

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Standards  
Committee

Contact: Amy Bryan  
Telephone: 01246 242529  
Email: amy.bryan@bolsover.gov.uk

Wednesday, 8<sup>th</sup> February 2023

Dear Councillor

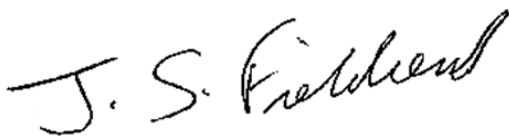
**STANDARDS COMMITTEE**

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 20th February, 2023 at 14:00 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

**STANDARDS COMMITTEE  
AGENDA**

***Monday, 20 February 2023 at 14:00 hours taking place in the Council Chamber, The Arc,  
Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>  To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>3.</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>4.</b>	<b>Minutes</b>  To consider the minutes of the last meeting held on 22 <sup>nd</sup> August 2022.	<b>4 - 7</b>
<b>5.</b>	<b>Whistleblowing Policy - Annual Report</b>	<b>8 - 21</b>
<b>6.</b>	<b>Gifts and Hospitality - Annual Report</b>	<b>22 - 28</b>
<b>7.</b>	<b>Member Training Attendance 2022/23</b>	<b>29 - 32</b>
<b>8.</b>	<b>Review of the Council's Constitution</b>	<b>33 - 71</b>
<b>9.</b>	<b>Complaints Update</b>  Verbal update on statistics of complaints received by the Council against District and Parish Councillors	<b>Verbal Report</b>
<b>10.</b>	<b>Work Programme 2022/2023</b>  To consider the Standards Committee Work Programme for the remainder of the 22/23 municipal year.	<b>72 - 73</b>

## STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 22 August 2022 at 14:00 hours.

### **PRESENT:-**

Members:-

Ruth Jaffray (Coopted Member) in the Chair

Councillors Clive Moesby (Vice-Chair), David Dixon, David Downes, Graham Parkin and Deborah Watson.

Officers:- Jim Fieldsend (Assistant Director and Monitoring Officer) and Alison Bluff (Interim Governance Manager).

### **STA01-22/23 APOLOGIES FOR ABSENCE**

An apology for absence was received on behalf of Councillor Chris Kane.

### **STA02-22/23 URGENT ITEMS OF BUSINESS**

There was no urgent business to be considered at the meeting.

### **STA03-22/23 DECLARATIONS OF INTEREST**

Councillor Deborah Watson declared a non pecuniary interest in agenda item 9 – Sub Committee of the Standards Committee and would leave the meeting at the relevant time.

### **STA04-22/23 MINUTES**

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson

**RESOLVED** that the Minutes of a Standards Committee held on 19<sup>th</sup> April 2022 be approved as a correct record.

### **STA05-22/23 COMPLAINTS UPDATE**

Committee considered a report of the Monitoring Officer which provided information on the number of complaints made against parish and district councillors since 1<sup>st</sup> January 2022 to date.

The report advised that there were currently no investigations at a formal investigation stage. There were 3 outstanding complaints at an informal stage and there was 1 outstanding complaint against a parish Councillor.

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson

**RESOLVED** that the report be noted.

## STANDARDS COMMITTEE

### STA06-22/23      WORK PROGRAMME 2022/2023

Committee considered their work programme for 2022/23.

Moved by Councillor David Downes and seconded by Councillor Clive Moesby

**RESOLVED** that the work programme 2022/23 be noted.

### STA07-22/23      OFFICER DELEGATION SCHEME - CONTRACT PROCUREMENT RULES

Committee considered a report regarding a proposal to change the officer delegation scheme relating to the use of the exemptions in the contract procurement rules.

The Council's Contract Procurement Rules at Part 4.8 of the Council's Constitution provided a framework for the procurement of all goods services and works for the Council.

All purchases were required to go through a set process depending on the value of the purchase, however, in exceptional circumstance these rules may not be followed.

These exceptional circumstances were set out in paragraph 4.8.4 of the rules, "*Exemptions to the Contract Procedure Rules*", and generally related to situations where there was only one possible supplier, where the contract would amount to an extension of an earlier contract or where it was urgent to award a contract without going out to tender.

The rules required that a decision to apply one of the exemptions should only be made by a Director or Assistant Director by a formal Delegated Decision. There was, however, no specific power to make such decision in the current Scheme of Delegation for Officers and so decision makers tended to use one of the general powers to exercise day to day administration and operational management. It was therefore proposed that a more specific power to use a contract exemption be included within the Scheme of Delegation and it was recommended that the following power to paragraph 4.10.9 of the Scheme of Delegation for Officers at part 3.1 of the Constitution be amended to;

*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.*

Moved by Councillor David Downes and seconded by Councillor Clive Moesby

**RECOMMENDED** that Council approve the amendment to paragraph 4.10.9 of the Scheme of Delegation for Officers at part 3.1 of the Constitution;

*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.*

(Monitoring Officer/Interim Governance Manager)

## STANDARDS COMMITTEE

### **STA08-22/23      OFFICER DELEGATION SCHEME - MAKING OF FOOTPATH DIVERSION ORDERS**

Committee considered a report regarding a proposal to change the officer delegation scheme relating to the making of footpath diversion orders.

The current scheme of officer delegation enabled both the Executive Director of Resources and the Executive Director of Strategy & Development to carry out Rights of Way functions for which the Council was responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). These regulations provided for the making of footpath orders under the Highways Act, however, it did not provide for footpath orders under the Town & Country Planning Act 1990.

As many footpath orders were made under the Town & Country Planning Act, the report proposed that this power was included within the delegations and the following paragraph be amended as follows;

*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).*

to:

*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.*

Moved by Councillor David Dixon and seconded by Councillor Deborah Watson  
**RECOMMENDED** that Council approve the amendment as detailed above.

(Monitoring Officer/Interim Governance Manager)

### **STA09-22/23      EXCLUSION OF THE PUBLIC**

Moved by Councillor David Dixon and seconded by Councillor Clive Moesby  
**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed. [The category of exempt information is stated after each Minute].

Having previously declared non pecuniary interest in the following item of business, Councillor Deborah Watson left the meeting.

## STANDARDS COMMITTEE

STA10-22/23

### SUB COMMITTEE OF THE STANDARDS COMMITTEE EXEMPT PARAGRAPH 1

Committee's approval was sought to establish a sub-committee of the Standards Committee to deal with hearings in relation to complaints made against Members and also to agree a procedure to be followed at hearings. A copy of a proposed procedure was attached at Appendix 1 to the report.

