

The Arc  
High Street  
Clowne  
S43 4JY

To: all Members of the Council

Monday, 15 May 2023

Contact: Amy Bryan  
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Dear Councillor

**COUNCIL**

You are hereby summoned to attend the Annual Meeting of Council of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 24th May, 2023 at 10:00 hours.

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 on page 3 onwards.

Yours faithfully

A handwritten signature in black ink, appearing to read "J. S. Fielden".

Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

## **COUNCIL AGENDA**

***Wednesday, 24th May, 2023 at 10:00 hours taking place in the Council Chamber, The Arc,  
Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Election of Chair of the Council for the 2023/24 Municipal Year</b>  Once elected the Chair will make the Declaration of Acceptance of Office.	
<b>2.</b>	<b>Appointment of Vice Chair of the Council for the 2023/24 Municipal Year</b>  Once appointed the Vice Chair will make the Declaration of Acceptance of Office.	
<b>3.</b>	<b>Apologies for Absence</b>	
<b>4.</b>	<b>Declarations of Interest</b>  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.	
<b>5.</b>	<b>Chair's Announcements</b>  To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
<b>6.</b>	<b>Election of Leader of the Council</b>	
<b>7.</b>	<b>Appointment of the Deputy Leader and Executive</b>  The Leader will confirm the appointment of the Deputy Leader of the Council and the Members of the Executive for the 2023/24 Municipal Year.	
<b>8.</b>	<b>Establishment of Committees and Proportionality 2023/24</b>	<b>5 - 23</b>
<b>9.</b>	<b>Appointment to Committees and Advisory Groups 2023/24</b>	<b>24 - 31</b>
<b>10.</b>	<b>Nominations of Chairs and Vice Chairs to Committees 2023/24</b>	<b>32 - 36</b>

<b>11.</b>	<b>Appointments to Outside Bodies 2023/24 (Council Functions)</b>	<b>37 - 41</b>
<b>12.</b>	<b>Review of the Council's Constitution</b>	<b>42 - 67</b>
<b>13.</b>	<b>Scheme of Delegation for Officers</b>	<b>68 - 100</b>
<b>14.</b>	<b>Operation of Urgency Rules and Thresholds for Key Decisions</b>	<b>101 - 108</b>
<b>15.</b>	<b>Chairman's Closing Remarks</b>	

## **Bolsover District Council**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Establishment of Committees and Proportionality 2023/24**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472

### **PURPOSE/SUMMARY OF REPORT**

To establish the Council's Committees and Advisory Groups for the 2023/24 Municipal Year.

### **REPORT DETAILS**

#### **1. Background**

1.1 In line with the provisions within legislation and the Council's Constitution, the Annual Meeting of Council is required to:

- Appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting nor are Executive Functions;
- Decide the size and terms of reference for those committees;
- Decide the allocation of seats to political groups in accordance with the Political Balance rules.

#### **2. Details of Proposal or Information**

2.1 The size and terms of reference for each Committee is set out in Appendix 1.

2.2 Changes to the current establishment are detailed in paragraph 2.6, 2.7, 2.8 and 2.9 of this report.

- 2.3 Appendix 3 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.
- 2.4 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.
- 2.5 Nominations to committees are detailed in a separate report.

#### **CHANGES TO ESTABLISHMENT**

- 2.6 It is proposed that the Joint Employment and Appeals Committee be disestablished. This is a committee set up to deal with all appointments of the Strategic Alliance Management Team (SAMT). As SAMT no longer exists this committee is now redundant.
- 2.7 It is proposed that the membership of the Planning Committee is increased to 10 and the Local Plan Implementation Action Group is also increased to 10 to match.
- 2.8 It is also proposed that the membership of the Climate Change and Communities Scrutiny Committee is increased from 7 to 8. This would take the total seats on scrutiny committees to 29, which would allow all non-executive Councillors a seat on a scrutiny committee.
- 2.9 The Audit and Corporate Overview Scrutiny Committee be disestablished and be replaced by a separate Audit Committee and a Finance & Corporate Overview Committee. The terms of reference of these new committees is set out in Appendix 2.

### **3. Reasons for Recommendation**

- 3.1 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.

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

- 4.1 The Council is required within legislation and by the provisions within its constitution to establish committees at the annual meeting therefore no alternatives are suggested.

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### **RECOMMENDATION(S)**

- 1. That the Council's committees, their terms of reference and size as set out in Appendix 1 and Appendix 2 be established for the 2023/24 municipal year in accordance with Council Procedure Rule 1.1(k);

2. That the Joint Employment and Appeals Committee and Audit and Corporate Overview Scrutiny Committee be disestablished;
3. That the Council agrees the allocation of seats on committees as set out in Appendix 3, in accordance with the political balance rules,
4. That authority be delegated to the Monitoring Officer in consultation with the Leader of the Council and relevant Committee Chair (when appointed) to make amendments to the terms of reference for committees arising within the 2023/24 municipal year.

**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 to appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matters which are neither reserved to the Council Meeting nor are Executive Functions; decide the size and terms of reference for those committees; and decide the allocation of seats to political groups in accordance with the Political Balance rules

On behalf of the Solicitor to the Council

**Environment:**            Yes ☐            No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:**            Yes ☐            No ☒

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:  Group Leaders

<b>Links to Council Ambition: Customers, Economy and Environment.</b>

DOCUMENT INFORMATION	
Appendix No	Title
1	Establishment of Committees and Terms of Reference
2	Terms of Reference of new Committees
3	Proportionality on Committees

<b>Background Papers</b> <i>(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 Executive you must provide copies of the background papers).</i>
None

## Establishment of Committees and Terms of Reference.

1. The following committees be established with their current terms of reference as set out in the Council's Constitution;

- Climate Change and Communities Scrutiny Committee- 8 Members
- Customer Services Scrutiny Committee- 7 Members
- Local Growth Scrutiny Committee- 7 Members
- Employee Appeals Committee- 3 Members plus 3 deputies
- General Licensing Committee- 10 Members
- Licensing and Gambling Acts Sub Committee- 3 Members
- Safety Committee - 5 Members plus 5 employee representatives
- Standards Committee- 6 Members plus 1 co-opted member
- Union / Employee Consultation Committee- 6 Members plus 6 employee representatives
- Employment & Personnel Committee- 5 Members
- Planning Committee- 10 Members
- Joint ICT Committee- 3 Members
- Joint Scrutiny Panel- 3 Members

2. The following committees be established with their terms of reference as set out in Appendix 2

- Audit Committee- 6 Members plus 2 co-opted Members
- Finance & Corporate Overview Committee- 7 Members

3. The following Committees be disestablished from the Council's Constitution as detailed in part 2.6 of the report;

- Joint Employment and Appeals Committee
- Audit and Corporate Overview Scrutiny Committee

4. The following Working Groups be established with their existing terms of reference;

- Local Plan Implementation Action Group (LPIAG)- 10 Members

- Member Development Working Group (MDWG)- 7 Members
- Pleasley Park and Vale Conservation Area Joint Advisory Group- 5 Members
- Tenant Participation Review and Development Group- 5 Members

\*\*The following text would be added to the Constitution within Part 3: Functions and replace existing text in relation to Scrutiny Committees.

## 3.6 Committee Terms of Reference

### **SCRUTINY COMMITTEES**

#### (1) Purpose and Responsibilities – ALL SCRUTINY COMMITTEES

Within their themed areas as outlined above, all Scrutiny Committees will:

- (1) Set an annual work plan which can include items from the service areas listed above for the individual Scrutiny Committees and include the following areas of focus;
  - i. The Council's Corporate Plan and priorities including quarterly performance monitoring.
  - ii. Areas of poor performance identified within service provision
  - iii. Policy development activity at the earliest possible opportunity
  - iv. Following up recommendations from past reviews in order to demonstrate the impact of Scrutiny work
- (2) Carry out the reviews in the Committee's annual work plan in a timely and efficient manner taking into consideration the work plans of the other Scrutiny Committees.
- (3) Make recommendations to the Executive and/or Council arising from work undertaken by the Committee.
- (4) Scrutinise and monitor the performance of the Executive and the holders of the relevant Portfolios.
- (5) Consider or examine existing or proposed Council policies, strategies or plans within the remit of the Executive.
- (6) Carry out additional reviews to those in 2 above provided the review is within the area of reference of the particular Scrutiny Committee including collaborating with other Scrutiny Committees and bodies carrying out similar functions outside the Council.
- (7) Undertake any duties specified in legislation that are relevant to each Scrutiny Committee, e.g., Statutory Crime and Disorder Responsibility under the Police and Justice Act 2006.

- (8) Review the performance of other public bodies in the area and invite reports, as required, by asking them to address the Committee about their activities and performance.
- (9) Exercise functions relating to Call-In or Councillor Call for Action.
- (10) Contribute to the Annual Scrutiny report to Council on the scrutiny function and the work of the Committees.

(2) Purpose and Responsibilities – FINANCE AND CORPORATE OVERVIEW SCRUTINY COMMITTEE

In addition to the above powers conferred on Scrutiny, this Committee shall have the following specific functions:

- (1) To be responsible for ensuring effective scrutiny of the Treasury Management Strategies and associated policies.
- (2) To receive the Executive's Budget proposals and scrutinise them in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution, to include:
  - i. Making recommendations to the Executive in respect of those Budget proposals in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
  - ii. Monitoring the Council's Budget, (General Fund, Capital Programme and Housing Revenue Account), on a quarterly basis.
  - iii. Questioning the relevant Portfolio Holders and officers in relation to financial issues arising out of the quarterly monitoring of Budgets.
  - iv. Making recommendations to the Executive in respect of financial issues arising out of the Budget Monitoring.
  - v. Referring to the relevant thematic Scrutiny Committee any performance or other non-financial issues arising out of the quarterly monitoring of the Council's Budget.
- (3) Receive a quarterly update on performance against relevant Corporate Plan targets from the Portfolio Holders, to include:
  - i. Monitoring performance management of the Council including reviewing performance against service plans and indicators relating to the corporate aims.
  - ii. Referring continued exceptions in performance to the relevant thematic Scrutiny Committee for further investigation/detailed review.

- (4) To enable each of the Scrutiny Chairs to present update information from their respective Committees.

The table below outlines the service areas to be scrutinised by each themed committee:

Scrutiny Committee	Cabinet Portfolio's linked to Committee	Terms of reference	Additional considerations
Local Growth Scrutiny Committee	<ul style="list-style-type: none"> <li>• Growth/ Economic Development</li> <li>• Housing</li> <li>• Corporate Governance</li> </ul>	<ul style="list-style-type: none"> <li>• Economic and Business Development</li> <li>• Property Services</li> <li>• Estates Management</li> <li>• High Street Development</li> <li>• Facilities Management</li> <li>• Strategic Development and Investment</li> <li>• Planning</li> <li>• Enterprise and Skills</li> <li>• Tourism</li> <li>• Dragonfly Developments Limited</li> </ul>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Environment</li> <li>• One Public Estate</li> <li>• Transformation Programme</li> <li>• HS2</li> <li>• Highways</li> <li>• D2N2</li> <li>• Legal Requirements</li> <li>• Staffing and other resources for projects</li> <li>• Performance monitoring of assigned service areas</li> </ul>
Climate Change and Communities Scrutiny	<ul style="list-style-type: none"> <li>• Corporate Governance</li> <li>• Environmental Health and Licensing</li> <li>• Enforcement and Partnerships</li> <li>• Leisure and Tourism</li> </ul>	<ul style="list-style-type: none"> <li>• Health and Safety (Council responsibility)</li> <li>• HR/Legal/ Governance</li> <li>• Community Safety Partnership/ Police</li> <li>• Bolsover Partnership Strategy</li> <li>• All Local Authority enforcement/ Enforcement Team</li> <li>• Food Safety</li> </ul>	<ul style="list-style-type: none"> <li>• Finance</li> <li>• Legal Requirements</li> <li>• Staffing and other resources for projects</li> <li>• Performance monitoring of assigned service areas</li> </ul>

