



To: Chair & Members of the Standards Committee

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Friday, 20 November 2020

Dear Councillor

STANDARDS COMMITTEE

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held as a Virtual on Monday, 30th November, 2020 at 14:00 hours.

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

Virtual Attendance and Hybrid Meetings

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

I would encourage you all to attend virtually.

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



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

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

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

Risk Assessment Disclaimer

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

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

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

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

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

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

Yours faithfully

A handwritten signature in black ink, reading 'Sarah Steenberg'. The signature is written in a cursive, flowing style with a large initial 'S'.

Solicitor to the Council & Monitoring Officer

STANDARDS COMMITTEE AGENDA

Monday, 30th November, 2020 at 14:00 hours taking place as a Virtual Meeting

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 28 th September 2020 and;	5 – 16
5.	Minutes of a Special Standards Committee held on 19th October 2020.	To Follow
6.	Council Procedure Rules and Delegation Scheme (from meeting held on 6th July 2020).	17 - 51
7.	Member Champions.	52 - 54
8.	Review of the Council's Constitution Part 3; a) Union/Employee Consultation Committee Terms of Reference b) Delegation Scheme – Housing Officers c) Planning Committee Terms of Reference/Scheme of Delegation d) Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group e) Homeloss Payments – Delegated Decisions (To Follow) f) Members Code of Conduct; Mandatory Training – Ethical Governance (Recommendation from CST Scrutiny Review)	55 - 73

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|------------|---|------------------|
| 9. | Questionnaire from the Committee for Standards in Public Life. | To Follow |
| 10. | Publishing of Complaints Against Members. | To Follow |
| 11. | Complaints Update. | Verbal
Report |
| | Verbal update on statistics of complaints received by the Council against District and Parish Councillors | |
| 12. | Work Programme 2020/2021. | 74 - 76 |
| | To consider the Standards Committee Work Programme for the remainder of the 20/21 municipal year. | |

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Virtual Meeting on Monday, 28 September 2020 at 14:00 hours.

PRESENT:-

Members:-

Councillor R. Jaffray in the Chair

Councillors Tricia Clough, David Downes, Andrew Joesbury, Clive Moesby, Deborah Watson and James Watson.

Officers:- Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Nicola Calver (Governance Manager) and Alison Bluff (Governance Officer).

STA9-20/21 APOLOGIES FOR ABSENCE

There were no apologies for absence.

STA10-20/21 URGENT ITEMS OF BUSINESS

There were no urgent items of business.

STA11-20/21 DECLARATIONS OF INTEREST

There were no declarations of interest made.

STA12-20/21 MINUTES - 6TH JULY 2020

Councillor James Watson referred to Minute Number STA6-20/21 of the last meeting regarding Review of the Council's Constitution Part 1, and noted that he had moved the recommendation in relation to the Safety Committee item only and not the Council Procedure Rules and the Delegation Scheme items.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that subject to the above amendment, the Minutes of a meeting held on 6th July 2020 be approved as a correct record.

Councillor James Watson abstained from voting.

STA13-20/21 CUSTOMER SERVICE STANDARDS/ COMPLIMENTS, COMMENTS AND COMPLAINTS REPORT 2019/20 (1ST OCTOBER 2019 TO 31ST MARCH 2020 AND ANNUAL SUMMARY).

Committee considered a report which provided information on the Council's performance in relation to its customer service standards and effective management of complaints for

STANDARDS COMMITTEE

the period 1st October 2019 to 31st March 2020 and the annual summary for 2019/20.

Customer Service Standards

Appendix 1 to the report provided a breakdown of the key customer service standards by quarterly period, together with the target and the cumulative performance for each standard.

Telephones - Target - 93% to be answered within 20 seconds

Appendix 2 to the report provided performance information between 1st October 2019 and 31st March 2020 by quarterly period. The report identified that 98% (in both Quarter 3 and Quarter 4) of incoming calls were answered corporately within 20 seconds cumulatively. The departments narrowly missing the key customer service standard of 93% for those periods were;

- Housing and Community Safety 92% in Q3
- Planning 92% in Q3.

Cumulatively, performance is 98% over 2019/20.

Contact Centres - Target - 80% of incoming calls to be answered within 20 seconds

Contact Centres achieved 80% and 76% for Q3 & 4 respectively (78% cumulatively).

Cumulatively performance was 78% over 2019/20, which fell just short of the target of 80%.

Revenues & Benefits - Target - 60% of incoming calls to be answered within 20 seconds

Revenues & Benefits 'direct dial' achieved 81% and 81% for Q3 & 4 respectively (81% cumulatively).

Cumulatively performance was 77% over 2019/20, which exceeded the target of 60%.

With regard to this performance outturn, a Member felt that it was reassuring that customers were able to speak to a member of staff in Revenues and Benefits quite quickly, especially in light of current financial circumstances relating to Covid19 and suggested that some targets may need to be reviewed for the same reason.

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

6,488 email enquiries (3,388 in Q3 and 3,100 in Q4) were received from the public through enquiries@bolsover.gov.uk - all were acknowledged within 1 working day and 99% were replied to in full within 8 working days.

Emailing remained the popular method of contacting the Council with more e-mails received by the public in the reporting period compared to the same period in 2018/19 of 4,798 emails.

STANDARDS COMMITTEE

Face to face monitoring - Target – 99% not kept waiting longer than 20 minutes at a Contact Centre

Waiting times were monitored for 1 week (w/c 15th July 2019) in 2019/20 due to the Contact Centre being closed because of the Covid-19 pandemic. Of the 813 customers who called into the Contact Centres, 812 (99.9%) waited less than 20 minutes to be served. This exceeded the corporate target and demonstrated excellent service.

During the same period, 199 callers were served on Meet & Greet at The Arc, bringing the total number of callers served during the monitoring period to **1012**.

Compliments, Comments and Complaints

Compliments

Written compliments received for the period by department were set out at Appendix 3 (A) attached to the report.

In total 218 written compliments were received from customers who appreciated excellent service. These included 44 for Leisure, 35 for Streetscene, 35 for Revenues & Benefits and 26 for Housing. As some compliments cross cut departments, the number did not correspond with the total above when viewed in this way.