The sub-committee would be made up of a panel of 3 Members from the Standards Committee to be determined by the Monitoring Officer, and also the 2 independent persons of Standards Committee, Stephen Wainwright and Ian Kirk.

A Member felt that different hearings should have different Members of the Committee on a panel and be made up of cross party Members, and that a Member who acted as chair of a hearing should have had relevant 'chair' training, and that this was documented. He added that a substitute Member should also be on hand for hearings in case one of the panel Members could not attend at the last moment.

The Monitoring Officer advised Committee that a short training session could be carried out before the start of a hearing.

Moved by Councillor David Dixon and seconded by Councillor Graham Parkin

**RESOLVED** that (1) a sub-committee of the Standards Committee to deal with hearings in relation to complaints made against Members be established,

(2) that the procedure for hearings as set out in Appendix 1 to the report be agreed.

(Monitoring Officer)

The meeting concluded at 14:35 hours.

## **Bolsover District Council**

### **Standards Committee on 20<sup>th</sup> February 2023**

### **Whistleblowing Policy – Annual Report**

#### **Report of the Assistant Director of Governance and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Assistant Director of Governance and Monitoring Officer 01246 242472 <a href="mailto:Jim.fieldsend@bolsover.gov.uk">Jim.fieldsend@bolsover.gov.uk</a>
<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 provide an annual update to Members on use of the Council's Whistleblowing Policy.

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#### **REPORT DETAILS**

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

- 1.1 Whistleblowing is a report from an employee, member or other person about suspected wrongdoing within the organisation. The Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers and employees or subjecting them to any other detriment because they have made a protected disclosure.
- 1.2 Whistleblowing policies should foster a climate of openness and transparency in which individuals in the workplace do not feel that they will be victimised, harassed or suffer any reprisals if they raise concerns about wrongdoing within the organisation. The Government expects all public bodies to have adequate whistleblowing procedures in place.
- 1.3 The Council is committed to updating policies on a regular basis to ensure that they are fit for purpose. The last review of the Whistleblowing Policy took place in January 2022.



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

- 2.1 The Whistleblowing Policy has been reviewed in the preparation of writing this report and no changes are recommended.
- 2.2 In accordance with the Whistleblowing Policy, the Monitoring Officer has overall responsibility for the maintenance and operation of the Policy, and will maintain a record of concerns raised and the outcomes. The Monitoring Officer is also required to report as necessary to the Council on instances of Whistleblowing. There have been no instances to report for the 2022 calendar year.

## **3. Reasons for Recommendation**

- 3.1 The Whistleblowing Policy has been reviewed to ensure that it remains fit for purpose and it is concluded that the existing version is satisfactory and up to date with current legislation and best practice.
- 3.2 There are no instances of Whistleblowing to report to Members.

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

- 4.1 None.

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## **RECOMMENDATION(S)**

1. That the Committee agree the current Whistleblowing Policy is fit for purpose.
2. That the Committee note that no instances of Whistleblowing have been made during 2022.

### **IMPLICATIONS:**

**Finance and Risk:** Yes ☐ No ☒

**Details:**

There are no financial implications arising from this report.

On behalf of the Section 151 Officer

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

**Details:**

The legal implications in relation to whistleblowing are contained within the policy and no further implications arise from this report.

On behalf of the Solicitor to the Council

**Environment:**

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

None

**Staffing:**     Yes ☐            No ☒

**Details:**

There are no staffing 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>	N/A

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

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

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Whistleblowing Policy


### **Background Papers**

*(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).*

None

# **Bolsover District Council**

## **Whistleblowing Policy**



## CONTROL SHEET FOR WHISTLEBLOWING POLICY

<b>Policy Details</b>	<b>Comments/Confirmation (to be updated as the document progresses)</b>
Policy title	Whistleblowing Policy
Current status –	Agreed 2021 version, with housekeeping changes only.
Location of Policy –	Corporate Governance
Member route for approval	Standards, then Council
Cabinet Member (if applicable)	N/A
Equality Impact Assessment (approval date)	N/A
Partnership Involvement (if applicable)	N/A
Final Policy approval route (i.e. Executive/Council Committee)	Council
Date Policy approved	14/04/21 (BDC)
Date Policy due for review	Annually
Date Policy forwarded to Strategy and Performance (to include on Intranet and Internet, if applicable to the public)	

## **WHISTLEBLOWING POLICY**

### **1. Introduction**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within a local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances employees may feel that it is easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages employees, Members and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.3 Whistleblowing is the term used when someone who works in or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. For example instances of theft from the Council, accepting or offering a bribe, and failure by colleagues to adhere to Health & Safety directives could all be the subject of a Whistleblow.
- 1.4 This policy document makes it clear that concerns can be raised without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise concerns within either Council in person, rather than overlooking a problem or using other methods to report concerns.
- 1.5 This policy applies to Council employees and other workers, including freelance staff, temporary and agency staff, trainers, volunteers, consultants, contractors, employees of another Local Authority with whom the Council has entered into joint working arrangements and Members.
- 1.6 This policy also applies to all employees in organisations who work in partnership with the Councils and suppliers who wish to raise a concern.
- 1.7 The Public Interest Disclosure Act 1998 protects Council employees who report concerns from subsequent harassment, victimisation and other unfair treatment. Potential informants should feel reassured that it is illegal for the Council to consider any action against them should their concerns not prove to be verifiable.

