

To: Chair & Members of the Council

Tuesday, 15 June 2021

The Arc
High Street
Clowne
S43 4JY

Contact: Nicola Calver
Telephone: 01246 217753
Email: nicola.calver@ne-derbyshire.gov.uk

Dear Councillor

COUNCIL

You are hereby summoned to attend the reconvened Annual Meeting of the Council of the Bolsover District Council to be held in the Sports Hall, The Arc, Clowne on Wednesday, 23rd June, 2021 at 10:00 hours. The agenda for the meeting on 26th May has been issued to you and this pack contains the reports marked to follow.

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



Solicitor to the Council & Monitoring Officer



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

**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.

COUNCIL AGENDA

Wednesday, 23 June 2021 at 10:00 hours taking place as a Sports Hall, The Arc, Clowne

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Election of Chair of the Council To elect the Chair of the Council for the 2021/22 municipal year.	ALREADY CONSIDERED
2.	Apologies For Absence	ALREADY CONSIDERED
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	ALREADY CONSIDERED
4.	Appointment of Vice Chair of the Council To appoint the Vice Chair of Council for the 2021/22 municipal year.	ALREADY CONSIDERED
5.	Minutes To approve the Minutes of the Council meeting held on 14 th April 2021 and for the Chair to sign as a correct record.	ALREADY CONSIDERED
6.	Establishment of Committees and Proportionality Report of the Monitoring Officer and Solicitor to the Council.	ALREADY CONSIDERED
<u>MOTION TO ADJOURN MEETING</u>		
7.	Appointment to Committees To consider appointments to established committees for the 2021/22 municipal year.	4 - 8

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|------------|--|------------------|
| 8. | Appointments of Chairs and Vice-Chairs | 9 - 10 |
| | To decide on the appointment of Chairs and Vice-Chairs for the 2021/22 Municipal year. | |
| 9. | Appointments to Outside Bodies | 11 - 15 |
| | The document identifies those bodies to which the Council may appoint and the number of seats available on each body. | |
| 10. | Review of the Council's Constitution | 16 - 25 |
| | Report of the Joint Head of Corporate Governance and Monitoring Officer. | |
| 11. | Scheme of Delegation | 26 - 28 |
| | To approve the Scheme of Delegation as set out in the Review of the Constitution. | |
| 12. | Operations of Urgency Rules and Thresholds for Key Decisions | 29 - 32 |
| | In accordance with the Council Procedure Rules, the Annual Meeting is required to set thresholds for Key Decisions. The attached document sets out the existing arrangements for adoption. | |
| | <u>PART TWO - EXEMPT ITEMS</u> | |
| 13. | 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). <i>[The category of exempt information is stated below each item].</i> | |
| 14. | Councillor Dispensation | DEFERRED |
| | Report of the Monitoring Officer and Solicitor to the Council. | |
| 15. | Senior Management Structure Review | WITHDRAWN |
| | Report of the Leader of the Council. | |
| 16. | Chairman's Closing Remarks | |

BOLSOVER DISTRICT COUNCIL

ANNUAL COUNCIL MEETING 23 JUNE 2021

APPOINTMENT OF COMMITTEES AND ADVISORY GROUPS

COMMITTEES

Committee	Labour Group	Independent Group	Community Independents	Conservative Group
Audit & Corporate Overview Scrutiny Committee (8)	Councillors Donna Hales, Chris Kane, Tom Kirkham and Tom Munro (4)	Councillors Jane Bryson, Graham Parkin and Peter Roberts (3)	Councillor (1)	(0)
Local Growth Scrutiny Committee (7)	Councillors Tricia Clough, Paul Cooper, and Jen Wilson (3)	Councillors Derek Adams and Jim Clifton (2)	Councillor (1)	Councillor David Dixon (1)
Customer Services Scrutiny Committee (7)	Councillors Rose Bowler, Stan Fox and Rita Turner (3)	Councillors Ray Heffer and Andrew Joesbury (2)	Councillor (1)	Councillor David Dixon (1)
Climate Change and Communities Scrutiny Committee (7)	Councillors Anne Clarke, Nick Clarke and Janet Tait (3)	Councillors Dexter Bullock and Evonne Parkin (2)	Councillor (1)	Councillor David Dixon (1)

