of Environment and Enforcement
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	Chief Executive Officer <u>Director of Corporate Resources</u>
S.5	The Monitoring Officer	Head of Corporate Governance
S. 5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Chief Executive Officer <u>Director of Corporate Resources</u>
Data Protection Act 2018		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager

BDC STANDARDS COMMITTEE WORK PROGRAMME 2020/2021		
Meeting date	Item	Comments
6 th July 2020	<p><i>Local Government Association Model Code of Conduct Consultation</i></p> <p>Review of Constitution – Part 1;</p> <p> <i>a) Contract Procedure Rules</i></p> <p> <i>b) Review of High Hedges Committee</i></p> <p> <i>c) Safety Committee Terms of Reference</i></p> <p><i>Complaints Update</i></p> <p><i>Work Programme 2020/2021</i></p>	
September 2020	<p><i>Circulation of all Delegated Decision Notices (including below KD level) to all Members?</i></p> <p><i>RIPA Policy Annual Review</i></p> <p><i>Gifts & Hospitality Review 2019/20</i></p> <p><i>Review of the Content of the Council's Website on Standards</i></p> <p><i>Independent Persons Term of Office</i></p> <p>Review of the Constitution Part 2;</p> <p> a) Employee Code of Conduct / Employment Rules</p>	

	b) UECC TOR c) Discharge of Executive Decisions (Planning) d) Licensing TOR <i>Complaints Update</i> <i>Work Programme 2020/2021</i>	