## **2. Aims and Scope of this Policy**

### **2.1 This policy aims to:-**

- encourage persons to feel confident in raising serious concerns that they may have about practices and procedures
- provide avenues to raise those concerns and receive feedback on any action taken
- allow persons to take the matter further if they are dissatisfied with the Council's response
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure

### **2.2 Areas covered by the Whistleblowing Policy include:-**

- criminal or other misconduct
- breaches of the Council's Standing Orders or Financial Regulations
- contravention of the Council's accepted standards, policies or procedures
- disclosures relating to miscarriages of justice
- health and safety risks
- damage to the environment
- unauthorised use of public funds
- fraud, bribery and corruption
- sexual, physical and/or verbal abuse of any person or group
- other unethical conduct
- the concealment of any of the above

### **2.3 Any concerns about any aspect of service provision or the conduct of officers or Elected Members of the Council, or others acting on behalf of the Council, can be reported under the Whistleblowing Policy. This may be about something that:-**

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's constitution and policies; or
- Falls below established standards of practice; or
- Amounts to improper conduct

## **3. When this Policy may not be appropriate**

### **3.1 This policy is not a substitute for the Council's other policies and procedures on such matters as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.**

### **3.2 It is important to know the difference between a 'Whistleblow' and a 'grievance.' A Whistleblow has a public interest aspect to it, as it puts others at risk.**

- 3.3 A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance Policy, not this policy.
- 3.4 For example, a member of staff being formally interviewed on capability grounds, without previously having had any indication that their performance was not acceptable, may lead to a grievance complaint being made. Whilst a member of staff who observes colleagues sharing/selling confidential data to un-authorised others, should lead to a Whistleblow.
- 3.5 The policy is not to be used by members of the public to pursue complaints about services. These should be dealt with through the Council's Complaints Procedures.
- 3.6 This Policy is not to be used by members of the public to pursue complaints against councillors conduct. They should direct complaints in the first instance to the Monitoring Officer who will deal with their complaints under the Members Code of Conduct procedure.

#### **4. Safeguards against Harassment or Victimisation**

- 4.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, the Council will not tolerate any form of harassment or victimisation, and will take appropriate action to protect persons who have made a disclosure.
- 4.2 The Council is committed to good practice and high standards and endeavours to be supportive of persons who raise concerns under this Policy.
- 4.3 In all cases, the provisions of The Public Interest Disclosure 1998 (PIDA) will be adhered to.
- 4.4 The Enterprise & Regulatory Reform Act 2013 (ERRA) introduced a Public Interest test requirement on Whistleblowers. In order to receive the protection of PIDA, Whistleblowers will now have to show that they reasonably believe that the disclosure they are making is in the public interest.

#### **5. Confidentiality**

- 5.1 All concerns will be treated in confidence and the identity of the person raising the concern will not be revealed without his or her consent (subject to any legal requirements or decisions). At the appropriate time, however, the person may be expected to come forward as a witness.

#### **6. Anonymous Allegations**

- 6.1 This policy encourages you to put your name to any allegation wherever possible and receive the protection of PIDA as anonymous complaints are likely to be difficult to deal with effectively.



6.2 Concerns expressed anonymously will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account would include:-

- The seriousness of the issues raised
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

## **7. Untrue Allegations & Legal Protection**

7.1 If you are a Council employee you are given legal protection by the Public Interest Disclosure Act 1998. You will qualify for this protection if you reasonably believe that the disclosure is in the public Interest.

7.2 If you make what is known as a “qualifying disclosure” under the 1998 Act to your employer or certain other persons/bodies, it will be unlawful for the Council to subject you to any detriment (such as denial of promotion or withdrawal of a training opportunity), or to dismiss you, because of the disclosure.

7.3 Qualifying disclosures are disclosures of information where a Council employee reasonably believes (and it is in the public interest) that one or more of the following matters is either happening, has taken place, or is likely to happen in the future.

- A criminal offence
- The breach of a legal obligation
- A miscarriage of justice
- A danger to the health and safety of any individual
- Damage to the environment
- Deliberate attempt to conceal any of the above.

7.4 Compensation may be awarded to you by an Employment Tribunal if the Council breaches the 1998 Act, following a successful claim for ‘detrimental treatment’.

## **8. How to raise a Concern under this Policy**

8.1 Concerns may be raised normally in writing. Persons who wish to raise a concern should provide details of the nature of the concern or allegation in the following format:

- The background and history of the concern giving names, dates and places where possible.
- The reason why you are particularly concerned about the situation.
- Submit any relevant evidence or documentation.

8.2 The earlier you express the concern the easier it is to take action.

8.3 Although you are not expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

8.4 Employees may choose to be represented by a colleague or Trade Union representative.

## Employees

- 8.5 Employees should normally raise concerns in the first instance with their Line Manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice you could approach;
- the Service Manager whom you feel would be the most appropriate
  - Internal Audit
  - the Head of Paid Service (responsible Officer for Safeguarding)
  - the Monitoring Officer
  - The Section 151 Officer
- 8.6 You may choose to contact a Prescribed Person. Prescribed persons, as prescribed under the Public Interest Disclosure Act 1998, are independent bodies or individuals that can be approached by whistleblowers where an approach to their employers would not be appropriate. Prescribed persons, which usually have an authoritative relationship with the whistleblowers' organizations, can be regulatory or legislative bodies, central government departments, arm's length bodies or charities and include all Members of Parliament. You may also contact the "Public Concern at Work" helpline if you wish to remain anonymous. The telephone number for this service is: 020 7404 6609.

## Other Persons (including Elected Members)

- 8.7 Other persons can contact any of the following officers of the Councils directly:
- the Service Manager whom you feel would be the most appropriate
  - Internal Audit
  - the Head of Paid Service (responsible Officer for safeguarding)
  - the Monitoring Officer
  - The Section 151 Officer
- 8.8 Officers of the Councils can be contacted in writing, by telephone or by going through one of the Contact Centres. You can contact the Council through your elected Councillor if this is preferable or more convenient.
- 8.9 You may also choose to contact a body external to the Council such as the External Auditor or the Police or a Prescribed Person.

## **9 How the Council will respond to a concern raised under this Policy**

- 9.1 The Officer with whom the concern was initially raised will respond in writing within ten working days:
- acknowledging that the concern has been received
  - indicating how it is proposed to deal with the matter
  - stating whether any initial enquiries have been made
  - supplying information on what support is available and stating whether further investigations will take place and if not, why not