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Committee	Labour Group	Independent Group	Community Independents	Conservative Group
Employee Appeals Committee (3)	(2) Councillors Nick Clarke and Janet Tait	(1) Councillor Liz Smyth	(0)	(0)
Deputies (3)	(2) Deputies – Councillors Sandra Peake and Rita Turner	(1) Deputy - Councillor Deborah Watson		
Employment and Personnel Committee (5)	(3) Councillors Mary Dooley, Duncan McGregor and Sandra Peake	(1) Councillor Liz Smyth	(1) Councillor	(0)
General Licensing Committee (10)	(5) Councillors Rose Bowler, Mary Dooley, David Downes, Stan Fox and Rita Turner	(3) Councillors Ray Heffer, Andrew Joesbury and Evonne Parkin	(1) Councillor	(1) Councillor Maxine Dixon
Licensing and Gambling Acts Committee (10)	(5) Councillors Rose Bowler, Mary Dooley, David Downes, Stan Fox and Rita Turner	(3) Councillors Ray Heffer, Andrew Joesbury and Evonne Parkin	(1) Councillor	(1) Councillor Maxine Dixon
Planning Committee (8)	(4) Councillors Paul Cooper, Chris Kane, Duncan McGregor and Tom Munro	(2) Councillors Derek Adams and Jim Clifton	(1) Councillor	(1) Councillor Natalie Hoy

Committee	Labour Group	Independent Group	Community Independents	Conservative Group
Safety Committee (5)	Councillors Nick Clarke and Tricia Clough (2)	Councillor Andrew Joesbury (1)	Councillor (1)	Councillor Maxine Dixon (1)
Standards (6) Plus 1 co-opted Member	Councillors Tricia Clough, David Downes and Clive Moesby (3)	Councillors Graham Parkin and Deborah Watson (2)	(0)	Councillor David Dixon (1)
Union and Employee Consultation (6)	Councillors Mary Dooley, Stan Fox and Tom Kirkham (3)	Councillors Andrew Joesbury and Graham Parkin (2)	Councillor (1)	(0)

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JOINT COMMITTEES

Committee	Labour Group	Independent Group	Community Independents	Conservative Group
ICT Shared Services Committee (3 from BDC plus CBC and NEDDC)	Councillors David Downes and Steve Fritchley (2)	Councillor Ray Heffer (1)	(0)	(0)

Committee	Labour Group	Independent Group	Community Independents	Conservative Group
Joint Employment and Appeals Committee (4)	(3) Councillors Steve Fritchley, Duncan McGregor and the relevant cabinet member	(1) Councillor Deborah Watson	(0)	(0)
Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel) (3)	(2) Councillors Rita Turner and Jen Wilson	(1) Councillor Ray Heffer	(0)	(0)
New Bolsover Joint Partnership Committee (10)	(5) Councillors Rose Bowler, Anne Clarke, Chris Kane, Tom Munro and Sandra Peake	(3) Councillors Derek Adams, Graham Parkin and Liz Smyth	(1) Councillor	(1) Councillor David Dixon

ADVISORY GROUPS

Committee	Labour	Independent Group	Community Independents	Conservative Group
Pleasley Park and Vale Conservation Area Working Group (5)	(3) Councillors Chris Kane, Tom Kirkham and Tom Munro	(2) Councillors Liz Smyth and Ray Heffer	(0)	(0)

Local Plan Implementation Advisory Group (9)	Councillors Paul Cooper, Chris Kane, Duncan McGregor, Tom Munro and Janet Tait (5)	Councillors Derek Adams and Liz Smyth (2)	Councillor (1)	Councillor Natalie Hoy (1)
Member Development Working Group (7)	Councillors Rose Bowler, Tom Munro and Sandra Peake (3)	Councillors Graham Parkin and Deborah Watson (2)	Councillor (1)	Councillor David Dixon (1)
Tenant Participation Review and Development Group (5)	Councillors Rose Bowler and Sandra Peake (2)	Councillors Andrew Joesbury and Liz Smyth (2)	Councillor (1)	(0)