Comments

Written comments received for the period were set out at Appendix 3 (B) attached to the report. 100% (all 39) were acknowledged and passed to the respective department within the target time of 3 working days for consideration when reviewing their service.

Complaints

Frontline resolution (stage one)

The number of Frontline Resolution complaints received by the Contact Centre service and recorded on the Customer Information System (Firmstep) by department were set out at Appendix 3 (C) attached to the report. The customer service standard for responding to these complaints was 3 working days.

Formal Investigation (stage two)

Formal Investigation complaints by department were set out at Appendix 3 (D) attached to the report. 110 complaints were received during the period and 92% were responded to within the customer service standard of 15 working days.

This had not met the target of 97% and was due to officer availability who were dealing with contingency plans in relation to the Covid 19 pandemic which consequently impacted on response times.

As some complaints cross cut departments, the number did not correspond with the total above when viewed in this way.

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Internal Review (stage three)

Stage three complaints received for the period by department were set out at Appendix 3 (E) attached to the report. These were complainants who had already made a stage two complaint and still felt dissatisfied.

Thirteen stage three complaints were received, 77% (10) of which were responded to within the standard of 20 working days. Again, this did not meet the target of 100% due to the Covid 19 pandemic impacting on the availability of officers and consequently response times.

Ombudsman

The status of Ombudsman complaints for 2019/20 as at the end of March 2020 was set out at Appendix 3 (F) attached to the report.

Three cases were received during the period – 1 decision was ‘Not upheld: no maladministration’, 1 was commuted to the Internal Review stage as the complainant had not fully completed the complaints process and a decision was still awaited regarding the third.

A table in the report provided a summary of performance for compliments, comments and complaints for 2019/20 with comparative data from previous years.

Complaints Feedback

Whilst there were no real trends leading to service improvements during the financial year some issues had been identified around the New Bolsover regeneration project, which was currently the subject of a Scrutiny Review.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes
RESOLVED that the report be noted.

STA14-20/21 ANNUAL LETTER FROM THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN 2019/20.

Committee considered a report which provided information contained within the Annual Letter from the Local Government & Social Care Ombudsman (LGSCO) 2019/20 which was appended to the report.

The LGSCO letter contained an annual summary of statistics on the complaints made about the Authority for the financial year ending 31st March 2020. Committee was asked to note that the data provided by the LGSCO may not align with the data the Council held as the LGSCO numbers included enquiries from people who had been signposted back to the Council by the LGSCO but then the enquirer(s) may have chosen not to pursue their complaint.

Key points were;

- The LGSCO had received 11 enquiries and complaints during 2019/20, four of which were subject to a detailed investigation.

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- The LGSCO decided 16 complaints, of which 2 were incomplete or invalid, 8 were closed after initial enquiries, 2 were referred back to the Council and 3 were 'no maladministration'. The remaining one was decided as 'maladministration and injustice'. This was a particularly complex case and fault was found in the delays which occurred.

Benchmarking information looking at close neighbouring authorities comparative figures was contained in the report or Committee's information.

One complaint was upheld against the Council (25%) which may seem high but this was based on a small number on detailed investigations (4 in this period).

The LGSCO had upheld 61% of complaints submitted to them in 2019/20 – this was an increase from 58% in 2018/19 with the average being 45% for similar authorities.

The Council also received 1 complaint via the Housing Ombudsman (HO), for the same period, which was also reviewed by them. In both cases the decision was to 'close the case and there was no maladministration'.

Moved by Councillor Andrew Joesbury and seconded by Councillor Tricia Clough
RESOVLED that the report be noted.

The Customer Standards and Complaints Officer left the meeting.

STA15-20/21 CONSULTATION RESPONSE LETTER TO LOCAL GOVERNMENT ASSOCIATION.

Members were advised that no other comments had been received by the Monitoring Officer, further to the resolution made by Committee at the last meeting, regarding the Committee's response to the Local Government Association's consultation on a draft Model Member Code of Conduct.

A letter had been sent, before the deadline date on behalf of the Committee to the Local Government Association, which set out the Committee's response and a copy of the letter was attached to the agenda for Members' information.

The outcome of the consultation would be presented to Committee once this had been received from the Local Government Association.

STA16-20/21 CIRCULATION OF DELEGATED DECISIONS NOTICES.

Committee considered a report which sought Members views on the current arrangements for the circulation of Delegated Decision notices.

A review of the Access to Information Rules in the Council's Constitution was undertaken by the Standards Committee in 2016/17. Part of this review considered Delegated Decisions and best practice arrangements. It was agreed at Annual Council that Delegated Decisions no longer be circulated to Members.

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The majority of Delegated Decision records had been minor contract extensions, street naming, and staffing contract extensions.

Due to the coronavirus lockdown, delegated powers granted to officers were extended and as a result, there were more key decisions being made by Delegated Decision.

As a consequence of this, a new procedure was put in place, 'Key Decisions made by officers';

- 28 days advanced notice (or urgency notice procedure if necessary) in line with decisions by Executive
- Circulation of a report to all Members setting out the proposed decision a week in advance, as consultation
- Circulation of the Delegated Decision notice with call in details

These emergency powers were in place until 30th November 2020, although there were other circumstances in which Key Decisions may be made by officers and the same process would be followed.

Non-Key Delegated Decisions were not currently circulated to all Members but all Delegated Decisions were published on the Council's website. Before all Delegated Decisions were made, the Leader, Deputy Leader or the relevant Portfolio Holder, were consulted and in some instances, consultation with relevant committee chairs was also required.

A Member commented that as all Members could access all delegated decision notices on the Council's website, he didn't feel it necessary for an email to be sent to all Members advising that a delegated decision had been made. He suggested that when the Council's new website went live, Standards Committee look at delegated decisions as they appeared on the website.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that the current arrangements for delegated decision notices remain unchanged.

STA17-20/21 GIFTS AND HOSPITALITY REVIEW 2019/20.

Committee considered a report which provided an annual review of the Gifts and Hospitality Register for 2019/2020.

The Gifts and Hospitality Register for the Council was checked by the Monitoring Officer on an annual basis to ensure that it was being used correctly.

