



To: Chair & Members of the Council

The Arc
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Tuesday, 8 September 2020

Dear Councillor

COUNCIL

You are hereby summoned to attend a meeting of Council to be held as a Virtual Meeting and in the Council Chamber, The Arc, Clowne on Wednesday, 16th September, 2020 at 10:00 hours.

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

Virtual Attendance and Hybrid Meetings

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

I would encourage you all to attend virtually.

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



We speak your language

Polish **Mówimy Twoim językiem**

Slovak **Rozprávame Vaším jazykom**

Chinese **我们会说你的语言**

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

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

Risk Assessment Disclaimer

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

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

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

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

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

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

Yours faithfully

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

Solicitor to the Council & Monitoring Officer

COUNCIL AGENDA

***Wednesday, 16 September 2020 at 10:00 hours taking place as a Virtual Meeting via
Zoom and within the Council Chamber, The Arc, Clowne***

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	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.	
3.	Chair's Announcements	
	To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
4.	Minutes	7 - 18
	To approve the Minutes of the Council meeting held on 22 nd July 2020 as a correct record of the meeting.	
5.	Questions from the Public	
	In accordance with Council Procedure Rule 8, to allow members of the public to ask questions about the Council's activities for a period of up to fifteen minutes. A question may only be asked if notice of seven clear working days has been given.	
a.	Question from Sarah Bister to the Leader of the Council	
	<i>"Will the council do as the MP Mark Fletcher has suggested and send the planning decision 19/00583/OUT to an independent peer review hence demonstrating your commitment to put residents first?"</i>	
b.	Question from Jackie Hole to the Leader of the Council	
	<i>"In regards to the sale of the Asset of Community Value ACV/20/01 listed on 9th July 2020 at the east end of Park Avenue, Glapwell, will you put residents first by enabling a community group to purchase it at a reasonable price and time span in order to retain its unique status as the only listed Asset of Community Value within the district?"</i>	

6. Questions from Members

In accordance with Council Procedure Rule 9, to allow Members to ask questions about Council activities. A question may only be asked if notice of seven clear working days has been given.

a. Question from Cllr Peter Roberts to the Leader of the Council

Is our council under threat of becoming a unitary authority and if so what does it mean for staff and the council as a whole?

b. Question from Cllr James Watson to the Leader of the Council

Councillors may recall Councillor Fritchley saying at the 22 July 2020 Council meeting ‘... the Leader of the Council has no individual delegated powers therefore he has no individual decision making powers, he cannot individually make decisions ...’

Councillors recently received a form which asks the Leader of the Council and in the alternate the Deputy Leader of Council to seemingly make an operational decision on whether another Councillor’s costs for attending a training course/event are to be paid or not by Bolsover District Council.

Has Councillor Fritchley ever approved or refused payment to other Councillors for costs relating to attending training/educational/award events?

7. Motions

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

a. Motion submitted by Councillor Peter Roberts

The development of Doles Lane garage site has created concern from residents around the area on the issue of access by emergency services when all 31 vehicles from the garage site are parked around Whitwell.

To this end I requested a site visit by Paul Smith fire brigade risk assessment safety officer.

His recommendations which are the substantive part of the motion are as follows and I move that this council choose at least one of them to mitigate the chaos from the dispersal of vehicles from the site while under construction and thereafter.

1) temporary permit parking while site under construction so only residents of the area can park, and therefore reduce the level of potential congestion on Mill Lane, Arthur Short Close and Doles lane;

2) *Parking spaces along the length of Mill Lane from the point after Mill Walk permanent on all available land either side of road.*

3) *Driveways allowed at the rear of Arthur Short Close and Mill Walk permanent to access the new road on the developed site.*

4) *Do nothing and hope emergency service access is available during and after development permanent.*

These are the recommendations of a profession risk assessment officer

b. Motion submitted by Councillor James Watson

That Council resolves from the conclusion of this meeting that Councillors do not attend any further physical or hybrid meetings at Bolsover District Council premises, but instead for all Councillors to attend all meetings virtually until a day that all Councillors can attend a physical meeting of Council at Bolsover District Council premises.

8. Appointments to Committees and Advisory Groups 19 - 27

To give consideration to amendments to the allocation of committee seats and appointments to committees following changes to political groups.

9. Appointments to Outside Bodies Amendment

To appoint Cllr Patricia Clough to the NEDCAB as a second appointment alongside Cllr Mary Dooley.
WITH THE CONSENT OF THE CHAIR, THIS ITEM HAS BEEN WITHDRAWN

10. Decisions Made under Emergency Delegated Powers 28 - 57

Report of the Head of Paid Service advising on decisions taken under Emergency Delegated Powers.

11. Exclusion of the Public

To move:-

That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006). *[The category of exempt information is stated below each item].*

PART TWO - EXEMPT ITEMS

- 12. Purchase of Section 106 Properties from Avant off Skinner Street, Creswell 58 - 69**

Report of Councillor Sandra Peake, Portfolio Holder for Housing.

(Paragraph 3)

- 13. Chairman's Closing Remarks**

BRIEFING ON PLANNING FOR THE FUTURE WHITE PAPER

Briefing to be presented by Chris Fridlington and the conclusion of Council.

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Minutes of a meeting of the Council of the Bolsover District Council held as a Virtual Meeting and in the Council Chamber, The Arc, Clowne on Wednesday, 22nd July 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rita Turner (Vice-Chair), Derek Adams, Rose Bowler, Jane Bryson, Dexter Bullock, Tracey Cannon, Anne Clarke, Nick Clarke, Jim Clifton, Tricia Clough, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Tom Kirkham, Duncan McGregor, Clive Moesby, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Dan Salt, Liz Smyth, Janet Tait, Ross Walker, Deborah Watson, James Watson and Jen Wilson.

Officers: - Karen Hanson (Joint Director of Environment and Enforcement), Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Grant Galloway (Director of Development), Pam Brown (Head of Service – Leader's Executive and Partnerships), Karl Apps (Housing Strategy and Growth Manager), Jim Fieldsend (Team Leader – Solicitor – Non-Contentious), Nicola Calver (Governance Manager), Donna Cairns (Senior Governance Officer) and Tom Scott (Governance Officer).

Councillor Natalie Hoy arrived at the beginning of Minute No. CL720-20/21.

Councillor Rita Turner left the meeting during Minute No. CL726-20/21.

CL712-20/21 APOLOGIES FOR ABSENCE

No apologies for absence were received.

CL713-20/21 DECLARATIONS OF INTEREST

Councillor Steve Fritchley (Leader of the Council) declared an interest in Agenda Item 14 (Bolsover Homes Funding) as a Director of Dragonfly Homes.

The Monitoring Officer advised that this would be recorded as an 'other' interest in the minutes and would not prevent Councillor Steve Fritchley from participating in the item.

CL714-20/21 CHAIR'S ANNOUNCEMENTS

The Chair updated Members on two of his charitable activities. He stated that his relationship with the Just Good Friends Club had now come to an end, and in the last Civic year, he had raised in excess of £2,000 for it. He thanked Members for their assistance in raising this.

The Chair was delighted to report that he had now begun a year-long association with the Bolsover branch of the Soldiers, Sailors, Airmen and Families Association. He

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informed Members of how he had already made a contribution of £400 and the Association sought to support veterans of the British Armed Forces.

CL715-20/21 MINUTES

The Chair requested that an amendment be made to the minutes of the Council meeting on 4th March 2020 under Minute No. 0710. (MANAGEMENT STRUCTURE PROPOSALS) to make note of Councillor James Watson's vote against the proposals.

Subject to this one amendment, the minutes were moved by Councillor Tom Munro and seconded by Councillor Steve Fritchley (Leader of the Council).

RESOLVED that the minutes of a meeting of Council held on 4th March 2020 be approved as a true and correct record.

CL716-20/21 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule 8, Members of the Public were able to ask questions to an Executive Member about the Council's activities for a period of up to 15 minutes.

No questions were submitted to this meeting of Council under Rule 8 of the Council Procedure Rules.

CL717-20/21 QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule 9, Members of Council were able to ask questions about the Council's activities to either the Chair of the Council, Chairman of a specific Committee or a relevant Portfolio Holder.

One question had been submitted by Members of Council under Council Procedure Rule 9.

a) Question from Councillor James Watson to the Leader of the Council

What executive powers including policy, operational and other matters does the Leader of the Council have over Bolsover District Council, and in particular whether the Leader of the Council can and does instruct and direct officers on operational matters and can and does direct the use of non-staff resource?

The Leader of the Council explained that in response to this question, he had referred to the Constitution and would summarise his own Executive powers as included within.

The Leader of the Council informed Members that the Constitution:

1) Includes powers for the Leader that related to process and governance rather than operational matters.

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2) States that the Executive is responsible in guiding the Council in the formulation of its aims and objectives within the budget and policy framework, which is approved by Council.

3) States that each Member of the Executive will be involved in the activities of all Council departments, focusing on those issues relating to the cross-cutting nature of the responsibilities those Members undertake.