- 9.2 Concerns raised under this Policy will be investigated by the investigating officer who will be appointed at the Council's discretion.
- 9.3 When conducting the investigation, the investigating officer may involve:-
- Internal Audit
  - Legal & Governance Services
  - Human Resources
  - the Police (in some circumstances the Council will have no choice but to inform the Police if it believes a criminal offence has been committed and may do so without informing the whistle blower)
  - an external auditor
  - The Monitoring Officer
  - The S 151 Officer
  - The Head of Paid Service (responsible Officer for safeguarding)
  - Any other person at the discretion of the investigating officer
- 9.4 The investigating officer should in the first instance inform any employee who is the subject of a Whistleblowing allegation of the allegation before a decision is taken as to what will happen with it. If the investigating officer determines that this would not be appropriate in the circumstances then he should seek guidance from the Monitoring Officer who may advise not to inform the employee at this stage of the process.
- 9.5 The investigating officer will make initial enquiries to decide whether an investigation is appropriate and if so what form it should take having regard to the law and the public interest.
- 9.6 If the investigating officer decides that a disciplinary investigation is the appropriate course of action to take, he/she will advise Human Resources who will instruct an appropriate person to conduct the disciplinary investigation and ensure that the investigation is carried out in accordance with the Councils' Disciplinary Policy.
- 9.7 Some concerns may be resolved by agreed action without the need for investigation.
- 9.8 It may be necessary to take urgent action before any investigation is completed.
- 9.9 The Council will take steps to minimise any difficulties that persons may experience as a result of raising a concern. For instance, if he or she is required to give evidence in criminal or disciplinary proceedings the Council will arrange for advice to be given about the procedure (but not about what answers to give).
- 9.10 The Councils accept that persons need to be assured that the matter has been properly addressed. Subject to legal constraints, the Council will inform the Whistleblower of the progress and outcome of any investigation.
- 9.11 It is important for persons to understand that making a Whistleblowing allegation doesn't give them anonymity, but does give them protection from harassment or victimisation.

## **10 The Responsible Officer**

- 10.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality and substantially in the form attached.
- 10.2 The Monitoring Officer will report as necessary to the Council.
- 10.3 The Investigating Officer must inform the Monitoring Officer of the receipt of a concern raised under this Policy, how they intend to deal with it and how the matter was concluded.

## **11. How the Matter Can Be Taken Further**

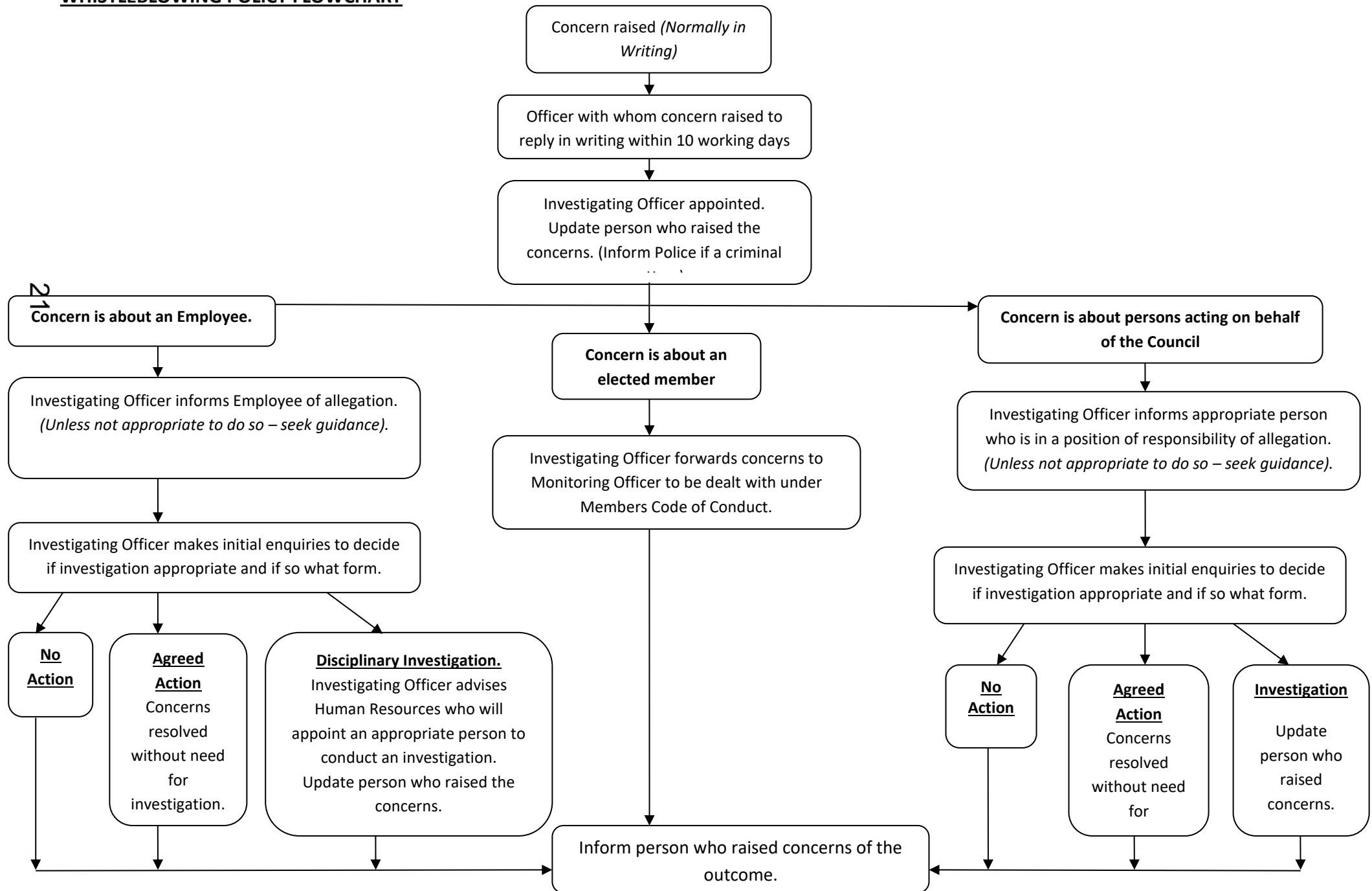
- 11.1 This Policy is intended to provide a process within the Council, through which appropriate persons may raise concerns. If at the conclusion of this process the person is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as further referral points:
- the Councils external auditor
  - Your Trade Union
  - Your local Citizens Advice Bureau
  - Relevant professional body or regulatory organisation
  - A relevant voluntary organisation
  - The Police
  - Your Solicitor
  - The Audit Commission
- 11.2 Advice should be taken before making an external disclosure and the internal procedure should normally have been followed first.
- 11.3 The Councils would not normally expect Whistleblowers to make disclosures to the press.

## **12. Whistleblowing Register**

- 12.1 The Monitoring Officer in accordance with the Whistleblowing Policy of Bolsover District Council has overall responsibility for the maintenance and operation of this Policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality and substantially in the form below.