This was the sixth Calendar Year that the annual report had been compiled using the figures presented on the central Gifts and Hospitality Register which was maintained by the Legal Support Officer for the whole of the Council.

The results of the review were attached as an appendix to the report and showed that all of the offers were accepted with the exception of 1 gift which was refused.

Most of the gifts were relatively small in value with a maximum value of £10 not being exceeded. As per the Gifts & Hospitalities procedure, the Monitoring Officer would have been immediately alerted if any gifts exceeded the value of £100.

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During the year an issue was identified which related to a department retaining their own register for gifts and hospitality (as per the old departmental procedure that was used prior to the Corporate Register being implemented). This was rectified after the Monitoring Officer spoke to the department and they were now using the Corporate Register.

In 2018, Members agreed that the Register would be published on the Council's website going forward. Last year, when a report was presented to Members, various providers of committee management software were being looked at and it was agreed to wait for the new system to commence publication. The Modern.Gov system had since been secured but due to the Covid19 Pandemic there had been a delay on the implementation of some aspects of the system. However, it was anticipated that the ability to use the online Gifts and Hospitality facility on Modern.Gov would be fully functional by the end of 2020.

A Member suggested that the declaration of any gifts and hospitality for Members which exceeded £100 may be too high. Another Member concurred with this and suggested £25 or £50 seemed a more suitable limit.

In response to a Member's query, the Governance Manager suggested it may be possible to provide a demonstration of the gifts and hospitality registration process on the Modern.Gov system at the next meeting if it were fully functional at that time.

Members agreed that any gifts and hospitality they received which exceeded a value of £10 should be declared.

Moved by Councillor Clive Moesby and seconded by Councillor Tricia Clough

RESOLVED that Council be recommended to approve that Members declare any gifts and hospitality they receive that exceed the value of £10 should be declared.

(Governance Manager/Monitoring Officer)

STA18-20/21 REVIEW OF WEBSITE CONTENT FOR STANDARDS COMMITTEE AND THE CODE OF CONDUCT.

Committee considered a report which set out the content of the Council's website in relation to Standards Committee and the Members' Code of Conduct.

The Customer Service and Transformation Scrutiny Committee undertook a review of the Standards Committee and its processes in 2018/19. One of the recommendations to come out of the review was that the website be reviewed to ensure information in relation to Standards Committee was more accessible and user-friendly, including publication of the Standards Annual Report as a document in its own right, rather than embedded in Committee papers.

The Council's new committee management software, Modern.Gov, had been implemented over the last year and this included a feature to publish webpages and documents within the Committees section of the website so that it linked to the Members pages as well.

A page for each Committee provided a brief description of its functions and set out its membership as well as links to the agendas and papers for its meetings.

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For Members information, the Standards Committee page and the current Councillor Code of Conduct section of the website were attached as appendices to the report.

Other documents attached to this page included, Code of Conduct, Complaints form, Summary of Complaints process, detailed complaints process and the Standards Annual reports.

The Standards Annual Report delivered the specific recommendation of the Scrutiny Review on the publication of Standards Annual Reports in their own right. This page also linked to Member profiles where their Register of Interests could be found and to Parish/Town Council details where their individual Codes of Conduct could be downloaded as well as Register of Interests for each Parish/Town Councillor.

Currently, Register of Interests were published as a scanned version of the original paper copy completed and signed by Members. It was intended in the second phase of the Modern.Gov project that the registers be digitised so that the information was easier to view online and complied with accessibility requirements. As part of this process, Members could be given an online form to update their Register of Interests which would directly update their profiles.

In response to a Member's query, the Governance Manager confirmed that Members' Register of interest forms would be published on the Council's website as well as on Modern.Gov as the pages linked to each other.

Moved by Councillor Clive Moesby and seconded by Councillor Andrew Joesbury
RESOLVED that the content of the Council's website on the Standards Committee and Code of Conduct information be noted.

STA19-20/21 FUTURE ARRANGEMENTS FOR COOPTED MEMBERS OF THE STANDARDS COMMITTEE.

Committee considered a report in relation to future arrangements for co-opted Members of Standards Committee following agreement at Council.

A further recommendation from the review undertaken by the Customer Service and Transformation Scrutiny Committee was for Standards Committee to consider its terms of reference.

Members agreed changes to appoint two non-voting co-opted Members to represent parish and town councils on the Standards Committee. This was a local decision aimed to secure representation for the parishes over which the District Council had jurisdiction on ethical standards matters and to give them a voice.

The changes to the Standards Committee Terms of Reference were subject to approval by Council, however, in the essence of expediency the report brought forward proposals for Members to consider to establish an elections process for these positions.

It was suggested that the two non-voting co-opted Members be elected in May 2021, and their term of office terminate after 2 years, in line with the District Council elections. It was also proposed that elections be organised by the Authority and an indicative timetable was set out in the report.

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In response to Members' queries, the Governance Manager explained the application process which would be followed. Part of that process would require a parish/town Councillor to submit an expression of interest setting out their reasons for wanting to be considered as a co-opted Member. District Councillors who were also a parish/town Councillor would be excluded from applying.

The Governance Manager noted that the two typographical errors with regard to the years' as referred to in the timetable would be amended to 2021.

Moved by Councillor Clive Moesby and seconded by David Downes

RESOLVED that Council be recommended to approve the recruitment of two Co-opted Members to represent parish/town councils on the Standards Committee,

(2) the two typographical errors with regard to the years' as referred to in the timetable be amended to 2021.

(Governance Manager/Monitoring Officer)

STA20-20/21 PUBLISHING OF COMPLAINTS AGAINST MEMBERS.

As Members had received the report after the agenda had been published, it was agreed that a special meeting of Standards Committee be arranged for a date in October to enable Members to consider the report more fully.

Moved by Councillor Clive Moesby and seconded by Councillor James Watson

RESOLVED that a special meeting of Standards Committee be arranged for a date in October 2020 to enable Members to consider the report more fully.

(Governance Manager)

STA21-20/21 REVIEW OF THE COUNCIL'S CONSTITUTION PART 2;

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

The following 4 areas had been identified for review at this meeting.