Scrutiny Committee	Cabinet Portfolio's linked to Committee	Terms of reference	Additional considerations
		<ul style="list-style-type: none"> <li>• Health and Wellbeing</li> <li>• Leisure</li> <li>• Environmental Health</li> <li>• Licensing</li> <li>• Public Health</li> <li>• Relationship with other authorities including Derbyshire County Council and Parish Councils.</li> <li>• Energy management in relation to the Council's own Estates and Property</li> <li>• Community Transport</li> <li>• Climate Change</li> <li>• Social Inclusion</li> </ul>	
Customer Services Scrutiny Committee	<ul style="list-style-type: none"> <li>• Housing</li> <li>• Environmental Health and Licensing</li> <li>• Finance</li> <li>• Corporate Governance</li> </ul>	<ul style="list-style-type: none"> <li>• BDC Housing including Strategic Housing</li> <li>• Emergency Planning</li> <li>• Revenues and Benefits</li> <li>• Street Scene</li> <li>• Grounds maintenance</li> <li>• Customer Services and Customer Standards</li> <li>• ICT</li> <li>• Communications</li> <li>• Waste Collection</li> <li>• Monitoring Corporate Complaints</li> <li>• Local Government and Social Care</li> </ul>	<ul style="list-style-type: none"> <li>• Environment</li> <li>• Finance</li> <li>• Transformation Programme</li> <li>• Environmental Health</li> <li>• Governance</li> <li>• Legal Requirements</li> <li>• Staffing and other resources for projects</li> <li>• Elections</li> <li>• Performance monitoring of assigned service areas</li> </ul>

Scrutiny Committee	Cabinet Portfolio's linked to Committee	Terms of reference	Additional considerations
		Ombudsman – complaints and annual letter.	
Finance and Corporate Overview Scrutiny Committee	<ul style="list-style-type: none"> <li>Finance</li> </ul>	<ul style="list-style-type: none"> <li>Audit</li> <li>Accountancy</li> <li>Procurement</li> <li>Improvement and Performance Monitoring</li> <li>Payroll</li> <li>Treasury Management</li> <li>Annual budget setting process</li> <li>Budget Monitoring</li> <li>Monitoring collection rates for Council Tax and other income.</li> <li>Societal Impact of any Budget Reductions</li> <li>Reviewing the financial and value for money outcome of the implementation of strategic projects.</li> </ul>	<ul style="list-style-type: none"> <li>Environment</li> <li>Legal Requirements</li> <li>Governance</li> <li>Staffing and other resources for projects</li> </ul>

(3) Joint Scrutiny Arrangements

The Authority is part of a Shared Services Scrutiny Panel alongside North East Derbyshire District Council and Chesterfield Borough Council, which scrutinises the joint working arrangements across the three Councils.

(4) Membership and Structure of Meetings

The Chair and Vice Chair of each Scrutiny Committee will be appointed by Council from its allocated membership.

All Scrutiny Committees will reflect the political composition of the Council, in accordance with the proportional allocation of seats. The quorum for each scrutiny committee meeting will be one quarter of the whole number of Members or three voting Members, whichever is the greater.

All Scrutiny Members shall be invited to Finance and Corporate Overview Scrutiny Committee once a year, for consideration of the annual Council Budget proposals, prior to submission to Executive and Council.

All thematic Chairs and/or Vice-Chairs shall be invited to attend Finance and Corporate Overview Scrutiny Committee when it is considering quarterly performance reports, to enable informed discussion and referrals where required. They will not attend with voting rights.

The Committees will meet in accordance with the agreed meeting schedule, with additional extraordinary meetings as required.

## **AUDIT COMMITTEE**

### **(1) Purpose and Responsibilities**

The Committee is a key component of the Authority's corporate governance. It provides an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

The purpose of the Committee is to provide independent assurance to the Members of the Authority of the adequacy of the risk management framework and the associated internal control environment. It provides independent review of the Authority's governance, risk management, and control frameworks and oversees the financial reporting and annual governance processes. It oversees internal audit and external audit, helping to ensure efficient and effective assurance arrangements are in place.

In addition to the above powers conferred, this Committee shall have the following specific functions:

#### **Governance, risk and control**

- (1) To review the council's corporate governance arrangements against the good governance framework, including the ethical framework and consider the local code of governance.
- (2) To review the Annual Governance Statement (AGS) prior to approval and consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control.
- (3) To consider the Council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements.
- (4) To consider the Council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council.
- (5) To monitor the effective development and operation of risk management in the Council.
- (6) To monitor progress in addressing risk-related issues reported to the Committee.
- (7) To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions.

- (8) To review the assessment of fraud risks and potential harm to the Council from fraud and corruption.
- (9) To monitor the counter-fraud strategy, actions and resources.
- (10) To review the governance and assurance arrangements for significant partnerships or collaborations.

#### **Internal audit**

- (11) To approve the internal audit charter
- (12) To approve the risk-based internal audit plan, including internal audit's resource requirements, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
- (13) To approve significant interim changes to the risk-based internal audit plan and resource requirements.
- (14) To make appropriate enquiries of both management and the Head of the Internal Audit Consortium to determine if there are any inappropriate scope or resource limitations.
- (15) To consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the Head of the Internal Audit Consortium. To approve and periodically review safeguards to limit such impairments.
- (16) To consider reports from the Head of the Internal Audit Consortium on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - i. Updates on the work of internal audit including key findings, issues of concern and action in hand as a result of internal audit work
  - ii. Regular reports on the results of the quality assurance and improvement programme (QAIP)
  - iii. Reports on instances where the internal audit function does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Government Application Note for the United Kingdom Public Sector Internal Audit Standards (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
- (17) To consider the Head of the Internal Audit Consortium's annual report:
  - i. The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the

statement – these will indicate the reliability of the conclusions of internal audit.

- ii. The opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control together with the summary of the work supporting the opinion – these will assist the Committee in reviewing the AGS.

- (18) To consider summaries of specific internal audit reports as requested.
- (19) To receive reports outlining the action taken where the Head of the Internal Audit Consortium has concluded that management has accepted a level of risk that may be unacceptable to the authority or there are concerns about progress with the implementation of agreed actions.
- (20) To contribute to the QAIP and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
- (21) To consider a report on the effectiveness of internal audit to support the AGS, where required to do so by the Accounts and Audit Regulations.
- (22) To provide free and unfettered access to the audit committee chair for the Head of the Internal Audit Consortium, including the opportunity for a private meeting with the Committee.

#### **External audit**

- (23) To support the independence of external audit through consideration of the external auditor's annual assessment of its independence and review of any issues raised by Public Sector Audit Appointments (PSAA) as appropriate.
- (24) To consider the external auditor's annual letter, relevant reports and the report to those charged with governance.
- (25) To consider specific reports as agreed with the external auditor.
- (26) To comment on the scope and depth of external audit work and to ensure it gives value for money.
- (27) To commission work from internal and external audit.
- (28) To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies.

### **Financial reporting**

- (29) To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
- (30) To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

### **Accountability arrangements**

- (31) To report to those charged with governance on the Committee's findings, conclusions and recommendations concerning the adequacy and effectiveness of their governance, risk management and internal control frameworks, financial reporting arrangements, and internal and external audit functions.
- (32) Where the Council has undergone an external inspection, peer review or other intervention, and an improvement programme is developed, the Audit Committee will support the effective implementation and review of agreed actions.
- (33) To report to Council on an annual basis on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose, via completion of an annual self-assessment and production of any required improvement plan.
- (34) To publish an annual report to Council on the work of the Committee, to include reference to the Committee's self-assessment and any associated improvement plan.

### **(2) Reporting Framework**

The Audit Committee will report directly to the Council and provide information to the Executive for action whilst maintaining its independence.

### **(3) Membership and Structure of Meetings**

The Chair and Vice Chair of the Committee will be appointed by Council from its allocated membership and reflect the political composition of the Council, in accordance with the proportional allocation of seats.

The Committee will have no more than 8 Members, to include 6 members of the Authority and two co-opted Independent Non-Voting Members.

The quorum for the Committee will be one quarter of the whole number of Members or three voting Members, whichever is the greater.

The Committees will meet in accordance with the agreed meeting schedule and for a minimum of four times per year, with additional extraordinary meetings as required.

	Seats on Council	Proportion
Total seats	37	100.00%
Labour Group	31	83.784%
Conservative Group	3	8.108%
Independent (DW)	1	2.703%
Independent (RW)	1	2.703%
Independent (JG)	1	2.703%
Vacant Seats	0	0.00%

Executive	8
Non-Exec	29

Ordinary Committees	Total seats on Committee	Labour Group		Conservative Group		Independent (DW)		Independent (RW)		Independent (JG)		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	
Employment Appeals Committee	3	2.51	3	0	0	0	0	0	0	0	0	3
Employment Appeals Deputies	3	2.51	3	0	0	0	0	0	0	0	0	3
General Licensing Committee	10	8.38	9	0.81	1	0	0	0	0	0	0	10
Licensing and Gambling Acts Committee	10	8.38	9	0.81	1	0	0	0	0	0	0	10
Planning Committee	10	8.38	8	0.81	1	0	0	0	0	0.00	1	10
Safety Committee	5	4.19	4	0	0	0.14	1	0	0	0	0	5
Standards Committee	6	5.03	4	0.49	1	0	0	0	0	0.00	1	6
Audit Committee	6	5.03	5	0.49	1	0	0	0	0	0.00	0	6
Employment and Personnel Committee	5	4.19	4	0	0	0.14	1	0	0	0.00	0	5
Union/Employee Consultation Committee	6	5.03	5	0	0	0	0	0.16	1	0.00	0	6
Total Seats on Ordinary Committees	64	53.62	54	5.19	5	1.73	2	1.73	1	0.41	2	64

Group	Total Seats Allocated	Proportion
Labour Group	82	82.83%
Conservative Group	9	9.09%
Independent (DW)	4	4.04%
Independent (RW)	2	2.02%
Independent (JG)	3	3.03%
Vacant	0	0.00%


Total Seats	99
-------------	----

Scrutiny Committees	Total seats on Committee		Labour Group		Conservative Group		Independent (DW)		Independent (RW)		Indepdenent (JG)		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 Services Scrutiny Committee	7.25	7	5.86	6	0.57	1	0.19	0	0.19	0	0.00	0	7
Local Growth Scrutiny Committee	7.25	7	5.86	5	0.57	1	0.19	1	0.19	0	0.00	0	7
Finance and Corporate Overview Scrutiny Committee	7.25	7	5.86	6	0.57	0	0.19	1	0.19	0	0.00	0	7
Climate Change and Communities Scrutiny Committee	7.25	8	6.70	6	0.65	1	0.22	0	0.22	1	0.00	0	8
Total seats	0	29	24.30	23	2.35	3	0.78	2	0.78	1	0	0	29
	29												

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

Joint Committees*	Total seats on Committee	Labour Group		Conservative Group		Independent (DW)		Independent (RW)		Independent (JG)		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	2.51	3	0.24	0	0.08	0	0.08	0	0.00	0	3
Joint Scrutiny Panel	3	2.51	2	0.24	1	0.08	0	0.08	0	0.00	0	3

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

 Advisory/Working Groups**	Total seats on Group	Labour Group		Conservative Group		Independent (DW)		Independent (RW)		Independent (JG)		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	
Member Development Working Group	7	5.86	5	0.57	1	0.19	1	0.19	0	0.00	0	7
Local Plan Implementation Action Group	10	8.38	8	0.81	1	0.27	0	0.27	0	0.00	1	10
Pleasley Park and Vale Conservation Area Working Group	5	4.19	5	0.41	0	0.14	0	0.14	0	0.00	0	5
Tenant Participant Review and Development Group	5	4.19	5	0.41	0	0.14	0	0.14	0	0.00	0	5
Total seats	27	22.62	23	2.19	2	0.73	1	0.73	0	0.00	1	27

\*\*Note - allocated proportionally but not included in proportionality calculations

## **Bolsover District Council**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Appointments to Committees and Advisory Groups 2023/24**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Amy Bryan Governance and Civic Manager <a href="mailto:amy.bryan@bolsover.gov.uk">amy.bryan@bolsover.gov.uk</a> 01246 242529

### **PURPOSE/SUMMARY OF REPORT**

To establish and appoint Members to the Council's Committee and Advisory Groups for the 2023/24 Municipal Year.