4) States that the Leader's purpose is to provide effective political leadership and strategic direction for the Council, to ensure effective corporate governance, to provide effective stewardship of the Council, to Chair the Executive and ensure it runs according to its agreed terms of reference, and to ensure the Council delivers high quality and value for money services.

5) States that the Leader's Portfolio means that the Leader has no individual delegated powers, has no individual decision making powers, and their role is strategic rather than operational.

The Leader added to point 4) by stating his belief that that hard work of all Council officers during the Coronavirus pandemic had allowed him to fulfil his responsibility to ensure the Council delivers 'high quality and value for money services', and he wished to place on record his gratitude to every officer for this.

SUPPLEMENTARY QUESTION

Councillor James Watson referred to an organisational structure he understood had been circulated to staff by the Communications Officer showing the Leader in direct control of officers. He also referred to correspondence he had undertaken with the Head of Paid Service, where the Head of Paid Service had suggested that the Leader was consulted when Delegated Decisions were taken. Councillor James Watson believed that this suggested that the Leader did have operational control, and asked if this was correct or not.

The Chair invited the Monitoring Officer to provide operational and Constitutional guidance on this question.

The Monitoring Officer explained that in terms of the organisational structure referred to by Councillor James Watson, there has always been an Officer/Member interface in place and this is what the chart was showing. She added that in terms of Councillor James Watson's correspondence with the Head of Paid Service, she explained that it would be remiss of any Council officer to do anything deliberately or directly against the wishes of the Leadership – not in terms of operational decisions, but not going against strategy and policy that has already been decided.

The Leader of the Council thanked the Monitoring Officer for clarifying these points and was happy to use this as his response to Councillor James Watson. He added that times like the Coronavirus pandemic required leadership, and Members and officers had worked very hard out in communities to provide guidance and reassurance. He had (along with Councillor Duncan McGregor) sent a thank you card to every member of staff because of this, and he wished to place on record his thanks to all of them for their work in the midst of the pandemic.

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CL718-20/21 MOTIONS

In accordance with Council Procedure Rule 10, Councillors were able to submit Motions on Notice for consideration at this meeting.

The Chair noted that two motions had been submitted from Councillor James Watson and Councillor Peter Roberts.

CL718-20/21a MOTION FROM COUNCILLOR JAMES WATSON

a) Motion from Councillor James Watson:

Council resolves that from the date when general membership of Committees is next determined that:

(i) the number of Executive members sitting on any one regulatory committee is limited to less than half the total number of Executive members and;

(ii) the Leader and Deputy Leader of the Council cannot be a member of a regulatory committee.

Councillor James Watson moved the motion and explained that it was based on his experiences of sitting on Growth Scrutiny Committee in relation to the Committee's review of sale of land at Park Avenue in Glapwell.

Councillor James Watson added that as he understood it, a developer approached the Council to purchase the piece of land to aid his planning application. The developer was told to approach the Council again if planning permission was granted. The planning application came before Planning Committee in February 2020 and a vote was taken to grant the permission. An Executive Member in attendance voted in favour of granting the permission, and another Executive Member in attendance stopped a planning officer from speaking on it.

Councillor James Watson believed this was not appropriate and created a conflict of interest. He concluded by stating that many other Councils managed to keep a distance between Executive Members and regulatory Committees, and his motion was an attempt to do the same at Bolsover District Council.

Councillor Ross Walker seconded the motion and used his right to speak by stating his belief that the idea behind the motion was very good and would allow the Council to move forward.

Councillor Ross Walker added a request that a recorded vote be taken for approval of the motion. The Chair reminded him that the time to discuss the vote and its operation would come after Members had spoken on the motion.

Councillor Duncan McGregor spoke on the motion and reminded Members that the Leader of the Council had previously stated he would look at meeting schedules, remuneration and statistics as part of the preparation for the 2023 elections and consult on it in 2021. However, the Coronavirus pandemic and Government guidelines on

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working from home had meant that the Leader had begun to investigate this now from a different perspective.

Councillor Duncan McGregor continued by stating that he was also addressing motion b) from Councillor Peter Roberts in his response. He added that some staff and Members were very reluctant to return to the office in the midst of the pandemic, so as part of the Leader's investigations, he had asked Councillor Duncan McGregor and the Council's Directors to assess the benefits to the Council of continued working from home.

Councillor Duncan McGregor advised that with all of this in mind, he was proposing a comprehensive review of the democratic process of Bolsover District Council. This was to include remotely attended meetings, the encouraging of Scrutiny members to play a greater part in their own geographical area, more detailed agendas with reports, the timings of meetings and the freedom to reschedule meetings. The review was also to include commissioning an Independent Remuneration Panel, and consideration of a return to the committee style of governance which would give Members the power to decide as well as recommend.

He added that a full report of the resource implications of this proposal would be prepared, and reports would begin to come forward for discussion by Autumn 2020. These reports would include information on participation in community activities, accessibility to the public, voting records, and attendance records. The draft proposals would be consulted on with all group leaders, and would be influenced by any relevant Government legislation including any proposal or white paper on Local Government reform/unitary status.

AMENDMENT

In accordance with Council Procedure Rule 12.6, Councillor Duncan McGregor moved an amendment to motion a) proposing that this Council has a comprehensive review of the Democratic processes of Bolsover District Council. He explained that as a consequence of this amendment, he would not support the Councillor Peter Roberts motion b) because those proposals would be dealt with under the Democratic processes review.

Councillor Ray Heffer seconded the amendment and reserved the right to speak.

The Chair invited Members to speak on the amendment.

Councillor Sandra Peake believed the amendment was excellent and would show that the Council could adapt in changing times.

Councillor Deborah Watson stated she would support the amendment and looked forward to discussing the review with the Leader of the Council and Councillor Duncan McGregor.

Councillor Duncan McGregor was invited to speak to exercise his right of reply. He spoke in favour of his amendment and stated that he hoped some of his background information had allayed the concerns of Councillor James Watson and Councillor Peter Roberts. He added that he had long held the view that returning to the Committee system would allow all Members to play more of a role in democratic voting, and it would make Members more accountable to the public.

The Chair stated that he would be departing from protocol as he was aware that the

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second motion on the agenda from Councillor Peter Roberts had been referred to and Councillor Peter Roberts requested to speak to clarify his motion and the consequence of the amendment. Councillor Peter Roberts spoke on the amendment and stated that he had talked to a number of Council officers about working from home, and they had indicated they would like to continue working from home because it made travel arrangements for those living from long distances a lot easier. The Monitoring Officer confirmed that Cllr Peter Robert's motion would be dealt with separately as the next item.

Councillor Steve Fritchley (Leader of the Council) spoke on the amendment and stated he had already asked Directors, Heads of Service and Managers to look closely at the way the Council operates in terms of working from home.

Councillor Ross Walker spoke on the amendment and asked if the review would include looking at times of meetings to allow Members with full time jobs more chance to attend. Councillor Duncan McGregor explained that this would be included.

As mover of the original motion, Councillor James Watson exercised his right to reply. He referred to Councillor Duncan McGregor stating that group leaders would be consulted with on the review, and felt it was very important that all factions of the Council be included in this.

Councillor Duncan McGregor responded by stating that the makeup of the Committee or the group that would consider the review would be inclusive. He added that all Groups would be involved.

As a recorded vote had been requested, the Chair advised that three Members were required for this request to be granted. The Chair, confirming this requirement was met, stated that a recorded vote would be taken on the amendment.

For the motion – 25 *(Councillors Derek Adams, Rose Bowler, Jane Bryson, Dexter Bullock, Jim Clifton, Paul Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Tom Munro, Evonne Parkin, Graham Parkin, Sandra Peake, Liz Smyth, Janet Tait, Rita Turner, Deborah Watson and Jen Wilson.)*

Against the motion – 4

(Councillors Tracey Cannon, Dan Salt, Ross Walker and James Watson.)

Abstentions – 5

(Councillors Anne Clarke, Nick Clarke, Tricia Clough, Tom Kirkham and Peter Roberts.)

The Chair indicated that the amended motion had been carried and would now be voted on as the substantive motion. On being put to the vote, the substantive motion was carried.

It was **RESOLVED** that that this Council has a comprehensive review of the Democratic processes of Bolsover District Council.

(Monitoring Officer)

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CL719-20/21b MOTION FROM COUNCILLOR PETER ROBERTS

The Chair advised that a minor amendment to the motion from Councillor Peter Roberts had been circulated as part of a Supplementary Agenda to Members.

b) Motion from Councillor Peter Roberts:

That Council resolves that the ability to work from home becomes normal practice for Officers and Councillors if they request it and where it is appropriate.

Councillor Peter Roberts spoke further in support of the motion he had moved, believing that the motion would allow officers and Members better work/life balance than before the Coronavirus pandemic. He felt it would also be better for the environment, cut down staff travel expenses, and ultimately make officers and Members more productive.