A. Discharge of Executive Decisions (Planning/Local Development Orders)

It had been identified that a number of functions relating to planning were reserved to the Executive and should not be discharged by the Planning Committee.

The Functions Regulations specify the functions which must be reserved to Council (and Committees) and that everything else must be Executive. Therefore, the following functions would be the responsibility of Executive (or be delegated to officers):

- Making Local Development Orders (section 61A TCPA);
- Creating Simplified Planning Zones (section 82 TCPA);
- Creating Enterprise Zones (section 88 TCPA).
- Discharge of Conditions

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It was proposed that the Discharge of Conditions be delegated to officers, whereas the first three functions be submitted to Executive.

The above functions were not explicitly listed in the Terms of Reference for Planning Committee and therefore no amendment was required.

As Executive functions, these would be covered by the list of Executive Functions;

(30) All other functions not specifically designated as Council functions and not required by law to be exercised by the Council”.

The Discharge of Conditions would be covered by the General Delegations to Heads of Service and Assistant Directors – in this case it would be the Assistant Director of Development and Planning.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that the changes to the discharge of Executive Decisions (Planning/Local Development Orders) be noted.

Councillor James Watson abstained from voting.

B. Revised Cabinet Member Portfolios

Members noted the changes made to Cabinet Member Portfolios which would be presented to Council in November.

Moved by Councillor Clive Moesby and seconded by Councillor James Watson

RESOLVED that the revised Cabinet Member Portfolios be noted.

C. Motion from Council regarding amendment to the Members Allowance Scheme

At its meeting held on 4th March 2020, Council considered motions on notice from Members. The following motion had been put forward by Councillor James Watson;

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

The stated paragraph is:

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

An amendment to the motion at Council had referred the motion to the Standards Committee for their consideration.

Councillor James Watson referred to his point made at Council that he felt it was fair and

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proper that the Members Allowance Scheme should adopt the equivalent paragraph from the Staff Mileage and Related Travel Expenses Policy as stated above. He added that he felt it was not necessary for Members to attend the Arc to carry out their role as Councillor and that this could be done by email or telephone.

A Member responded that she felt it would be utmost in all Members minds that all travel should be done in the most economical way possible, however, she believed that the role of a Councillor could not be fulfilled wholly by working from home making telephone calls and that it would be necessary for some work to be carried out at the Arc. For example, being present in meetings, speaking to officers and other interactions such as 'corridor business' that influenced how decisions were made at Council.

Another Member agreed and felt it wasn't necessary to put the suggested paragraph in the Members' Allowance Scheme as the Independent Remuneration Panel looked at all aspects of Members' Allowances. He added that although Members' place of work was home, he felt that Members should be able to attend the Arc to carry out their work if they felt it was necessary.

Another Member disputed that Members could not carry out all their work from home and felt that it wasn't necessary to travel to the Arc to attend meetings.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson

RESOLVED that Council be recommended not to include the stated paragraph in the Members Allowance Scheme.

(Governance Manager/Monitoring Officer)

Councillor James Watson voted against the motion.

D. Homeloss Payments – Delegated Decisions

Committee was advised that this item would be presented to the next meeting of Standards Committee.

STA22-20/21 COMPLAINTS UPDATE

Committee considered a verbal update provided by the Monitoring Officer in relation to complaints received against Members.

Twelve complaints had been received so far in 2020. Seven complaints related to parish councils and 5 related to the District. All complaints would be reviewed with a view to closing those which were no longer live.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes

RESOLVED that the update be noted.

Councillor Andrew Joesbury left the meeting at this point.

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STA23-20/21 WORK PROGRAMME 2020/2021

Committee considered their work programme 2020/21.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED that the work programme be noted.

Councillor James Watson abstained from voting.

The meeting concluded at 15:35 hours.

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~~ ~~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;

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- (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 ~~Cabinet~~Executive.
- (o) agree the scheme of delegation set out in Part 3 of this Constitution.
- (p) approve the financial threshold for Key Decisions.

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2. Ordinary Meetings

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

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

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

(bb) where the Minutes are approved by virtual means, arrangement will be made after the meeting, and within 2 months, for signatures to be made in hard copy.

- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the *Chairman of the Council*, *Leader*, Members of the Cabinet or the *Head of Paid Service*;
- (e) receive any *Deputations* or consider petitions submitted in accordance with the Council's Petitions Scheme

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- (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 Cabinet 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.

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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~~
Formatted: Indent: Hanging: 1.27 cm ~~already been sent out. 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. No meeting of Council shall be cancelled if the notice and summons
has already been sent out.

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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

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5. Notice of Meetings

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

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

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

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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

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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

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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, RrR remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

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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.

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7.3B If there is urgent or time-limited business that must be conducted at a meeting, it should be made clear to Members that the meeting would continue and a vote would be taken without their attendance in the event of a communications/technological failure

8. Questions by the Public

8.1 General.

- (a) Members of the public, ~~who are on the Register of Electors for North East Derbyshire District or who are Non-Domestic Rate Payers to the District,~~ may ask questions of members of the Cabinet/Executive at ordinary meetings of the Council.
- (b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions and responses shall not be a matter of debate.

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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 ~~seven~~-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.

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~~If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.~~

8.8 Supplementary Question.

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

8.9 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 ~~Cabinet~~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 ~~Cabinet~~Executive or the appropriate board or Committee. Once seconded, such a motion will be voted on without discussion.

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9. **Questions By Councillors**

9.1 On Reports of the ~~Cabinet~~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 ~~Cabinet~~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 ~~Cabinet~~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 seven 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 Cabinet Executive Members immediately after the deadline has passed.

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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 **seventwelve** 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 the Executive Members-Cabinet immediately after the deadline has passed.

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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 ~~No Speeches to be Made until Motion Seconded. 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 Seconder'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.

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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

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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

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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

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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

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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

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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 54 to 78, 11.1(a) to (p), 45-12 to 15 and 19 to 24, and 18 to 24 apply to meetings of all groups and committees.

25. Attendance at Committee Meetings by Members of the Council

- ~~24.1~~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.

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~~24.2—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.