### **REPORT DETAILS**

#### **1. Background**

- 1.1 In line with the provisions within the Council's constitution, the Annual Meeting of Council is required to:
  - Appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matter which are neither reserved to the Council Meeting nor are Executive Functions;
  - Decide the size and terms of reference for those committees;
  - Decide the allocation of seats to political groups in accordance with the Political Balance rules.
- 1.2 The terms of reference for each Committee has been presented to the meeting as part of the Review of the Constitution.

#### **2. Details of Proposal or Information**

- 2.1 Political Groups are requested to nominate Members to serve on Committees and Advisory Groups (as set out in **Appendix 1**) for the 2023/24 Municipal Year.

- 2.2 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.

### **3. Reasons for Recommendation**

- 3.1 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.
- 3.2 Nominations that have been received in advance of the meeting from Political Groups are detailed in **Appendix 1**. Further nominations for seats still to be Confirmed (TBC) will be circulated separately or be made verbally at the meeting.

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

- 4.1 There are no alternative options as Council is required by the provisions within its Constitution to establish and appoint to committees at the annual meeting.

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## **RECOMMENDATION(S)**

1. That the appointments to Committees and Advisory Groups as set out in Appendix 1 be agreed.

### **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 to:

- Appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive Functions;
- Decide the size and terms of reference for those committees;
- Decide the allocation of seats to political groups in accordance with the Political Balance rules.

On behalf of the Solicitor to the Council

**Environment:** Yes ☐ No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:** Yes ☐ No ☒

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	<b>Details:</b> Group Leaders

**Links to Council Ambition: Customers, Economy and Environment.**

## DOCUMENT INFORMATION

Appendix No	Title
1	Appointments to Committees and Advisory Groups for 2023/24

<b>Background Papers</b>
<i>(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 Executive you must provide copies of the background papers).</i>
None

# BOLSOVER DISTRICT COUNCIL

## ANNUAL COUNCIL MEETING 24<sup>th</sup> MAY 2023

### APPOINTMENT TO ESTABLISHED COMMITTEES AND ADVISORY GROUPS 2023/24

#### COMMITTEES

Committee	Labour Group (31)	Conservative Group (3)	Independent (3)
<b>Finance &amp; Corporate Overview Scrutiny Committee (7)</b>	Councillors (6)	(0)	Councillor Justin Gilbody (1)
<b>Local Growth Scrutiny Committee (7)</b>	Councillors (5)	Councillor Will Fletcher (1)	Councillor Deborah Watson (1)
<b>Customer Services Scrutiny Committee (7)</b>	Councillors (6)	Councillor Louise Fox (1)	(0)
<b>Climate Change and Communities Scrutiny Committee (8)</b>	Councillors (6)	Councillor Carol Wood (1)	Councillor Ross Walker (1)
<b>Employee Appeals Committee (3)</b> <b>Deputies (3)</b>	Councillors (3) Deputies: (3) Councillors	(0)	(0)

<b>Committee</b>	<b>Labour Group (31)</b>	<b>Conservative Group (3)</b>	<b>Independent (3)</b>
<b>Employment and Personnel Committee (5)</b>	Councillors (4)	(0)	Councillor Deborah Watson (1)
<b>General Licensing Committee (10)</b>	Councillors (9)	Councillor Will Fletcher (1)	(0)
<b>Licensing and Gambling Acts Committee (10)</b>	Councillors (9)	Councillor Will Fletcher (1)	(0)
<b>Planning Committee (10)</b>	Councillors (8)	Councillor Carol Wood (1)	Councillor Justin Gilbody (1)
<b>Safety Committee (5)</b>	Councillors (4)	(0)	Councillor Deborah Watson (1)
<b>Audit Committee (6) Plus 2 co-opted Members</b>	Councillors (5)	Councillor Carol Wood (1)	(0)
<b>Standards (6) Plus 1 co-opted Member</b>	Councillors (4)	Councillor Louise Fox (1)	Councillor Justin Gilbody (1)

Committee	Labour Group (31)	Conservative Group (3)	Independent (3)
<b>Union / Employee Consultation Committee (6)</b>	Councillors (4)	Councillor (1)	Councillor Ross Walker (1)

30

## JOINT COMMITTEES

Committee	Labour Group (31)	Conservative Group	Independent (3)
<b>ICT Shared Services Committee</b>  (3 from BDC plus CBC and NEDDC)	Councillors (3)	(0)	(0)
<b>Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel) (3)</b>	Councillors (2)	Councillor Will Fletcher (1)	(0)

## ADVISORY GROUPS

Committee	Labour Group (31)	Conservative Group (3)	Independent (3)
<b>Pleasley Park and Vale Conservation Area Joint Advisory Group (5)</b>	Councillors (5)	(0)	(0)
<b>Local Plan Implementation Advisory Group (10)</b>	Councillors (8)	Councillor Carol Wood (1)	Councillor Justin Gilbody (1)
<b>Member Development Working Group (7)</b>	Councillors (5)	Councillor Louise Fox (1)	Councillor Deborah Watson (1)
<b>Tenant Participation Review and Development Group (5)</b>	Councillors (5)	(0)	(0)

## **Bolsover District Council**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Nominations to Chairs and Vice-Chairs of Committees and Advisory Bodies 2023/24**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Amy Bryan Governance and Civic Manager <a href="mailto:amy.bryan@bolsover.gov.uk">amy.bryan@bolsover.gov.uk</a> 01246 242529

### **PURPOSE/SUMMARY OF REPORT**

For Council to decide upon the appointment of Chairs and Vice-Chairs for the 2023/24 Municipal Year.

### **REPORT DETAILS**

#### **1. Background**

- 1.1 Council is asked to consider the list of nominations for Chairs and Vice-Chairs.

#### **2. Details of Proposal or Information**

- 2.1 Appendix 1 sets out the Committees and Advisory Bodies for which Chairs and Vice-Chairs should be appointed and any nominations received by the time of writing the report. Further nominations can be presented at the meeting.

#### **3. Reasons for Recommendation**

- 3.1 To appoint Chairs and Vice-Chairs for the Committees and Advisory Bodies as attached at Appendix 1.

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

- 4.1 There are no alternative options as each of the listed bodies requires a Chair and Vice-Chair to be appointed.

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### **RECOMMENDATION(S)**

1. That Council considers the nominations for Chairs and Vice-Chairs and to make appointments to these positions.

#### **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.

On behalf of the Solicitor to the Council

**Environment:** Yes ☐ No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:** Yes ☐ No ☒

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>

DOCUMENT INFORMATION	
Appendix No	Title
1	List of Chairs and Vice-Chair nominations 2023/24

<b>Background Papers</b> <i>(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 Executive you must provide copies of the background papers).</i>
None

## NOMINATIONS OF CHAIRS AND VICE-CHAIRS TO ESTABLISHED COMMITTEES 2023/24

	Committee/Regulatory Body	Labour Group nomination	Other nomination
a)	<b>Audit Committee</b>  Chair Vice Chair		
b)	<b>Climate Change and Communities Scrutiny Committee</b>  Chair Vice Chair		
c)	<b>Customer Services Scrutiny Committee</b>  Chair Vice Chair		
d)	<b>Local Growth Scrutiny Committee</b>  Chair Vice Chair		
e)	<b>Employment and Personnel Committee</b>  Chair Vice Chair		
f)	<b>Finance &amp; Corporate Overview Scrutiny Committee</b>  Chair Vice Chair		
g)	<b>Licensing Committee(s)</b>  Chair Vice Chair		
h)	<b>Planning Committee</b>  Chair Vice Chair		

i)	<b>Safety Committee</b>  Chair Vice Chair	Appointed at first meeting  Union representative Councillor	
j)	<b>Standards Committee</b>  Chair Vice Chair	Mrs Jean Ruth Jaffray Councillor	
k)	<b>Union / Employee Consultation Committee</b>  Chair Vice Chair	Appointed at first meeting  Councillor Union Representative	
l)	<b>Member Development Working Group</b>  Chair Vice Chair		
m)	<b>Local Plan Implementation Area Working Group</b>  Chair Vice Chair (same as Planning Committee)		

**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**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Appointments to Outside Bodies (Council Functions) 2023/24**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Amy Bryan Governance and Civic Manager <a href="mailto:amy.bryan@bolsover.gov.uk">amy.bryan@bolsover.gov.uk</a> 01246 242529

### **PURPOSE/SUMMARY OF REPORT**

For Council to appoint representatives to Outside Bodies for 2023/24.

### **REPORT DETAILS**

#### **1. Background**

- 1.1 Council is 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 the Annual Council meeting (24<sup>th</sup> May 2023) until the next Annual Council meeting unless otherwise specified.
- 2.2 Appendix 1 includes details of the proposed representatives to be appointed for 2023/24 at the time of writing the report. Further nominations will be circulated before the meeting or made verbally at the meeting.

#### **3. Reasons for Recommendation**

- 3.1 To appoint representatives on the list of Outside Bodies (Council functions) as attached at Appendix 1.

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

- 4.1 The Council could choose not to appoint to the Outside Bodies, however, this is not recommended as it would fail to provide a representative of the Council to these organisations.

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#### **RECOMMENDATION(S)**

1. That Council considers the list of Outside Bodies (Council Functions) attached at Appendix 1 and to make appointments of representatives.
2. The term of office for each appointments will be from the date of the Annual Council meeting (24<sup>th</sup> May 2023) until the next Annual Council meeting, unless otherwise specified.

#### **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.

On behalf of the Solicitor to the Council

**Environment:**            Yes ☐            No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:**            Yes ☐            No ☒

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>
Good Governance  Council representatives on Outside Bodies support the overall objectives of the Council Ambition and partnership working.

DOCUMENT INFORMATION	
Appendix No	Title
1	Appointments to Outside Bodes (Council Functions) for 2023/24

<b>Background Papers</b> <i>(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 Executive you must provide copies of the background papers).</i>
None

# Appendix 1

## APPOINTMENTS TO OUTSIDE BODIES 2023/24 (COUNCIL FUNCTIONS)

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

Organisation	Representative(s)
<b>Arthur Townrow Pensions Fund</b> (4 year term expiring on 1 <sup>st</sup> January 2027)	(2 representatives) Councillor X Councillor X
<b>Association of Councillors</b> <b>a) National</b>	(1 representative & 1 sub) Councillor X Councillor X (substitute)
<b>Association of Councillors</b> <b>b) English Regional</b>	(1 representative & 1 sub) Councillor X Councillor X (substitute)
<b>Creswell Heritage Trust</b>	(1 representative) Councillor X
<b>Derbyshire Police and Crime Panel</b>	(1 representative & 1 sub) Relevant Portfolio Holder for Community Safety Councillor X (Substitute)
<b>Doe Hill Community Advisory Panel</b>	(1 representative) Councillor X
<b>Doe Lea Management Committee</b>	(1 representative) Councillor X
<b>Glapwell Waste Disposal Site Liaison Committee</b>	(4 representatives) Relevant Portfolio Holder plus Councillor X Councillor X Councillor X

<b>Organisation</b>	<b>Representative(s)</b>
<b>Historic England</b>	(1 representative) Councillor X
<b>HS2 Mitigation Group</b>	(1 representative) Councillor X
<b>Isabella Smithson's Charity</b>	(3 representatives) Councillor X Councillor X Councillor X
<b>Joint Board</b> (BDC/NEDDC/CBC)  Council Appointments - Scrutiny Observers	Leader and Deputy Leader (Executive Appointments)  Councillor X (Scrutiny Representative Observer)  Councillor X Councillor X (Scrutiny Representative Substitute Observers)
<b>Local Government Association National</b>	Leader Deputy Leader (substitute)
<b>National Coal Mining Museum Liaison Committee</b>	(1 representative) Councillor X
<b>South Yorkshire Mayoral Combined Authority Board</b>	(1 representative (the Leader) and one substitute)  Leader Councillor X (substitute)
<b>Whitwell Quarry Liaison</b>	(2 representatives) Councillor X Councillor X

## **Bolsover District Council**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Review of the Council's Constitution**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472

### **PURPOSE/SUMMARY OF REPORT**

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.