NOMINATIONS TO CHAIRS AND VICE-CHAIRS OF COMMITTEE AND ADVISORY BODIES 2021/22

	Committee/Regulatory Body	Labour Group nomination	Other nomination
a)	Audit & Corporate Overview Scrutiny Committee Chair Vice Chair	Councillor Tom Munro Councillor Chris Kane	
b)	Climate Change and Communities Scrutiny Committee Chair Vice Chair	Councillor Nick Clarke Councillor Anne Clarke	
c)	Customer Services Scrutiny Committee Chair Vice Chair	Councillor Rose Bowler Councillor Rita Turner	
d)	Local Growth Scrutiny Committee Chair Vice Chair	Councillor Jen Wilson Councillor Paul Cooper	
d)	Employment and Personnel Committee Chair Vice Chair		
e)	Licensing Chair Vice Chair		
f)	Planning Chair Vice Chair	Councillor Tom Munro Councillor Chris Kane	

g)	Safety Committee Chair Vice Chair	To be appointed at first meeting	
h)	Standards Chair Vice Chair	Mrs Jean Jaffray Councillor Clive Moesby	
i)	UECC Chair Vice Chair	Councillor Mary Dooley Union Representative	

The chairs and vice-chairs of all other joint committees and advisory groups will be selected at the first meetings of those bodies.

Bolsover District Council

Council

23 June 2021

Appointments to Outside Bodies (Council Functions)

Report of the Monitoring Officer and Solicitor to the Council

Classification: This report is public

Report By: Nicola Calver – Governance Manager

Contact Officer: Nicola Calver, Governance Manager
01246 217753 / nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To list the outside bodies for Council to appoint representatives to on behalf of the Council.

RECOMMENDATIONS

1. Council are asked to consider the list of outside bodies (Council functions) attached at Appendix 1 and to make appointments of representatives.
2. The term of office for each appointment will be from the date of this meeting until the next Annual Council unless otherwise specified next to the organisation.

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no financial or risk implications arising from this report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

- There are no legal or data protection implications arising from this report.

Staffing: Yes No

Details:

There are no staffing implications arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>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:</p> <p>BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p>NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details: -

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Good Governance
 Council representatives on outside bodies support the overall objectives of the Corporate Ambition and partnership working

REPORT DETAILS

1 **Background** (reasons for bringing the report)

1.1 Council are asked to consider the list of outside bodies (Council functions) attached at Appendix 1 and to make appointments of representatives.

2. Details of Proposal or Information

2.1 The term of office for each appointment will be from the date of this meeting until the next Annual Council unless otherwise specified next to the organisation.

2.2 Appendix 1 includes details of the proposed representatives to be appointed for 2021/22.

3 Reasons for Recommendation

3.1 Council are asked to consider the list of outside bodies (Council functions) attached at Appendix 1 and to make appointments of representatives.

4 Alternative Options and Reasons for Rejection

4.1 Council could choose not to appoint to the outside bodies however this is not recommended as this would fail to provide a representative of the Council to these organisations.

DOCUMENT INFORMATION

Appendix No	Title
1	Appointments to Outside Bodies (Council Functions) for 2021/22
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	

**REPRESENTATIVES ON OUTSIDE BODIES 2021/22
COUNCIL FUNCTIONS**

All Terms of Office expire at the next Annual Council Meeting unless otherwise specified.

Organisation	Representative(s)
Arthur Townrow Pensions Fund (4 year term expiring on 1 st January 2023)	Councillor Tricia Clough Councillor Jen Wilson
Association of Councillors (a) National (b) English Regional	a) Councillor Mary Dooley Councillor Jen Wilson (Substitute) b) Councillor May Dooley Councillor Jen Wilson (Substitute)
Creswell Heritage Trust	Councillor Rita Turner
Derbyshire Police and Crime Panel	Councillor Mary Dooley Substitute: Councillor Clive Moesby
Doe Hill Community Advisory Panel	Councillor Mary Dooley
Doe Lea Management Committee	Councillor Tricia Clough
Glapwell Waste Disposal Site Liaison Committee	Councillor Tricia Clough Councillor Tom Kirkham Councillor Janet Tait Plus relevant Cabinet Member
Historic England (formerly English Heritage)	Councillor Tom Munro
HS2 Mitigation Group	Councillor Deborah Watson