~~24.3—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-~~an~~ Member to leave.

25. ~~Application of Council Procedure Rules to Committees~~

~~Rules 4 to 7, 11 to 15 and 18 to 24 apply to meetings of all groups and committees.~~

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).

- (22) 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																																						
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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), <u>(Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them).</u>		
(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

1

Delegations	Exceptions
(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).
<div>(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;</div> <div>(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.</div>	
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

Delegations	Exceptions
(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

4

	<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

Bolsover District Council

Standards Committee

30th November 2020

Member Champions

Report of the Governance Manager

This report is public

Purpose of the Report

- To give consideration to a role profile to establish Member Champions.

1 Report Details

Introduction

- 1.1 Member Champions are Councillors who act as an advocate or spokesperson for a specific area of the Council's business and activities. The main responsibility of each Member Champion is to encourage communications and positive action over the issue they represent.

Role of Member Champions

- 1.2 All Member Champions will have an allocated area of responsibility agreed at Council on an annual basis or when changes arise.
- 1.3 All Member Champions must act reasonably in their role and recognise and work within the political management and working arrangements adopted by the Council. As such the Member Champion must work with and communicate regularly with the relevant Portfolio Holders.
- 1.4 A Member Champion cannot make decisions and must not commit the Council in any way or in a manner that could be interpreted as being contrary to established policy and practice. They may however confirm a position as stated in a published policy.
- To represent their area of interest both within and outside the Council in line with Council policy;
 - To contribute to the review and development of policies pertaining to their area of interest;
 - To challenge and question the Council, the Leader and the Portfolio Holders on issues relevant to their area of responsibility;
 - To act as a catalyst for change and improvement in service delivery;
 - To monitor the forward plan and seek information from the Leader, Committee Chairs and Officers about forthcoming business and exert influence on behalf of the interest;

- To keep councillors of all parties up to date with activities in relevant to the area of interest;
- To network with Member Champions from other local authorities with the same interest to keep up to date with current developments;
- To provide positive support and on occasions constructive challenge to officers in driving forward the Council agenda on relevant issues.
- To act as the Council's representative on relevant external bodies where appointed to by the Council.

Leader and Portfolio Holders

1.5 The Leader and Portfolio Holders will:

- a) acknowledge the right of Member Champions to be consulted on matters relating to their area of interest;
- b) take full account of any views offered by the Member Champions prior to making decisions relating to the their area of interest;
- c) co-operate with Member Champions in the formulation of action plans they have developed with lead officers;
- d) consider nominating Champions to represent the Council at relevant conferences/seminars on the subject matter of the Member's interest.

2 Conclusions and Reasons for Recommendation

- 2.1 To enable Standards Committee to comment on the role profile as set out above to establish Member Champions at the Council.

3 Consultation and Equality Impact

- 3.1 Each term of office lasts from the date of appointment to the following Annual Council.
- 3.2 In year changes and additions (where necessary, and after consultation with the Executive) to be appointed at the next available Council Meeting.

4 Alternative Options and Reasons for Rejection

None for this report.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 At present no Member Champions are entitled to receive Special Responsibility Allowances. Any change to this position would require recommendation by the Remuneration Panel and approval of Full Council.
- 5.1.2 Member Champions can, if they wish, claim dependent carers', travelling and subsistence expenses at a meeting or event deemed relevant to the appointed Member Champion position.

5.2 Legal Implications including Data Protection

5.2.1 None from this report.

5.3 Human Resources Implications

5.3.1 None from this report.

6 Recommendations

6.1 That the Standards Committee make any comments/observations on the role profile to establish Member Champions as set out in the report.

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	All
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
	N/A
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Nicola Calver, Governance Manager	7753

Bolsover District Council

Standards Committee

30th November 2020

Review of the Council's Constitution (Part 3)

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

Area for Review	Source	Lead Officer	Dates for Consideration
Contract Procedure Rules – Contract Formalities	Legal	Monitoring Officer	Standards Committee 6th July 2020
Review of High Hedges Committee	Governance / Chair of Planning	Senior Governance Officer	Standards Committee 6th July 2020
Safety Committee Terms of Reference	Governance	Health and Safety Manager and HR Organisational Development Manager	Standards Committee 6 th July 2020 (<i>Minor amendment – done under housekeeping</i>)

Discharge of Executive Decisions (Planning/Local Development Orders)	Legal	Monitoring Officer and Legal Team	Standards Committee 29th September 2020
Revised Cabinet Member Portfolios	Administration	Governance Manager	Standards Committee 29th September 2020
Travel Expenses for Members	Motion from Council	Governance Manager	Standards Committee 29th September 2020
Union/Employee Consultation Committee - Terms of Reference	Governance	HR and Organisational Development Manager	Standards Committee 30th November 2020
Delegation Scheme - Housing	Governance	Monitoring Officer and Head of Housing	Standards Committee 30th November 2020
Planning Committee Terms of Reference/Scheme of Delegation	Legal	Legal Team	Standards Committee 30th November 2020
Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group	Governance	Governance Manager	Standards Committee 30th November 2020
Homeloss Payments –Delegated Decisions	Section 151	Monitoring Officer and S151 Officer	Standards Committee 30th November 2020
Members Code of Conduct - Mandatory Training – Ethical Governance	Governance	Governance Manager	Standards Committee 30th November 2020
Delegation to the Head of Paid Service to make customers vexatious under the CCC policy	Monitoring Officer	Monitoring Officer and Corporate Complaints Officer	Standards Committee 30th November 2020

Licensing TOR	Governance		Standards Committee February 2021
Review of Employee Code of Conduct	Governance	HR & Organisational Development Manager	UECC Special meeting TBC* Standards Committee February 2021
Employment Rules	Governance	Monitoring Officer and Governance Manager	Standards Committee February 2021
Independent Persons	Monitoring Officer	Governance Manager	Standards Committee February 2021
Minor wording changes or updating of job titles (housekeeping)	Governance	Governance Officers	Once final draft version produced

- 1.6 The areas for review for this meeting in the above table are detailed in the appendix 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 at a future meeting.