### **REPORT DETAILS**

#### **1. Background**

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Meeting in May 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 meeting on 20<sup>th</sup> February 2023. The following areas of the Constitution and related procedures were reviewed during that meeting:
- Changes to the establishment, i.e. separating the Audit Committee from Scrutiny. This is dealt with separately in the Establishment of Committees report.
  - Scrutiny Procedure Rules
  - Call-in
  - Budget and Policy Framework

#### **SCRUTINY PROCEDURE RULES AND CALL-IN**

- 2.3 Following a Call-In to Scrutiny in October 2022, it has become apparent that the current procedure rules need to be made clearer in relation to where responsibility lies should a Scrutiny Committee recommend that the decision under review, is to be re-submitted to Executive for re-consideration.
- 2.4 Attached at Appendix 1 is an amended version of the Scrutiny Procedure Rules, with specific amendments as highlighted. Attached at Appendix 2 is an amended version of the Call-In Procedure Rules, which rectifies the gap within the current rules.

#### **BUDGET AND POLICY FRAMEWORK**

- 2.5 In accordance with the changes to the establishment, attached at Appendix 3 is the revised Budget and Policy Framework, acknowledging the proposed changes to the committee structure.

### **3. Reasons for Recommendation**

- 3.1 The Standards Committee with support from the Monitoring Officer 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.

## **RECOMMENDATION(S)**

1. That the amendments to the Constitution set out in Appendix 1, 2 and 3 be approved.

### **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:**

Section 37 of the Local Government Act 200 requires a local authority which is operating executive arrangements to prepare and keep up-to-date a constitution that contains its Standing Orders, Code of Conduct, such other information that the Secretary of State may direct and such other information that the Authority considers appropriate.

On behalf of the Solicitor to the Council

**Environment:**            Yes ☐            No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:**            Yes ☐            No ☒

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## **DECISION INFORMATION**

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:  Deputy Leader for 2022/23

<b>Links to Council Ambition: Customers, Economy and Environment.</b>

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Amended version of the Scrutiny Procedure Rules
2	Amended version of the Call-In Procedure Rules
3	Revised Budget and Policy Framework

<b>Background Papers</b>
<i>(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 Executive you must provide copies of the background papers).</i>
None

## 4.5 SCRUTINY PROCEDURE RULES

### 4.5.1 The Number and Arrangements for Scrutiny Committees

- (1) The Council will have four Scrutiny Committees which will perform all scrutiny functions on behalf of the Council. The four Scrutiny Committees will be the;
  - ~~Finance~~Audit and Corporate Overview Scrutiny Committee
  - Customer Services s Scrutiny Committee,
  - Local Growth Scrutiny Committee
  - Climate Change and Communities Scrutiny Committee.
- (2) The Terms of Reference of the Scrutiny Committees will be as outlined in Part 3 of this Constitution.

### 4.5.2 Who May Sit on Scrutiny Committee?

All Councillors, [except Members of the Executive], may be Members of the Scrutiny Committee. No Member may be involved in scrutinising a decision in which that Member has been directly involved.

The membership of each Committee will reflect the political composition of the Council. Members will be appointed at the Annual Council Meeting, and subsequently as required following a change in political composition and/or responsibilities.

### 4.5.3 Co-optees

Each Scrutiny Committee or each Scrutiny sub-Committee shall be entitled to recommend to Council the appointment of such non-voting co-optees as the Scrutiny Committee or Scrutiny sub-Committee considers appropriate.

The Audit and Corporate Overview Scrutiny Committee will have an additional co-opted Independent Non-Voting Member, as part of its allocated membership.

### 4.5.4 Meetings of the Scrutiny Committees

The Scrutiny Committees shall meet in accordance with the timetable of meetings approved by the Annual Meeting of Council. In addition, extraordinary meetings may be called from time to time as and when appropriate.

A meeting of one of the Scrutiny Committees may be called by the Monitoring Officer if considered necessary following consultation with the Chair of the relevant Scrutiny Committee. Further meetings may be arranged as required on an Informal basis, to enable Review work to be completed.

#### 4.5.5 Quorum

~~The quorum for each Scrutiny Committee shall be at least 3 Members of the Scrutiny Committee. The quorum for each scrutiny committee meeting will be one quarter of the whole number of members or three voting members, whichever is the greater.~~

#### 4.5.6 Who Chairs the Meetings of the Scrutiny Committees?

The Chair of each Scrutiny Committee and any sub-Committees will be drawn from among the Councillors sitting on the relevant Scrutiny Committee or sub-committee, and be appointed by the Annual Council Meeting.

#### 4.5.7 Work Programme

The Scrutiny Chairs will be responsible for setting the Annual Work Programme for each of the four Scrutiny Committees and in doing so shall take into account the wishes of Members of the four Scrutiny Committees including the wishes of those who are not Members of the largest political group on the Council. The Annual Work Programme shall include matters on which there are requests from the Council or the Executive for advice, where this can be accommodated

#### 4.5.8 Agenda Items

- (1) Any Member of the relevant Scrutiny Committee shall be entitled to give notice to the Governance Manager of an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Governance Manager will notify the Scrutiny and Elections Officer who will ensure that it is included on the next available agenda.
- (2) The relevant Scrutiny Committee shall also respond to requests from the Council, as soon as their work programme permits - and if it considers it appropriate, the Executive, - to review particular areas of Council activity. Where they do so, the relevant Scrutiny Committee shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or the Executive shall consider the report of the relevant Scrutiny Committee within one month of receiving them. Policies will be

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considered by the relevant Scrutiny Committee before submission to the Executive.

- (3) Any non-Executive Member who is not a member of the Scrutiny Committee may refer any matter relevant to the Scrutiny Committee's functions to that Committee. The Member should give notice to the Monitoring Officer. On receipt of such a request, the Monitoring Officer will ensure that it is included on the next available agenda. The Committee shall then determine whether it wishes to pursue the item suggested by the Member.

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#### 4.5.9 Policy Review and Development

- (1) The role of the Scrutiny Committees, in relation to the development of the Council's Budget and Policy Framework, is set out in detail in the Budget and Policy Framework Procedure Rules.
- (2) In relation to the development of the Council's approach to other matters not forming part of its Budget and Policy Framework, the Scrutiny Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- (3) The Scrutiny Committees, through specially set up working groups, if appropriate, may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so.

#### 4.5.10 Reports from the Scrutiny Committee

- (1) Once it has formed recommendations on proposals for development, the relevant Scrutiny Committee will prepare a formal report and submit it to the Monitoring Officer for consideration by the Executive, (if the proposals are consistent with the existing Budget and Policy Framework), or to the Council as appropriate, (if the recommendation would require a departure from or a change to the agreed Budget and Policy Framework).
- (2) The Executive shall consider the report of the Scrutiny Committee at its next ordinary meeting following submission of the report to the Monitoring Officer. Where a report is submitted to the Council, the report shall be considered at the next ordinary meeting of the Council provided that the Executive has met in the

meantime and had the opportunity to formulate its views on the report. If the Executive has not had that opportunity, the report will be considered at the following meeting of the Council.

#### 4.5.11 Making Sure That Scrutiny Reports are Considered by the Executive

- (1) Once the relevant Scrutiny Committee has completed its deliberations on any matter, a copy of its final report will be forwarded to the Monitoring Officer who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's Budget and Policy Framework. If the Monitoring Officer refers the matter to Council, the Executive will have 6 weeks in which to respond to the Scrutiny report and the Council shall not consider it within that period.

When the Council does meet to consider any referral from a Scrutiny Committee on a matter which would impact on the Budget and Policy Framework, it shall also consider the response of the Executive to the Scrutiny proposals.

- (2) Scrutiny Committees will in any event have access to the Executive's List of Key Decisions and timetable for decisions.

Even where an item is not the subject of detailed proposals from a Scrutiny Committee following a consideration of possible policy/service developments, the relevant Scrutiny Committee will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

#### 4.5.12 Members and Officers Giving Account

- (1) Any Scrutiny Committee or sub-committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service, the Chief Financial Officer, the Monitoring Officer, and any Director, or Head of Service, to attend before it to explain in relation to matters within their remit:-
  - (i) any particular decision or series of decisions
  - (ii) the extent to which the actions taken implement Council policy; and/or service performance.
  - (iii) and it is the duty of those persons to attend if so required.

- (2) Where, in exceptional circumstances, the Member or officer is unable to attend on the required date, then the Chair of the requiring Scrutiny Committee shall, in consultation with the Member or officer, arrange an alternative date for attendance.

#### 4.5.13 Attendance by Others

A Scrutiny Committee may invite people other than those people referred to in paragraph 4.5.12 above, to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, Members and officers in other parts of the public sector and shall invite such people to attend. Attendance is entirely optional.

#### 4.5.14 Call-In of Key Decisions

- (1) 'Call-in' should not be confused with the scrutiny of anticipated decisions before they are made (i.e. matters on which Scrutiny Committees can formulate proposals and recommendations.) 'Call-in' refers to the calling in of a decision after it is made but before it is implemented, and only applies to Key Decisions.
- (2) When a Key Decision<sup>1</sup> is made by the Executive or a committee of the Executive, or under joint arrangements, or in line with any delegation within the Constitution, the decision shall be published electronically and shall be available at the main offices of the Council within two working days of being made.
- (3) Copies of the Notice of Decision will be provided to all Members within the same timescale.
- (4) All Key Decisions will come into effect five working days after the publication of the decision unless three Scrutiny Members give notice in writing to the Governance Manager requesting to call-in the decision.
- (5) Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that issues have not been handled in accordance with the decision-making principles set out in Article 13.2 of this Constitution; where a key decision has been taken which was neither published in

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<sup>1</sup> A Key Decision is an Executive decision 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 which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is considered significant.

accordance with the requirements for the list of Key Decisions, not subject to the 'general exception' or 'special urgency procedures' set out in this Constitution or where a decision is outside the policy or budgetary framework.

- (6) If no notice requesting call-in of a Key Decision is received in this five working day period, the decision may be implemented.
- (7) The call-in request should be on a completed 'call-in' request form and include the names and signatures of the three signatories, the decision-making principles it is believed have been breached and also the reasons for this. The decision-making principles are:-
  - Proportionality (the decision must be proportionate to the desired outcome)
  - Due consultation and the taking of professional advice from officers
  - Respect for human rights
  - A presumption in favour of openness
  - Clarity of aims and desired outcomes
  - Regard for equal opportunities
  - Options are considered and reasons for the decision given
  - Consideration of all relevant factors
  - Decision is in the best interests of the District as a whole
- (8) Upon receipt of the call-in form, the Governance Manager will consider the request to ensure the correct information has been submitted. The Monitoring Officer may reject it if:-
  - It relates to a non-Executive decision or is a decision where a statutory appeal is available
  - Insufficient information has been provided
  - It is vexatious, malicious or politically motivated
  - It contains insufficient evidence as to how the decision making principles have been breached
  - The decision has been previously called-in
  - The reasons given have been addressed in a previous call-in
- (9) Reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the call-in request prior to the closure of the five working day call-in period.
- (10) Upon determining that the call-in request is valid, the Monitoring Officer will decide, having regard to the functions of each Scrutiny Committee, which Scrutiny Committee will hear the call-in. The Executive/decision-maker and relevant Council officers will also be notified of the call-in request. The Governance Manager will then call a meeting of the relevant Scrutiny Committee.