Councillor Dan Salt seconded the motion and reserved the right to speak.

Councillor Duncan McGregor spoke on the motion and stated he would not support it because he felt that the substantive motion a) now covered the points in the motion by Councillor Peter Roberts. He added that the review from that substantive motion would seek to include ideas from Members just like the ones in Councillor Peter Roberts' motion.

Councillor Ross Walker spoke of his support for the motion and hoped Council would carry it.

Councillor Liz Smyth spoke on the motion and stated she would not support it because, as outlined by Councillor Duncan McGregor, the substantive motion a) would cover it. She added that the process for deciding further working from home arrangements would be better served as part of a thorough review process.

Councillor James Watson spoke on the motion and stated he would support it because regardless of the review, the motion would give the public a clear indication that the Council wants to address working from home arrangements.

Councillor Duncan McGregor spoke again on the motion and believed that the review would allow for proper consultation with staff, which the motion would not.

Councillor David Dixon spoke on the motion and stated he would not support it, because he felt the issue required consulting the staff involved.

The Chair stated that he endorsed the comments of Cllr David Dixon and Councillor Liz Smyth, and that any changes should be subject to consultation with all staff and Members. This was to take place as part of the review under the previous item.

AMENDMENT

In accordance with Council Procedure Rule 12.6, Councillor Duncan McGregor moved an amendment to motion b) proposing that this Council has a comprehensive review of the Democratic processes of Bolsover District Council. He explained his belief that the substantive motion a) and the review would cover this, and the review

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would include working from home arrangements.

Councillor Liz Smyth seconded the amendment and reserved the right to speak.

As mover of the original motion, Councillor Peter Roberts exercised his right to reply. He felt that officers and Members could be consulted right now on working from home arrangements. He believed that Members and officers were already working from home anyway, so consulting them on it should not take long.

The amendment was put to the vote and was carried.

The Chair confirmed that the carried amendment would now become the substantive motion and would now be voted on. The substantive motion was carried.

It was **RESOLVED** that that this Council has a comprehensive review of the Democratic processes of Bolsover District Council.

(Monitoring Officer)

CL720-20/21 POLITICAL BALANCE REVIEW AND CHANGES TO COMMITTEE SEATS

At this point Councillor Natalie Hoy joined the meeting.

The Chair noted that an updated version of this report had been circulated as part of a Supplementary Agenda to Members. The updated version included an amended appendix, and this would be the version proposed and discussed.

Councillor Clive Moesby spoke on the report and stated that in response to the appendix, the Labour Group would propose:

- 1) That Labour Group representation on General Licensing / Licensing and Gambling Acts Committee stays the same
- 2) To remove Councillor Steve Fritchley from Planning Committee
- 3) To remove Councillor Rita Turner from the Union Employee Consultation Committee
- 4) To nominate Councillor Rose Bowler to join the Healthy, Safe Clean and Green Scrutiny Committee

Councillor Deborah Watson spoke on the report and stated that the Independent Group would propose its appointments would remain as listed in the appendix, except for:

- 1) To remove Councillor Evonne Parkin on Planning Committee and replace with Councillor Ray Heffer

Councillor David Dixon indicated that the Conservative Group had no further proposals to make regarding the appendix.

Councillor Ross Walker spoke on the report and stated that the Community Independents would propose:

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- 1) To nominate Councillor Allan Bailey to join the General Licensing / Licensing and Gambling Acts Committee
- 2) To remove Councillor Graham Parkin from Planning Committee
- 3) To nominate Councillor Graham Parkin to join the Safety Committee
- 4) To remove Councillor Ross Walker from Union Employee Consultation Committee
- 5) To remove Councillor Allan Bailey from New Bolsover Joint Committee

Councillor Graham Parkin queried the changes to his appointments made by the Community Independents Group. The Monitoring Officer advised this was a Group matter, and Councillor Ross Walker as the Group Leader confirmed that the changes he had announced would stand.

The report and all of the Group proposals were moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson.

On being put to a vote it was **RESOLVED** that Council endorses the amended report and appendix and approves all of the proposed Committee changes made by Group Leaders.

(Governance Manager)

CL721-20/21 APPOINTMENT OF VICE-CHAIR FOR HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

The Chair indicated that Executive Members would be unable to vote on this item. The Monitoring Officer added that Executive Members could still move and second the motion.

Councillor Clive Moesby moved that Councillor Anne Clarke be nominated as the Vice-Chair for Healthy, Safe Clean and Green Scrutiny Committee. Councillor David Downes seconded the nomination.

Councillor David Dixon moved that Councillor Natalie Hoy be nominated as the Vice-Chair for Healthy, Safe Clean and Green Scrutiny Committee. Councillor Maxine Dixon seconded the nomination.

The Chair put both nominations to the vote.

On being put to a vote it was **RESOLVED** that Councillor Anne Clarke be appointed as Vice-Chair of Healthy, Safe Clean and Green Scrutiny Committee.

(Governance Manager)

CL722-20/21 MEMBER DEVELOPMENT ANNUAL REPORT

Councillor Sandra Peake presented the Member Development Annual Report 2019/2020 to Members.

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Councillor James Watson asked if the Member Development programme had included any training for Members on Chairing skills. Councillor Sandra Peake confirmed Chairing training had been included.

On being put to a vote it was **RESOLVED** that Council notes the Member Development Annual Report 2019/2020.

(Governance Manager)

CL723-20/21 CONTRACT PROCEDURE RULES

The Team Leader (Solicitor) (Non-Contentious) presented a report to Members proposing changes to the Council's Contract Procedure Rules as part of its Constitution.

The Team Leader (Solicitor) (Non-Contentious) explained that two weeks ago, Standards Committee considered and supported the proposed changes to the Rules. In addition to these changes, there were two further proposals in this report and its appendices:

1) As recommended by Standards Committee, it was proposed that when an officer publishes a Delegated Decision, the procurement route is explained fully in the decision notice.

2) A change was also proposed relating to the threshold for when documents are signed or sealed. There was previously a conflict in the Rules as a section stated £50,000 and another stated £75,000. It was proposed that all referenced be amended to £75,000.

Councillor Clive Moesby moved the recommendation in the report. This was seconded by Councillor Deborah Watson.

On being put to a vote it was **RESOLVED** that Council approve the proposed changes to the Council's Procurement Rules.

(Monitoring Officer)

CL724-20/21 EXCLUSION OF THE PUBLIC

Councillor Tom Munro moved and Councillor Duncan McGregor seconded that the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

Councillor James Watson requested that the vote on the motion to exclude the public be a recorded vote, because he felt the public had a right to see a record in the minutes of exactly who had voted to exclude them. The Chair advised that three Members were required for this request to be granted. To Chair confirmed this requirement had not been met.

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The Chair indicated that the live stream of the meeting would now end, and thanked people for watching.

RESOLVED that the public be excluded from the meeting during discussion of the following items of business.

RV: Councillors James Watson and Ross Walker requested that their votes against the motion to exclude the public be recorded.

CL725-20/21 PURCHASE OF SECTION 106 PROPERTIES FROM RIPPON HOMES OFF BALL HILL - SOUTH NORMANTON

Councillor Sandra Peake presented a report to Members proposing an increase in the Capital programme to include the cost of purchasing the 3 identified properties from Rippon Homes off Ball Hill – South Normanton.

Councillor Sandra Peake moved the recommendations in the report. This was seconded by Councillor Derek Adams.

On being put to a vote it was **RESOLVED** that:

- (i) Council notes the contents of this report.
- (ii) Council agrees to the increase in the Capital programme to include the cost of purchasing the 3 properties from Rippon Homes off Ball Hill – South Normanton.
(Director of Development)

CL726-20/21 BOLSOVER HOMES FUNDING

Councillor Sandra Peake presented a report to Members proposing the capital funding to deliver the Bolsover Homes 4 year social house building framework contract, to update on right to buy receipts and to seek approval to proceed on the scheme.

Councillor Ross Walker stated that he fully supported social housing, but he believed the price quoted for this was too high.

Councillor Rita Turner left the meeting during discussion of the report.

On being put to a vote it was **RESOLVED** that:

- (i) Council approves up to £36.2 million of capital funding to deliver the Bolsover Homes 4 year social house building framework contract.
- (ii) Council notes the position on Right to Buy receipts and support measures to reduce paying funds back to Central Government by using them on these schemes wherever possible.
- (iii) Delegated authority be given to the section 151 Officer to amend any of the

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financial arrangements (capital or revenue) to ensure the schemes progress.

(iv) Council approves funding as laid out in the body of the report to deliver the Whitwell Cluster.

RV: Councillors Peter Roberts, Ross Walker and James Watson requested that their votes against the proposals be recorded.
(Section 151 Officer)

CL727-20/21 CHAIRMAN'S CLOSING REMARKS

The Chair had no closing remarks.

The meeting concluded at 1200 hours.