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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	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
1	Proposal and Rationale
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	
Report Author	Contact Number
Nicola Calver, Governance Manager	01246 217753

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Union/Employee Consultation Committee - Terms of Reference	These have been reviewed. Removing reference to the CEO was the only change required. This has been done under the 'housekeeping' process.	Part 3 – Responsibility for Functions – Page 46 to 50 of the current version
Delegation Scheme – Housing Officers	Parts of the Responsibility Functions in relation to delegations to officers refer to delegations to the Head of Housing and Community Safety. This post no longer exists. This should be changed to the Head of Environmental Health.	Part 3 Responsibility for functions, Licensing Committee, Delegation of Functions to officers. Pages 41 and 43 of the 2019 Constitution.
Planning Committee Terms of Reference/Scheme of Delegation	To set out the rules for referring an application to Planning Committee for a decision. The reason for this is to formalise working practices that have been in operation for many years.	Part 3 – Functions Scheme Planning Committee Pages 44 - 45 of the current version
Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group	This results from the fact that the Local Plan has now been adopted by the Council. The group will therefore be monitoring the implementation and requires a name change.	Part 3 Responsibility for functions Page 44 (Planning Committee).

Homeloss Payments – DDs	This change is proposed to allow officers to pay Home Loss payments in advance of the scheme being considered by the Council. It is essentially a timing issue to allow these payments to be made when they become due rather than to make recipients wait for a full consideration by Cabinet (and possibly Council) of a scheme.	
Members Code of Conduct - Mandatory Training – Ethical Governance	From the Scrutiny Review of the Standards Committee carried out by the Customer Service and Transformation Scrutiny Committee. This is to extend the mandatory training on the Code of Conduct to at least 2 sessions in a 4 year term.	Part 5 Codes and Protocols. Page 189 of the current version
Delegation to the Head of Paid Service to make customers vexatious under the CCC policy	At the present time this is dealt with by SAMT. However it would be better to be a single officer rather than sharing details with all members of SAMT, many of whom will know nothing of such issues. The logical choice of officer is the Head of Paid Service, as that officer has responsibility for staff welfare.	Add to the Head of Paid Service delegations in part 3.1 - Page 84 of the current version.

UNION/EMPLOYEE CONSULTATION COMMITTEE

(1) Objectives

The general objectives of this Union/Employee Consultation Committee are:-

- (i) To bring together representatives of management and employees in consultation with the object of furthering the aims of and improving the efficiency of the Council,
- (ii) To afford a regular basis of consultation and negotiation as appropriate on matters relevant to these objectives and also on matters appertaining to employee relations, working and other arrangements and terms and conditions of employment which are not reserved for negotiation at national, provincial or other agreed local level,
- (iii) Thus, to give the employees concerned a wider interest and greater responsibility in these matters.

(2) Functions

In pursuance of these general objectives the following are cited as specific matters for consideration by the Committee:-

- (i) Operational matters, which are for management to decide but which management should explain to the employees with the objective of affording them an opportunity of seeking views and thus encouraging a sense of personal involvement, e.g. organisational and reorganisation and provision of equipment and use.
- (ii) Monitoring that, at every point where decisions are made about individuals including their engagement, promotion, training, treatment, remuneration, hours and other conditions there are no signs that:-
 - (a) prejudice about sex, ethnic origin, age, disability, sexual orientation or religion/belief or any other prejudice against a minority group are influencing decisions,
 - (b) indirect discrimination, e.g. in the form of non-essential age limits, or qualifications criteria, or word of mouth recruitment, is having an adverse impact on women, ethnic minorities, people with disabilities or older people or any other minority group.

- (iii) Ensuring that necessary data is recorded to ensure monitoring is possible.
- (iv) Administrative matters on which management should keep the employees informed as to plans and intentions, particularly in regard to changes, which will affect them. This will involve consultation with a view to assisting management in decision making or negotiation according to the subject.

Examples of the two types of classification are:-

(3) Consultation on:-

- (i) Current and probable business developments,
- (ii) Restructuring of employment and possible redundancies,
- (iii) Decisions likely to lead to substantial changes in work organisation or contractual relations, including collective redundancies or business transfers,
- (iv) Content and conduct of local training programmes, procedure for selection and promotion, physical and social welfare amenities, formulation and application of disciplinary rules and other people management policies,

Consultation is defined by ACAS as the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information. Consultation does not remove the right of managers to manage, they must still make the final decision but it does impose an obligation that the views of employees will be sought and considered before decisions are taken.

- (v) With regard to point (iii), consultation must take place with a view to reaching agreement.

(4) Negotiation

- (i) Local terms and conditions of employment not reserved to the national, provincial or agreed local procedures; incentive bonus schemes and efficiency agreements; application of National and Provincial agreements and grievance procedure.

(5) Constitution

5.1 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 Employers' side of the Committee shall be six elected Members (including the Portfolio Holder for Social Inclusion) with voting rights and substitutes in the event of nominated Members being unable to attend. The ~~Chief Executive Officer~~ Head of Paid Service, Head of Corporate Governance and Chief Financial Officer 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 six representatives selected by the local branch of the Trade Union representing the employees, together with full-time Trade Union officials (if required).
- (iv) The Trade Unions shall submit the names of their representatives forming the Employees' side to the Committee to the ~~Chief Executive Officer~~ Head of Paid Service of the Council 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. The Chairmanship and Vice Chairmanship of the Committee will rotate annually between each side. These officers will also act as Chairman of their respective sides of the Committee.
- (vi) ~~The The Governance Manager Chief Executive Officer~~ will act as Secretary to the Joint Committee.
- (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.

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(6) Advisers

- (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 attendant shall be notified to the Secretary of the Employers' side who will arrange for notices of meetings, agendas and minutes to be forwarded to such representatives unless requested otherwise.