Organisation	Representative(s)
Isabella Smithson's Charity	Councillor Anne Clarke Councillor Rose Bowler Councillor Nick Clarke
Joint Board (BDC/NEDDC/CBC) Executive appointments to Joint Board Council appointments – Scrutiny Observers	Councillor Rose Bowler (Scrutiny Representative) (Observer) Councillor Tom Munro Councillor Nick Clarke (Scrutiny Representative) (Substitute Observers)
Local Government Association National	Leader of the Council Deputy Leader of the Council (Substitute)
National Coal Mining Museum Liaison Committee	Councillor Tom Munro
Rural Action Derbyshire Stakeholder Meeting	Councillor Mary Dooley
Sheffield City Region Scrutiny Committee	Councillor Jen Wilson (Scrutiny Representative) Councillor Nick Clarke (Substitute)
Sheffield City Region Audit Committee	Councillor Tom Munro Councillor Chris Kane (Substitute)
Whitwell Quarry Liaison	Councillor Duncan McGregor Councillor Tom Munro

Bolsover District Council

Annual Council

23 June 2021

Review of the Constitution

Report of the Monitoring Officer and Solicitor to the Council

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Nicola Calver, Governance Manager
01246 217753 / nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To consider proposed amendments to the Council's constitution as recommended by the Standards Committee as part of the Annual Review for adoption by Council.

RECOMMENDATIONS

1. That the amendments to the Constitution detailed at Appendix 1 and set out in Appendix 2 be approved.
2. That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

There are no financial or risk implications arising from this report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): **Yes** **No**

Details:

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

On Behalf of the Solicitor to the Council

Staffing: **Yes** **No**

Details:

There are no staffing implications arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

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"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Yes Details: The Standards Committee, Monitoring Officer and Deputy Monitoring Officer have been consulted on the preparation of this document

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

Demonstrating Good Governance

REPORT DETAILS

1 Background (reasons for bringing the report)

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Council meeting in March 2021.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how it is working to make sure it gives full effect to its purpose.

2. Details of Proposal or Information

- 2.1 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances.
- 2.2 The Standards Committee considered the Review of the Constitution at its meetings on 20 July 2020, 29 September 2020, 30 November 2020 and 22 February 2021. The following areas on the Constitution and related procedures have been reviewed during 2020/21:
 - Contract Procedure Rules
 - Review of High Hedges Committee
 - Safety Committee Terms of Reference
 - Council Procedure Rules
 - Delegation Scheme
 - Discharge of Executive Decisions (Planning/Local Development Orders)
 - Revised Cabinet Member Portfolios
 - Union/Employee Consultation Committee Terms of Reference
 - Planning Committee Terms of Reference/Scheme of Delegation
 - Local Plan Steering Group – change of title
 - Homeloss Payments – Delegated Decisions
 - Members Code of Conduct
 - Gifts & Hospitality
 - Extraordinary Council Meetings
 - Housekeeping Changes (such as formatting and job titles).

- 2.3 Each of the areas of review, other than the housekeeping changes, has been set out in detail, including the rationale for the amendments proposed, in Appendix 1.
- 2.4 All of the amendments have been entered into the Constitution at Appendix 2. The amendments appear in the document as 'tracked changes'.

Due to the size of the Appendix 2, a paper copy has not been issued to Members. The document is published on the Council's website and is accessible to Members on their iPads.

3 Reasons for Recommendation

- 3.1 The Standards Committee with support from the Monitoring Officer, Deputy Monitoring Officer and Governance Manager have carried out the review with a particular focus on certain areas of the Constitution that required attention. These areas have been thoroughly discussed and the amendments proposed are recommended to Council for approval.
- 3.2 It is required by law to keep an up to date constitution. Part of the role of the Standards Committee is to review the document on a regular basis to make such recommendations to Council as necessary.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council may make other amendments or reject the amendments proposed as part of this review, however the rationale for each proposal has been to ensure the Council's procedures comply with the law, are in line with best practice, are practical and up-to-date, as well as in accordance with other decisions taken by the Council. No alternative options are therefore proposed.