Bolsover District Council

Council

16th September 2020

Appointment to Committees and Advisory Groups
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Report of the Monitoring Officer and Solicitor to the Council

This report is public

Purpose of the Report

- To make amendments to the appointment of Members to the Council's Committees and Advisory Groups for the 2020/21 Municipal Year following a change to the Council's political groups affecting proportionality.

1 Report Details

- 1.1 There has been a change in the numbers within 2 political groups of the Authority, with one Member moving from the Community Independents to the Independent Group. This affects the overall proportionality of allocation of committee seats, and accordingly this should be revised at the earliest opportunity.
- 1.2 This report therefore brings forward the allocation of seats to political groups in accordance with the Political Balance rules.
- 1.3 **Appendix 1** to the report sets out the allocation of committee seats which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 as far as is reasonably practicable.
- 1.4 **Appendix 2** amends the current appointments to committees following the changes to allocations as identified in Appendix 1. Political Groups are able to make changes where necessary to their appointments to Committees, and nominations to and removals from committees are requested in some instances.
- 1.6 Members should discuss any changes to Committee and Advisory Group Appointments with the Leaders of their Political Groups in advance of the Council meeting.
- 1.5 The Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. The Advisory Groups are not subject to the political balance requirements.

2 Conclusions and Reasons for Recommendation

- 2.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of section 15 of the Local Government and Housing Act as far as reasonable practicable.
- 2.2 Existing appointments to Committees are detailed in **Appendix 2** requesting amendments from political groups.

3 Consultation and Equality Impact

- 3.1 Statutory officers, the Leader and the Governance Team have been consulted on the political balance.
- 3.2 An Equality Impact Assessment has not been necessary.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council may make amendments to the nominations to committees within the proportionality agreed before and up to the discussion of this matter at the meeting. Any further revisions will be brought before a meeting of Council.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 The Council is required to decide the allocation of seats to political groups in accordance with the Political Balance rules.

5.3 Human Resources Implications

- 5.3.1 None.

6 Recommendations

- 6.1 That the Council agrees the allocation of seats of Committees as detailed in Appendix 1 is in accordance with the political balance rules; and
- 6.2 That the appointment to committees as set out in Appendix 2 be agreed.

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	N/A
District Wards Affected	None directly
Links to Corporate Plan priorities or Policy Framework	Demonstrating good governance

8 Document Information

Appendix No	Title
1 2	Proportionality on Committees Appointments to Committees
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

	Seats on Council	Proportion
Total seats	37	100.00%
Labour Group	17	45.946%
Independent Group	11	29.730%
Community Independents	5	13.514%
Conservative	3	8.108%
Vacant Seats	1	2.70%

Executive	8
Non-Exec	29

APPENDIX 1

Ordinary Committees	Total seats on Committee	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Audit Committee	6	2.76	3	1.78	1	0.81	1	0.49	1	0.16	0	6
Employment Appeals Committee	3	1.38	2	0.89	1	0.41	0	0.24		0.08		3
Employment Appeals Deputies	3	1.38	2	0.89	1	0.41	0	0.24		0.08		3
General Licensing Committee	15	6.89	7	4.46	4	2.03	2	1.22	1	0.41	1	15
Licensing and Gambling Acts Committee	15	6.89	7	4.46	4	2.03	2	1.22	1	0.41	1	15
Planning Committee	18	8.27	8	5.35	5	2.43	2	1.46	2	0.49	1	18
Safety Committee	5	2.30	2	1.49	1	0.68	1	0.41	1	0.14		5
Standards Committee	6	2.76	3	1.78	2	0.81	1	0.49		0.16		6
Union/Employee Consultation Committee	6	2.76	2	1.78	2	0.81	1	0.49	1	0.16		6
Total Seats on Ordinary Committees	77	35.38	36	22.89	21	10.41	10	6.24	7	2.08	3	77

Scrutiny Committees	Total seats on Committee		Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
			Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Customer Service and Transformation Scrutiny Committee	9.67	10	4.59	5	2.97	3	1.35	1	0.81	1	0.27		10
Growth Scrutiny Committee	9.67	11	5.05	5	3.27	3	1.49	2	0.89	1	0.30		11
Healthy, Safe, Clean & Green Scrutiny Committee	9.67	11	5.05	5	3.27	3	1.49	2	0.89	1	0.30		11
Total seats	29.00	32	14.70	15	9.51	9	4.32	5	2.59	3.00	1	0	32
Budget Scrutiny Committee	29	29	13.32	11	8.62	9	3.92	5	2.35	3	0.78	1	29

*includes all non-executive Members, so political balance cannot stricly apply

Joint Committees*	Total seats on Committee	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Joint ICT	3	1.38	1	0.89	1	0.41	1	0.24		0.08		3
Joint Scrutiny Panel	3	1.38	1	0.89	1	0.41	1	0.24		0.08		3
New Bolsover Joint Committee	10	4.59	5	2.97	3	1.35	1	0.81	1	0.27		10

* Note – For political balance to apply, there must be at least three seats to be filled on joint committees (excl executive committees)

Joint Employment and Appeals Committee Membership set within Constitution	Total seats on Committee	Majority		Minority	
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats
	4	1.84	3	1.19	1

Advisory/Working Groups*	Total seats on Group	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
MDWG	7	3.22	3	2.08	2	0.95	1	0.57	1	0.19		7
Local Plan Steering Group	9	4.14	4	2.68	3	1.22	1	0.73	1	0.24	0	9
Pleasley Park and Vale Conservation Area Working Group	5	2.30	2	1.49	2	0.68	1	0.41		0.14		5
Tenant Participant Review and Development Group	5	2.30	2	1.49	2	0.68	1	0.41		0.14		5
Total seats	26	11.95	11	7.73	9	3.51	4	2.11	2	0.70	0	26

APPOINTMENT OF COMMITTEES AND ADVISORY GROUPS

COMMITTEES

COMMITTEE:	LABOUR GROUP (17)	INDEPENDENT GROUP (11)	COMMUNITY INDEPENDENTS (5)	CONSERVATIVE GROUP (3)	VACANCY (1)
	Cllrs S.Fritchley (L), D.McGregor (DL), R.Bowler, M.Dooley, D.Downes, A.Clarke, N.Clarke, T.Clough, C.P.Cooper, C.Kane, T.Kirkham, C.Moesby, T.Munro, S.Peake, J.Tait, R.Turner, J.Wilson	Cllrs D.Watson (L), J. Clifton, D.Adams, D.Bullock, R.Heffer, A.Joesbury, P.Roberts, L.Smyth, E.Parkin, G.Parkin, J.Bryson	Cllrs R.Walker (L), T. Cannon, A.Bailey, D.Salt, J.Watson	Cllrs D.Dixon, M. Dixon, N. Hoy	
Audit Committee (6 plus co-opted Members) No change	(3) Cllrs Christopher Kane, Tom Munro, Tom Kirkham	(1) Cllr Jim Clifton	(1) Cllr Dan Salt	(1) Cllr David Dixon	(0)
Employee Appeals Committee (3) Deputies (3) No change	(2) Cllrs Nick Clarke and Janet Tait (2) Cllrs Sandra Peake and Rita Turner	(1) Cllr Liz Smyth (1) Cllr Evonne Parkin	(0) (0)	(0) (0)	(0)
General Licensing / Licensing and Gambling Acts Committee Sub-Committees of these Parent Committees will be appointed at the first meeting (15 and 15)	(7) Cllrs Rose Bowler, Paul Cooper, Mary Dooley, Steve Fritchley, Sandra Peake, Rita Turner REQUIRES NOMIATION	(4) Cllrs Ray Heffer, Andrew Joesbury, Peter Roberts, and Jane Bryson	(2) Cllrs Tracey Cannon, Ross Walker Allan Bailey ONE MEMBER TO BE REMOVED	(1) Cllr Maxine Dixon	(1) Vacancy
Planning Committee (18)	(8) Cllrs Anne Clarke, Nick Clarke, Paul Cooper, Christopher Kane, Duncan McGregor, Tom Munro, Janet Tait, Jen Wilson	(5) Cllrs Liz Smyth, Deborah Watson, Jim Clifton, Derek Adams, Ray Heffer REMOVE Ray Heffer and replace with Graham Parkin	(2) Cllrs Dan Salt, Allan Bailey, James Watson ONE MEMBER TO BE REMOVED	(2) Cllrs Natalie Hoy and Maxine Dixon	(1) Vacancy