Number	Council	Details	Outcome
1/20xx			

## WHISTLEBLOWING POLICY FLOWCHART



## **Bolsover District Council**

### **Standards Committee on 20<sup>th</sup> February 2023**

#### **Gifts and Hospitality – Annual Report**

#### **Report of the Assistant Director of Governance and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend Assistant Director of Governance and Monitoring Officer 01246 242472 <a href="mailto:Jim.fieldsend@bolsover.gov.uk">Jim.fieldsend@bolsover.gov.uk</a>
<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 advise the Committee of the details of all entries in the Council's Gifts and Hospitality Register in respect of offers of gifts and hospitality made to Members and officers of the District Council during the period January 2022 to December 2022.

#### **REPORT DETAILS**

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

- 1.1 The Council's Constitution, Part 5 specifies detailed arrangements for the registering of gifts and hospitality made to Members and officers.

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

- 2.1 A copy of the provisions of the Constitution in respect of gifts and hospitality are attached as **Appendix 1** to this report. Details of the entries in the Council's Gifts and Hospitality Register for the period January 2022 to December 2022 are attached as **Appendix 2** to this report.

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

- 3.1 It is important that there is a clear process for the recording and reporting of gifts and offers of hospitality offered to Members and officers of the Council.

- 3.2 The annual reporting of offers of gifts and hospitality made to Members and officers ensures that the Council's performance on this matter is monitored on a regular basis and that any changes in procedure can be introduced if necessary.

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

- 4.1 There were no alternative options considered and rejected. The report is submitted for information only.

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

1. That the Committee note the content of this Annual Report for the period January 2022 to December 2022 in respect of offers of gifts and hospitality made to Members and officers.

##### **IMPLICATIONS:**

**Finance and Risk:** Yes ☐ No ☒

**Details:**

There are no financial implications arising from this report.

On behalf of the Section 151 Officer

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

**Details:**

The Council has set a threshold of £25 for the declaration of gifts and hospitality as set out in its Constitution.

On behalf of the Solicitor to the Council

**Environment:**

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

None

**Staffing:** Yes ☐ No ☒

**Details:**

There are no staffing 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>	N/A

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

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

DOCUMENT INFORMATION	
Appendix No	Title
1	Extract from the Council's Constitution: Protocol on gifts and hospitality
2	Schedule of Gifts and Hospitality January 2021 to December 2021

<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

### GIFTS AND HOSPITALITY GUIDANCE

- (1) In many areas of the commercial world it is common practice to offer and accept gifts, hospitality and other benefits. This practice is frequently used to influence a decision when one company is seeking business with another and it is perfectly legal to do so – but it can be quite the contrary in public service.
- (2) The acceptance of gifts, hospitality or other benefits, even on a modest scale, may arouse suspicion of impropriety and extreme caution and discretion should be exercised in accepting either. In principle you should refuse any personal gift offered to you or your family by any person or company who has or seeks dealings of any kind with the Council.
- (3) The only reasonable exceptions to the guidance given in (2) above are:-
  - (a) Small gifts of a purely token value given by way of trade advertisements (e.g., calendars, diaries, articles for general use in the office).
  - (b) Small articles, again purely of a token value given at the conclusion of courtesy visits (e.g. to a factory).
  - (c) A small gift offered without warning and where refusal would give particular offence.
- (4) Should you receive an unexpected gift, which falls outside the categories (see 3 above) you should consult your Director or Assistant Director, as appropriate, who will decide the course of action. This may include:-
  - (a) returning the gift, ensuring that the donor is told in a polite way why this has been necessary;
  - (b) passing the gift on to some charitable cause if it is appropriate to do so;
  - (c) agree that the gift may be kept by the recipient.
- (5) Details of all gifts covered by the above categories must be recorded in a book kept for this purpose by the Monitoring Officer.
- (6) Hospitality is sometimes offered to employees and it is not always possible or desirable to reject offers of a moderate nature. Examples of acceptable hospitality include a working lunch of a modest standard, provided to allow business discussion to continue.

- (7) Some offers of hospitality are clearly unacceptable and these would include offers of holiday accommodation, individual offer of theatre tickets for yourself or your family and individual invitation to dinner.
- (8) You should be particularly cautious when any form of hospitality is offered by an individual or organisation seeking to do business with, or a decision from, the Council as acceptance might affect your relations with the party offering it and how this might be viewed. If in any doubt at all you should consult with your Director or Assistant Director as appropriate before acceptance. Directors/Assistant Directors must consult with Monitoring Officer or Chief Financial Officer.
- (9) Acceptance of offers of hospitality must be recorded in the book kept for the purpose.
- (10) These guidelines are intended as a general overview on the acceptance of gifts and hospitality but cannot cover every eventuality. If you are in any doubt you should consult your Director or Assistant Director, as appropriate.
- (11) **The procedure for registering offers of gifts and hospitality to officers will be as follows:**
  - When a gift/hospitality arises it is the responsibility of the recipient to use the Gifts and Hospitality Declaration form which can be located on the intranet.
  - There will be two versions of the Declaration form –
    - **Gifts and Hospitality Corporate Declaration form**  
– to be completed by all Bolsover District Council Employees
    - **Gifts and Hospitality Members Declaration form** –  
to be completed by any District Councillor.
  - Note for officers only: Complete the relevant form and get the Authorising Officer to sign the document (if the gift or hospitality is being accepted).

**REMEMBER**

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality. **Members have 28 days to do this.**
- Members are required to declare any gift or hospitality that is above the value of £25. However, there is nothing to stop you from declaring any gift or hospitality that is below the stated value if you prefer to have this on record.

- The entry needs to be made within a reasonable period of time from the offer of the gift or hospitality.
- Give an approximate value of the offer. You can say “*de minimis*” or “*less than £10*” if the gift is small.
- Name the donor, including where the Authority provides hospitality.
- It must be clear from the entry whether the offer is accepted or refused.
- The name and extension number of the individual who received the offer must be provided on the form.
- A reason for acceptance must be given and the Line Manager’s authorisation (signature) obtained.
- Line Managers should not authorise their own acceptance of gifts and hospitality. A Director or Assistant Director should be asked to authorise.
- Scan the signed and completed document and email the form to the Monitoring Officer.
- The register will be checked annually by the Monitoring Officer, on behalf of the Standards Committee, to ensure that the system is being used and to monitor the frequency of any gifts and hospitalities during the calendar year.