Part 4.5 Scrutiny Procedure Rules  
Last Updated ~~September 2021~~February 2023

- (11) Where two or more valid call-ins are requested on the same issue, the Monitoring Officer should liaise with those requesting (and with the relevant Chair) to ensure that the matters can be considered together, without prejudicing either individual request or requesters.
- (12) The reports to be considered by the Scrutiny Committee should be provided by officers and should reflect the same material that has gone to the original decision-maker. However, it is reasonable for those requesting the call-in to expect additional information to be provided.
- (143) The relevant Scrutiny Committee must meet to consider the call-in as soon as reasonably practicable and at the latest within 20 working days of the receipt of the call-in notice. If the meeting does not take place in this period then the decision may be implemented. Special meetings of the Scrutiny Committee will be called if necessary to consider a call-in in this period.
- (124) The lead signatory, being the first named Member on the call-in, will be invited to attend the relevant Scrutiny Committee to present the call-in, outline the reasons for the request and answer questions from the Committee. They will not be entitled to vote unless they are a Member of the Scrutiny Committee that considers the call-in. The relevant Executive Member/decision making officer will also be entitled to attend the meeting and be invited to address the Scrutiny Committee and answer questions from the Committee. The format for the call-in consideration is set out in the Call-In Procedure Rules.
- (135) If, having considered the decision, the Scrutiny Committee is still concerned about it; they may refer the matter back to the decision maker setting out in writing the reasons for its concerns. If the decision is a decision made by the Executive, the Executive shall reconsider it at their next meeting, (or a special meeting if necessary), amending the decision or not, before adopting a final decision.
- (146) If the Scrutiny Committee decides not to refer the decision back to the decision-maker, it may be implemented on the date of the Scrutiny Committee.
- (157) If the Scrutiny Committee concludes that the decision is outside the Budget and Policy Framework, then it may refer the decision to Council. When exercising this option, the Scrutiny Committee must evidence how and why the decision is outside the Framework and give due regard to the advice of the Chief Financial Officer and Monitoring Officer on this matter. This is contained within section 4.3.8 of the Budget and Policy Framework Rules.

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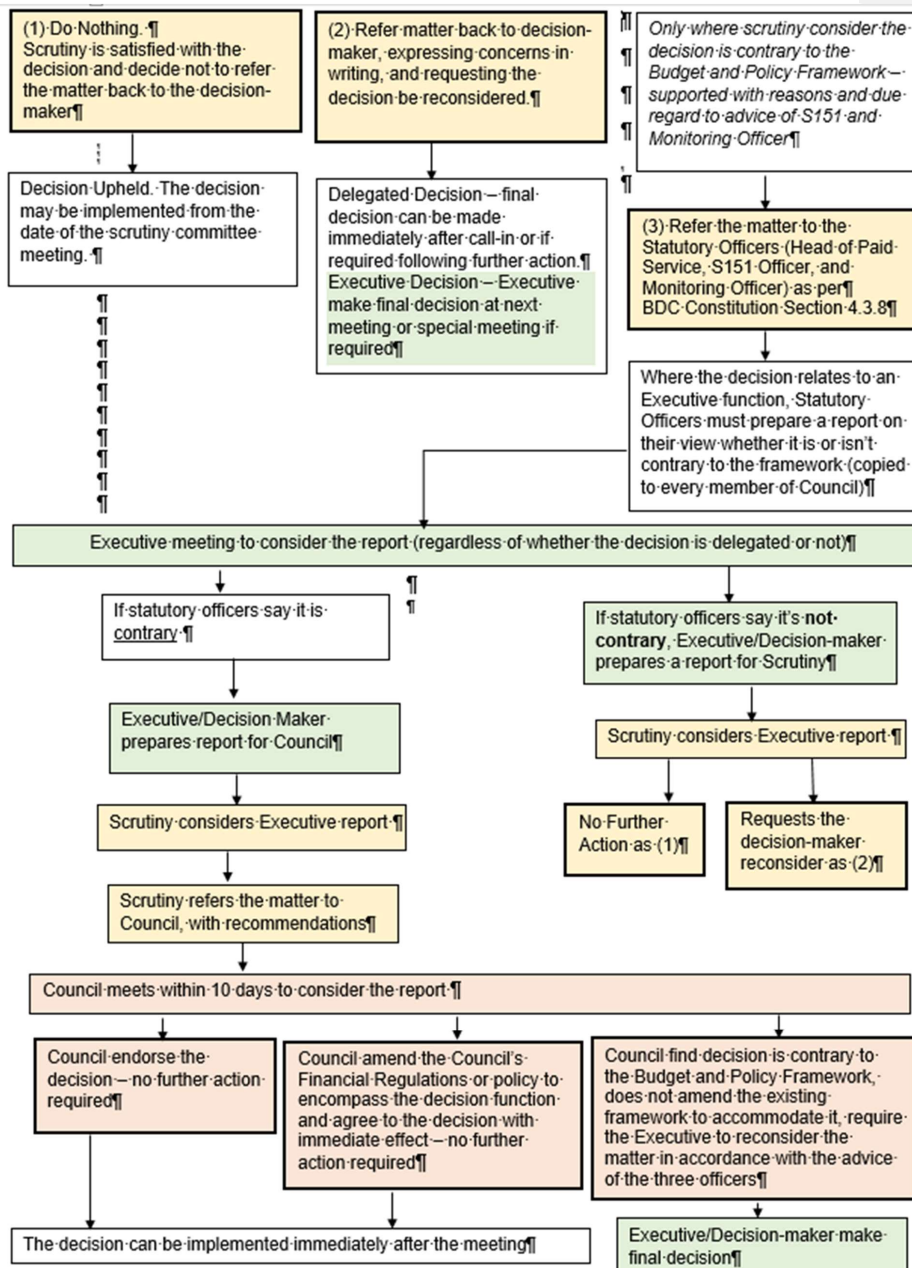
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- (168) If the matter is referred to Council and the Council does not object to a decision that has been made, then the decision may be implemented on the date of the Council meeting.

### Call-In Procedure Flowchart

On hearing evidence, the Committee can take one of the following courses of action:



#### 4.5.15 Call-In and Urgency

- (1) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one and therefore, not subject to call-in. The Chairman of the relevant Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman of the relevant Scrutiny Committee, permission of the Chairman of the Council may be sought and in ~~their~~his absence, the Vice-Chairman's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- (2) The operation of the provisions relating to call-in and urgency shall be monitored annually and a report submitted to Council with proposals for review if necessary.

#### 4.5.16 The Party Whip

When considering any matter in respect of which a Member of the relevant Scrutiny Committee is subject to a party whip, the Member must declare the existence of the whip and the nature of it before the commencement of the relevant Committee's deliberations on the matter. The declaration and the detail of the whipping arrangements shall be recorded in the minutes of the meeting.

#### 4.5.17 Procedure at Scrutiny Committee Meetings

##### (1) Business to be Considered

Scrutiny Committees shall consider the following business;

- (i) minutes of the last meeting;
- (ii) declarations of interest (including whipping declarations);
- (iii) consideration of any matter referred to the Committee for a decision in relation to call in of a decision;
- (iv) responses of the Executive to reports of the Committee.
- (v) the performance information being presented to the Scrutiny Committee and

- (vi) the business otherwise set out on the agenda for the meeting.

(2) Attendance by Portfolio Holders

Portfolio Holders will attend a Scrutiny Committee meeting where performance management information relevant to the portfolio is being presented or by invitation of the Chair as part of a review.

(3) Completion of Review

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Where the Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:

(i) that the investigation be conducted fairly and all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;

(ii) that those assisting the Committee by giving evidence be treated with respect and courtesy; and

(iii) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

(4) Report Following Review

Following any investigation or review, the relevant Committee shall prepare a report and submit the report to the Executive and/or Council as appropriate and shall make its report and findings public.

4.5.18 Matters within the Remit of more than one Scrutiny Committee

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Where a Scrutiny Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee, then the Committee conducting the review shall invite the Chairman of the other Committee (or his/her nominee) to attend its meetings when the matter is being reviewed.

Two or more Scrutiny Committees may, from time to time, establish working groups comprising members from their Committees to look into issues of mutual concern.

4.5.1~~98~~ Annual Scrutiny Conference

Each year the Scrutiny & Elections Officer will organise an Annual Scrutiny Conference to consider proposals for the four Scrutiny Committees Annual Work Programmes. Portfolio Holders should be invited to attend this Conference.

Part 4.6 Call-in Procedure  
Last Updated ~~February 2023~~ September '24

## 4.6 CALL-IN PROCEDURE

### 4.6.1 Who Can Call-In an Item

Any Member of any of the four Scrutiny Committees, with the support of two further Scrutiny Committee Members from within the membership of the four Committees.

### 4.6.2 Deadline Date for Calling In Decisions

The deadline date for any decision eligible for call-in will be published on the decision notice produced within two working days of the decision being taken. The time scale for call-in is five clear working days from the publication date of the decision notice.

### 4.6.3 Method by which Items May be Called-In

All Call-in requests must be received on a Call-in Request Form prior to the close of the Call-in Period. However, Members may give early notice of Call-in, in writing, in person or over the phone.

### 4.6.4 Recording of Called-In Items

The Governance Manager shall be responsible for keeping and maintaining a log of called-in items. In practice, this log will be kept by the Governance officers who are authorised to accept notifications from Members.

A log shall be maintained in chronological order according to when requests are received. This log will be open for inspection by any Member of the Council, upon request.

### 4.6.5 What may be Called-In

Any Key Decision on an Executive agenda other than an agenda item which is part of the Budget and Policy Framework, or any Key Decision made by the Leader/Portfolio Holder or officers under delegated powers.

### 4.6.6 Call-in Process

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- (1) The process for considering the Call In is set out below:
  - (a) Lead signatory submission – The lead signatory to the Call-in will be invited to address the Scrutiny Committee and make a statement of explanation in respect of the decision called-in. They should aim to explain how the decision is in breach of the decision-making principles. The address should be limited to 20 minutes. The lead signatory may

share the 20 minutes with other signatories. The Scrutiny Committee may ask questions of the lead signatory. The three signatories to the Call In are asked to set out their reasons for calling in the item.

- (b) Portfolio Holder/Decision-Maker submission – The lead Portfolio Holder (or the Decision-maker if a delegated decision) will be invited to address the Scrutiny Committee. Relevant officers can be called upon to support the submission. The address should be limited to 20 minutes and should address the reasons given by the lead signatory for the call-in. They should also aim to explain why the decision has not breached the principles of decision-making. The Scrutiny Committee may ask questions of the portfolio-holder/decision-maker.
- (c) Scrutiny Committee deliberations – The Scrutiny Committee needs to make a decision based on the discussion that has taken place. The Chair should make it clear that no submissions from the Portfolio Holder/Decision-Maker or lead signatory (or any other signatory if they have already spoken) will be heard whilst the Committee deliberates. The Call-in signatories, Portfolio Holder and Officers may remain in the room while this happens.
- (d) Right of Reply – The Portfolio Holder/Decision-Maker followed by the lead signatory may exercise a right of reply responding to the submissions and questions previously heard. No questions may be asked after the Rights of Reply. Closing statements should last no longer than 5 minutes.
- (e) Scrutiny Committee decision – The Scrutiny Committee may decide to:
  - Take no further action.
  - Refer the matter back to Executive, or to the Decision-maker for delegated decisions, setting out the reasons for its concerns within the resolutions agreed in the Call-in meeting.
  - Refer to the statutory officers if deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework.

All Members of the Scrutiny Committee designated to hear the Call-in may participate in the vote, including any

Part 4.6 Call-in Procedure  
Last Updated ~~February 2023~~September '24

signatories to the Call-In, providing they are Members of the Committee

- (2) If the Committee decides on the evidence considered to take no further action and endorses the decision, then the original decision may be implemented immediately after the meeting.
- (3) If the Committee decides to refer the matter back to the Executive/Decision-maker then it will be reconsidered by them subsequent to the Scrutiny Committee meeting, with the outcome of the reconsideration reported back to the next available Scrutiny Committee.

If the matter is to be reconsidered by Executive, the onus is on the original report author/Portfolio Holder to re-submit the matter to Executive, with the inclusion of Scrutiny's findings from the Call-in and recommendations in relation to the original decision.

Having reconsidered the original decision, the Executive/Decision-maker may decide to affirm their original decision, withdraw the decision or to take a different decision.

While reasons do not need to be given as part of the final response to Scrutiny's resolutions, doing so is considered good practice.

- (4) The Committee may not refer the matter to Council unless, supported with reasons and evidence and advice from the 3 statutory officers, it is deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework. The Executive must be involved in the process before Council considers the matter, as per the flowchart at 4.5.14.