Safety Committee (Safety Visits Panel to be determined by Safety Committee) (5)	(2) Cllrs Nick Clarke and Tricia Clough	(1) Cllr Andrew Joesbury	(1) REQUIRES NOMINATION	(1) Cllr David Dixon	(0)
Standards Committee (6) No changes	(3) Cllrs Tricia Clough, David Downes, Clive Moesby	(2) Cllr Deborah Watson, Cllr Andrew Joesbury	(1) Cllr James Watson	(0)	(0)
Union Employee Consultation Committee (6 plus union reps)	(2) Cllr Mary Dooley, Tom Kirkham,	(2) Cllr Derek Adams, Cllr Jane Bryson	(1) REQUIRES NOMINATION	(1) Cllr Maxine Dixon	(0)
Scrutiny Committees					
Customer Services and Transformation Scrutiny Committee (10) No changes	(5) Cllrs Rose Bowler, Anne Clarke, Tricia Clough, Paul Cooper, Rita Turner	(3) Cllrs Andrew Joesbury, Ray Heffer, Jane Bryson	(1) Cllr Allan Bailey	(1) Cllr David Dixon	(0)
Growth Scrutiny Committee (11)	(5) Cllrs Tricia Clough, Christopher Kane, Tom Kirkham, Tom Munro, Jen Wilson	(3) Cllrs Jim Clifton, Derek Adams, Peter Roberts	(2) Cllrs James Watson REQUIRE NOMINATION	(1) Cllr David Dixon	(0)
Healthy, Safe Clean and Green Scrutiny Committee (11) No changes	(5) Cllrs Anne Clarke, David Downes, Tom Munro, Janet Tait, Rose Bowler	(3) Cllrs Dexter Bullock, Peter Roberts, Evonne Parkin	(2) Cllrs Dan Salt and Ross Walker	(1) Cllr Natalie Hoy	(0)
Budget Scrutiny Committee (29)	(11) All Non- Executive Members	(9) All Non- Executive Members	(5) All Non- Executive Members	(3) All Non- Executive Members	(1) VACANCY

JOINT COMMITTEES

COMMITTEE:	LABOUR GROUP	INDEPENDENT GROUP	COMMUNITY INDEPENDENTS	CONSERVATIVE GROUP	VACANCY
ICT Shared Services Committee (3 from BDC plus CBC and NEDDC) No changes required	(1) Cllr Steve Fritchley	(1) Cllr Ray Heffer	(1) Cllr Dan Salt	(0)	(0)
Joint Employment and Appeals Committee (4) No changes required	Leader, Deputy Leader and relevant Portfolio Holder Cllr Steve Fritchley, Duncan McGregor + relevant Portfolio Holder	* Leader of Largest Minority Group Cllr Deborah Watson		(0)	(0)
Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel) (3) No changes required	(1) Cllr Jen Wilson	(1) Cllr Ray Heffer	(1) Cllr Tracey Cannon	(0)	(0)
Strategic Alliance Joint Committee (9 from BDC and 9 from NEDDC)					
New Bolsover Joint Committee (10)	(5) Cllrs Rose Bowler, Anne Clarke, Christopher Kane, Tom Munro, Sandra Peake	(3) Cllr Derek Adams, Cllr Peter Roberts, Cllr Liz Smyth	(1) REQUIRES NOMINATION	(1) Cllr David Dixon	(0)

ADVISORY GROUPS

GROUP:	LABOUR GROUP	INDEPENDENT GROUP	COMMUNITY INDEPENDENTS	CONSERVATIVE GROUP	VACANCY
Local Plan Steering Group (9)	(4) Cllrs Nick Clarke, Christopher Kane, Tom Munro, Janet Tait	(3) Cllrs Jim Clifton, Derek Adams, Liz Smyth	(1) Cllr Allan Bailey	(1) Cllr Natalie Hoy	(0)
Pleasley Park and Vale Conservation Area Working Group (5)	(2) Cllrs Christopher Kane, Tom Kirkham, Tom Munro ONE MEMBER TO BE REMOVED	(2) Cllr Liz Smyth and Ray Heffer	(1) Cllr Allan Bailey	(0)	(0)
Member Development Working Group (7) No changes	(3) Cllrs David Downes, Tom Munro, Sandra Peake	(2) Cllrs Deborah Watson and Liz Smyth	(1) Cllr Tracey Cannon	(1) Cllr David Dixon	(0)
Tenant Participation review and Development Group (5)	(2) Cllrs Rose Bowler, Sandra Peake, Jen Wilson ONE MEMBER TO BE REMOVED	(2) Cllrs Peter Roberts and Liz Smyth	(1) Cllr Dan Salt	(0)	(0)

Bolsover District Council

Council

16th September 2020

Decisions Made under Emergency Delegated Powers

Report of the Head of Corporate Resources & Head of Paid Services

This report is public

Purpose of the Report

- To inform Council of decisions that have been made under the Delegated Power to act in an emergency.

1 Report Details

- 1.1 The Council's Delegation Scheme grants the following power to the Head of Corporate Resources & Head of Paid Services:

To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and, where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Director of Corporate Resources to the next meeting of Council explaining the reasons for the decision.

- 1.2 Since March 2020, a number of decisions have been made under this delegated power as a result of the Coronavirus Pandemic:

Reference	Decision	Date
DD-15-20-SS	Emergency delegated powers as a result of delegated powers	25 th March 2020
DD-17-20-SS	Establishment of the post of Head of Leaders Executive Team and Partnerships	27 th March 2020
DD-21-20-SG	Appointment of Head of Leaders Executive Team and Partnerships	7 th April 2020
DD-32-20-SS	Extension to Emergency delegated powers as a result of the Coronavirus lockdown	28 th May 2020
DD-61-20-SS	Extension to Emergency Delegated Powers As a Result of Coronavirus Lockdown	13 th August 2020

- 1.3 Details of each of these decisions and the reasons for them are attached to this report at **Appendices 1 to 5**.
- 1.4 Under the first of these decisions, a set of additional delegated powers were granted to ensure normal business could be continued in the absence of formal member meeting, prevented by the coronavirus lockdown restrictions. These additional powers were extended until 30th November 2020.
- 1.5 Decisions that were taken under these extended powers include:

Reference	Decision	Date
DD-22-20-IB	Direct Aware of Bolsover Homes New Build Framework	8 th April 2020
DD-25-20-DC	Sale of Land at Glapwell	5 th May 2020
DD-26-20-CF	Adoption of revised Housing Allocation Policy	13 th May 2020
DD-29-20-CF	Constitution Amendment – Scrutiny Procedure Rules	12 th May 2020
DD-29-20-CF	To award the contract to T&S Heating Ltd to provide the Out of Hours Emergency Call Out Service for Bolsover District Council Housing Repairs Section	21 st May 2021
DD-34-20-SS	Council Procedure Rules for Virtual Meetings	3 rd June 2020
DD-37-20-SS	Meeting Schedule for 2020-2021	15 th June 2020
DD-38-20-TF	Approval of Annual Governance Statement	16 th June 2020
DD-41-20-KD	Data Protection Policy	13 th May 2020
DD-42-20-KD	Access to Information Policy	13 th May 2020
DD-43-20-KD	Overt Use of Surveillance Systems Policy	13 th May 2020
DD-44-20-TF	Anti-Money Laundering Policy	23 rd June 2020
DD-45-20-TF	Discretionary Housing Payments Policy	23 rd June 2020
DD-46-20-SS	Community Right to Bid/Assets of Community Value Delegation to Officers	1 st July 2020
DD-51-20-KD	Equality and Diversity Policy for Service Delivery	14 th July 2020

- 1.6 These decisions are not required to be reported to Council however they are available on the Council's website should Members wish to view them.

<https://www.bolsover.gov.uk/index.php/your-council/committee-governance-constitution>

2 Conclusions and Reasons for Recommendation

- 2.1 This report is for information, fulfilling the requirement of the emergency delegated power to report all decisions made under it to the next meeting of Council.

3 Consultation and Equality Impact

- 3.1 Consultation has been carried out on the individual decisions. Where delegated decisions are Key Decisions, all Members are consulted before the decision is made.
- 3.2 There are no equality impact issues arising from this report as it is for information only.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options as the Delegation Scheme requires that this report be submitted to Council.

5 Implications

5.1 Finance and Risk Implications

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

5.2 Legal Implications including Data Protection

- 5.2.1 There are no legal implications arising from this report.

5.3 Human Resources Implications

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

6 Recommendations

- 6.1 That Council note the decisions made under emergency delegated powers.

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	No
District Wards Affected	None Directly
Links to Corporate Plan priorities or Policy Framework	None Directly

8 Document Information

Appendix No	Title
1	Emergency delegated powers as a result of delegated powers
2	Establishment of the post of Head of Leaders Executive Team and Partnerships
3	Appointment of Head of Leaders Executive Team and Partnerships
4	Extension to Emergency delegated powers as a result of the Coronavirus lockdown
5	Extension to Emergency delegated powers as a result of the Coronavirus lockdown (2nd)
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	
Sarah Sternberg Solicitor to the Council and Monitoring Officer	
Contact Number	
01246 242414	

BOLSOVER AND NORTH EAST DERBYSHIRE DISTRICT COUNCILS

RECORD OF DECISION TAKEN BY THE Head of Paid Service

25th March 2020

Emergency delegated powers as a result of delegated powers

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Director of Corporate Services and Head of Paid Service's delegation</p> <p>(4) To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Director of Corporate</p>	<p>To delegate the functions listed for each Council in the attached lists until 31st May 2020 unless revoked earlier.</p>	<p>The coronavirus has resulted in few or no member meetings taking place. To deal with the issues which will arise and which would normally be decided by a formal member meeting, these delegations are being put in place.</p>	<p>To do nothing would result in the business of the Council coming to a halt.</p>	<p>None</p>

Services to the next meeting of Council explaining the reasons for the decision.				
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Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes



Authorising Signature:

Job title: Director of Corporate #Services and Head of Paid Service

Unique Reference Numbers

NEDDC - DD/025/20/SS - Emergency Delegations

BDC - DD/015/20/SS - Emergency Delegations

Date decision may be implemented following call in (if necessary):N/A.....