DOCUMENT INFORMATION

Appendix No	Title
1	Summary of Amendments to the Constitution
2	Tracked Changes to the Constitution
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	

APPENDIX 1 Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Contract Procedure Rules	<p>The Contract Procedure Rules had been reviewed and updated.</p> <p>Members requested that where a contract is awarded via delegated decision, the procurement process carried out and the results of the procurement be published along with the delegated decision notice and this be included in the Contract Procedure Rules. The Monitoring Officer would arrange the exact wording and methodology for this change to ensure it fitted in with the existing rules.</p> <p>The Council Procedure Rules had also been updated to include virtual meetings in view of the current Covid 19 Pandemic.</p> <p>To raise the level at which a Request for Quotations (RFQs) can be used in place of tenders to £75k. This is currently £50k. This will still require the active involvement of the Procurement Team in Contracts with a value of £10 to £75k.</p> <p>This changes is being suggested to help local businesses that exist to compete for Council work and to help develop future companies. This is particularly important because of the Pandemic's effect on the economy.</p> <p>An RFQ requires the same information as an open tender but is more user friendly and less traumatic than completing a full</p>	Part 4.8 Procurement Rules

	<p>tender. It has always been agreed that the full tender process is not appropriate for smaller contracts.</p> <p>It is also the advice of the Head of Procurement that this will assist in developing the companies and increasing competition for Council contracts.</p>	
High Hedges Committee	<p>Part 8 of the Anti-Social Behaviour Act 2003, gave the Council authority to deal with complaints and remedial action in respect of high hedges. It set the procedure which must be followed and was a strictly regulated process. At the recent meeting of the Committee, it was highlighted that the calling of a committee for this purpose was not the most efficient procedure due to the highly regulated nature of the decisions to be made</p> <p>It was proposed that the Committee be disestablished and that the functions, as set out below, be delegated to the Director of Environment and Enforcement:</p> <p>i) The handling of complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders made under that Act, in accordance with procedures approved by the Council.</p> <p>ii) Procedures, fees and resource allocation in respect of the implementation of Part 8 of the Anti-Social Behaviour Act 2003.</p>	Part 3 of the Constitution, Functions Scheme
Safety Committee	<p>Minor housekeeping amendments had been made to the Safety Committee Terms of Reference to make reference to the HR Manager and remove reference to the Chief Executive Officer as this post had been disestablished.</p>	Part 3 of the Constitution, Functions Scheme

Delegation Scheme	The delegation scheme had been updated further to the disestablishment of the Chief Executive Officer post.	Part 3.1 - Scheme of Delegation for Officers
Discharge of Executive Decisions (Planning/Local Development Orders)	<p>It had been identified that a number of functions relating to planning were reserved to the Executive and should not be discharged by the Planning Committee.</p> <p>The Functions Regulations specify the functions which must be reserved to Council (and Committees) and that everything else must be Executive. Therefore, the following functions would be the responsibility of Executive (or be delegated to officers):</p> <ul style="list-style-type: none"> • Making Local Development Orders (section 61A TCPA); • Creating Simplified Planning Zones (section 82 TCPA); • Creating Enterprise Zones (section 88 TCPA). • Discharge of Conditions <p>It was proposed that the Discharge of Conditions be delegated to officers, whereas the first three functions be submitted to Executive.</p>	<p>Executive Functions</p> <p>General Delegations to Heads of Service and Assistant Directors (in this case Assistant Director of Development and Planning)</p>
Revised Cabinet Member Portfolios	The changes made to Cabinet Member Portfolios which had been presented to Council in November were noted.	
Union/Employee Consultation Committee - Terms of Reference	These have been reviewed. Removing reference to the CEO was the only change required. This has been done under the 'housekeeping' process.	Part 3 – Responsibility for Functions – Page 46 to 50 of the current version