Gifts & Hospitality Inspection - January 2022 to December 2022				
Department	Total amount of declared gifts	Description of gifts/hospitalities	Electronic Declarations - Total	Paper Declarations - total
Members	2	Breakfast at Glapwell Garden Centre for 3 people (£20 - £25 approx); <b>VIP Event at Hardwick Hall (approx £20);</b>		
GROWTH DIRECTORATE				
CEO	0			
Joint Strategic Directors	0			
CEPT	0			
Economic Growth	0			
Planning & Env. Health	0			
Legal & Governance	0			
OPERATIONS				
Finance	0			
Revenues	0			
Street Scene	0			
Housing	3	Bunch of flowers; <b>Bunch of flowers (approx £5);</b> A string shopping bag;		
Community Safety	0			
Property & Estates	3	Invitation to Constructing East Midlands Awards Ceremony on 9th June 2022 (£100);		
TRANSFORMATION				
ICT	0			
Health & Wellbeing	0			
Leisure	0			
Human Resources	0			
Shirebrook Contact Centre	1	Flowers & Chocolates;		
Bolsover Contact Centre	2	2x Bars of Chocolate (approx £2); <b>Plant (approx £3);</b>		
Clowne Contact Centre	3	30 bars of Cadburys Fruit & Nut Chocolate bars 110g; <b>Flowers (approx £3);</b> Box of Fox's Biscuits (approx £4);		
South Normanton Contact Centre	1	4x bars of Chocolate Orange chocolate;		
Customer Service & Improvement	0			

## **Bolsover District Council**

### **Meeting of the Standards Committee on 20<sup>th</sup> February 2023**

#### **Member Training Attendance 2022/2023**

#### **Report of the Assistant Director of Governance and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Amy Bryan Governance and Civic Manager <a href="mailto:Amy.bryan@bolsover.gov.uk">Amy.bryan@bolsover.gov.uk</a> 01246 242529
<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 provide the Standards Committee with information relating to Councillor attendance at training events.

### **REPORT DETAILS**

#### **1. Background**

- 1.1 Part of the Terms of Reference of the Standards Committee is to oversee Member Training including the attendance of Members at courses. This was in relation to matters affecting their conduct and probity including relevant information provided to newly elected District Councillors.

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

- 2.1 For Standards Committee to monitor and oversee Member training as set out at Appendix 1 to the report.

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

- 3.1 For the Standards Committee to oversee Member Training, including the attendance of Members at courses.

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

4.1 There are no alternative options as the report is for information only.

---

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

That Standards Committee note the information and statistics for Member attendance at training so far during 2022/2023 as attached at Appendix 1 to the report.

##### **IMPLICATIONS:**

**Finance and Risk:**                      Yes ☒                      No ☐

**Details:**

The Member Development Budget should cover the cost of any external trainers required to deliver any training identified for the year and any sessions Members attend externally. Additional conferences that Members attend can be unexpected costs and it is important that these are identified with the Governance Team as early as possible.

On behalf of the Section 151 Officer

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

**Details:**

Essential training to cover the legal obligations and responsibilities of Members and the Council is included in the Member Development Programme as part of induction and with regular refreshers. Subjects such as data protection, safeguarding, code of conduct, will be addressed bi-annually with committee specific training on an annual basis or as needed.

On behalf of the Solicitor to the Council

**Environment:**

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

None

**Staffing:**                      Yes ☐                      No ☒

**Details:**

Training delivered in house adds to the workloads of officers across the Council, however, as much notice as possible will be given to minimise impact.

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> <i>(Only Key Decisions are subject to Call-In)</i>	N/A

<b>District Wards Significantly Affected</b>	None
<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> The Member Development Working Group receives regular updates and coordinates the Member Development Programme.

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

DOCUMENT INFORMATION	
Appendix No	Title
1	Members attendance at training courses held internally – 2022/2023

<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

**DETAILS OF ATTENDANCE AT MEMBER TRAINING**

NAME	19 <sup>th</sup> January 2023 SAFEGUARDING
	Attended?
Derek Adams	Yes
Allan Bailey	
Rose Bowler	
Jane Bryson	
Dexter Bullock	
Tracey Cannon	
Anne Clarke	Yes
Nick Clarke	Yes
Jim Clifton	
Tricia Clough	
Paul Cooper	
David Dixon	Yes
Maxine Dixon	Yes
Mary Dooley	Yes
David Downes	
Steve Fritchley	Yes
Donna Hales	Yes
Ray Heffer	
Mark Hinman	
Natalie Hoy	
Andrew Joesbury	
Chris Kane	
Tom Kirkham	
Duncan McGregor	Yes
Clive Moesby	Yes
Tom Munro	Yes
Evonne Parkin	
Graham Parkin	
Sandra Peake	Yes
Peter Roberts	
Liz Smyth	Yes
Janet Tait	
Rita Turner	Yes
Ross Walker	
Deborah Watson	
Jen Wilson	Yes
Total number who attended session	15/36
Percentage who attended session	42 %
Total number who have received training within required timescales	26/36
Percentage who have received training within two years	72%

\*Grey cells indicate that training had previously been undertaken with the required timescales. For safeguarding this is every two years.



## **Bolsover District Council**

### **Standards Committee on 20<sup>th</sup> February 2023**

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

#### **Report of the Assistant Director of Governance and Monitoring Officer**

<b>Classification</b>	This report is public
<b>Report By</b>	Jim Fieldsend Assistant Director of Governance and Monitoring Officer 01246 242472 <a href="mailto:Jim.fieldsend@bolsover.gov.uk">Jim.fieldsend@bolsover.gov.uk</a>
<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 consider the list of areas for review within the Council's Constitution for consideration by the Standards Committee prior to submission as part of the Annual Review of the Constitution to Council for adoption.

#### **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 Council meeting in June 2021.
- 1.2 One of the functions of the Standards Committee is to undertake an annual review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances.