Circulation to:

Director of Corporate Resources
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

Suggested delegation	Reason for	Suggested delegation
The awarding of contracts where the contract sum is in excess of the key decision levels (£75,000 for income and £150,000 for capital).	Such decisions are taken by the Executive and there is generally a budget for the contract. However there are no Executive meetings before June 2020 and so the decision making power must be delegated to an officer in consultation with the appropriate members to ensure contracts are let in a timely fashion and that the work of the Council can continue.	Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following (22) Following evaluation of the tenders and in consultation with the Leader and Portfolio Holder to award contracts where the contract sum is greater than the key decision levels.
The extension of contract periods and the payment of additional contract sums for awarded contracts which are being impacted by the coronavirus crisis.	It is expected that existing building and repairs contracts will stall due to the lack of labour and the inability of contractors to access properties. Such extensions would normally go to the Executive. All meetings of the Executive have been cancelled until May 31 st 2020. In addition, other contracts may be similarly affected and may need contract variations for extra time and/or contract sums.	Add to the Directors' delegations the following To authorise in consultation with the Leader and Deputy Leader and Portfolio Holder the extension of the contract term and/or agree additional contract sums for any contract the performance of which is affected by the coronavirus.
The agreement to terms and conditions for disposals, acquisitions and other dealings with property above the key decision level.	This covers dealings in land where a decision is above the key decision level and is normally taken by the Executive. It also covers a further 2 situations. The first is where a project is directly affected by coronavirus. The second is where there is a change in the situation which would normally be	In section 4.10.9 (General Powers delegated to all Directors and Heads of Service) add the following to the end of (14) whether or not the decision is above or below the key decision threshold. This also includes occasions where the agreed contractual terms

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
Amendments in place until 31st May 2020 unless revoked earlier.

	reported to the Executive. In both cases, this is where the result is a change to the terms and conditions upon which the land deal is being done.	are being varied by agreement in the particular circumstances.
<p>Licensing and Gambling Acts Committee, Licensing and Gambling Acts Sub Committee terms of reference to be passed to an officer.</p> <p>General Licensing and Committee and General Licensing Sub Committee terms of reference to be passed to an officer</p>	The Licensing function may need to carry on but at the moment certain functions are reserved to the Committees including hearings. These need transferring to an officer for both kinds of licensing function.	<p>Add to the delegation of the Director of Environment and Enforcement and the Joint Head of Environmental Health:</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee.</p> <p>Add to the delegation of the Director of Corporate Resources</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and the General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee if the Director of Environment and Enforcement and the Joint Head of Environmental Health are unavailable.</p>
Existing Licensing delegations to the Head of Housing and Community Safety	Pre-existing delegations exist in relation to both kinds of Licensing Committee for the Head of Housing and Community Safety. As this post no	At 3.1 on page 41 of the Constitution and 4.1 on page 43 of the Constitution to substitute the Director of Environment and Enforcement for the Head of Housing and Community Safety.

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
Amendments in place until 31st May 2020 unless revoked earlier.

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	longer exists it is appropriate to transfer these powers to the Directors as well.	In addition add:- Where the Director of Environment and Enforcement is not available, the Joint Head of Environmental Health will exercise this delegation.
Approval of all Policies and Strategies which would normally be approved by the Executive.	There are a number of policies and strategies which would be shortly submitted for approval to Executive. It is proposed that these are approved by an officer in consultation with the Leader and Deputy Leader and Portfolio Holder.	That the following is added to the Delegations to each of the 3 Directors: To approve Policies and Strategies in consultation with the Leader and Deputy Leader and the Portfolio Holder on behalf of the Executive.
Approval of the Annual Governance Statement	This is usually approved by the Audit Committee each year. These meetings have been cancelled for the foreseeable future and so alternative approval arrangements are needed.	Add to the Director of Corporate Resources and Head of Paid Service the following To approve the Annual Governance Statement.
Approval of the Statement of Accounts once external audit has been completed.	Existing delegation allows for the section 151 officer to approve the draft accounts for audit. However the post audit Statement of Accounts approval is usually done by the Audit Committee. It is unlikely that this will be required within the 3 months of these extra delegations, but should there be an extension of these, this will be needed.	Add to the Head of Finance and Resources and Section 151 Officer's existing delegation at (4): And to approve the Statement of Accounts following external audit in consultation with the Portfolio Holder.
Approval of the write off of debts above £2500	This is an Executive function and is taken to Executive for decision.	Amend (6) in the delegation of the Head of Finance and Section 151 Officer to read as follows

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
Amendments in place until 31st May 2020 unless revoked earlier.

		After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts without limit.
Amendment of procedural requirements in policies and strategies to put alternative arrangements in place.	Some policies require certain working parties to be consulted. An example of this is the referral to the Asset Management Group of all acquisitions and disposals in accordance with the policy. The ability to amend those policies in the current circumstances is needed to avoid unnecessary meetings but to ensure that the issues are still considered properly.	Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following (23) To amend the requirements of policies and strategies which require an officer/member meeting to take place in order to put in place alternative administrative arrangements to avoid the meeting.
Requirement for approval by Executive or Council for absences of members from formal meetings of more than 6 months.	There is a statutory requirement for a member to attend at least one formal meeting at the Council every 6 months. Failure to do so means the Councillor is removed from office by law. This can be avoided by the Executive or Council approving the absence where there is good cause such as illness. In order that such absences can be agreed, it is necessary to delegate this power.	Add to the Director of Corporate Resources' delegation and that of the Director of Environment and Enforcement the authority to approve a member's absence from meetings of the Council for a period greater than 6 months under section 85 Local Government Act 1972.
Approval of the calendar of meetings for 2020/21	This is usually decided by Council in advance of the start of the corporate year. There are no Council meetings before the start of the new corporate year.	Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following To approve the Schedule of meetings for the Corporate year 2020/21 in consultation with the Leader and Deputy Leader.

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
Amendments in place until 31st May 2020 unless revoked earlier.

Approval of Constitution changes.	<p>The Council needs the ability to make changes to and adopt its new 2020 Constitution and to do this without the need for a formal meeting.</p> <p>Accordingly it is suggested that this is delegated to ensure that the new Constitution is adopted in a timely fashion.</p>	<p>Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following</p> <p>To approve the changes to the Constitution and the adoption following those changes of the 2020 Constitution. The exercise of this power to be in consultation with the Chair and Vice Chair of Standards Committee, the Chair and Vice Chair of Council, the Head of Paid Services and the Section 151 Officer.</p>
New regulations related to the coronavirus.	There needs to be an officer with delegated powers to enforce this.	<p>Add to the delegation of the Director of Environment and Enforcement the following</p> <p>To enforce the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 (“the Business Closure Regulations “) and to bring legal proceedings for any offence under the Business Closure Regulations.</p> <p>.</p>

BOLSOVER DISTRICT COUNCIL

RECORD OF DECISION TAKEN BY THE Director of Corporate Resources and Head of Paid Service

27th March 2020

Establishment of the post of Head of Leaders Executive Team and Partnerships

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>On 4th March Council approved the following delegation in relation to the Management Structure Proposals:</p> <p>That in consultation with the Leader, the Head of Paid Service is given delegated power to deal with issues as they arise, to ensure the implementation of the new structure is completed this to include the allocation of responsibilities in the Delegation Scheme in the Constitution including Proper Officer appointments.</p>	<p>To establish the post of Head of Leaders Executive Office and rename it Head of Leaders Executive Team and Partnerships.</p> <p>To disestablish the post of Leader's Executive Officer and Partnership Strategy and Policy Manager.</p>	<p>The report to Council on 4th March 2020 made clear the Council's intention to establish the Head of Leaders Executive Team post and disestablish the post of Leader's Executive Officer and Partnership Strategy and Policy Manager. However the resolutions did not formally make this decision. Instead the decision making power was delegated to the Head of Paid Service.</p> <p>Since this decision, the country has gone into lock down as a result of coronavirus and all Council meetings have</p>	<p>To wait until the national crisis is resolved.</p> <p>This was rejected as it is unknown when this will be and no estimate can be made with any confidence.</p> <p>It is also unfair on affected staff who would be left in limbo.</p>	None

<p>In addition the Head of Paid Service has the following delegation in the Delegation Scheme:</p> <p>10.4 To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow. Any decisions taken under this paragraph shall be reported by the Director of Corporate Services to the next meeting of Council explaining the reasons for the decision.</p>		<p>been cancelled for 3 months. As the establishment of a Head of Service is a Council function by law, an alternative route is needed for the establishment of this post. The Head of Paid Service's emergency delegation is meant for situations like this national emergency relating to coronavirus. It is therefore appropriate to use this power.</p> <p>It was decided to change the title to Head of Leaders Executive and Partnerships.</p> <p>A report to Council on the use of the power will be required once Council meetings are being held again.</p>		
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Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
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No	Yes (Paragraphs 1, 2 and 3)	No	Yes	Yes



Authorising Signature:

Job title: Head of Paid Service.....