Delegation Scheme – Housing Officers	Parts of the Responsibility Functions in relation to delegations to officers refer to delegations to the Head of Housing and Community Safety. This post no longer exists. This should be changed to the Head of Environmental Health.	Part 3 Responsibility for functions, Licensing Committee, Delegation of Functions to officers. Pages 41 and 43 of the 2019 Constitution.
Planning Committee Terms of Reference/Scheme of Delegation	To set out the rules for referring an application to Planning Committee for a decision. The reason for this is to formalise working practices that have been in operation for many years.	Part 3 – Functions Scheme Planning Committee Pages 44 - 45 of the current version
Local Plan Steering Group – change of title to Local Plan Implementation Advisory Group	This results from the fact that the Local Plan has now been adopted by the Council. The group will therefore be monitoring the implementation and requires a name change.	Part 3 Responsibility for functions Page 44 (Planning Committee).
Homeloss Payments – DDs	This change is proposed to allow officers to pay Home Loss payments in advance of the scheme being considered by the Council. It is essentially a timing issue to allow these payments to be made when they become due rather than to make recipients wait for a full consideration by Cabinet (and possibly Council) of a scheme.	
Members Code of Conduct - Mandatory Training – Ethical Governance	From the Scrutiny Review of the Standards Committee carried out by the Customer Service and Transformation Scrutiny Committee. This is to extend the mandatory training on the Code of Conduct to at least 2 sessions in a 4 year term.	Part 5 Codes and Protocols. Page 189 of the current version

<p>Delegation to the Head of Paid Service to make customers vexatious under the CCC policy</p>	<p>At the present time this is dealt with by SAMT. However it would be better to be a single officer rather than sharing details with all members of SAMT, many of whom will know nothing of such issues.</p> <p>The logical choice of officer is the Head of Paid Service, as that officer has responsibility for staff welfare.</p>	<p>Add to the Head of Paid Service delegations in part 3.1 - Page 84 of the current version.</p>
<p>Extraordinary Council Meetings</p>	<p>To add a footnote to 3.3 to clarify that this paragraph does not restrict the agenda to one item of business and that such items as Questions and Motions shall be included on the agenda for any extraordinary meetings.</p> <p>This has been done under the 'housekeeping' process.</p>	<p>Part 4.1 – Council Procedure Rules (Page 102)</p>
<p>Delegation to Environmental Health Officers to serve Section 215 Town and Country Planning Act 1990 notice</p>	<p>Planning Committee, AD for Development, and the Planning Manager currently hold a delegation for Planning and development control functions including enforcement for which the Council is responsible in Schedule 1 of the Functions Regulations. It is proposed to extend this delegation to Environmental Health officers who are often the instigators of the need for such action.</p>	<p>Part 3.1 - Scheme of Delegation for Officers (Page 44, Page 71)</p>
<p>Delegation to Monitoring Officer to temporarily approve dispensations in relation to the S85 Rules.</p>	<p>To add a delegation in relation to Councillor attendance dispensations under Section 85 of the Local Government Act 1972. This is to be able to provide a dispensation only when there is no Council meeting to consider the application before expiry and a dispensation would only be granted until the date of the next Council meeting which would consider the application.</p> <p>Delegation to Head of Corporate Governance and Monitoring Officer</p>	<p>Part 3.1 – Scheme of Delegation for Officers</p>

	<p>The proposed wording of the delegation is:</p> <p>To provide a dispensation under Section 85 of the Local Government Act 1972, where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council Meeting which could consider it.</p>	
Gifts and Hospitality	Any gifts and hospitality that Members receive that exceed the value of £10 should be declared.	5.3A Codes and Protocols Gifts and Hospitality Guidance
Constitution Delegation	Each year, as part of the Review of the Constitution report that issued to Council, a delegation is given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation. It is proposed that this be incorporated in to the Delegation Scheme.	Part 3.1 – Scheme of Delegation for Officers

Bolsover District Council

Annual Council

23rd June 2021

SCHEME OF DELEGATION

Report of the Joint Head of Corporate Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg. Monitoring Officer

Contact Officer: Nicola Calver Governance Manager, 01246 217753
nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

- For Council to approve the Scheme of Delegation as outlined in Part 3 of the Council's Constitution.
-

RECOMMENDATIONS

It is recommended that Council approves the Scheme of Delegation as set out in the Council's Constitution

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

It is a requirement under Council Procedure Rule 1.1 (o) of the Council's Constitution, that Annual Council Meeting agrees the Scheme of Delegation as set out in Part 3 of the Constitution.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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 checked="" 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
District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No Details: Click here to enter text.