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

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

Area for Review	Lead Officer	Dates for Consideration
Minor wording changes or updating of job titles (housekeeping)	Governance Officers	<b>Once final draft version produced</b>
Committee Terms of Reference	Scrutiny & Elections Officer	February 2023
Scrutiny Procedure Rules	Scrutiny & Elections Officer	February 2023
Call-in Procedure	Scrutiny & Elections Officer	February 2023
Budget and Policy Framework Rules	Scrutiny & Elections Officer	February 2023

## CHANGES TO ESTABLISHMENT

- 2.2 During 2022, The Chartered Institute of Public Finance and Accountancy (CIPFA) released an updated position statement on **Audit Committees: Practical Guidance for Local Authorities and Police (2022 edition)**. While the Council is compliant with the majority of the guidance there are key improvements that could be made, notably in relation to the committee structure.
- 2.3 CIPFA note that in some local authorities, the audit committee has been combined with other committees. CIPFA recommends that the audit committee should have no other functions, and explicitly no decision making role. The most common combinations have been an audit and Scrutiny committee, or audit and standards committee. CIPFA recommends these are separated. One of the core recommendations is that the Audit function should operate separately from both the Executive and Scrutiny functions.
- 2.4 In June 2021, the Centre for Governance and Scrutiny (CfGS) also produced guidance **Audit committees and scrutiny committees: working together**, which notes that:

### *“Structural matters*

- *In some councils, the member audit and scrutiny functions are joined, often through an “Audit and Scrutiny Committee”. CfGS agrees with CIPFA’s recommendation that the functions of the Audit and scrutiny committees should not be combined in a single committee. Blurring the roles of these functions puts a council at significant risk of weak governance.*
  - *CIPFA and CfGS also recommend against the practice of audit committees taking on other responsibilities (for example, for the Audit committee to be termed an “Audit and Governance” committee).*
- 2.5 Currently, delivery of the Audit governance function is incorporated in to the wider Audit & Corporate Overview Scrutiny Committee.

- 2.6 CIPFA recommend that not only should the function be kept separate but that the committee should also meet the following requirements:

Recommendation	Action required
<ul style="list-style-type: none"> <li>Large committees should be avoided with a size of no more than 8 members.</li> </ul>	That a new separate Audit committee is formed of no more than 8 members in total (inclusive of the 2 co-opted members).
<ul style="list-style-type: none"> <li>The Audit committees of local authorities should include co-opted independent members in accordance with appropriate legislation. Where there is no legislative direction to include co-opted independent members CIPFA recommends that each authority Audit committee should include at least 2 co-opted independent members to provide appropriate technical expertise</li> </ul>	The Council currently has 1 co-opted independent member. It is recommended that the Council seek to appoint 1 additional co-optee in line with the guidance.
<ul style="list-style-type: none"> <li>CIPFA recommends that the use of substitutes is avoided.</li> </ul>	It is recommended that the terms of reference clearly states that no members can be substituted.
<ul style="list-style-type: none"> <li>Where an authority has undergone an external inspection, peer review or other intervention, an improvement programme will be developed. It will be important for the Audit Committee to play its part in supporting the effective implementation of agreed actions.</li> </ul>	This is not currently included within the terms of reference. It is recommended that this is added to the terms of reference for the new committee in line with CIPFA guidance.
<ul style="list-style-type: none"> <li>A suggested committee terms of reference is included within the appendices of the 2022 guidance.</li> </ul>	It is recommended that the terms of reference for the newly formed committee is produced with regard to the suggested template by CIPFA.

- 2.7 The size and terms of reference for each revised Committee is set out in **Appendix 1**.
- 2.8 It is proposed that the Audit & Corporate Overview Scrutiny Committee is disestablished and replaced by a separate Audit Committee and a Finance & Corporate Overview Scrutiny Committee.
- 2.9 The remaining Scrutiny Committees will remain, with a slight refresh to their terms of reference to reflect changes in service delivery and where duplication has been found. This is set out in Appendix 1. Furthermore, the 29 non-Executive seats on committees will remain allocated over the four scrutiny committees.

## SCRUTINY PROCEDURE RULES

- 2.10 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.
- 2.11 Attached at Appendix 2 is an amended version of the Scrutiny Procedure Rules, with specific amendments as highlighted.
- 2.12 Attached at Appendix 3 is an amended version of the Call-In Procedure Rules, which rectifies the gap within the current rules.

## BUDGET AND POLICY FRAMEWORK

- 2.13 In accordance with the recommended amendments in this report, attached at Appendix 4 is the revised Budget and Policy Framework, acknowledging the proposed changes to the committee structure.

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

- 3.1 To ensure the Council has in place a fit for purpose Constitution which complies with the law.
- 3.2 To ensure the Council remains compliant with CIPFA best practice guidance.

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

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted. However, as the guidance from CIPFA at a national level now specifies that the Council's Audit Committee should be a standalone Committee, the Council risks being non-compliant with best practice if the changes to the governance structure are not made.

---

## **RECOMMENDATION(S)**

1. That the Committee give consideration to the proposals for review and support the submission of the proposals to Council as part of the Constitution Review at a future meeting.

### **IMPLICATIONS:**

**Finance and Risk:**            Yes ☒            No ☐

#### **Details:**

Failure to ensure the Constitution meets legal requirements can leave the Council open to challenge, as does failure to comply with the provisions of the Constitution. It is therefore essential that the Constitution is regularly reviewed and given robust oversight.

Failure to reinstate a separate Audit Committee would place the Council in a position of non-compliance with CIPFA guidance which may attract comment from the Council's external auditor Mazars.

On behalf of the Section 151 Officer

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

**Details:**

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

On behalf of the Solicitor to the Council

**Environment:**

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:**

None

**Staffing:**      Yes ☐      No ☒

**Details:**

There are no human resources implications arising from the proposals within this report. Some areas for review may impact on staff. These implications will be addressed in relation to the specific areas for review.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><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:</p> <p><b>Revenue - £75,000</b>   <input type="checkbox"/>   <b>Capital - £150,000</b>   <input type="checkbox"/></p> <p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>No</p>
<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	<p>N/A</p>
<p><b>District Wards Significantly Affected</b></p>	<p>None</p>
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input type="checkbox"/>   <b>Executive</b> <input type="checkbox"/>  <b>SLT</b> <input checked="" type="checkbox"/>   <b>Relevant Service Manager</b> <input checked="" type="checkbox"/>  <b>Members</b> <input type="checkbox"/>   <b>Public</b> <input type="checkbox"/>   <b>Other</b> <input checked="" type="checkbox"/></p>	<p><b>Details:</b>  Relevant officers are consulted at various stages of the Constitution Review</p>