Unique Reference Number: DD/017/20/SS

Date decision may be implemented following call in (if necessary):N/A.....

Circulation to:

Director of Corporate Resources
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

BOLSOVER DISTRICT COUNCIL

RECORD OF DECISION TAKEN BY THE HEAD OF PAID SERVICE

7TH April 2020

Appointment of Head of Leaders Executive Team and Partnerships

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>On 4th March Council approved the following delegation in relation to the Management Structure Proposals:</p> <p>That in consultation with the Leader, the Head of Paid Service is given delegated power to deal with issues as they arise, to ensure the implementation of the new structure is completed this to include the allocation of responsibilities in the Delegation Scheme in the Constitution including Proper Officer appointments.</p> <p>In addition the Head of Paid Service has the following delegation in the Delegation Scheme:</p> <p>10.4 To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow.</p>	<p>To appoint Pam Brown as the Head of the Leaders Executive Team and Partnerships</p> <p>To award the payment of an honorarium based on difference between Scp 33 and Head of Service Scp 1.</p> <p>From 4 March 2020 to start date in new post.</p>	<p>Following Council on 4th March 2020, a previous DD established the post of Head of Leaders Executive Team and Partnerships.</p> <p>Subsequently a Member Panel (the Employment and Appeals Committee) met on, 6th April and interviewed Mrs. Pam Brown for the post of Head of Leaders Executive Team and Partnerships. The Panel wish to offer Mrs. Brown the position.</p> <p>Such an appointment should be made by Council. As a result of the coronavirus pandemic, there are no Council meetings planned for the near future. Accordingly, as this appointment should not have to wait and because Council business should continue so</p>	<p>The only alternative is to wait for a Council meeting to be arranged. This could be some months away.</p> <p>Council business should not be prevented from being dealt with so far as is possible. Accordingly waiting was not considered appropriate.</p>	<p>None</p>

Any decisions taken under this paragraph shall be reported by the Director of Corporate Services to the next meeting of Council explaining the reasons for the decision.		far as possible, the Head of Paid Service has agreed to use his delegated powers to make the appointment.		
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Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature: 

Job title: Head of Paid Service

Unique Reference Number: DD/021/20/SG.....

Date decision may be implemented following call in (if necessary):

Circulation to:

BDC Councillors
Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

BOLSOVER DISTRICT COUNCIL

RECORD OF DECISION TAKEN BY THE Head of Paid Service

28th May 2020

Emergency delegated powers as a result of Coronavirus Lockdown

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Director of Corporate Services and Head of Paid Service's delegation</p> <p>(4) To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and where applicable inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Director of Corporate Services and Head of Paid Service to the next meeting of Council explaining the reasons for the decision.</p>	<p>Following DD/025/20/SS to extend the period during which the attached delegations are in place for a further 3 months until 31st August 2020.</p>	<p>The coronavirus resulted initially in few member meetings taking place. To deal with the issues which would arise and which would normally be decided by a formal member meeting, the attached delegations were put in place for 3 months until 31st May 2020.</p> <p>The Council is now starting to run Member meetings virtually. However not all meetings can yet be done this way. Accordingly these delegations are being extended for a further 3 months until 31st August 2020.</p>	<p>Not to extend – currently there are gaps in the holding of member meetings which means that some of the business of the Council would come to a halt if these were not extended.</p>	<p>None</p>

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature: .. 

Job title: .Director of Corporate Services and Head of Paid Service...

Unique Reference Number: DD/032/20/SS.....

Date decision may be implemented following call in (if necessary):N/A.....

Circulation to:

Director of Corporate Resources
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
 Amendments in place until 31st May 2020 unless revoked earlier.
 Reviewed and extended until 31st August 2020.

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Suggested delegation	Reason for	Suggested delegation
The awarding of contracts where the contract sum is in excess of the key decision levels (£75,000 for income and £150,000 for capital).	<p>Such decisions are taken by the Executive and there is generally a budget for the contract.</p> <p>However there are no Executive meetings before June 2020 and so the decision making power must be delegated to an officer in consultation with the appropriate members to ensure contracts are let in a timely fashion and that the work of the Council can continue.</p>	<p>Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following</p> <p>(22) Following evaluation of the tenders and in consultation with the Leader and Portfolio Holder to award contracts where the contract sum is greater than the key decision levels.</p>
The extension of contract periods and the payment of additional contract sums for awarded contracts which are being impacted by the coronavirus crisis.	<p>It is expected that existing building and repairs contracts will stall due to the lack of labour and the inability of contractors to access properties. Such extensions would normally go to the Executive. All meetings of the Executive have been cancelled until May 31st 2020.</p> <p>In addition, other contracts may be similarly affected and may need contract variations for extra time and/or contract sums.</p>	<p>Add to the Directors' delegations the following</p> <p>To authorise in consultation with the Leader and Deputy Leader and Portfolio Holder the extension of the contract term and/or agree additional contract sums for any contract the performance of which is affected by the coronavirus.</p>
Licensing and Gambling Acts Committee, Licensing and Gambling Acts Sub Committee terms of reference to be passed to an officer.	The Licensing function may need to carry on but at the moment certain functions are reserved to the Committees including hearings. These need transferring to an officer for both kinds of licensing function.	<p>Add to the delegation of the Director of Environment and Enforcement and the Joint Head of Environmental Health:</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and General Licensing Sub</p>

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
 Amendments in place until 31st May 2020 unless revoked earlier.
 Reviewed and extended until 31st August 2020.

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General Licensing and Committee and General Licensing Sub Committee terms of reference to be passed to an officer		<p>Committee in consultation with the Chair and Vice Chair of Licensing Committee.</p> <p>Add to the delegation of the Director of Corporate Resources</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and the General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee if the Director of Environment and Enforcement and the Joint Head of Environmental Health are unavailable.</p>
Existing Licensing delegations to the Head of Housing and Community Safety	Pre-existing delegations exist in relation to both kinds of Licensing Committee for the Head of Housing and Community Safety. As this post no longer exists it is appropriate to transfer these powers to the Directors as well.	<p>At 3.1 on page 41 of the Constitution and 4.1 on page 43 of the Constitution to substitute the Director of Environment and Enforcement for the Head of Housing and Community Safety.</p> <p>In addition add:-</p> <p>Where the Director of Environment and Enforcement is not available, the Joint Head of Environmental Health will exercise this delegation.</p>
Approval of all Policies and Strategies which would normally be	There are a number of policies and strategies which would be shortly submitted for approval to Executive. It is proposed that these are	That the following is added to the Delegations to each of the 3 Directors:

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
 Amendments in place until 31st May 2020 unless revoked earlier.
 Reviewed and extended until 31st August 2020.

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approved by the Executive.	approved by an officer in consultation with the Leader and Deputy Leader and Portfolio Holder.	To approve Policies and Strategies in consultation with the Leader and Deputy Leader and the Portfolio Holder on behalf of the Executive.
Approval of the Annual Governance Statement	This is usually approved by the Audit Committee each year. These meetings have been cancelled for the foreseeable future and so alternative approval arrangements are needed.	Add to the Director of Corporate Resources and Head of Paid Service the following To approve the Annual Governance Statement.
Approval of the Statement of Accounts once external audit has been completed.	Existing delegation allows for the section 151 officer to approve the draft accounts for audit. However the post audit Statement of Accounts approval is usually done by the Audit Committee. It is unlikely that this will be required within the 3 months of these extra delegations, but should there be an extension of these, this will be needed.	Add to the Head of Finance and Resources and Section 151 Officer's existing delegation at (4): And to approve the Statement of Accounts following external audit in consultation with the Portfolio Holder.
Approval of the write off of debts above £2500	This is an Executive function and is taken to Executive for decision.	Amend (6) in the delegation of the Head of Finance and Section 151 Officer to read as follows After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts without limit.
Amendment of procedural requirements in policies and strategies to put alternative arrangements in place.	Some policies require certain working parties to be consulted. An example of this is the referral to the Asset Management Group of all acquisitions and disposals in accordance with the policy. The ability to amend those policies in the current circumstances is needed to avoid	Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following (23) To amend the requirements of policies and strategies which require an officer/member

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
 Amendments in place until 31st May 2020 unless revoked earlier.
 Reviewed and extended until 31st August 2020.