(7) Procedure

- (i) The tenure of office of the Committee shall be from May each year to the following May (the Annual Meeting of the Council to the following Annual Meeting) (one year).
- (ii) Regular meetings shall be convened during working hours at three monthly intervals and held at The Arc, Clowne.
- (iii) Meetings may be called by the Chairman at any time at the request of either side submitted through their respective Chairmen.
- (iv) Employees will be granted time off with pay to attend meetings and will be entitled to payment in the event of meetings continuing beyond normal working hours.
- (v) Separate meetings of the Employers' side and of the Employees' side of the Committee shall take place immediately prior to the meeting of the Union/Employee Consultation Committee and facilities for this purpose will be provided at the venue of the meeting.
- (vi) The Employees' Side shall submit to their respective secretaries' 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 Manager ~~Chief Executive Officer~~ not later than fourteen days prior to a meeting.
- (vii) 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 be cancelled and Members advised accordingly.

- (viii) The agenda for business of regular meetings shall be circulated by the Governance Manager ~~Chief Executive Officer~~ to each Member and to any consultative or advisory representative not later than 10 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 six copies of the agenda and reports to circulate to their members as appropriate and to their full-time trade union officials.
- (ix) Two members of the Employers' side and two members of the Employees' side of the Committee shall together constitute a quorum.
- (x) Recommendations shall be reached only by a majority of each of the two sides voting separately.
- (xi) 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.
- (xii) If the Committee cannot agree to a negotiable issue, officers of the Trade Unions shall negotiate with the appropriate administrative officers of the Council. Failing agreement appropriate matters may thereafter be referred by either side to the provincial joint secretaries if necessary.
- (xiii) The draft minutes of the Committee to be agreed between the Chairman and Vice Chairman of the Committee prior to submission to the Council and circulated to members of the Committee.
- (xiv) Both sides accept that this agreement is binding in honour upon them but both expressly agree that it is not intended to constitute a legally enforceable agreement between them. It is further agreed that the parties to the agreement will use their best endeavours to ensure that the spirit and intention of the agreement is honoured at all times.

(Licensing)

Delegation of functions to officers

The following functions may be exercised to the ~~Head of Housing and Community Safety~~ Environmental Health save for the matters reserved for General Licensing Committee or Sub-Committees, or for Full Council:

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- All hackney carriage and private hire licensing issues in accordance with the Hackney Carriages and Private Hire Vehicles, Drivers and Operators Policy.
- All matters concerning the discharge by the Council of its licensing function under the Local Government (Miscellaneous Provisions) Act 1982 (as amended)
- All matters concerning the discharge by the Council of its licensing function under the House to House Collections Act 1939 (as amended)
- All matters concerning the discharge by the Council of its licensing function under the Scrap Metal Dealers Act 2013
- All other licensing matters delegated from time to time by the General Licensing Committee

PLANNING COMMITTEE

To Exercise the Powers and Duties of the Council with Regard to:-

- (1) The control of development under planning legislation including inter alia historic buildings, conservation, advertisement control, lawful development certificates, hazardous substances control and enforcement of legislation, with the default delegation of this function (1) to officers with the exception of:

The following matters which will be determined by the Planning Committee and not under delegation to officers:

- i) applications that have been called in to be considered by the Planning Committee by a Ward Councillor with reference to valid planning reasons for referral and where the outcome of the application is of particular significance to the environmental quality of the local area and/or the socio-economic well-being of the local community. The Ward Councillor will have until the end of the overall consultation period in order to refer an item to Planning Committee. This date is set out on the Council's public access website;
- ii) applications that are referred to the Planning Committee by officers because it is considered the final decision on a particular application is of strategic importance to the District;
- iii) applications that are referred to the Planning Committee by officers because there are twenty or more representations from individual households and/or other interested parties that have been made on valid planning grounds and are contrary to the officer recommendation on that application;
- iv) applications that propose significant changes to the size, scale or nature of proposals previously approved by the Planning Committee or propose the removal or variations of conditions or obligations imposed on a permission granted by the Planning Committee that are more than non-material minor amendments to the original permission; and
- v) applications that are recommended for approval but are contrary to planning policies in the Council's adopted Local Plan.

Where the Planning Committee resolve to determine a planning application contrary to the recommendation of the Planning Manager (Development Control), the resolution adopted shall make reference to the material considerations taken into account by the Committee which warrant such a decision, and those material considerations shall be recorded in the minutes.

- (2) The confirmation of Tree Preservation Orders which are subject to outstanding objections.
- (3) The designation of Article 4 Directions.

- (4) Decisions relating to the commencement, publication or submission of local development documents associated with the preparation of the Council's Local Plan, including Duty to Co-operate issues.
- (5) Decisions relating to the approval of the Local Development Scheme, Statement of Community Involvement and Monitoring Reports.
- (6) Decisions relating to the preparation of local development documents and supplementary planning documents.
- (7) Decisions relating to recommendations from the Local Plan Implementation Advisory Group.
- (8) Respond to consultations on the preparation of development plan documents, supplementary planning documents, local development schemes, statements of community involvement, and monitoring reports, and their amendment and review, from adjoining and nearby district and metropolitan district council provided that the response is consistent and compatible with the policies of the Council contained in the Council's adopted or preferred option planning documents, failing which the consultation shall be referred to Council.
- (9) The operation of any function of the Council as a Local Planning Authority not otherwise covered, including commenting on development plan documents prepared by adjoining authorities, and government consultations on the planning legislation.
- (10) The delegation of such matters within the terms of reference as may be appropriate to the Assistant Director of Development and Planning or other appropriate officer.
- (11) The designation of conservation areas.
- (12) Grants for the repair of historic buildings.

To Recommend to the Council with Regard to:-

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

PLANNING COMMITTEE

To Exercise the Powers and Duties of the Council with Regard to:-

- (1) The control of development under planning legislation including inter alia historic buildings, conservation, advertisement control, lawful development certificates, hazardous substances control and enforcement of legislation, subject to:

Where the Planning Committee resolve to determine a planning application contrary to the recommendation of the Development Control Manager, the resolution adopted shall make reference to the material considerations taken into account by the Committee which warrant such a decision, and those material considerations shall be recorded in the minutes.
- (2) Tree Preservation Orders, the need for planning agreements and obligations, notices under section 215 Town and Country Planning Act 1990 (land adversely affecting the amenity of the neighbourhood), Article 4 Directions and the Hedgerows Regulations 1997.
- (3) Grants for the repair of historic buildings.
- (4) Decisions relating to the commencement, publication or submission of local development documents associated with the preparation of the Council's Local Plan, including Duty to Co-operate issues.
- (5) Decisions relating to the approval of the Local Development Scheme, Statement of Community Involvement and Annual Monitoring Reports.
- (6) Decisions relating to the preparation of local development documents and supplementary planning documents.
- (7) Decisions relating to recommendations from the Local Plan Implementation Advisory Group.
- (8) Respond to consultations on the preparation of development plan documents, supplementary planning documents, local development schemes, statements of community involvement, and annual monitoring reports, and their amendment and review, from adjoining and nearby district and metropolitan district councils, provided that the response is consistent and compatible with the policies of the Council contained in the Council's adopted or preferred option planning documents, failing which the consultation shall be referred to Council.