Last Update:

## Notice of Call-in Request

In accordance with Rule 4.5.14 of the Scrutiny Rules that are contained within the Council's Constitution, we the undersigned hereby give notice that we wish to call-in the following Key Decision:

Decision (please include minute / delegated decision no.)	
Title of item / decision	
Date of Decision Publication	

We believe that the following principles of decision-making have been breached by the making of this decision (tick only those that apply):

Principle	Tick	Reason why breached
Proportionality		
Due consultation and the taking of professional advice from officers		
Respect for human rights		
A presumption in favour of openness		
Clarity of aims and desired outcomes		
Regard for equal opportunities		
Options are considered and reasons given for the decision		
Consideration of all relevant factors		
Decision is in the best interests of the District as a whole		

☐ As signatories to the form, we confirm we have read and understand the guidance on Call-in.

Lead signatory: .....

Name: ..... Date:.....

Signed: .....

Name: ..... Date:.....

Signed: .....

Name: ..... Date:.....

### Completion of Call-In Request Form – Guidance Note

- (1) Only Key Decisions not already implemented can be called-in.
- (2) Once a Call-in of a decision has taken place that decision cannot be called-in again for the same issues. However, if a revised decision has been made, following previous call-in, and Members believe there is evidence of a different breach, this can be called-in.
- (3) You should only submit evidence against the decision-making principles you believe have been breached. Evidence is NOT required against all the principles.
- (4) When providing reasons of why a principle has been breached, include clear evidence:
  - a. You can make reference to the reports presented as part of the decision.
  - b. You can provide additional documentary evidence e.g. evidence of local opinion/correspondence.

#### Examples:

Where a decision is called-in due to a perceived breach of 'Due consultation' and Members believe there is evidence of local opinion that has not been considered, the Members completing the Call-In Request should include evidence of correspondence received that supports the view of the local area. This is particularly important where this could contradict consultation evidence already considered by the decision-maker.

Ensure that the issue being challenged as part of the Call-in is within the boundary of what Scrutiny can address. Scrutiny cannot challenge an issue that should be addressed by a Regulatory Committee such as Planning or Licensing. For example, where reference is made to the impact of a proposed development on the biodiversity of the area, this is a planning consideration to be considered by Planning Committee as part of any planning application – not an issue Scrutiny can impact.

Reference to issues that are beyond the decision in question and that have been dealt with by other processes will not add weight to the Call-in. For example, reference to the impact on highways is in fact a planning consideration which requires a response from DCC Highways in relation to any planning applications impacting the area of the District in question. This is beyond the remit of Scrutiny.

## 4.3 BUDGET AND POLICY FRAMEWORK RULES

### 4.3.1 The Budget and Policy Framework

The Council is responsible for the adoption of the Budget and Policy Framework as set out in Article 4 of this Constitution. The following is a list of the plans and strategies which make up the Budget and Policy Framework:-

Plan, Strategy or Budget	Body
Borrowing & Investment Strategy	<ul style="list-style-type: none"> <li>• <del>Finance</del>Audit and Corporate Overview Scrutiny Committee</li> </ul>
Budget	<ul style="list-style-type: none"> <li>• Council</li> <li>• <del>Finance</del>Audit and Corporate Overview Scrutiny Committee</li> <li>• Executive</li> </ul>
Capital Strategy	<ul style="list-style-type: none"> <li>• <del>Finance</del>Audit and Corporate Overview Scrutiny Committee</li> </ul>
Corporate Plan	<ul style="list-style-type: none"> <li>• All Scrutiny Committees</li> </ul>
Crime & Disorder Reduction Strategy	<ul style="list-style-type: none"> <li>• Climate Change and Communities Scrutiny Committee</li> </ul>
Health and Well Being Strategy	<ul style="list-style-type: none"> <li>• Climate Change and Communities Scrutiny Committee</li> </ul>
Housing Strategy	<ul style="list-style-type: none"> <li>• Customer Services Scrutiny</li> </ul>
Business Growth Strategy	<ul style="list-style-type: none"> <li>• Local Growth Scrutiny</li> </ul>
Licensing Policy	<ul style="list-style-type: none"> <li>• Licensing Committee</li> </ul>
Local Plan	<ul style="list-style-type: none"> <li>• Planning Committee</li> </ul>
Pay Policy Statement	N/A

Sustainable Community Strategy	<ul style="list-style-type: none"> <li>• Climate Change and Communities Scrutiny</li> </ul>
Treasury Management Strategy	<ul style="list-style-type: none"> <li>• <del>Finance</del>Audit and Corporate Overview Scrutiny Committee</li> <li>• Executive</li> <li>• Council</li> </ul>

#### 4.3.2 The Framework for Executive Decisions

- (1) The Council will be responsible for the adoption of the Budget and Policy Framework. Once the Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.
- (2) The Executive has the responsibility for proposing to the Council, a budget and policies which will form part of the Budget and Policy Framework. It also has responsibility for making decisions within that Budget and Policy Framework.

#### 4.3.3 The Process for Developing the Framework

- (1) The Council will be responsible for the adoption of the Budget and Policy Framework. Once the Budget and Policy Framework is in place, it will be the responsibility of the Executive to implement it.
- (2) The body identified in the right-hand column above, should be notified of plans to adopt any plan, strategy or budget that forms part of the Budget and Policy Framework and offered the opportunity to consider them.
- (3) The plan, strategy or budget together with any recommendations from the body will then be reported to Executive who will confirm the contents of the proposal before recommending it to Council.

#### 4.3.4 Decisions Outside the Budget or Policy Framework

- (1) Subject to the provisions of 6 (virement), the Executive and any officers, area committees or joint arrangements discharging executive functions, may only take decisions which are in line with the Budget and Policy Framework. If any of these bodies or persons wishes to make a decision which is contrary to the Budget and Policy Framework, or contrary to, or not wholly in accordance with the Budget approved by Council, then that decision may only be taken by the Council subject to 4.3.5 below.
- (2) If the Executive and any officers, area committees or joint arrangements discharging executive functions want to make such a decision, they shall take advice from the Monitoring Officer, the

Chief Financial Officer and the Head of Paid Service as to whether the decision they want to make would be contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Budget and inform the relevant Portfolio Holder. If the advice of the three officers is that the decision would not be in line with the existing Budget and Policy Framework, then the decision must be referred by that body or person to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in 5 below (urgent decisions outside the Budget and Policy Framework) shall apply.

#### 4.3.5 Urgent Decisions Outside the Budget and Policy Framework

- (1) The Executive, a committee of the Executive, or officers, area committees or joint arrangements discharging executive functions, may take a decision which is contrary to the Council's Budget and Policy Framework, or not wholly in accordance with the Budget approved by Council, if the decision is a matter of urgency. However, the decision may only be taken:-
  - if it is not practical to convene a quorate meeting of the Council; and
  - if the relevant Chair of Scrutiny Committee agrees that the decision is a matter of urgency.
- (2) In the absence of the relevant Chair of Scrutiny Committee, the consent of the Chairman of the Council, and in the absence of both, the consent of the Vice-Chairman will be sufficient.
- (3) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### 4.3.6 Virement

- (1) Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets, and required to inform the relevant Portfolio Holder when the virement is in excess of £25,000. Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.

- (2) No officer may vire funds from the Transformation Reserve, authorisation of which is restricted to the Director of Corporate Resources and Head of Paid Service.

***Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them.***

#### 4.3.7 In Year Changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council and decisions by the Executive or officers, area committees or joint arrangements discharging executive functions must be in line with it. No changes to any policy and strategy which make up the Budget and Policy Framework may be made by those bodies or individuals except those changes which:-

- (a) will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (c) are in relation to the Budget and Policy Framework in respect of a policy which would normally be agreed annually by the Council following consultation but where the existing policy document is silent on the matter under consideration.

#### 4.3.8 Call In of Decisions Outside the Budget and Policy Framework

- (1) An Executive decision can be made either by the Executive at a formally called meeting or under delegated powers by an officer of the Council in accordance with the delegation scheme. Where the relevant Scrutiny Committee is of the opinion that an Executive decision is, or if made, would be contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Council's budget, then it shall seek advice from the Head of Paid Service, the Monitoring Officer and the Chief Financial Officer.
- (2) In respect of functions which are the responsibility of the Executive, the three officers' report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive and (where appropriate) the delegated decision maker, must meet to decide what action to take in respect of the three officers' report.
- (3) Where the three officers conclude that there was no departure from the Budget and Policy Framework, Executive will prepare a report to the relevant Scrutiny Committee.

- (4) If the decision called-in has yet to be made, or has been made but not yet implemented, and the advice from the three officers is that the decision is or would be contrary to the Budget and Policy Framework or contrary to or not wholly in accordance with the Budget the decision will be referred to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Proper Officer will request for Council to meet within 10 working days from the consideration by Executive of the Call-In report.

A meeting of the relevant Scrutiny Committee will be called to consider the matter fully prior to a meeting of the Council.

At the Council meeting it will receive a report of the decision or proposals and the advice of the three officers. The Council may either:-

- (i) endorse a decision or proposal of the Executive as falling within the existing Budget and Policy Framework. In this case, no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- or*
- (ii) amend the Council's Financial Regulations or policy concerned to encompass the decision or proposal of the body or individual responsible for that executive function and agree to the decision with immediate effect. In this case, no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way;
- or*
- (iii) where the Council accepts that the decision or proposal is contrary to the Budget and Policy Framework, or contrary to or not wholly in accordance with the Budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of the three officers.

## **Bolsover District Council**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Scheme of Delegation for Officers**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472

### **PURPOSE/SUMMARY OF REPORT**

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

### **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. The scheme includes general powers delegated to all senior managers together with specific powers delegated to the Chief Executive Officer, the Service Director Finance and Section 151 Officer and Service Director Corporate and Legal Services and Monitoring Officer
- 1.3 The Scheme also outlines Proper Officer Provisions.

#### **2. Details of Proposal or Information**

- 2.1 The Scheme of Delegation for Officers is shown in Appendix 1. The Scheme has been amended as shown by tracked changes. The majority of the amendments reflect the changes to the senior management structure as approved by Council

on 1<sup>st</sup> February 2023. In addition all references to North East Derbyshire District Council and the Strategic Alliance have been removed.

### **3. Reasons for Recommendation**

- 3.1 That Council approves the Scheme of Delegation for Officers in accordance with Council Procedure Rule 1.1 (o).
- 3.2. The framework outlines the specific delegation of Council and Executive Functions to officers in order for them to undertake their 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 a scheme of delegation is approved.

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## **RECOMMENDATION(S)**

1. That Council approves the Scheme of Delegation for Officers as set out in Appendix 1 to this report.

### **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:** 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

**Environment:**            Yes ☐    No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:** There are no environmental implications arising from this report.

**Staffing:** Yes ☐ No ☒

**Details:** There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details:

<b>Links to Council Ambition: Customers, Economy and Environment.</b>

DOCUMENT INFORMATION	
Appendix No	Title
1	Scheme of Delegation

<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).
None

## 3.1 SCHEME OF DELEGATION FOR OFFICERS

### 4.10.1 Introduction

- (1) This scheme has been adopted by Bolsover District Council ~~and North East Derbyshire District Council~~ and sets out the extent to which the powers and duties of the Councils ~~are~~ is delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.
- (2) Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on Executive Functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- (3) All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- (4) Officers must consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- (5) Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not officers of the Authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (for example Environmental Health).
- (6) References to powers of 'the Council' include functions of the Executive.
- (7) Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- (8) All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- (9) All delegations to officers are subject to:-
  - Statutory requirements
  - Contract Procedure Rules
  - Financial Regulations/Finance Rules
  - Consideration of the policies and plans of the relevant Council
  - The Employee Code of Conduct and adopted protocols

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- ~~• The requirements of the Strategic Alliance Management Team in relation to the overall management and coordination of the Councils affairs~~
- Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
- The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
- Any provision contained within this Constitution

(10) Where an officer has delegated powers, the Council or the ~~Cabinet~~/Executive or a committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally, it is always open to an officer not to exercise delegated powers but to refer the matter up as appropriate.

(11) ~~A number of the Directors and Heads of Service are joint posts within the Strategic Alliance. However, the word "Joint" has been omitted from the scheme descriptions.~~

~~Where the Delegation Scheme refers to Heads of Service, this also includes Assistant Directors.~~

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#### 4.10.2 Exclusions

(1) This Scheme does not delegate:-

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the ~~Cabinet~~/Executive or a committee or sub-committee.

#### 4.10.3 Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance ~~& Civic~~ Manager.

#### 4.10.4 Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:-

- that post is vacant
- the post-holder is not at work for any reason

#### 4.10.5 Consultation

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular, consultation must take place with Legal Services, Finance and Human Resources as appropriate.

#### 4.10.6 Restriction on delegations to ~~Directors~~ Heads of Service/Assistant Directors

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

#### 4.10.7 Transfer of Functions

- (1) Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.
- (2) Where a service is restructured, the Head of Paid Service shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and inform the relevant Portfolio Holder.

#### 4.10.8 Proper Officers

- (1) In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council and ~~is attached at Appendix One.set out later in section 4.11~~

- (2) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out in section 4.11 below.

4.10.9 General powers delegated to the Chief Executive Officer and all Directors and ~~Heads of Service~~ Assistant Directors

- (1) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- (2) To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.
- (3) To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- (4) To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.
- (5) Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- (6) To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- (7) To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- (8) To exercise the Council's power to publish information about its services including deciding the content of any publication.
- (9) To decide the terms upon which services will be provided to the public, (which may include providing services on different terms to different individuals or classes of individuals).
- (10) To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order.
- (11) To deal with the following employment matters in accordance with Council procedures:
  - (i) The employment of all employees below ~~Head of Service~~/Assistant Director level including determining the most appropriate means of recruitment and selection

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- (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas
  - (iii) Application of conditions of service including the authorisation of leave of absence, purchase of annual leave ~~(Bolsover District Council only)~~ and payment of honoraria
  - (iv) Suspension or dismissal of employees below Head of Service/Assistant Director level
  - (v) Re-grading of posts below ~~Head of Service~~/Assistant Director level following job evaluation
  - (vi) Determination of job sharing applications
  - (vii) Waive any part of the notice required to be given by an employee to terminate employment.
- (12) To authorise payments for overtime in accordance with Council procedures.
- (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
- (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- (16) To commission goods, services and works within approved budgets whether or not the decision is above or below the key decision threshold. ~~This also includes occasions where the agreed contractual terms.~~
- (17) *To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met.*
- (18) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- (19) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/~~Cabinet~~/Council subsequently.

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- (20) To work with partners to achieve and implement the objectives and actions set out in the approved ~~Corporate Plan~~Council Ambition, Service Plans, Business Plans, policies, strategies or other plans.
- (21) To carry out any duties or responsibilities as contained with the ~~Financial Finance (NEDDC)~~ or Financial Regulations (~~BDG~~).
- (22) To carry out any functions contained within section 3.2 of Part 3 – Council Functions and section 3.3 – Local Choice Council Functions of the Functions Scheme ~~(NEDDC)~~ in so much as they relate to the day to day administration and operational management of the services and functions for which they are responsible.
- (23) To make non substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:
  - i) reflect changes in the law, government or regulators' guidance, and other Council policies; or
  - ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles.

#### 4.10.10 ~~Executive Director of Resources~~Chief Executive Officer

##### Delegations

##### Exceptions

- (1) To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.
- (2) To determine all staffing matter including but not limited to:-
  - (i) Determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).
  - (ii) The appointment, dismissal, suspension or discipline of staff, save that in relation to the Directors, Assistant Directors this does not include the appointment and in the case of the statutory officers their dismissal.
- (3) Approving secondments and temporary appointments of any staff.
- (4) To act as the Safeguarding lead.

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- (5) To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from implementation.
- ~~(6) To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within NEDDC.~~
- ~~(67)~~ Following consultation with the section 151 Officer, delegation in respect of points 1,3 and 1.4 of the Local Government Pension Scheme transfers policy
- ~~(78)~~ Following consultation with the section 151 Officer, if they see fit to accept transfers (in respect of an individual employee's application to transfer in pension from a previous scheme) to the local government pension scheme outside the 12 month period, in those cases where the scheme member has not been informed of the time limit.
- ~~(89)~~ Following consultation with the Licensing Section within the shared Environmental Health service, Legal Services and the Chair of the Licensing Committee to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.
- ~~(940)~~ To authorise the making of notices and orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. In the case of Public Space Protection Orders only these will require consultation with the Leader or Deputy Leader of the Council and relevant ward members, and authorisation given incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.

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- (1014) To guide and where appropriate direct ~~Directors and~~ Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- (1112) To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.
- (1213) To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the ~~Executive Director~~ Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.
- (1314) If there is an urgent need for a commercial decision, ~~the Executive Director~~, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder, ~~shall~~ to make the decision and endorsement will be sought from the Executive or Council as appropriate.
- (1415) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- (1516) To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.
- (1617) To exercise any of the powers delegated to a ~~Director or a~~ Assistant Director.
- (1718) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

(1819) Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.

(1920) To make customers vexatious under the Compliments, Comments and Complaints Policy.

(2021) To authorise the use of earmarked reserves or Transformation Reserves.

**Delegated decisions relating to Transformation Reserves to be initialledinitialled by the Section 151 Officer to evidence they have seen them.**

(2122) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is required to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.

(2223) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.

(2324) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director ~~or the Section 151 Officer.~~

(2425) Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a Neighbourhood Plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General)

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Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.

(2526) Following a consultation with the Leader and the relevant Portfolio Holder, to make a Neighbourhood development Plan where more than half of those voting in an applicable referendum have voted in favour of the plan.

(2627) to carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with rights of way powers as set out in the Town & Country Planning Act 1990.

(2728) To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).

**Exception to para 272:** Applications for discretionary Disabled Facilities Grants must be submitted to Executive.

(2829) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions.

(2930) To authorise the enforcement officers of ~~that local authority~~ the Council to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function. ~~To authorise the making of Public Space Protection Orders.~~

(3034) To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and

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relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.

~~(31)~~ Following consultation with the Licensing Section within the shared Environmental Health service, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.

~~(3233)~~ To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.

~~(3334)~~ To serve Section 215 Town and Country Planning Act 1990 notices.

(34) To act as the Emergency Planning Lead.

(35) To complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders under that Act, in accordance with procedures approved by the Council.

(36) Following consultation with the Leader and Deputy Leader to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park.

(37) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.

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(38) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder.

(39) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.

(40) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.

(41) Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council to do so and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.

(42) To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.

#### **4.10.14 Executive Director of Strategy and Development**

##### **Delegations**

##### **Exceptions**

- ~~(1) To act as the Emergency Planning Lead.~~
- ~~(2) To deputise for the Head of Paid Service in their absence and exercise any powers delegated to them.~~
- ~~(3) 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 under that Act, in accordance with procures approved by the Council~~

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- ~~(4) Following consultation with the Leader and Deputy Leader to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park.~~
- ~~(5) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.~~
- ~~(6) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder.~~
- ~~(7) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder~~
- ~~(8) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.~~
- ~~(9) To guide and where appropriate direct Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.~~
- ~~(10) To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.~~
- ~~(11) To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Executive Director to the next meeting of Council explaining the reasons for the decision.~~

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- (12) ~~If there is an urgent need for a commercial decision, the Executive Director, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive or Council as appropriate.~~
- (13) ~~To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.~~
- (14) ~~To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.~~
- (15) ~~To exercise any of the powers delegated to an Assistant Director.~~
- (16) ~~To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.~~
- (17) ~~Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.~~
- (18) ~~To make customers vexatious under the Compliments, Comments and Complaints Policy.~~
- (19) ~~To authorise the use of earmarked reserves or Transformation Reserves.~~
- Delegated decisions relating to Transformation Reserves to be initialled by the Section 151 Officer to evidence they have seen them.**
- (20) ~~Following consultation with the Leader and Deputy Leader, to determine any matter the Council is require to make a decision on under Part 5 Chapter 3 (Assets of~~

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~~Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.~~

- ~~(21) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.~~
- ~~(22) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director or the Section 151 Officer.~~
- ~~(23) Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a Neighbourhood Plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.~~
- ~~(24) Following a consultation with the Leader and the relevant Portfolio Holder, to make a Neighbourhood development Plan where more than half of those voting in an applicable referendum have voted in favour of the plan.~~
- ~~(25) to carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with rights of way powers as set out in the Town & Country Planning Act 1990.~~
- ~~(26) To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and~~

Part 3.1 Scheme of Delegation for Officers  
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~~Wales) Order 2002 and related legislation  
(including Disabled Facilities Grants).~~

**Exception to para 20:** Applications for discretionary Disabled Facilities Grants must be submitted to Executive.

- (27) ~~To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions.~~
- (28) ~~To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function. To authorise the making of Public Space Protection Orders.~~
- (29) ~~To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders. Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.~~
- (30) ~~To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.~~
- (31) ~~To serve Section 215 Town and Country Planning Act 1990 notices.~~

#### **4.10.12 Director of Development**

- (1) ~~Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.~~
- (2) ~~To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.~~
- (3) ~~To guide and where appropriate direct the Assistant Director and the Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.~~
- (4) ~~Following consultation with the Leader and Deputy Leader, to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park (Bolsover District Council only).~~
- (5) ~~(Further delegated to Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.~~
- (6) ~~(Further delegated to Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.~~
- (7) ~~(Further delegated to Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder~~
- (8) ~~(Further delegated to Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.~~

#### 4.10.13 ~~Assistant Director of Finance and Resources~~ **Service Director Finance and Section 151 Officer**

##### Delegations

##### Exceptions

- (1) To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.
- (2) Have responsibility for the proper administration of the financial affairs of the Council.
- (3) After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer, to report to the Council Meeting (or to the ~~Cabinet~~/Executive in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.
- (4) To approve the Draft Statement of Accounts prior to consideration by External Audit.
- (5) To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.
- (6) After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Executive/Cabinet.
- (8) To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.
- (9) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.

- (10) To initial Delegated Decisions relating to Transformation ~~Projects-Reserve spend~~ to evidence that the Section 151 Officer has been consulted.
- (11) To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.
- (12) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is required to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
- (13) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.
- (14) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.
- (15) To serve Section 215 Town and Country Planning Act 1990 notices.

#### 4.10.14 ~~Assistant Service Director of Governance~~Corporate and Legal Services and Monitoring Officer

##### Delegations

##### Exceptions

- (1) To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
- ~~(2) To act and perform all functions and duties of Electoral Registration Officer, Returning~~

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~~Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.~~

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- (23) To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.
- (34) Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.
- (45) Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.
- (56) To negotiate and settle claims and disputes without recourse to court proceedings.
- (67) To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.
- (78) To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.
- (89) To advise whether decisions of the ~~Cabinet~~ Executive are in accordance with the Budget and Policy Framework.
- (940) To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.

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- (104) Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).
- (112) To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.
- (123) To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.
- (134) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.
- (145) Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.
- (156) Following consultation with the ~~Bolsover District Council~~ Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).
- (167) To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.
- (178) To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman subject to informing the Head of Paid Services.
- (189) To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following

consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.

(1920) 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.

(201) to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

#### 4.11 Proper Officer Provisions

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

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

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

Legislative Provision	Function	Proper Officer
<b>Local Government Act 1972</b>		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
S.84(1)	Receipt of notice of resignation of elected member	<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
S.89(1)	Notice of casual vacancy	<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>

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S.100 (except 100(D))	Admission of public (including press) to meetings	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.100B(7)	The officer to supply copies of documents to newspapers	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.100D(1)(a)	The officer to prepare a list of background papers for inspection-	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied upon-	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information-	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.115(2)	Receipt of money due from officers	<del>Head of Finance &amp; Resources and</del> S.151 Officer
S137A (5)	Statement on Financial Assistance	<del>Head of Finance &amp; Resources and</del> Director of Finance and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	<del>Head of Finance &amp; Resources and</del> Director of Finance and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration	<del>Head of Finance &amp; Resources and</del> Service Director of Finance and S.151 Officer

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	of the Council's financial affairs	
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs – Deputy	<del>For BDC – the NEDDC Head of Finance &amp; Resources and S.151 Officer and for NEDDC – the BDC Head of Finance &amp; Resources and Service Director of Finance and</del> S.151 Officer
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	<del>Head of Corporate Governance and Service Director Corporate and Legal Services and</del> Monitoring Officer
S.225 (1) and (2)	Deposit of documents	<del>Service Director Corporate and Legal Services and</del> Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	<del>Head of Finance &amp; Resources and Service Director of Finance and</del> S.151 Officer.
S.229(5)	Certification of photographic copies of documents	<del>Legal</del> Team Manager ( <del>Solicitor</del> )
s. 234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same-	<del>Service Director Corporate and Legal Services and</del> Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	<del>Legal</del> Team Manager ( <del>Solicitor</del> )
S.238	Certification of byelaws	Governance <del>&amp; Civic</del> Manager
S.248	Officer who will keep the Roll of Honorary Aldermen and Freeman	Governance <del>&amp; Civic</del> Manager
<b>Local Government Act 1972 – Schedule 12</b>		
Para 4(2)(b)	Signing of summons to Council meeting	<del>Service Director Corporate and Legal Services and</del> Monitoring Officer

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Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
<b>Local Government Act 1972 – Schedule 14</b>		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	<del>Director of Development</del> <u>Strategic Director of Services</u>
<b>Local Government Act 1974</b>		
S.30(5)	To give notice that copies of an Ombudsman's report are available	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
<b>Local Government (Miscellaneous Provisions) Act 1976</b>		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
<b>Local Authorities Cemeteries Order 1977</b>		
Regulation 10	To sign exclusive rights of burial	<del>Director of Environment and Enforcement</del> <del>Director of Development (BDC)</del> <u>Strategic Director of Services</u>
<b>Representations of the People Act 1983</b>		
S.8	Registration Officer	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
S.8	Deputy Registration Officer	Electoral Services Manager (BDC) <del>Electoral Services Manager (NEDDC)</del>
S.35	Returning Officer for Local Elections	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>

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S.35	Deputy Returning Officer for Local Elections	Electoral Services Manager (BDC) <del>Electoral Services Manager (NEDDC)</del>
S.24	Acting Returning Officer for a Parliamentary Election	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Electoral Services Manager (BDC) <del>Electoral Services Manager (NEDDC)</del>
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
S.128, S.131, S.145, S.146	Provisions relating to election petitions	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
S. 200	Publication of Notices under the Act	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
Sch. 4, (3), (6) and (8)	Elections Expenses	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
<b>Local Authorities (Conduct of Referendums) (England) Regulations 2012</b>		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
<b>Local Elections (Parishes and Communities) (England and Wales) Rules 2006</b>		

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Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	<del>Head of Corporate Governance and Monitoring Officer</del> <u>Chief Executive Officer</u>
<b>Local Government Act 2000</b>		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	<u>Chief Executive Officer</u> <del>Head of Paid Service</del> except as specifically provided in this scheme
<b>The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012</b>		
Regulation 2	Determination of documents constituting Background Papers	<u>Service Director Corporate and Legal Services and</u> Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet	<u>Service Director Corporate and Legal Services and</u> Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	<u>Service Director Corporate and Legal Services and</u> Monitoring Officer
Regulation 15	Inspection of background papers	<u>Service Director Corporate and Legal Services and</u> Monitoring Officer
Regulation 13	Individual Executive decisions	<u>Director of Corporate Services and Legal Services and</u> Monitoring Officer
Regulation 7	Access to agenda and connected reports	<u>Service Director Corporate and Legal Services and</u> Monitoring Officer
Regulation 10	General exception relating to Key Decisions	<u>Service Director Corporate and Legal Services and</u> Monitoring Officer

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Regulation 16	Members' rights of access to documents	<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
Regulation 20	Confidential/exempt information and exclusion of public from meetings	<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
<b>Building Act 1984</b>		
S.78	Signing of Notices	<a href="#">Director of Development (BDC) and Director of Environment and Enforcement Strategic Director of Services</a>
<b>Public Health Act 1936</b>		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	<a href="#">Director of Environment and Enforcement Strategic Director of Services</a>
<b>Public Health Act 1961</b>		
S.37	Control of any verminous article	<a href="#">Director of Environment and Enforcement Strategic Director of Services</a>
<b>Public Health (Control of Disease) Act 1984</b>		
S11, 18, 20, 21, 22, 24, 29, 31, 36, 40, 42, 43 and 48		<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
<b>Public Health (Infectious Diseases) Regulations 1988</b>		
<b>Regulations 6, 8, 9, 10</b> Schedule 3 and 4		<a href="#">Service Director Corporate and Legal Services and Monitoring Officer</a>
<b>Localism Act 2011</b>		

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S. 33	Submission of written requests for Standards Dispensations	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S. 81	Administration of Community Right to Challenge	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.87	Maintenance of List of Assets of Community Value	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
<b>Freedom of Information Act 2000</b>		
S. 36	Qualified Person determining prejudice to effective conduct of public affairs	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
<b>Local Government and Housing Act 1989</b>		
S.2(4)	Recipient of the list of politically restricted posts	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
S.3A	Employers certificate for exemption from politically restricted posts	<u>Head of Paid Service</u> <del>Chief Executive Officer</del>
S.4	Head of Paid Service	<u>Director of Corporate Resources</u> <del>Chief Executive Officer</del>
S.5	The Monitoring Officer	<u>Head of Corporate Governance Service Director Corporate and Legal Services and Monitoring Officer</u>
S. 5	Deputy Monitoring Officer	<u>Legal</u> Team Manager <del>(Contentious) (Solicitor)</del>
<b>Local Government (Committees and Political Groups) Regulations 1990</b>		
	For the purposes of the composition of committees and nominations to political groups	<u>Service Director Corporate and Legal Services and Monitoring Officer</u>
<b>Local Authorities (Standing Orders) (England) Regulations 2001</b>		

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Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	<del>Director of Corporate Resources</del> <u>Chief Executive Officer</u>
<b>Data Protection Act 2018</b>		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager

## **Bolsover District Council**

### **Meeting of the Annual Council on 24<sup>th</sup> May 2023**

#### **Operation of Urgency Rules and Thresholds for Key Decisions**

#### **Report of the Solicitor to the Council and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Solicitor to the Council <a href="mailto:jim.fieldsend@bolsover.gov.uk">jim.fieldsend@bolsover.gov.uk</a> 01246 242472
<b>Contact Officer</b>	Amy Bryan Governance and Civic Manager <a href="mailto:amy.bryan@bolsover.gov.uk">amy.bryan@bolsover.gov.uk</a> 01246 242529

#### **PURPOSE/SUMMARY OF REPORT**

The purpose of this report is to:

- Advise of Key Decisions taken under statutory Urgency Rules in the past 12 months
- 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)
- Set the Key Decisions thresholds for the forthcoming year in line with the constitutional requirement at Annual Council meetings.

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#### **REPORT DETAILS**

##### **1. Background**

- 1.1 A Key Decision is an executive (i.e. Executive or office) 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 Revenue 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, one Key Decision has 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, one decision has 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 The Key Decision that had been taken using Special Urgency rules relates to the direct award and appointment of a contractor for the hyper local business support programme. Also, due to the urgency of the decision it needed to be implemented immediately (to obtain the most appropriate contractor) and this did not allow for the call-in period to run as usual.

- 2.2 The Chair of the Local Growth Scrutiny Committee, agreed that the decision was reasonable in all the circumstances and to it being treated as a matter of urgency.
- 2.3 The decision was made by the Chief Executive on 30<sup>th</sup> March 2023.
- 2.4 A copy of the Delegated Decision (DD/0120/KH/310323) is attached at Appendix 1.

### **3. Reasons for Recommendation**

- 3.1 To fulfil a statutory duty to report Key Decision 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 There are no alternative options as there is a statutory duty to report this information and to set the Key Decision thresholds.

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## **RECOMMENDATION(S)**

That Council:

1. notes the decision that has been taken over the past 12 months under Special Urgency Rules;
2. notes the decision that has been taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules; and
3. agrees that the financial thresholds for Key Decisions be maintained at £75,000 (Revenue) and £150,000 (Capital).

### **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.

On behalf of the Solicitor to the Council

**Environment:** Yes ☐ No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. Please speak to the Climate Change lead officer for further advice.

**Details:**

There are no environmental implications arising from this report.

**Staffing:** Yes ☐ No ☒

**Details:**

There are no human resource issues implications arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None directly
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	<b>Details:</b> Relevant Scrutiny Chair was consulted on the decision as per the urgency procedures
<b>Links to Council Ambition: Customers, Economy and Environment.</b>	

DOCUMENT INFORMATION	
Appendix No	Title
1	Delegated Decision (DD/0120/KH/310323)

Background Papers
<i>(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 Executive you must provide copies of the background papers).</i>
None

**BOLSOVER DISTRICT COUNCIL  
RECORD OF DECISION TAKEN BY THE CHIEF EXECUTIVE**

**30 MARCH 2023**

**DIRECT AWARD AND APPOINTMENT OF CONTRACTOR FOR  
HYPER LOCAL BUSINESS SUPPORT PROGRAMME**

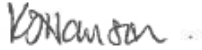
<b>Authority for decision</b>	<p>Paragraph 4.10.9. (17)</p> <p>To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met.</p>
<b>Decision</b>	<p>To directly award a contract to Clowne Enterprise Ltd (a social enterprise) for the provision of hyper local business support programme for pre-start, start-up and Small and Medium Sized Enterprises (SME) across the Bolsover District, funded through UK Shared Prosperity Fund (UK SPF) to the total value of £95,000 over two years (1.04.2023 – 31.03.2025).</p> <p>This decision is urgent and one that is not subject to call-in. The Chair of the Local Growth Scrutiny has been consulted in accordance with the Scrutiny Procedure Rules and has agreed this is urgent and not subject to call-in.</p>
<b>Reasons</b>	<p>Following the allocation of UK SPF to the District Council, consultation was carried out with Stakeholders of both the Partnerships Team and Economic Development Team for the activities against the three priority themes of the Fund.</p> <p>Under strand 2 Supporting Businesses, it was evident there was a strong support for a hyper-local business support programme, delivering local level intervention for pre-start and new start businesses to support individuals to start up and grow businesses as well as supporting early start and SME / sole trader businesses to sustain and grow. The scope of services is designed to be responsive to local economic conditions, and the individual needs of each client wanting to access the support services of planning for, and starting up, a new business venture. It will include 1-2-1 advisor support; business planning; local networking and business exchange; and learning / workshops.</p> <p>Hyperlocal business support is designed to be delivered by a local provider, located within the geography of the district boundary, with the support services being delivered across a small neighbourhood or geographical area/s. This service will concentrate efforts on a small portion of the business community with a narrow scope of service in order to address the local economic challenges. There is evidence to support the need for this programme, as there is a long established challenge of low take up of regional and national support initiatives as there is a disconnect of local individuals. There is a requirement for hand-holding, guidance and support tailored to their needs, and not to be</p>

	<p>pigeon-holed in to an existing programme not responsive to the needs of the local business community.</p> <p>Clowne Enterprise Ltd are the only organisation capable of providing the hyperlocal business support required.</p> <p>Whilst it could be perceived that there are alternative providers, the Chamber of Commerce and the Federation for Small Business are larger organisations in existence to serve existing businesses and are funded by collecting fees from paying members, meaning they are as big in geography as the geographical spread of their membership. As such, they are both ubiquitous across the East Midlands. Whilst experienced in delivering grant funding programmes across the region, the support packages available are directed towards existing large and SME organisations and not focussed on start-up and pre-start businesses, meaning they are not a comparable provider and cannot be considered.</p> <p>The Growth Hub, supported through the D2N2 Local Enterprise Partnership, has a confirmed extension of its core funding through to March 2024, however this isn't a comparable service, as it deals with inward investment, large business enquiries and handles established business' enquiries. It doesn't provide start-up support services.</p> <p>Further, there are no social enterprises, private companies or businesses operating within the necessary geographical area who are able to provide this service.</p>
<b>Alternative options considered and rejected</b>	To seek invitations to tender in accordance with the Council's Contract Procurement Rules. This is rejected because officers are confident that Clowne Enterprise Ltd is the only organisation that will be able to submit a tender that will meet the specification.
<b>Conflicts of interest and any dispensation</b>	None.

Please completed the following where relevant:

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

Authorising Signature:



Job Title: Chief Executive

Unique Reference Number: DD/0120/KH/310323

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

Circulation to:

Executive Director of Resources  
Executive Director of Strategy and Development  
Monitoring Officer  
Section 151 Officer  
Scrutiny Officer