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

<b>DOCUMENT INFORMATION</b>										
<table border="1"><tr><th><b>Appendix No</b></th><th><b>Title</b></th></tr><tr><td>1</td><td>Revised Committee Terms of Ref 2023</td></tr><tr><td>2</td><td>PART 4.5 SCRUTINY RULES UPDATED 2023</td></tr><tr><td>3</td><td>PART 4.6 CALL IN PROCEDURES UPDATED 2023</td></tr><tr><td>4</td><td>PART 4.3 BUDGET AND POLICY FRAMEWORK UPDATED 2023</td></tr></table>	<b>Appendix No</b>	<b>Title</b>	1	Revised Committee Terms of Ref 2023	2	PART 4.5 SCRUTINY RULES UPDATED 2023	3	PART 4.6 CALL IN PROCEDURES UPDATED 2023	4	PART 4.3 BUDGET AND POLICY FRAMEWORK UPDATED 2023
<b>Appendix No</b>	<b>Title</b>									
1	Revised Committee Terms of Ref 2023									
2	PART 4.5 SCRUTINY RULES UPDATED 2023									
3	PART 4.6 CALL IN PROCEDURES UPDATED 2023									
4	PART 4.3 BUDGET AND POLICY FRAMEWORK UPDATED 2023									

<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

\*\*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:

<b>Scrutiny Committee</b>	<b>Cabinet Portfolio's linked to Committee</b>	<b>Terms of reference</b>	<b>Additional considerations</b>
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.

## 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

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- (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.

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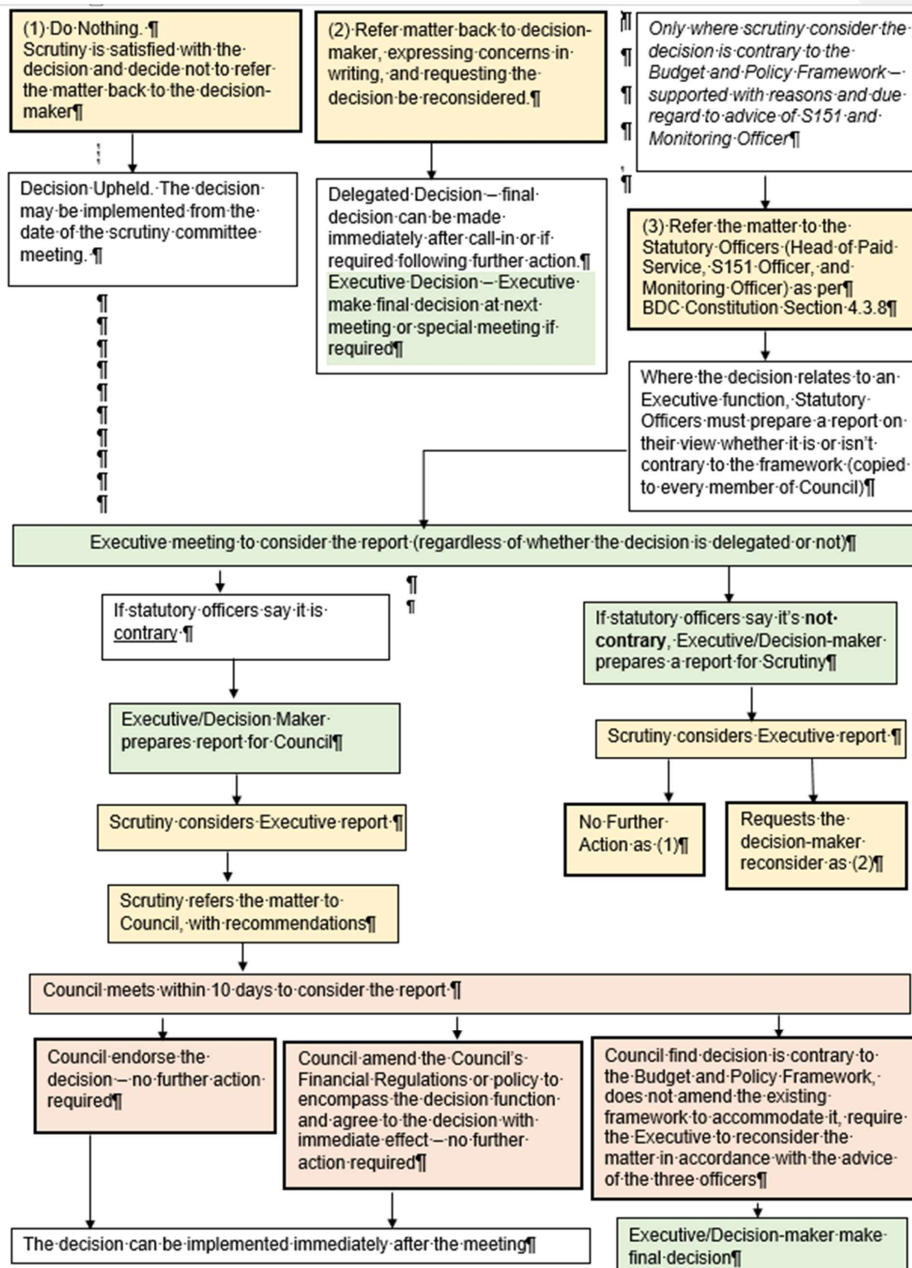
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- (168) If the matter is referred to Council and the Council does not object to a decision that has been made, then the decision may be implemented on the date of the Council meeting.

### 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

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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

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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.

BDC STANDARDS COMMITTEE WORK PROGRAMME 2022/2023		
Meeting date	Item	Comments
June 2022	<b>MEETING CANCELLED</b>	
August 2022	Complaints against Members Officer Delegation Scheme – Report 1 Officer Delegation scheme – Report 2 Sub Committee of the Standards Committee	
December 2022	<b>MEETING CANCELLED</b>	
February 2023	Whistleblowing Policy – Annual Report Gifts and Hospitality – Annual Report Member Training Attendance 2022/23 Review of the Constitution <ul style="list-style-type: none"> <li>• Committee Terms of Reference</li> <li>• Scrutiny Procedure Rules</li> <li>• Call-in Procedure</li> <li>• Budget and Policy Framework Rules</li> </ul>	
April 2023	RIPA – Annual Report Councillor attendance at meetings	



	<p>Review of the Constitution</p> <ul style="list-style-type: none"><li>• Substitution scheme</li><li>• Questions from members of the public</li></ul>	
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