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

None

REPORT DETAILS

1 Background

- 1.1 It is a requirement under Council Procedure Rule 1.1 (o) of the Council's Constitution that the Annual Council Meeting agrees the Scheme of Delegation as set out in Part 3 of the Constitution.
- 1.2 The Scheme of Delegation outlines the specific delegation of Council and Executive Functions to officers. In Particular;
 - Director of Corporate Resources and Head of Paid Service

- Director or Environment and Enforcement
- Head of Finance and Section 151 Officer
- Head of Corporate Governance and Monitoring Officer.

1.3 The Scheme also outlines Proper Officer Provisions.

2. **Details of Proposal or Information**

2.1 The Scheme of Delegation has been amended as set out in the Review of the Constitution report considered on the same agenda and therefore agreement of the Scheme of Delegation (as a separate item) is a procedural matter only.

2.2 The Scheme is not duplicated as an attachment to this report and can be found in Appendix 2 to the Review of the Constitution report. This report suggests no further changes, but fulfils the requirements to accept it at the Annual Meeting of Council.

3 **Reasons for Recommendation**

3.1 That Council approves the Scheme of Delegation.

3.2 The framework outlines the specific delegation of Council and Executive Functions to officers, in order for them to do their paid work as officers of the Council.

4 **Alternative Options and Reasons for Rejection**

4.1 It is a requirement of the Council's Procedural Rules that the Scheme of Delegation is approved.

DOCUMENT INFORMATION

Appendix No	Title
None	Click here to enter text.
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	

Bolsover District Council

Annual Council

23rd June 2021

Operation of Urgency Rules and Thresholds for Key Decisions

Report of the Joint Head of Corporate Governance & Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Nicola Calver, Governance Manager 01246 217753
nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

- The purpose of this report is to:
 - (a) Advise of Key Decisions taken under statutory Special Urgency Rules in the past 12 months.
 - (b) Advise of decisions taken under Urgency Rules within the Council's Scrutiny Rules (this is where call in provisions are waived as the decision is urgent and cannot be reasonably deferred).
 - (c) Set the Key Decisions threshold for the forthcoming year in line with the constitutional requirement at Annual Council Meetings.
-

RECOMMENDATIONS

That Council:

- (a) Notes that no decisions have been taken over the past 12 months under Special Urgency rules
- (b) Notes the no decisions taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules.
- (c) Agrees that the financial thresholds for Key Decisions be maintained at £75,000 (Revenue) and £150,000 (Capital).

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.

All

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

1.1 A Key Decision is an executive (i.e. Executive or officer) decision which is likely to:

- Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Be significant in terms of its effects on communities living or working in an area comprising two or more wards within the District.

In determining the meaning of "significant" the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council has decided that income or expenditure of £75,000 or more and Capital expenditure of £150,000 or more is significant.

1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that all Key Decisions must be published at least 28 days prior to being made. Where this is not possible the decision may still be made so long as there is compliance with General Exception provisions. This involves informing the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) and publishing a notice five days prior to making the decision outlining the reasons why compliance with the requirements is not possible.

1.3 Where it is impractical to comply with the General Exception rules, a Key Decision may only be taken in cases of Special Urgency. This is where the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) agrees that the decision is urgent and cannot be reasonably deferred. Again, the Council must publish a notice setting out the reasons why the decision is urgent and cannot be reasonably deferred.

1.4 The Leader is required to submit, at least on an annual basis, a report setting out those decisions where Special Urgency rules have been used. The report must cover the period since the last report was issued and contain details of the decisions that were made. Since the last such report to Council, no Key Decisions have been taken using Special Urgency rules.

1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the

call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months, no decisions have been taken using urgency provisions to waive Call In.

1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The current thresholds for key decisions, which are recommended to continue, are as follows:

- Revenue Income, Savings or Expenditure - £75,000
- Capital Income or Expenditure - £150,000

2. Details of Proposal or Information

2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and set the Key Decision financial thresholds.

3 Reasons for Recommendation

2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and set the Key Decision financial thresholds.

4 Alternative Options and Reasons for Rejection

4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
None	
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	