- (9) The operation of any function of the Council as a Local Planning Authority not otherwise covered, including commenting on development plan documents prepared by adjoining authorities, and government consultations on the planning legislation.
- (10) The delegation of such matters within the terms of reference as may be appropriate to the Joint Director of Environment and Enforcement or other appropriate officer.
- (11) To issue Notices under Section 31 of the Clean Neighbourhoods and Environment Act 2005.
- (12) The designation of conservation areas.
- (13) Schemes for any town centre development including pedestrianisation and new road schemes.

To Recommend to the Council with Regard to:-

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

Appendix A

Mandatory Training

Training	Scope	Frequency
Planning Committee	<p>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee. Role of a Member of Local Planning Authority</p> <p>Planning Code of Good Practice</p> <p>Relationship to Members' Code of Conduct</p> <p>Development proposals and Interests under Members' Code of Conduct</p> <p>Fettering Discretion in the Planning Process</p> <p>Lobbying of and by Councillors</p> <p>Contact with applicants, developers and objectors</p> <p>Role of Officers</p> <p>Decision Making</p> <p>Public Speaking at Meetings</p> <p>Site Visits</p> <p>How to determine Planning Applications</p>	<p>Prior to sitting on Planning Committee minimum of every two years.</p> <p>Refresher training may be given more frequently.</p>
Licensing Committee and its Sub-Committees	<p>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</p> <p>General Principles of each Act</p> <p>Role of Members</p> <p>Ward Member Role</p> <p>Licensing Objectives</p> <p>Determining Licensing Applications</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every 12 months.</p>
<p>Joint Employment and Appeals Committee and its Sub-Committees</p> <p>Employee Appeals Committee</p>	<p>Recruitment and selection.</p> <p>HR Legislation, policies and practice within the remit of the Committee and its Sub-Committee</p>	<p>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</p>
Standards And its Sub-Committees	<p>Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every four years.</p>

Code of Conduct / Ethical Governance	<p>Understanding of the Members' Code of Conduct and the governance of the Council.</p> <p>Responsibilities and role as a Councillor.</p> <p>Outline of Constitution</p> <p>Promoting and maintaining high standards of conduct by Members</p> <p>Code of Conduct (including Gifts and Hospitality)</p> <p>The Register of Interests</p> <p>Protocols</p> <p>Guidance</p> <p>Dispensations</p> <p>Political Publicity – rules</p> <p>Data Protection</p> <p>Freedom of Information</p>	At the point of election and on subsequent re-election(s), <u>or at the mid term point.</u>
Equalities and Diversity	To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.	After each election
Safeguarding	<p>To provide guidance and advice to elected Members on;</p> <p>□□ roles and responsibilities in relation to safeguarding children and vulnerable adults and</p> <p>□□ how Members should raise any concerns and receive assurance about children and adults who may be at risk</p>	Every 2 years.
Lone Worker	Ensuring Members keep themselves safe	After election or re-election. Refresher (online) annually.
Fraud Awareness	To raise awareness of where fraud may occur in District Councils and what actions should be taken.	After each election and bi-annually thereafter
Chairperson (if appointed as a Chair)	To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.	Following initial appointment to position and subject to previous training or experience.
Audit Committee / Budget Scrutiny Committee	Understanding of Local Government Finances Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees	Prior to sitting on the Committee or its Sub-Committees minimum of every four years.

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>	
28 th September 2020	<p><i>CCC/ CSS report & annual summary and LGSCO annual letter and report</i></p> <p><i>Consultation response Letter to Local Government Association on draft Model Member Code of Conduct</i></p> <p><i>Circulation of all Delegated Decision Notices</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>Future arrangements for co-opted Members of the Standards Committee (from parish and town councils)</i></p>	

	<p><i>Publishing of Complaints against members</i></p> <p><i>Review of the Constitution Part 2;</i></p> <ul style="list-style-type: none"> • Discharge of Executive Decisions (Planning)/Local Development Orders • Motion from Council re amendment to the Members Allowance Scheme • Homeloss Payments – DDs • Revised cabinet member portfolios <p><i>Complaints Update</i></p> <p><i>Work Programme 2020/2021</i></p>	
19 th October 2020 Special Meeting	<i>Publishing of Complaints against Members</i>	
30 th November 2020	<p><i>Minutes of a meeting held on 6th July – Council Procedure Rules and Delegation Scheme (need approving so they can go to Council)</i></p> <p><i>Member Champions</i></p> <p><i>Review of the Constitution Part 3;</i></p> <ul style="list-style-type: none"> a) Union/Employee Consultation Committee Terms of Reference b) Delegation scheme – Housing Officers c) Planning Committee Terms of Reference/Scheme of Delegation d) Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group e) Homeloss Payments – Delegated Decisions f) Members Code of Conduct - Mandatory Training – Ethical Governance g) Delegation to the Head of Paid Service to make customers vexatious under the CCC policy (customer complaints and comments) <p><i>Complaints Update</i></p>	

	<i>Work Programme 2020/2021</i>	
22 nd February 2021	<p><i>RIPA – Use of Social Media</i></p> <p><i>Outcome of LGA Consultation on draft Model Member Code of Conduct</i></p> <p><i>Review of the Constitution Part 4;</i></p> <ul style="list-style-type: none"> • Licensing TOR • Review of Employee Code of Conduct / Employment Rules • Independent Persons Term of Office • Budget / Capital Programme Increases <p><i>Work Programme 2020/2021</i></p>	