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	unnecessary meetings but to ensure that the issues are still considered properly.	meeting to take place in order to put in place alternative administrative arrangements to avoid the meeting.
Requirement for approval by Executive or Council for absences of members from formal meetings of more than 6 months.	<p>There is a statutory requirement for a member to attend at least one formal meeting at the Council every 6 months. Failure to do so means the Councillor is removed from office by law. This can be avoided by the Executive or Council approving the absence where there is good cause such as illness.</p> <p>In order that such absences can be agreed, it is necessary to delegate this power.</p>	Add to the Director of Corporate Resources' delegation and that of the Director of Environment and Enforcement the authority to approve a member's absence from meetings of the Council for a period greater than 6 months under section 85 Local Government Act 1972.
Approval of the calendar of meetings for 2020/21	This is usually decided by Council in advance of the start of the corporate year. There are no Council meetings before the start of the new corporate year.	<p>Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following</p> <p>To approve the Schedule of meetings for the Corporate year 2020/21 in consultation with the Leader and Deputy Leader.</p>
Approval of Constitution changes.	<p>The Council needs the ability to make changes to and adopt its new 2020 Constitution and to do this without the need for a formal meeting.</p> <p>Accordingly it is suggested that this is delegated to ensure that the new Constitution is adopted in a timely fashion.</p>	<p>Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following</p> <p>To approve the changes to the Constitution and the adoption following those changes of the 2020 Constitution. The exercise of this power to be in consultation with the Chair and Vice Chair of Standards Committee, the Chair and</p>

Amendment of BDC Delegation Scheme – First Amendments 19th March 2020.
Amendments in place until 31st May 2020 unless revoked earlier.
Reviewed and extended until 31st August 2020.

		Vice Chair of Council, the Head of Paid Services and the Section 151 Officer.

BOLSOVER DISTRICT COUNCIL

RECORD OF DECISION TAKEN BY THE HEAD OF PAID SERVICE


13 AUGUST 2020

EMERGENCY DELEGATED POWERS AS A RESULT OF CORONAVIRUS LOCKDOWN

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Director of Corporate Services and Head of Paid Service's delegation</p> <p>(4) To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and where applicable inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Director of Corporate Services and Head of Paid Service to the next meeting of Council explaining the reasons for the decision</p>	<p>Following DD/032/20/SS to extend the period during which the attached delegations are in place for a further 3 months until 30th November 2020.</p>	<p>The coronavirus resulted initially in few member meetings taking place. To deal with the issues which would arise and which would normally be decided by a formal member meeting, the attached delegations were put in place for 3 months until 31st May 2020.</p> <p>The Council began to run Member meetings virtually. However not all meetings can yet be done this way. Accordingly these delegations are being extended for a further 3 months until 30th November 2020.</p>	<p>Not to extend – currently there are gaps in the holding of member meetings which means that some of the business of the Council would come to a halt if these were not extended.</p>	<p>None</p>

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature: .  ..

Job title: Director of Corporate Services and Head of Paid Service.

Unique Reference Number: ... DD/061/20/SS.....

Date decision may be implemented following call in (if necessary):N/A.....

Circulation to:

Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

Suggested delegation	Reason for	Suggested delegation
<p>The awarding of contracts where the contract sum is in excess of the key decision levels (£75,000 for income and £150,000 for capital).</p>	<p>Such decisions are taken by the Executive and there is generally a budget for the contract.</p> <p>However there have been few Executive Meetings in May 2020 and so the decision making power must be delegated to an officer in consultation with the appropriate members to ensure contracts are let in a timely fashion and that the work of the Council can continue.</p>	<p>Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following</p> <p>(22) Following evaluation of the tenders and in consultation with the Leader and Portfolio Holder to award contracts where the contract sum is greater than the key decision levels.</p>
<p>The extension of contract periods and the payment of additional contract sums for awarded contracts which are being impacted by the coronavirus crisis.</p>	<p>It is expected that existing building and repairs contracts will stall due to the lack of labour and the inability of contractors to access properties. Such extensions would normally go to the Executive. There have been few Executive Meetings since March 2020 and although these meetings are now being held, it is believed the decision making power must be delegated to an officer in consultation with the appropriate members to ensure that the Council's business can continue where there is no suitable meeting.</p> <p>In addition, other contracts may be similarly affected and may need contract variations for extra time and/or contract sums.</p>	<p>Add to the Directors' delegations the following</p> <p>To authorise in consultation with the Leader and Deputy Leader and Portfolio Holder the extension of the contract term and/or agree additional contract sums for any contract the performance of which is affected by the coronavirus.</p>

<p>Licensing and Gambling Acts Committee, Licensing and Gambling Acts Sub Committee terms of reference to be passed to an officer.</p> <p>General Licensing and Committee and General Licensing Sub Committee terms of reference to be passed to an officer</p>	<p>The Licensing function may need to carry on but at the moment certain functions are reserved to the Committees including hearings. These need transferring to an officer for both kinds of licensing function.</p>	<p>Add to the delegation of the Director of Environment and Enforcement and the Joint Head of Environmental Health:</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee.</p> <p>Add to the delegation of the Director of Corporate Resources</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and the General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee if the Director of Environment and Enforcement and the Joint Head of Environmental Health are unavailable.</p>
<p>Existing Licensing delegations to the Head of Housing and Community Safety</p>	<p>Pre-existing delegations exist in relation to both kinds of Licensing Committee for the Head of Housing and Community Safety. As this post no longer exists it is appropriate to transfer these powers to the Directors as well.</p>	<p>At 3.1 on page 41 of the Constitution and 4.1 on page 43 of the Constitution to substitute the Director of Environment and Enforcement for the Head of Housing and Community Safety.</p> <p>In addition add:-</p> <p>Where the Director of Environment and Enforcement is not available, the Joint Head of</p>

		Environmental Health will exercise this delegation.
Approval of all Policies and Strategies which would normally be approved by the Executive.	There are a number of policies and strategies which would be shortly submitted for approval to Executive. It is proposed that these are approved by an officer in consultation with the Leader and Deputy Leader and Portfolio Holder.	That the following is added to the Delegations to each of the 3 Directors: To approve Policies and Strategies in consultation with the Leader and Deputy Leader and the Portfolio Holder on behalf of the Executive.
Approval of the Annual Governance Statement	This is usually approved by the Audit Committee each year. These meetings have been cancelled for the foreseeable future and so alternative approval arrangements are needed.	Add to the Director of Corporate Resources and Head of Paid Service the following To approve the Annual Governance Statement.
Approval of the Statement of Accounts once external audit has been completed.	Existing delegation allows for the section 151 officer to approve the draft accounts for audit. However the post audit Statement of Accounts approval is usually done by the Audit Committee. It is unlikely that this will be required within the 3 months of these extra delegations, but should there be an extension of these, this will be needed.	Add to the Head of Finance and Resources and Section 151 Officer's existing delegation at (4): And to approve the Statement of Accounts following external audit in consultation with the Portfolio Holder.
Approval of the write off of debts above £2500	This is an Executive function and is taken to Executive for decision.	Amend (6) in the delegation of the Head of Finance and Section 151 Officer to read as follows

		After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts without limit.
Amendment of procedural requirements in policies and strategies to put alternative arrangements in place.	Some policies require certain working parties to be consulted. An example of this is the referral to the Asset Management Group of all acquisitions and disposals in accordance with the policy. The ability to amend those policies in the current circumstances is needed to avoid unnecessary meetings but to ensure that the issues are still considered properly.	Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following (23) To amend the requirements of policies and strategies which require an officer/member meeting to take place in order to put in place alternative administrative arrangements to avoid the meeting.
Requirement for approval by Executive or Council for absences of members from formal meetings of more than 6 months.	There is a statutory requirement for a member to attend at least one formal meeting at the Council every 6 months. Failure to do so means the Councillor is removed from office by law. This can be avoided by the Executive or Council approving the absence where there is good cause such as illness. In order that such absences can be agreed, it is necessary to delegate this power.	Add to the Director of Corporate Resources' delegation and that of the Director of Environment and Enforcement the authority to approve a member's absence from meetings of the Council for a period greater than 6 months under section 85 Local Government Act 1972.
Approval of the calendar of meetings for 2020/21	This is usually decided by Council in advance of the start of the corporate year. There are no Council meetings before the start of the new corporate year.	Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following

		To approve the Schedule of meetings for the Corporate year 2020/21 in consultation with the Leader and Deputy Leader.
Approval of Constitution changes.	<p>The Council needs the ability to make changes to and adopt its new 2020 Constitution and to do this without the need for a formal meeting.</p> <p>Accordingly it is suggested that this is delegated to ensure that the new Constitution is adopted in a timely fashion.</p>	<p>Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following</p> <p>To approve the changes to the Constitution and the adoption following those changes of the 2020 Constitution. The exercise of this power to be in consultation with the Chair and Vice Chair of Standards Committee, the Chair and Vice Chair of Council, the Head of Paid Services and the Section 151 Officer.</p>

Agenda Item 12

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted