

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Standards
Committee
Ruth Jaffray, Councillors Moesby,
Clarke, Fox, Gilbody, Tite and Yates

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

Wednesday, 7 June 2023

Dear all,

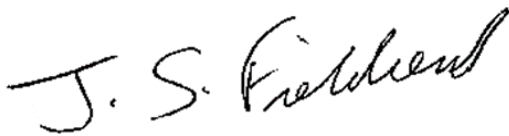
STANDARDS COMMITTEE

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, 19th June, 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



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
- **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, 19 June 2023 at 14:00 hours taking place in the Council Chamber, The Arc,
Clowne***

Item No.		Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chair has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes	4 - 6
	To consider the minutes of the last meeting held on 20 th February 2023.	
5.	Draft Annual Standards Committee Report	7 - 14
6.	RIPA Update	Verbal Report
7.	Review of the Council's Constitution	15 - 95
8.	Complaints Update	96 - 98
	Update on complaints received by the Council against District and Parish Councillors	

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, 20 February 2023 at 14:00 hours.

PRESENT:-

Members:-

R. Jaffray in the Chair

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

Officers:- Jim Fieldsend (Assistant Director and Monitoring Officer) and Amy Bryan (Governance and Civic Manager) .

STA11-22/23 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor David Downes.

STA12-22/23 URGENT ITEMS OF BUSINESS

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

STA13-22/23 DECLARATIONS OF INTEREST

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations made at the meeting.

STA14-22/23 MINUTES

Moved by Councillor David Dixon and seconded by Councillor Clive Moesby
RESOLVED that the minutes of a meeting of the Standards Committee held on 22nd August 2022 be approved as a true and correct record.

STA15-22/23 WHISTLEBLOWING POLICY - ANNUAL REPORT

The Monitoring Officer presented the Committee with the Whistleblowing Policy Annual Report.

There had been no instances of whistleblowing to report for the 2022 calendar year.

The Whistleblowing Policy had been reviewed and no changes were recommended.

STANDARDS COMMITTEE

Moved by Councillor David Dixon and seconded by Councillor Graham Parkin
RESOLVED that 1) the current Whistleblowing Policy be agreed as fit for purpose
2) it be noted that no instances of whistleblowing had been made during 2022.

STA16-22/23 GIFTS AND HOSPITALITY - ANNUAL REPORT

The Monitoring Officer updated Members on the entries in the Gifts and Hospitality Register during the period of January 2022 to December 2022 which could be found in Appendix 2 to the report.

Moved by Councillor Graham Parkin and seconded by Councillor Deborah Watson
RESOLVED that the report be noted.

STA17-22/23 MEMBER TRAINING ATTENDANCE 2022/23

The Governance and Civic Manager presented a report which set out information relating to attendance at Councillor training events for the 2022/23 year.

The report stated that safeguarding training had been held in January 2023. It was a requirement for all Councillors to undertake safeguarding training every two years. Currently 72% of Councillors had undertaken the training.

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

STA18-22/23 REVIEW OF THE COUNCIL'S CONSTITUTION

Committee considered a report in relation to areas for review within the Council's constitution.

The following areas had been identified for review:

Audit Committee

The report explained that during 2022 the Chartered Institute of Public Finance and Accountancy (CIPFA) had released updated guidance regarding Councils Audit Committees. Whilst the Council was compliant with the majority of the new guidance there were key improvements that could be made, notably in relation to the committee structure. It was therefore proposed that the current Audit & Corporate Overview Scrutiny Committee be disestablished and replaced by a separate Audit Committee and a Finance & Corporate Overview Scrutiny Committee. The size and terms of reference for each scrutiny committee was set out in Appendix 1. These changes also required the Scrutiny Procedure Rules, Call-in Procedure and Budget and Policy Framework to be amended accordingly, updated versions were attached to the report at Appendices 2 to 4.

Moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson
RESOLVED that the proposed changes be supported and recommended to Council for approval.

STANDARDS COMMITTEE

STA19-22/23 COMPLAINTS UPDATE

The Monitoring Officer reported that a complaints update would be submitted to the next meeting.

It was also reported that a Standards Sub-Committee had been held on 9th February 2022.

STA20-22/23 WORK PROGRAMME 2022/2023

Committee considered and noted their work programme for the remainder of the 2022/23 municipal year.

The meeting concluded at 14:44 hours.

Bolsover District Council

Standards Committee on 19th June 2023

Annual Report of the Standards Committee 2022/23

Report of the Assistant Director of Governance & Monitoring Officer

Classification	This report is public
Report By	Jim Fieldsend Assistant Director of Governance and Monitoring Officer 01246 242472 Jim.fieldsend@bolsover.gov.uk
Contact Officer	Amy Bryan Governance and Civic Manager Amy.bryan@bolsover.gov.uk 01246 242529

PURPOSE/SUMMARY OF REPORT

For Standards Committee to consider the Standards Committee Annual Report on the work it has undertaken during the municipal year 2022/23.

REPORT DETAILS

1. Background

1.1 At the end of each municipal year, the Standards Committee produces an annual report of the work it has undertaken during the year for consideration by Annual Council.

2. Details of Proposal or Information

2.1 For Standards Committee to consider the draft Annual Report which sets out the work of the Committee during the municipal year 2022/23 prior to submission to Annual Council.

The draft Annual Report 2022/23 is attached as Appendix 1 to this report.

3. Reasons for Recommendation

3.1 To enable the Council to consider the Annual Report of the Standards Committee in relation to its work during the municipal year 2022/23.

4 Alternative Options and Reasons for Rejection

4.1 This report is to inform the Council of the work of the Standards Committee therefore there are no alternative options.

RECOMMENDATION(S) that;

Standards Committee considers a draft Annual Report on the work it has undertaken during the municipal year 2022/23, as attached at Appendix 1.

IMPLICATIONS:

Finance and Risk: Yes No

Details: None arising from this report.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: None arising from this report.

On behalf of the Solicitor to the Council

Environment: Yes No

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

Details: None arising from this report.

Staffing: Yes No

Details: None arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

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

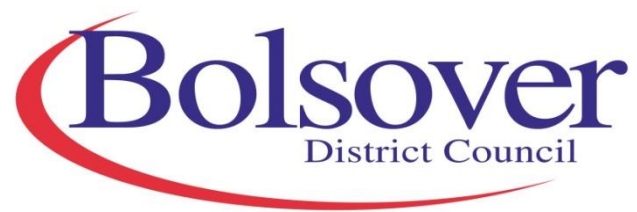
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Details: Councillor Duncan McGregor, Portfolio Holder for Corporate Governance Standards Committee

Links to Council Ambition: Customers, Economy and Environment.
Demonstrating good governance

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Annual Report of the Standards Committee 2022/2023

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



**Standards Committee
Annual Report 2022/23**

Standards Committee Annual Report 2021/22

Foreword from the Chair of the Standards Committee

The work of the Standards Committee remains central to the ethical and governance responsibilities of the Council which are an essential element in local government continuing to retain the trust of the public which it serves.

It has been a relatively quiet year nevertheless I would like to take the opportunity to thank the Members on the Committee, the Independent Persons and officers of the Council, for their continued hard work and support in the work of the Committee during the year.

Mrs Ruth Jaffray

Co-opted Member

The Annual Report outlines the work of the Standards Committee during the municipal year 2022/23 and covers the following subjects:

- 1 Chair and Co-optees of the Standards Committee 2022/23
- 2 Independent Persons
- 3 Complaints received during 2022/23
- 4 Establishment of a Sub-Committee to deal with Member complaints
- 5 Constitution Review Work
- 6 Policy Review
- 7 Member Training Attendance

1 Chair and Co-optees of Standards Committee 2021/22

The Articles of the Constitution require that a co-opted member be appointed Chair of the Standards Committee. The Council therefore approved the appointment of Mrs Ruth Jaffray in November 2016.

2 Independent Persons

2.1 The Council had previously appointed Mr Stephen Wainwright to fulfil the role as Independent Person who advises the Monitoring Officer on complaints against District or Parish Councillors and also advises Councillors who were the subject of complaints.

2.2 Although the legislation required the appointment of only one Independent Person, the Council had agreed that a second appointment ensured flexibility and resilience and a second Independent Person, Mr Ian Kirk, was selected as a suitable candidate for a 4 year term in August 2017.

2.3 Mr Kirk's term was due to expire on 14th September 2021, however, it was considered, in the Monitoring Officer's opinion that he continue to be an ideal candidate for the role, and on that basis Council approved that Mr Kirk be offered a further four year term of engagement to carry out this service to the Authority until September 2025.

3 Complaints received during the period May 2022 to 2023

17 complaints against Members were received during the period May 2022 to April 2023. 11 related to parish councils and 6 related to the District Council. 12 were closed with no further action. 3 complaints proceeded to investigation, 2 of these complaints resulted in no further action and 1 councillor was found to have been in breach. 2 complaints are still being considered.

4 Establishment of a sub-committee to deal with Member complaint hearing.

Where an investigation into a Members behaviour recommends that the Member breached their relevant code of conduct the Monitoring Officer will seek to resolve the matter with the agreement of the parties. Where an agreement cannot be achieved, for instance where the Member concerned disagrees with the findings the matter may be referred to a hearing by a sub-committee of the Standards Committee. This is unusual and no such hearings have been held for over 10 years. Following an investigation by the previous Deputy Monitoring Officer in which he recommended that a Tibshelf Parish Councillor had breached the Parish Council code the Councillor concerned disagreed with the findings and requested the matter be referred to a hearing. In August the Standards Committee agreed to establish a sub-committee to consider the matter and the hearing eventually took place on 9th February 2023. The sub-committee found that the Tibshelf Parish Councillor was in breach of the code and they recommended that the Parish Council censure the Councillor by reading out the sub-committee's decision notice. Tibshelf Parish Council agreed to this and the Member was censured at the Parish Council meeting on 21st February 2023.

5 Constitution Review Work

One of the functions of the Standards Committee is to undertake a review of the Council's Constitution to ensure it is up to date and in line with legislation and current circumstances. The Committee considered a number of areas that had been identified for review including;

- Disestablishment of the Audit & Corporate Overview Scrutiny Committee to be replaced by a Separate Audit Committee and a Finance & Corporate Overview Scrutiny Committee with associated changes to the Budget and Policy Framework
- Scrutiny Procedure Rules
- Call-in Procedure Rules
- Officer Delegation Scheme
- Access to Information Rules
- Community Call for Action
- Members Roles & Responsibilities.

6 Policy Review Work

Whistle-blowing Policy Review

The Council is committed to updating the Whistle-blowing policy on a regular basis to ensure it is fit for purpose and a review was conducted in February 2023 with no substantive changes being made other than housekeeping amendments.

The Monitoring Officer has overall responsibility for the maintenance and operation of the policy and would maintain a record of any concerns raised and the outcomes. The Monitoring Officer is also required to report as necessary to the Council on instances relating to Whistleblowing. It was noted by the Standards Committee at its meeting in February, that the policy was fit for purpose and there had been no instances of whistle blowing since the 2022 annual review.

7 Gifts and Hospitality

- 7.1 The Council's Constitution specifies detailed arrangements for the registering of gifts and hospitality made to Members and officers.
- 7.2 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. The register of Gifts and Hospitality is also published on the Council's website.
- 7.3 In February this year, the Standards Committee received and noted an annual report in respect of offers of gifts and hospitality made to Members and officers for the period January 2022 to December 2022.
- 7.4 Members are reminded that advice is available from the Monitoring Officer, Deputy Monitoring Officer and Legal Services in relation to any offer of gift or

hospitality and Members and officers are encouraged to seek this advice where they were unsure.

8 Member Training Attendance

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

In January Safeguarding training was provided for Members who had not attended the previous years' training. Attendance is required every two years and 72% of members have attended within the last two years.

Footnote: If any Member would like a copy of any of the reports referred to in this report, they should contact the Governance Team on 01246 242528

Bolsover District Council

Meeting of Standards Committee on 19th June 2023

Review of the Council's Constitution

Report of the Assistant Director of Governance and Monitoring Officer

Classification	This report is public
Report By	Jim Fieldsend Assistant Director of Governance and Monitoring Officer 01246 242472 Jim.fieldsend@bolsover.gov.uk
Contact Officer	Amy Bryan Governance and Civic Manager Amy.bryan@bolsover.gov.uk 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	Once final draft version produced
Junior Executive Member	Monitoring Officer	June 2023
Access to Information	Monitoring Officer	June 2023
Scrutiny Procedure Rules	Scrutiny & Elections Officer	June 2023
Executive/Scrutiny Protocol	Scrutiny & Elections Officer	June 2023
Councillor Call for Action	Scrutiny & Elections Officer	June 2023
Members Roles and Responsibilities	Scrutiny & Elections Officer/Governance and Civic Manager	June 2023
Virement	Monitoring Officer	June 2023

Junior Executive Members

- 2.2 The Leader of the Council has proposed the introduction of the role of Junior Executive Member. The purpose of this change is to provide each of the Executive Members with an assistant who will help in delivering the work within their portfolios. There are five Executive Members in addition to the Leader and Deputy Leader and therefore five Junior Executive Members. In addition it will provide the Junior Members with valuable experience of the work of the Executive which will potentially assist with succession planning. This role is not unique, and many local authorities already provide a position where Members provide support to Executive Members. It should also be noted that the Junior Executive Members will not actually form part of the Executive and will not have any executive decision making powers. It is also proposed that they will retain a position on one of the Scrutiny Committees however will not be part of scrutiny involving the portfolio which they are assisting.
- 2.3 Article 7 of Part 2 of the Constitution which set out detail of the Executive will need to be amended to include details of the Junior Executive Members A revised version of the Article 7 is attached at Appendix 1.
- 2.4 Access to Information Rules
- 2.5 The Access to Information Rules within the Constitution set out how the public can attend Council meetings, committees and the Executive and how they can access agendas, reports and minutes of those meetings. Generally the public have the right to attend meetings and see background papers, however there are occasions when the public can be excluded from meetings and this is also set out in the Rules.
- 2.6 Most local authorities' constitutions are based on a model form of constitution including a model form of the Access to Information Rules. These follow the rules as set out in section 100A-H and Schedule 12A of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information)(England) Regulations 2012. Bolsover's Rules generally are in line with the model form however there are a number of omissions and points of clarification that need to be addressed. Following a

review of Rules in comparison to other local authorities rules a number of changes are suggested.

- 2.7 Of specific note are the changes to the wording of Rule 4.2.12. Under the current wording the responsibility for deciding whether a report should be exempt sits with the report writer in consultation with the Monitoring Officer. This is inconsistent with all other constitutions looked at as part of this review who places the responsibility with a senior officer such as Monitoring Officer, Chief Executive Officer. It is also inconsistent with the Officer Delegation scheme which has designated the Monitoring Officer as the Proper Officer for determining such matters.
- 2.8 A revised version of the Access to Information Rules is attached at Appendix 2.

Scrutiny Procedure Rules

- 2.9 Following the separation of the Audit and Scrutiny functions, officers have taken the opportunity to complete a full review of the Scrutiny Procedure Rules to ensure all elements that would be included in the model form of constitution were present. The review highlighted that some sections of the Rules required amendment to ensure the constitution fully reflected revisions to legislation and local operating procedures. A combination of clerical amends and legislation updates have been completed. As a result of this there is also the addition of the Executive/Scrutiny Protocol, and the revision and incorporation of the Councillor Call for Action procedure discussed subsequently.
- 2.10 A revised version of the Scrutiny Procedure Rules is attached at Appendix 3.

Councillor Call for Action (CCfA)

- 2.11 As part of the current review of the Scrutiny elements of the Constitution, officers found that reference to our CcfA procedure had been omitted, which is inconsistent with other constitutions assessed as part of the review. It has been noted that the original CcfA procedure adopted in 2009 has not been incorporated into Part 4.5 of the Constitution as previously approved. Furthermore, due to legislation amendments as a result of the Localism Act 2011, the original CCfA required minor amendments. The new section added at 4.5.20 rectifies this and updates Part 4.5 as originally intended.
- 2.12 A revised Councillor Call for Action is now included within Appendix 3 attached.

Executive/Scrutiny Protocol

- 2.13 Within the revised *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities* released in May 2019 at paragraph 11(d) and Annex 1, guidance is given on the creation of an Executive/Scrutiny Protocol. The creation of such a Protocol has been discussed previously with Scrutiny Chairs and Executive but due to the impact of the pandemic and other project demands this has not been implemented to date. As part of the current wider review of the sections related to the Council's Scrutiny functions within the Constitution, the Protocol attached at Appendix 3 seeks to meet this element of the guidance. The aim of the Protocol is to outline practical expectations of the relationship

between Scrutiny Members and the Executive. The Protocol formalises our existing working arrangements and provides additional clarity on the working relationship that isn't covered by the standard Scrutiny Procedure Rules at Part 4.5.

- 2.14 A proposed Executive/Scrutiny Protocol for insertion into the constitution at 4.5.21 within Part 4.5 is attached at Appendix 4.

Members Roles and Responsibilities

- 2.15 As part of the current review of the Scrutiny elements of the Constitution, officers noted that there was no clarification of the role of a Scrutiny Member. This detail has also been requested by Councillors prior to the election in May to enable them to clarify role expectations and responsibilities for incoming Councillors. The amendments to Part 5.6 aim to ensure that all possible roles and responsibilities are now addressed.
- 2.16 In addition the roles and responsibilities of the Vice-Chair of the Council has been added for clarity purposes
- 2.17 A revised Members Roles and Responsibilities section showing the addition of the role of Scrutiny Member and Vice-Chair of the Council is attached at Appendix 5. This also shows the proposed roles and responsibilities of the Junior Executive Member as referred to above

Virement

- 2.18 Virement is where excess money from one budget area is transferred to another budget where there is a shortfall. This is dealt with in part 4.3 of the Constitution (Budget and Policy Framework Rules) and part 4.7.2(7) (Financial Regulations). There is a slight discrepancy between the two parts in relation to who can authorise a virement, part 4.3 says it is Executive and budget holders and part 4.7.2(7) says it is "Strategic Alliance Management Team (SAMT) and Heads of Service". It is the intention that senior officers are able to authorise virements however the terms "SAMT" and "Heads of Service" and need to be replaced with the "Members of Senior Leadership Team" or "SLT". Attached at Appendix 6 are the proposed changes to the Part 4.3. and Part 4.7.2 to reflect the need to align the two sections.

3. Reasons for Recommendation

- 3.1 To ensure the Council has in place a fit for purpose Constitution which complies with the law.

4 Alternative Options and Reasons for Rejection

- 4.1 Members may consider alternative options to any proposals put forward, where legally permitted.

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.

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: Yes No

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

District Wards Significantly Affected	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/></p>	<p>Details: Relevant officers are consulted at various stages of the Constitution Review</p>

Links to Council Ambition: Customers, Economy and Environment.

DOCUMENT INFORMATION

Appendix No	Title
1	Revised Article 7
2	Revised Part 4.2 Access to Information Rules
3	Revised Part 4.5 Scrutiny Procedure Rules
4	Proposed Executive/Scrutiny Protocol
5	Revised Part 5.6 Members Roles and Responsibilities
6	Revised changes to the Virement rules

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

APPENDIX 1

Article 7 - The Executive

7.1 The Role of the Executive

The Executive will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law, or under this Constitution.

7.2 Form and Composition

The Executive will consist of the Leader together with the Deputy Leader and a maximum of 8 other Councillors appointed to the Executive by the Leader.

7.3 The Leader

The Leader will be a councillor elected to the position of Leader by the Council at the Annual Council Meeting for either an annual or four year term following the ordinary elections until:-

- (1) he/she resigns from the office; or
- (2) he/she is no longer a Councillor; or
- (3) he/she is removed from office by resolution of the Council.

7.4 The Deputy Leader

The Deputy Leader will be a councillor appointed to the position of Deputy Leader by the Leader. The Deputy Leader will be appointed to the position until:

- (1) he/she resigns from office; or
- (2) he/she is no longer a Councillor; or
- (3) he/she is removed from office by the Leader if he/she thinks fit;
- (4) the next ordinary elections.

7.5 Other Executive Members

Other Executive members shall hold office until:-

- (1) they resign from office; or
- (2) they are no longer Councillors; or
- (3) they are removed from office, either individually or collectively.

[7.6 Junior Executive Members](#)

Non-Executive Members may be appointed as Junior Executive Members to assist the Executive Members. Junior Executive Members may not exercise any of the powers of the Executive Members.

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7.76 Proceedings of the Executive

(1) Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

(2) From time to time the Executive will meet informally in accordance with the rules in this Constitution. These meetings are called "Cabinet" meetings.

7.87 Responsibility and Functions

The Council will maintain a list in Part 3 of this Constitution setting out whether the Executive, individual Executive members, officers or joint arrangements are responsible for the exercise of particular executive functions.

Part 4.2 Access to Information Rules
Last Updated [April 2023](#)~~May 2024~~

4.2	ACCESS TO INFORMATION RULES
4.2.1	<u>Principles</u>
	<p>The access to information rules which apply to Council meetings and committees of the Council are set out in sections 100A - H and schedule 12A to the Local Government Act 1972.</p> <p>Slightly different access to information rules apply to the Executive, as set out in the Local Authorities (Executive Arrangements) (Meetings and Access To Information) (England) Regulations 2012.</p>
4.2.2	<u>Scope</u>
(1)	<u>Executive Arrangements;</u>
	Rules 4.2.2 to 4.2.12 apply to all meetings of the Council, Scrutiny Committees, the Standards Committee and regulatory committees and meetings of the Executive (together called meetings).
4.2.3	<u>Additional Rights to Information</u>
	These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law.
4.2.4	<u>Rights to Attend Meetings</u>
	Members of the public may attend all meetings subject only to the exceptions in these rules.
4.2.5	<u>Notice of Meeting</u>
	The Council will give at least 5 clear days' notice of any meeting by posting details of the meeting at The Arc, Clowne.
4.2.6	<u>Access to Agenda and Reports Before the Meeting</u>
(1)	The Council will make copies of agenda and reports, which are open to the public, available for inspection at the above address at least 5 clear days before the meeting.
(2)	If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added to the agenda.

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(3)	Where reports are prepared after the summons has been sent out, the Monitoring Officer shall make each such report available to the public as soon as the report is completed and sent to Councillors.
4.2.7	<u>Supply of Copies</u>
	The Council will supply copies of:-
(i)	any agenda and reports which are open to public inspection
(ii)	any further statements or particulars necessary to indicate the nature of the items in the agenda; and
(iii)	if the Monitoring Officer thinks fit, copies of any other documents supplied to Councillors in connection with an item
(iv)	to any person on payment of a charge for postage and any other costs.
4.2.8	<u>Access to Minutes eEtc, After the Meeting</u>
	The Council will make available copies of the following for 6 years after a meeting:-
(i)	the minutes of the meeting or records of decisions taken, together with reasons for all, avoiding the disclosure of exempt or confidential information;
(ii)	a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
(iii)	the agenda for the meeting; and,
(iv)	reports relating to items when the meeting was open to the public.
4.2.9	<u>Background Papers</u>
(1)	<u>List of Background Papers:</u>
	The officer with primary responsibility for preparing a report and requesting its inclusion on the agenda, will set out in such report a list of those documents (called background papers) relating to the subject matter of the report, which in the officer's opinion:
(i)	disclose any facts or matters on which the report or an important part of the report is based; and

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	(ii) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).
(2)	<u>Public Inspection of Background Papers;</u>
	The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.
4.2.10	<u>Summary of Public's Rights</u>
	These Rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents.
4.2.11	<u>Exclusion of Access by the Public to Meetings</u>
(1)	<u>Confidential Information – Requirement to Exclude public;</u>
	The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.
(2)	<u>Exempt Information – Discretion to Exclude Public;</u>
	The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed. <u>Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the European Convention of Human Rights establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in the Article 6.</u>
(3)	<u>Meaning of Confidential Information;</u>
	Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.
(4)	<u>Meaning of Exempt Information;</u>
	Exempt information means information falling within the following 7 categories (subject to any condition) <u>if and so long as, in all the</u>

	<u>circumstances of the case, the public interest in maintaining the exemption outweighs the public interest test in disclosing the information:</u>
	Schedule 12A Access to information : Exempt Information
	Part 1 Descriptions of Exempt Information : England
	1. Information relating to any individual.
	2. Information which is likely to reveal the identity of an individual.
	3. Information relating to the financial or business affairs of any particular person (including the authority holding the information).
	4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
	5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
	6. Information which reveals that the authority proposes –
	a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
	b) to make an order or direction under any enactment.
	7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime. In all the above cases information is exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Information falling within any of the paragraphs 1 to 7 is not exempt by virtue of that paragraph if it relates to proposed developments for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations.

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Schedule 12A	
Access to information : Exempt Information	
	Part 1
	Descriptions of Exempt Information : England
1.	Information relating to any individual.
2.	Information which is likely to reveal the identity of an individual.
3.	Information relating to the financial or business affairs of any particular person (including the authority holding the information).
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6.	Information which reveals that the authority proposes—
	a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
	b) To make an order or direction under any enactment.
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
	<u>In all the above cases information is exempt if and so long as in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</u>
	<u>Information falling within any of the paragraphs 1 to 7 is not exempt by virtue of that paragraph if it relates to proposed developments for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations</u>

4.2.12	<u>Exclusion of Access by the Public to Reports</u>
	<p>If the officer with primary responsibility for preparing the report and arranging for its inclusion on the agenda thinks fit, after consultation with the and Monitoring Officer, the Council may exclude access by the public to reports which in that officer's opinion relate to items during which, in accordance with Rule 4.0, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.</p> <p><u>If the Monitoring Officer thinks fit the Council may exclude access by the public to reports which in his/her opinion relate to items during which in accordance with Rule 4.2.11(4), the meeting is likely not to be open to the public. Such reports will be marked 'not for publication' together with the category of information likely to be disclosed.</u></p>
4.2.13	<u>Application of Rules to the Executive</u>
	<p>Rules 4.2.13 to 4.2.23 apply to the Executive. Where documents are required to be published for inspection under these Rules, that publication must be both at the Council's offices and on the Council's website.</p>
4.2.14	<u>Procedures Prior to Consideration of Confidential or Exempt Items</u>
(1)	<p>At least 28 days before a meeting of the Executive, the Council will publish a notice setting out those items to be considered in private and the reasons why they will be considered in private.</p>
(2)	<p>Five days before a meeting of the Executive, the Council will publish a further notice stating the items that will be considered in private, the reasons for considering them in private, any representations received about why the item should be considered in public and the Council's response to those representations.</p>
(3)	<p>Where it is not possible to provide 28 days' notice of an item to be considered in private, the Executive may only consider that item in private if they have received written consent from the Chairman of the relevant Scrutiny Committee stating that the item is urgent and cannot be reasonably deferred. Where there is no such person, or if the Chairman is unable to act, then the Chairman of the Council may provide permission or, in his absence, the Vice Chairman.</p>
(4)	<p>As soon as reasonably practicable after the Council has obtained agreement under paragraph 4.2.14(3) above they will publish a notice setting out why the item was urgent and could not be reasonably deferred.</p>

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4.2.15	<u>Key Decisions</u>
	In these Rules, a “key decision” means an Executive decision, which is likely:-
	(a) 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;
	(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.
	In determining the meaning of “significant” for the purposes of (a) above, the Council must have regard to any guidance for the time being issued by the Secretary of State in accordance with Section 9Q of the 2000 Act (guidance). 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.
4.2.16	<u>Publicity in Connection with Key Decisions</u>
(1)	Key Decisions to be taken at the forthcoming meeting of the Executive will be set out in the Council’s List of Key Decisions published 28 days in advance of the meeting.
(2)	Where, in relation to any matter:-
	(a) the public may be excluded from the meeting at which the matter is to be discussed; or
	(b) documents relating to the decision need not be disclosed to the public because they contain confidential or exempt information; the List of Key Decisions will contain particulars of the matter but may not contain any confidential or exempt information.
4.2.17	<u>General Exception</u>
(1)	If a matter which is likely to be a Key Decision has not been included in the List of Key Decisions then subject to paragraph 4.2.18 the decision may still be taken:-
	(a) where the Monitoring Officer has informed the Chair of the relevant Scrutiny Committee or, if there is no such person,

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	each Member of the Scrutiny Committee by notice in writing, of the matter about which the decision is to be made;
	(b) where the Monitoring Officer has made available at the offices of the Council for inspection by the public and published on the Council's website a copy of the notice given pursuant to sub-paragraph (a); and;
	(c) after 5 clear days have elapsed following the day on which the Monitoring Officer made available the notice referred to in sub-paragraph (b).
(2)	As soon as reasonably practicable after the Monitoring Officer has complied with paragraph 4.2.17(1), he /she must publish a notice setting out the reasons why compliance with paragraph 4.2.16 7 (1) was impracticable.
4.2.18	<u>Cases of Special Urgency</u>
(1)	If by virtue of the date by which a decision must be taken paragraph 4.2.17 (General Exception) cannot be followed, then the decision can only be taken if the Monitoring Officer obtains the consent of the relevant Chair of Scrutiny Committee, that the taking of the decision cannot be reasonably deferred. If there is no relevant Chair of the Scrutiny Committee, or if the Chair of the Scrutiny Committee is unable to act, then the agreement of the Chair man of the Council, or in his/her absence the Vice-Chair man will suffice.
(2)	As soon as reasonable practicable after the Monitoring Officer has obtained agreement under paragraph 4.2.18(1) that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must publish a notice setting out the reasons that the meeting is urgent and cannot reasonably be deferred.
4.2.19	<u>Recording of Executive Decisions</u>
	After any meeting of the Executive or any of its Committees, whether held in public or private, the Monitoring Officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision, any alternative options considered and rejected as well as any conflicts of interest and dispensations noted.
4.2.20	<u>Recording of Executive Decisions Made by Individuals</u>

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(1)	An Executive Decision is defined as a decision in connection with the discharge of an Executive function, which will, or is likely to incur expenditure or savings in excess of £75,000 or generate revenue return/income in excess of £150,000 as a specific consequence of that decision.
(2)	An Executive decision made by a Member or officer which is a Key Decision will be recorded using the Council's delegated decision form available from the Governance and Civic Team.
(3)	Each decision will contain details of the decision, including the date it was made, reasons for the decision, any alternative options considered and rejected, any conflicts of interest recorded and dispensations noted.
4.2.21	<u>Additional Rights of Access to Documents for Members of Local Authorities</u>
(1)	All Members are entitled to inspect any document, (except those available only in draft form), which is in the possession of or under the control of the Executive and contains material relating to any business previously transacted at an Executive meeting unless it contains exempt information under categories 1, 2, 4, 5 and 7 of Schedule 12A to the Local Government Act 1972.
(2)	The rights conferred by this section are in addition to any other rights that a Member of the Council may have.
4.2.22	<u>Additional Rights of Access to Documents for Members of Overview and Scrutiny Committees</u>
(1)	Subject to Rule 4.2.22(3), a Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to any business transacted at a meeting of the Executive or an Executive decision taken under delegated powers.
(2)	<u>Where a member of an overview and scrutiny committee requests a document which falls within paragraph 4.2.22(1), the Executive must provide that document as soon as reasonably practicable and in any case no later than 10 clear days after the executive receives the request.</u>
	(3) Scrutiny Committee is not entitled to;
(3)	<u>Scrutiny Committees are not entitled to;</u>
(a)	Any document in draft form
(b)	Any part of a document that contains exempt or confidential information, unless that information is relevant to an action

		or decision the Scrutiny Committee is reviewing or scrutinising or intends to scrutinise.
	(4)	Where the Executive determines that a member of a scrutiny committee is not entitled to a copy of a document or part of any such document for a reason set out in Rules (1) or (3), it must provide the overview and scrutiny committee with a written statement setting out its reasons for that decision.
4.2.23		Reports to The Local Authority Council Where the Key Decision Procedure is Not Followed
	(1)	If a decision has been made by the Executive and it was not treated as a Key Decision but a Scrutiny Committee feels that it should have been then that Scrutiny Committee may require the Executive to submit a report to Council within a period specified by the Scrutiny Committee.
	(2)	If Executive is of the view that the decision was not a Key Decision then they must provide their reasons for that opinion.
4.2.24		Reports to Council on Special Urgency
		The Leader will submit an annual report to Council containing details of each Executive decision taken under the Special Urgency procedure during the period since the last report.

~~4.2.25~~ ~~[Reports to Council on Special Urgency](#)~~

~~The Leader will submit an annual reports to Council containing details of each Executive decision taken under the Special Urgency procedure during the period since the last report.~~

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, [as set out in Part 2, Article 6 of this Constitution](#). The four Scrutiny Committees will be the;
 - Finance and Corporate Overview Scrutiny Committee
 - Customer Services 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.

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.

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

4.5.8 Agenda Items

- (1) Any Member of the relevant Scrutiny Committee or Sub-Committee shall be entitled to give notice to the Governance & Civic Manager of an item relevant to the functions of the Committee or Sub-Committee to be included on the agenda for the next available meeting of the Committee or Sub-Committee. On receipt of such a request, the Governance & Civic Manager will notify the Scrutiny and Elections Officer who will ensure, in consultation with the relevant Scrutiny Chair, that it is included on the next available agenda.
- (2) Any Member of the Council who is not a member of the relevant Scrutiny Committee or Sub-Committee may give written notice to

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the Governance & Civic Manager that he/she wishes to refer to that Committee or Sub-Committee any matter relevant to the Committees functions which is not an excluded matter. If the Governance & Civic Manager receives such a notification, then he/she will include the item on the first available agenda of the relevant Scrutiny Committee for consideration by the Committee. The Member concerned shall be entitled to address the Committee.

- (3) The definition of an excluded matter in 4.5.8(2) of these Rules is as follows:
- (a) a local crime and disorder matter which may be referred to the relevant Scrutiny Committee under the provision of 4.5.8(5) of these Rules;
 - (b) any matter relating to a planning or licensing decision;
 - (c) any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment;
 - (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda or discussion at a meeting of an Overview and Scrutiny Committee or Sub Committee.

A matter will not be defined as an excluded matter under paragraphs a) to c) above if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

- ~~(42)~~ 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/strategies will be considered by the relevant Scrutiny Committee before submission to the Executive.
- (35) Any Member of the Council who is not a member of the relevant Scrutiny Committee has the right to refer a crime and disorder

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matter affecting his or her ward to the relevant Scrutiny Committee. The power to do this is known as raising a Councillor Call for Action (CCfA) but must be exercised in accordance with the guidance and procedures set out in ~~Part~~ paragraph 4.5.201 of the Scrutiny Procedure Rules. Any Councillor who is already a member of the relevant Scrutiny Committee and who wishes to refer a crime and disorder matter to the Committee may do so under paragraph 4.5.8(1) but must have regard to the guidance in Part 4.5.1 if the matter being raised is a CCfA.

~~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.~~

- (6) If the relevant Scrutiny Committee decide not to review or scrutinise a matter or not to make a report or recommendations to the Council or Executive (as appropriate) following the referral of a crime and disorder matter to the Committee in accordance with paragraph 4.5.8(5) of these Rules the Committee must notify the Councillor who made the referral of its decision and the reasons for its decision.

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 and Recommendations from the Scrutiny Committees and consideration by Executive/Council

- (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) If the Scrutiny Committee cannot agree on one single final report to Executive, or Council as appropriate, then up to one minority report may be prepared and submitted for consideration by Executive or Council with the majority report.

- (23) Where proposals are presented to the Executive, it 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) 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.

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.

- (5) The Executive, or Council (if appropriate), shall consider the report of the relevant Scrutiny Committee and respond to their next available meeting, or within a maximum of two months of receiving it.

4.5.4 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.~~

- (6) For crime and disorder matters (including crime and disorder CCfAs) the Council or Executive (as appropriate) and any of the other responsible authorities or co-operating bodies to whom the report or recommendations have been sent must respond in writing and within 28 days from the date of the report or recommendations, or if this is not reasonably possible, as soon as reasonably possible thereafter. The Scrutiny Committee must provide the Councillor who made the referral of the crime and disorder matter in accordance with paragraph 4.5.8(5) of these Rules a copy of any report or recommendations made to the Council or Executive (as appropriate) after consideration of that referral by the Scrutiny Committee. If the Scrutiny Committee has published its report then the Executive will publish its response.

- (72) 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.

4.5.11 Rights of Scrutiny Committee Members to Documents

- (1) In addition to their rights as Councillors, Members of Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution. Members will also be informed of the Council's Key Decisions.
- (2) Nothing in paragraph 4.5.12(1) prevents more detailed liaison between the Executive and Scrutiny Committees as appropriate depending on the particular matter under consideration.

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 member of the Senior Leadership Team Director, or Head of Service and/or the relevant Service Manager, 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

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- (1) 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.
- (2) The Scrutiny Committee designated as a Crime and Disorder Committee under Section 19 of the Police and Justice Act 2006 may require the attendance before it of an officer or employee of a responsible authority or of a co-operating person or body in order to answer questions. (These are the authorities responsible for the crime and disorder strategy in relation to the local authority area as set out in Section 5 of the Crime and Disorder Act 1998).

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 Decision¹ 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 & Civic Manager requesting to call-in the decision.

¹ 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.

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- (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 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 & Civic 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.

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- (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 & Civic Manager will then call a meeting of the relevant Scrutiny Committee.
- (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.
- (13) 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.
- (14) 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.
- (15) 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.

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- (16) 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.
- (17) 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.
- (18) 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.

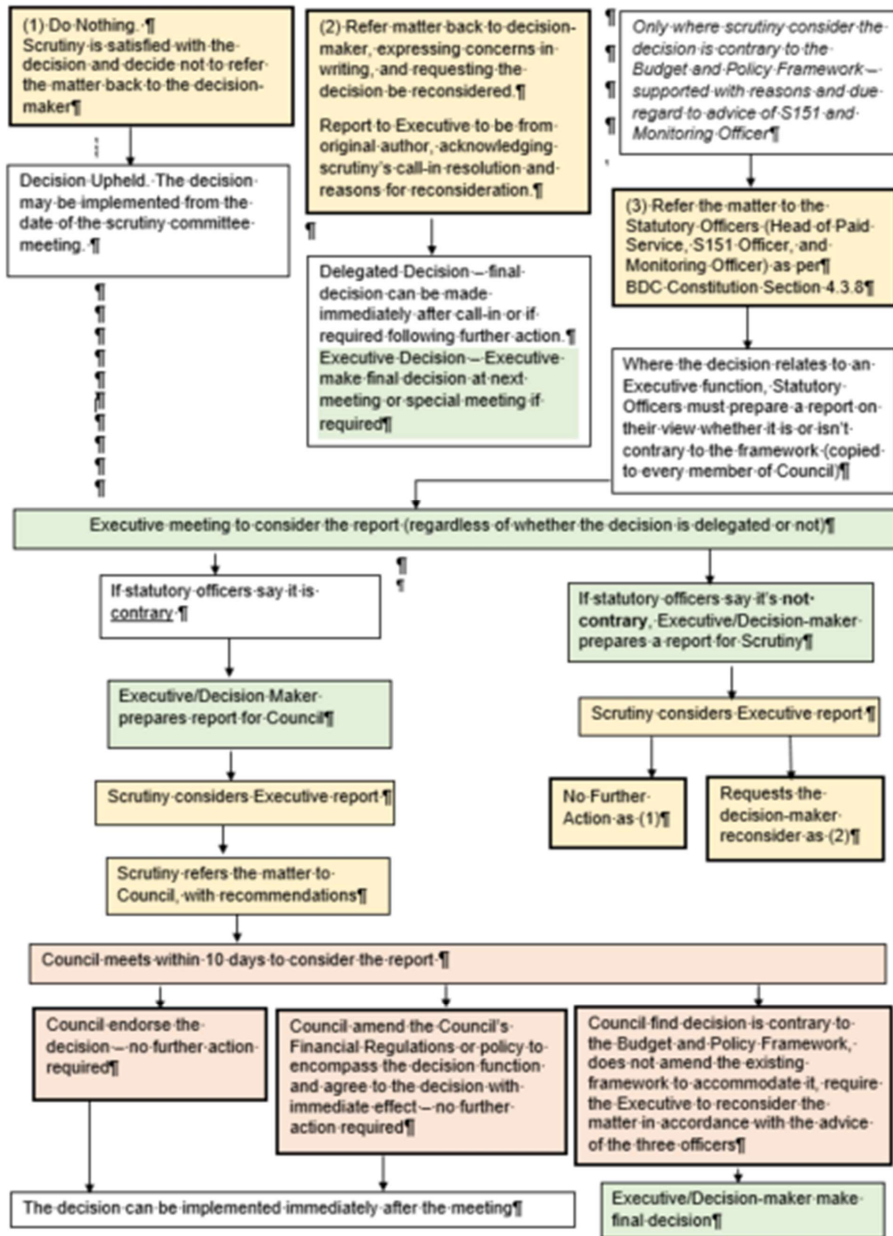
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Call-In Procedure Flowchart

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

Commented [JW1]: This has been updated to reflect the changes approved in February 2023.

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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 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

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 [Scrutiny 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, [subject to the Access to Information Rules set out in Part 4.2 of this Constitution](#).

4.5.18 Procedure for handling petitions at Scrutiny Committees

- (1) [Scrutiny Committees have an important role in relation to petitions submitted to the Council. Petitions must be handled in accordance with the Council's petition scheme as set out in Part 7 of this constitution.](#)

4.5.19 Matters within the Remit of more than one Scrutiny Committee

Where a Scrutiny Committee or Sub-Committee conducts a review or scrutinises a matter which also falls (whether in whole or in part) within the remit of another Scrutiny Committee or Sub-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.

COUNCILLOR CALL FOR ACTION – GUIDANCE

4.5.20 Councillor Call for Action (CCfA)

(1) What is Councillor Call for Action (CCfA)?

The Councillor Call for Action (CCfA) is a mechanism through which Councillors can raise issues relating to a local crime and disorder issue within the ward they represent. These issues are ones of significant community concern and where the usual channels for resolving such issues have been exhausted or have proved unsuccessful at resolving the issue. The CCfA is an act of last resort.

It is important to recognise that CCfA is not guaranteed to solve a given issue. CCfA provides a method for discussing such issues and, through discussion, trying to overcome them.

The CCfA should no longer be used for local government matters unless there are concerns of systematic failure.

(2) What does CCfA cover?

CCfA covers local crime and disorder matters of significant community concern. These could be issues identified directly by the Councillor or issues raised by the local residents with the Councillor.

Definition of a local crime and disorder matter

Local crime and disorder matter: A local crime and disorder matter, in relation to a member of a local Authority, has been defined to mean a matter concerning:

- i. crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- ii. the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.

Other matters (not crime and disorder)

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Due to legislation changes there are now fewer restrictions on how Councillors can raise other matters. Under the rules in the Constitution within Part 4.5.8, any Scrutiny Member may request an item be placed on Scrutiny Committee relating to the Committee's functions, provided it is not an excluded matter (see section 3 of this guidance).

For help with individual CCfAs as to whether they are covered, Members can ask Governance & Civic team or Legal Services or the Solicitor to the Council.

(3) What issues are excluded from referral as a CCfA?

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012 excludes the following matters from referral as a CCfA:

- (i) any matter relating to a planning decision;
- (ii) any matter relating to a licensing decision;
- (iii) any matter relating to a person in respect of which that person has a right of recourse to a review or right of appeal conferred by or under any enactment; unless the allegation is that a function for which the Authority is responsible has not been discharged at all or that its discharge has failed or is failing on a systemic basis;
- (iv) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of an overview and scrutiny committee or any of its sub-committees.

A matter will not be defined as an excluded matter under paragraphs i) to iv) above if it consists of an allegation that a function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

(4) Who can raise a CCfA?

Any Member of the Council including an Executive Member may raise a CCfA. This is a Council wide process and excludes no Member.

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A Councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for Councillors in multi-member wards to agree – any of them can refer a matter.

It is up to Councillors using this guidance to decide:

- which issues to take forward as CCfAs and champion;
- when an issue should be referred to the relevant Scrutiny Committee; and
- when to reject an issue.

It is a matter of judgement for a Councillor to decide which local crime and disorder matters to champion and each local Councillor will be accountable to the local community for these judgements.

(5) What must the Member do before the CCfA can be used?

Prior to a Councillor referring a matter as a CCfA to the relevant scrutiny committee, a Councillor must have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at Ward level. Councillors should:

- For local crime and disorder matters, raise the issue through the Community Safety Partnership to find a way to resolve the issue.
- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve it, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions or communication with local MPs.
- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with officers and/or members.
- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints procedure.

A Councillor must exhaust other possible methods of resolution.

Other possible means of resolution and/or raising the matter include but are not limited to:-

- Using Scrutiny Committee Call-In where it has not been used on the same issue before, and Executive has made a decision relevant to the issue
- Requesting the item be placed on the Scrutiny Committee work plan
- Raising the matter at Executive

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- A Council Motion
- Raising the matter with the local MP
- Formal letters written on behalf of constituents
- Raising the matter with a fellow Councillor in another authority e.g. a County Councillor
- Raising the matter with the relevant member of Senior Leadership Team
- Raising the matter with the CEO
- Raising the matter with the Leader
- A Petition could be submitted to the relevant organisation
- Raising the issue directly with the organisation responsible
- Holding a public Meeting

Reject if it is any of the following:

- An individual complaint (unless it is a series of individual complaints demonstrating "systematic failure" in a particular area)
- Vexatious, discriminatory or not reasonable (see notes at end).
- It is being used as a "second bite of the cherry" e.g. where a previous call-in has failed, or a petition has already been considered.

Accept if it is:

- A crime and disorder issue of genuine local concern; and
- All other avenues for resolution have been followed, and
- This now seems to be the most appropriate way to deal with it.

The CCfA Request Form also contains a checklist of queries to consider prior to submission of a CCfA, and alternative courses of action.

(6) What is resolution of the matter?

Councillors will be using CCfA to try to resolve matters that appear to be going nowhere and where all other avenues for resolution have been exhausted. The CCfA will only offer a possible resolution in circumstances where other actions have failed to resolve a matter. Resolution of a matter may not mean the same to all. In this context its meaning is dependent on the outcome you are seeking. You will need to explain what outcome you want when

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you put forward the matter as a potential CCfA. However there may be barriers to the resolution you want - for example the absence of funding.

Possible forms of resolution according to the guidance include the following, though the actual form of resolution will depend on the nature of the CCfA:-

- A response has been received from either Executive or Council as appropriate
- You are satisfied with the outcome as set against your original objective
- The constituent who raised the matter is satisfied
- The Scrutiny Committee is satisfied with the outcome
- The matter is to be put forward on the list of future reviews for the next municipal year.

(7) Notifying Governance & Civic Team that you wish to make a Councillor Call for Action.

You can either ring or call in person or complete the Request Form yourself. If you ring or call personally a member of Governance & Civic Team will help you complete the form and explain the exclusions. However if you wish to complete the form yourself you can still ask questions on the details.

Although you are being asked to complete this form (on your own or with officer help) the idea of CCfA is to be as unbureaucratic as possible. However the Council is under a legal duty to consider a properly made CCfA so the CCfA needs recording accurately and entering promptly into the meetings system.

A Member raising a CCfA can present this to Scrutiny Committee verbally or he/she can write a report and present that.

(8) What will happen to the CCfA?

Provided the CCfA meets the criteria it will be submitted to the next available relevant Scrutiny Committee. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

It will be for the member raising the CCfA to gather any information required for submission to the Scrutiny Committee. A failure to do so may result in Scrutiny Committee not being able to consider the matter at the designated meeting. Any reports prepared by the Councillor would be circulated along with the agenda and other

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reports for the meeting. This information will need to take account of the disclosures of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and the Council's Access to Information Rules.

(8) Procedure at Scrutiny Committee Meetings

The Chair will provide a short introduction to the issues and then invite the Councillor who has raised the CCfA to briefly outline the reasons behind the CCfA, the action taken and responses taken to date and the outcomes sought.

The Chair will then open the discussion and invite other Scrutiny Committee members to ask questions to help clarify the issues and outcomes sought and the appropriate outcome.

The relevant Portfolio Holder, senior officers and/or (where appropriate) representatives from partner organisations will be invited to attend and provide information, respond to questions and assist the Committee to arrive at the appropriate outcome.

Executive Members of partner organisations and/or their officers are not under any obligation to attend Scrutiny meetings - but again in the spirit of closer partnership working we hope they will agree to attend and help resolve CCfAs if requested.

CCfA can be a useful tool for partners. It can involve them in working more closely with local Councillors and by extension, with local communities. Local Councillors can in turn provide valuable advice to partners on local concerns and issues and can act as a vital conduit for information and discussion.

The Chair will sum up the outcome of the debate.

The Committee may resolve the issue at that meeting, or set up a scrutiny review to explore the issue in detail. The Committee may agree a report and any recommendations it wishes to make on the matter and refer these to the Executive. Partners under a duty to respond have two months to do so.

(9) Potential Outcomes

Following a formal hearing, there are a number of potential outcomes from the Committee meeting:

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- Where a Committee decides not to take any further action in respect of a Crime and Disorder CCfA (such as to carry out a review of the matter) it will inform the Member who referred the matter, in writing, of its decision and its reasons for that decision.
- The Committee could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue.
- Should a CCfA hearing result in a report or recommendations to the Executive or Council being made, a response to the recommendations, setting out any action it intends to take, if any, will be given within two months of the report or recommendations being notified to the Executive or Council.
- Should a CCfA hearing result in a report or recommendations to a partner organisation, such organisations will also be requested to make a response to the report or recommendations. Partners have a duty to provide information to Scrutiny Committees when requested and to consider and respond to Scrutiny Committee reports and recommendations, setting out what action they will take in response, or their reasons for taking no action, within two months of receiving the report.

Once the Committee has completed its work on the CCfA referral, the Member who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website (unless there are reasons why the committee treats the matter as a confidential item or an exempted item and as a result the report is not made public).

As per the case with scrutiny review recommendations, there would be a minimum 12 month monitoring period for any recommendations made.

(10) Explanatory Notes

Definition of a Complaint

For the purpose of the Council's procedure the Council accepts the Local Government Ombudsman's definition.

"An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the action was

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taken or the service provided by the Council itself or a person or body acting on behalf of the Council.

Statutory Regulations state that any matter which "is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or at a meeting of a sub-committee of that committee is to be excluded".

Definitions of "vexatious" "persistent" "discriminatory" and "not reasonable"

Statutory regulations deal with matters that can be excluded from CCfA, stating that "any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee is to be excluded".

Vexatious/Persistent

Whether a request is vexatious is a flexible balancing exercise, Deciding taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid –it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some members may regard as vexatious, for political reasons, may actually be entirely reasonable.

CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the Councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the Councillor's requirements.

Discriminatory

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A modern interpretation of the word “discrimination” is provided at Section 13 of the Equality Act 2010, in relation to protected characteristics, as follows:

A person (A) discriminates against another (B) if because of a protected characteristic, A treats B less favourably than A treats or would treat others. Protected characteristics are defined in section 4 of that Act as: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret “not reasonable” as being the same as the legal word “unreasonable”. It is best to consider it as a qualifier to the word “vexatious”, as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

**COUNCILLOR CALL FOR ACTION – REQUEST
FORM**

Councillor's name:

Councillor's Parish or Ward:

Date:

Parish/ Ward/ Locality affected by Councillor Call for Action issue:

Description of Councillor Call for Action

Please outline the issue you wish to raise

Please set out the background to the issue and why you think it should be considered as a Councillor Call for Action.

Desired outcome or "resolution" of the issue.

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Please consider whether the following exclusions apply to the issue you wish to raise. Alternative contacts are given below where appropriate:-

Consideration	Exclusion	Action required
<u>Is the matter a Planning or Licensing matter?</u>	<u>Yes</u>	<u>The Councillor Call for Action does not apply to regulatory matters which have their own method of resolution.</u>
<u>Is the matter a complaint against a member of staff or related to an employee disciplinary or other HR matter</u>	<u>Yes</u>	<u>Refer to the HR & Payroll Manager to be picked up under the Council's Disciplinary or other relevant HR procedure.</u>
<u>Is the matter a complaint against another member?</u>	<u>Yes</u>	<u>Refer to the Solicitor to the Council to be dealt with by the Standards Committee under the Local Assessment of Complaints Procedure.</u>
<u>Is the matter vexatious?</u>	<u>Yes</u>	<u>The Councillor Call for Action excludes vexatious complaints. Refer to the Compliments, Comments and Complaints Procedure as it contains a definition of vexatious complaint used in considering customer complaints. This should be applied to CCfA. The Customer Services Manager or the Customer Standards & Complaints Officer can give further advice.</u>
<u>Is the matter discriminatory?</u>	<u>Yes</u>	<u>Refer to the definition in the Corporate Equality Scheme or ask the Information, Engagement & Performance Manager for further advice.</u>
<u>Is there another method of resolution?</u>	<u>Yes</u>	<u>Councillor Call for Action is a last recourse and should not be used in the first instance to try to resolve a matter. Other ways of dealing with issues are given in the Councillor Call for Action guidance.</u>
<u>Is this an individual service complaint/issue?</u>	<u>Yes</u>	<u>Unless this is a complaint of systemic failure the matter should be referred to the Customer Services Manager to be dealt with under the Compliments, Comments and Complaints system. The Councillor Call for Action is not for use with individual service complaints.</u> <u>Where there are multiple instances of failure indicating a systemic failure, then a CCfA could be considered for an excluded matter.</u>

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<u>Consideration</u>	<u>Exclusion</u>	<u>Action required</u>
<u>Is the matter the subject of a current call-in by Scrutiny Committee?</u>	<u>Yes</u>	<u>The Councillor Call for Action cannot be used where there is a Call-in on the same matter currently going through Scrutiny Committee.</u>
<u>Is the matter an Executive decision that could still be called-in through Scrutiny members' powers?</u>	<u>Yes</u>	<u>The matter should first face Scrutiny Committee Call-in and any other possible means of resolution before CCfA is considered.</u>
<u>Is the matter already included in the current scrutiny work plan?</u>	<u>Yes</u>	<u>Refer the matter to the Scrutiny and Elections Officer to include as part of the review already planned.</u>
<u>Is the matter a wider policy issue which could be addressed as part of the Scrutiny Committee's future work plan?</u>	<u>Yes</u>	<u>Refer the matter to the Scrutiny and Elections Officer to put on the list of matters to be considered by Scrutiny Committee for future reviews.</u>

The Councillor Call for Action is a last resort and should only be used where other action has failed. The Councillor Call for Action guidance gives a list of other actions which could be taken and advice can also be sought from relevant officers.

- Where else has this matter been considered or what other action has been taken to resolve this issue? (Give evidence of consultation/action by other Ward Councillors/officers.)
- Have other agencies been contacted? (For example has it been to Scrutiny Committee previously?)

Please list these below and provide details of the outcomes of these actions e.g. responses.

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If the Councillor has not exhausted other possible means of resolution, he/she should be referred to the examples of alternative means of resolution listed in the guidance. The matter cannot be dealt with as a Councillor Call for Action in these circumstances.

If the Councillor has exhausted all other possible means and has listed sufficient evidence that there is a crime and disorder issue of genuine local concern, then a CCfA would seem the most appropriate way to deal with it.

***This part of the form is to be completed by the Governance & Civic Team.**

Log Number of Councillor Call for Action: .CCfA _____ /20 _____

- Is the matter going to be dealt with as a CCfA ? Yes/No (if no state reason).

- If the matter is not excluded by one of the above exclusions, refer to the next possible meeting of the relevant Scrutiny Committee.

Date of Scrutiny Committee:
.....

Date that Governance & Civic Team informed to put on the agenda:
.....

Inform the Councillor, that he/she will need to either write a report or verbally present the item and any supporting evidence at the Scrutiny Committee. In either case, the agenda item will need to identify the nature of the Councillor Call for Action so discuss an agenda item title with the Councillor. If the member is to write a report, give details of the deadlines.

- Is a report to be written by the member or will the member present the report verbally to the meeting?

(delete as appropriate) **Written Report/Verbal Presentation**

- If the member is to write a report for inclusion with the meeting agenda, give details of the deadlines.

Date of deadline for written report:
.....

In any case where the Councillor disputes whether a matter can be treated as a CCfA, this should be referred to the Solicitor to the Council for determination. The Solicitor to the Council will consult the relevant Scrutiny Chair before reaching a decision.

Please note that this Councillor Call for Action request may be released under the Freedom of Information Act.

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EXECUTIVE/SCRUTINY PROTOCOL

4.5.21 Executive/Scrutiny Protocol

This protocol sets out an agreed way of working in respect of:-

- Attendance by Executive Members at Scrutiny Committees;
- Attendance by Executive Members at Informal Scrutiny Committees;
- Attendance by Officers at Scrutiny Committees;
- Attendance by Scrutiny Members at Executive;
- Referral of items by Executive (or Council) to Scrutiny for inclusion in the Work Programme;
- Development of the Scrutiny Work Programme
- Policy Review and Development;
- The submission of Scrutiny reports to the Cabinet (and Council);
- Responding to Scrutiny recommendations;
- Compliance with the Protocol

(1) Attendance by Executive Members at Scrutiny Committees

Members of the Council and Executive may attend meetings of a Scrutiny Committee to observe proceedings.

Executive Members may speak at Scrutiny Committee meetings at the invitation of the Chair.

Attendance by Executive Members at Scrutiny Committees is expected wherever an agenda item relates to their Portfolio. This may be a Policy/Strategy report; performance update or in relation to a review undertaken. Where possible the Executive Member should take an active part in presenting the report, supported by officers.

Executive Members will be informed at an early stage about Scrutiny reviews and agenda items that are wholly or partly within the remit of their Portfolio.

When attendance is required sufficient written notice (includes email) will be given and the purpose of the attendance explained. This will include circulation of agenda papers and official meeting appointments in advance of the meeting.

(2) Attendance by Executive Members at Informal Scrutiny Committees

Attendance by Executive Members at review working groups/Informal Committee is to inform debate, clarify matters and

contribute to a specific topic rather than to be held to account in respect of matters relating to the Portfolio Holder's responsibilities.

When attendance is required sufficient written notice (includes email) will be given and the purpose of the attendance explained. This will include circulation of agenda papers (where relevant) and official meeting appointments in advance of the meeting.

(3) Attendance by Officers at Scrutiny Committees

As outlined in the Scrutiny Procedure Rules there are specific circumstances in which officers will be required to attend Committee.

Officers will be given sufficient notice of the meeting and any report requirements. Agenda papers will be circulated giving at least five working days' notice of the meeting at which he/she is required to attend.

Officers in attendance at Scrutiny Committee meetings should be prepared to assist Executive Members in the provision of information to the Committee in response to any question raised.

They should also be prepared to support the Executive Member in presentation of report to Committee.

(4) Attendance by Scrutiny Members at Executive

Members of a Scrutiny Committee may attend meetings of the Executive to observe proceedings.

Members of a Scrutiny Committee may speak at Executive meetings at the invitation of the Leader.

The Chair or Vice-Chair of the relevant Scrutiny Committee will be invited to attend the Executive meeting to present scrutiny reports and recommendations.

(5) Referral of items by Executive (or Council) to Scrutiny for inclusion in the Work Programme

In making a referral to Scrutiny, the Portfolio Holders, Executive or Council should:

- Direct the referral to the Chair of the relevant Scrutiny Committee;
- Specify the reasons for the referral;
- Indicate what type of response is being sought (e.g. spotlight review);

- Provide information on any relevant timescales.

The relevant Scrutiny Committee Chair will determine which meeting of the Committee will receive and consider the referral and report back its decision to the Portfolio Holder, Cabinet or Council within agreed timescales.

Where the review suggestion is identified early enough the Executive/Executive Member should complete the Topic Submission Form and present to Scrutiny Committee for discussion prior to the start of the municipal year – where possible by 30th April.

Where the topic suggestion is in-year, the Executive/Executive Member should submit the completed form to the relevant Scrutiny Committee.

Attendance at the meeting where the suggestion is considered, to enable effective presentation to Scrutiny is expected, this can include attendance by lead officers.

(6) Development of the Scrutiny Work Programme

The work programme is a flexible plan which outlines the programme for the coming municipal year and is usually developed at the first meeting of each Scrutiny Committee after the Annual Council. The programme is drawn together by the Chair and members of the Committee and can include issues put forward by Members, topics that arise during discussion with Portfolio Holders and senior officers, concerns generated from Corporate Complaints, issues highlighted from the results of Citizen's Panel surveys, performance data and potential issues arising from corporate priorities.

All suggested topics for review should be presented to the Committee on the Topic Suggestion Form, to enable the Committee to assess suitability of suggestions using the prioritisation aid.

Topic suggestions are invited from Executive, all Non-Executive Councillors, Senior Leadership Team, senior managers, and the Equality Panel.

Consideration is also given to the Internal Audit Plan to ensure there is no duplication of work.

Each review topic suggestion will be given a score as a result of the prioritisation process and then progressed accordingly.

The work programme will also include all necessary monitoring reports in relation to elements of the Budget & Policy Framework that correlate to the Scrutiny Committee's terms of reference.

The Scrutiny Committee's will consider their work programmes at every meeting and adapt as required to include additional items, where possible, or adjust the timing of reports, where required.

(7) Policy Review and Development

As per the Council's corporate approach to Strategy and Policy development, the relevant Scrutiny Committee will need to be engaged as part of the development of any new Strategy or Policy. This will likely be within the consultation phase and again with the final draft document prior to submission to Executive.

In relation to those Strategies contained in the Budget & Policy Framework, the relevant Scrutiny Committee will also receive a minimum of an annual monitoring update on progress/performance against the objectives agreed.

(8) The submission of Scrutiny reports to the Executive (and Council)

The relevant Portfolio Holder(s) and lead officer(s) will be informed of the scope and timing of the Scrutiny review at an early stage, ideally prior to formal approval by the Scrutiny Committee.

Prior to finalising their reports, Scrutiny Committees will discuss their emerging recommendations with the Portfolio Holder(s) and lead officer(s).

The relevant Portfolio Holder(s) and lead officer(s) will be invited to attend the Scrutiny meeting that considers the review report.

Scrutiny review reports will be considered by relevant members of Senior Leadership Team before their submission to Executive, in order to provide a view on the feasibility of recommendations, including information on the costs, risks and benefits.

The relevant Portfolio Holder will be briefed by the lead officer and/or the Scrutiny & Elections Officer prior to the submission of the report to Executive.

The Chair/Vice-Chair of the relevant Scrutiny Committee will be invited to the Executive meeting (or Council where appropriate) to present Scrutiny review reports, for Members to consider the Review Report and endorse, reject or amend the recommendations.

(9) Responding to Scrutiny Recommendations

Executive will respond to recommendations from Scrutiny as soon as possible and within a maximum of two months. Any extension to the timescales will be agreed with the Chair of the relevant Scrutiny Committee.

If Executive fails to consider the recommendations or agree extensions to timescales, the report will be submitted to the next meeting of Council for consideration.

Executive's response will indicate whether each Scrutiny proposal/recommendation is accepted, rejected or deferred, giving reasons for that decision. This will be set out in an action plan acknowledging resources required, lead officers, comments from the service and delivery timescales.

Executive's decision on the recommendations will be reported to the next scheduled meeting of the relevant Scrutiny Committee for consideration.

The Scrutiny Committee will consider Executive's response and action plan and commence a 12 month Post-Scrutiny Monitoring period, with an Interim Update at six months.

The relevant Portfolio Holder and lead officer will prepare progress reports in line with the agreed monitoring timescales and will attend the Scrutiny Committee meeting to present it.

(10) Compliance with the Protocol

The Monitoring Officer is responsible for overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. Matters relating to the protocol's success will be reported to full Council through the scrutiny annual report. The role also includes promoting the role of the authority's Scrutiny Committees, providing support and guidance to Members and officers relating to the functions of the Scrutiny Committees and providing a link between the Executive, Scrutiny Committees and the Senior Leadership Team.

The Scrutiny & Elections Officer will support the Monitoring Officer in ensuring compliance with the protocol. Acting in an advisory role with Scrutiny Members

5.6 MEMBERS' ROLES AND RESPONSIBILITIES

DISTRICT COUNCILLOR

Role Purpose;

- To participate constructively in the good governance of the District.
- To contribute actively to the formation and scrutiny of the Authority's policies, budget, strategies and service delivery.
- To represent effectively the interests of the ward for which the Councillor was elected, and deal with constituents' enquiries and representations.
- To champion the improvement of the quality of life of the community in terms of equity, economy and environment.
- To represent the Council effectively, when appointed to an outside body, such as a charitable trust or association, etc.
- To act at all times with probity and propriety in the best interest of the Council.

Duties and Responsibilities;

- To fulfil the statutory and locally determined requirements of an elected member of a local authority and the Authority itself, including compliance with all relevant codes of conduct, and participation in those decisions and activities reserved to the full Council (e.g. setting budget, overall priorities and strategy).
- To participate effectively as a member of any ~~committee~~ Committee or Panel or Working Party to which the Councillor is appointed, including related responsibilities for the services falling within the Committee's (or Panel's) terms of reference, and its liaison with other public bodies to promote better understanding and partnership working.
- To participate in the activities of any outside body to which the Councillor is appointed, reporting back to the Council and providing two-way communication between the organisations. Also, for this purpose, to develop and maintain a working knowledge of the Authority's policies and practices in relation to that body and of the community's needs and aspirations in respect of that body's role and functions.
- To participate in the scrutiny or performance review of the services of the Authority including, where the Authority so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council.

- To maintain satisfactory attendance at meetings in accordance with local requirements.
- To participate, as appointed, in consultative processes with the community and with other organisations.
- To provide a link between the Authority and the community, through the various forums available.
- To develop and maintain a working knowledge of the Authority's services, management arrangements, powers/duties, and constraints, and to develop good working relationships with relevant officers of the Authority.
- To develop and maintain a working knowledge of the other organisations and services which serve the District.
- To contribute constructively to open government and democratic renewal through active encouragement to the community to participate generally in the democratic process.
- To conduct the business of the Council within the Council and not to make inappropriate use of the written or broadcast media.
- To maintain confidentiality in all relevant Council business.
- To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.
- Not individually to seek to instruct officers and to act in accordance with the Protocol on Member/Officer Relations and the Elected Member/ Officer Communications Protocol at all times when dealing with officers.
- Be responsible for continuous personal development, engaging in available opportunities for training and development to build on understanding and knowledge, and to develop relevant skills.

Skills Required;

- Good communication and Interpersonal skills.
- Ability to relate and deal with the public in a professional and timely manner.
- Ability to work effectively with Council officers and outside organisations.
- Community Leadership skills.

EXECUTIVE MEMBERS

Role Purpose;

- To provide collective and individual leadership as part of the Executive.
- To undertake lead responsibility for allocated portfolios.
- To contribute effectively towards the strategic direction of the Council.

Duties and Responsibilities;

- Participate effectively as a Member of the Executive – take joint responsibility with colleague Executive Members for all actions and be accountable collectively. Challenge issues prior to making decisions if felt appropriate to do so. Ensure appropriate regard to the community's interests and to any equalities and diversity issues. Encourage openness and honesty.
- To take joint responsibility for proposing the budget and policy framework to the full Council, and for discharging executive functions in accordance with the budget and policy framework.
- Shape and develop the Strategic priorities and vision of the Council, participating in debates and discussion about policy issues across the range of services provided by the Council.
- Act as the Lead Member for a particular portfolio as may be determined by the Leader of the Council, but in doing so, have regard to the overall collective responsibilities of the Executive and the Council's corporate policy objectives. Champion the portfolio concerned within that strategic context.
- Recognise the differing roles of members and officers in the Council's Constitution.

In connection with the portfolio;

- Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level.
- Keep abreast of related developments and policies at national, regional and local level.
- Enhance the Council's reputation through taking the national stage where possible and participating in regional and national networks.

- Aim for Bolsover to be at the forefront of service development and provision where possible; take an active interest in related performance indicators and rankings, including visiting other councils to observe examples of good practice.
- Represent the Executive at the relevant Scrutiny Committee in connection with any related matter that may be requisitioned (called-in) or otherwise scrutinised.
- Be aware of issues of importance to the community and other stakeholders concerning portfolio services.
- Be aware of key budgetary issues by regular monitoring of all income and expenditure affecting the portfolio of the Executive Member.
- Represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
- Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships.
- Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
- Along with colleagues, Executive Members and the Senior Leadership Team~~Strategic Alliance Management Team~~, be available as appropriate for other Members to discuss any queries or matters of concern.
- To develop and maintain a positive and constructive relationship with the Senior Leadership Team~~Directors and Heads of Service~~.
- To positively promote the portfolio and where appropriate to act as the spokesperson with the media for that portfolio area only.

Skills Required;

- Good communication and interpersonal skills.
- Ability to analyse and grasp complex issues.
- An understanding of national and local government statutory and financial frameworks.
- An understanding of the Council, including the economic and social situation within Bolsover District.

- The ability to understand the Council's budget especially in respect of the relevant portfolio.
- Leadership skills.
- Political knowledge and awareness.
- Ability to work effectively with Council officers, the public, the media and outside organisations.
- Ability to work as part of a team.

Note: The above duties and responsibilities are in addition to the Member's role as a District Councillor.

JUNIOR EXECUTIVE MEMBERS

Role Purpose;

- Junior Executive Members are Members appointed by the Leader to work with an Executive Member to build up resilience in decision making process by sharing experience and knowledge
- Junior Executive Members will take forward particular projects and programmes at the request of their Executive Member
- Most Junior posts will range across the functions of the Executive Member but it is a matter for each individual Executive Member, after discussion with the Leader of the council, to establish any limits or conditions on the ways in which the Junior will operate.

Duties and Responsibilities;

- To undertake specific tasks, research and investigations and attend conferences, seminars and meetings, as requested by the Executive Member, so as to keep abreast of current policy and development initiatives;
- To attend Cabinet briefings on behalf of the Executive Member
- Attend (but not vote) at Executive meetings on behalf of the Executive Member
- Undertake such responsibilities as may arise or be required from time to time other than decision making
- Assist the Executive Member to manage their workload and deal with such issues or projects (whether long term or time limited) as shall be agreed with them
- May be invited to attend formal and informal functions on behalf of an Executive Member, except for official openings or ceremonies or events where a formal speech is required, in which case, in the event of the absence of the Executive Member, the Chair or another Executive Member will normally represent the Council
- Where the rules of an outside body permit, Junior Executive Members may accompany (but not deputise for) Executive Members serving on outside bodies
- Liaise with non-executive members in order to ensure that the Executive Member is fully aware of issue which are of concern to Members

- Appear before a Scrutiny Committee where the Executive Member cannot attend or where the Assistant has focused on the particular project or programme. (However, the Scrutiny Committee may also request the Executive Member to attend on a further occasions)
- Be a member of a Scrutiny Committee which does not relate to his or her Cabinet Member's portfolio;

However, a Junior Executive Member cannot:

- Take decisions
- Deputise for an Executive Member at Council Meetings
- Be a member of the Scrutiny Committee which scrutinises his or her Executive Member's portfolio.

In connection with the portfolio;

- Build good relationships with appropriate senior officers and work with them in developing policy or strategic issues prior to formal reporting. Be supportive in dealing with any problems at a strategic level.
- Keep abreast of related developments and policies at national, regional and local level.
- Assist the Executive Member in enhancing the Council's reputation through taking the national stage where possible and participating in regional and national networks.
- Aim for Bolsover to be at the forefront of service development and provision where possible; take an active interest in related performance indicators and rankings, including visiting other councils to observe examples of good practice.
- Be aware of issues of importance to the community and other stakeholders concerning portfolio services.
- Be aware of key budgetary issues by regular monitoring of all income and expenditure affecting the portfolio of the Executive Member.
- Represent the Council on external bodies, as appointed, and feedback to the Executive any issues of relevance/importance.
- Facilitate a corporate leadership role where appropriate to do so, and foster links through partnerships.

- Be responsible for continuous personal development. Take advantage of learning opportunities to build on understanding and knowledge, and to develop relevant skills.
- Along with colleagues, Executive Members and the Senior Leadership Team, be available as appropriate for other Members to discuss any queries or matters of concern.
- To develop and maintain a positive and constructive relationship with the Senior Leadership Team.
- To positively promote the portfolio and where appropriate to act as the spokesperson with the media for that portfolio area only.

Skills Required:

- Good communication and interpersonal skills.
- Ability to analyse and grasp complex issues.
- An understanding of national and local government statutory and financial frameworks.
- An understanding of the Council, including the economic and social situation within Bolsover District.
- The ability to understand the Council's budget especially in respect of the relevant portfolio.
- Leadership skills.
- Political knowledge and awareness.
- Ability to work effectively with Council officers, the public, the media and outside organisations.
- Ability to work as part of a team.

Note: The above duties and responsibilities are in addition to the Member's role as a District Councillor.

SCRUTINY MEMBERS

Role Purpose;

- To act as a critical friend, challenging policymakers and decision makers.
- To operate independently, free from political bias.
- To hold the Executive to account.
- To enable the voice and concerns of the public to be heard.

Duties and Responsibilities;

Members of Scrutiny Committees have the following powers:

- Review or scrutinise decisions or actions taken by the Executive.
- Make reports to the Council or the Executive in respect of the discharge of Executive functions.
- Review or scrutinise decisions made or actions taken which are not the responsibility of the Executive.
- Make reports or recommendations to the authority or the Executive in respect of decisions or actions which are not the responsibility of the Executive.
- Make reports or recommendations to the authority or the Executive on matters which affect the authority's area or inhabitants of that area.
- Assist the Executive in policy and strategy formulation and develop recommendations on the budget and policy framework when examining the Executive's proposals, prior to approval.
- Review performance management information, finance information, risk reports and complaints data.
- Review delivery by partner organisations.
- Carry out pre-decision scrutiny – where Members consider a planned decision before it is made by the Executive.

Skills required;

- Good communication and interpersonal skills.

- Ability to analyse and grasp complex issues.
- An understanding of national and local government statutory and financial frameworks.
- An understanding of the Council, including the economic and social situation within Bolsover District.
- The ability to understand the Council's budget especially in respect of the relevant portfolio.
- Ability to influence and work constructively with Members, officers, the public and outside organisations.
- Ability to work as part of a team.

Note: The above duties and responsibilities are in addition to the Member's role as a District Councillor.

LEADER OF THE COUNCIL

Role Purpose;

- To provide effective political leadership and strategic direction for the Council.
- To ensure effective Corporate Governance.
- To provide effective stewardship of the Council.
- To chair the Executive and ensure that it achieves its terms of reference.
- To ensure that the Council delivers high quality, value for money services.

Duties and Responsibilities;

- To provide the political leadership to the Council, including proposing the policy framework within which the Council will operate and to take such executive action as may be delegated by the Authority.
- To ensure effective Corporate Governance including working with opposition groups to seek to achieve where possible cross party co-operation.
- To lead the Executive and be responsible for the Council's corporate and resource strategy.
- To ensure that the Executive achieves its terms of reference both collectively and as individual portfolio holders.
- To ensure the effective integration of roles, responsibilities and functions within the Executive membership.
- As Leader of the Council, to be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners) and the Council's Strategic Alliance Management Team.
- To be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations and to positively promote the Council as a whole in the media.
- To act as the political spokesperson for the Council.
- To promote the long term financial, business and economic stability of the Council.
- To encourage the highest standards of probity and corporate governance for the well-being of the District.

- To communicate the Administration's policies and priorities to the ~~Strategic Alliance Management Team~~ Senior Leadership Team and to receive their advice.
- To exercise delegated powers in accordance with the Council's Constitution.

Skills required;

- Good communication and interpersonal skills.
- To have the ability to analyse and grasp complex issues.
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks.
- A clear understanding of the operation of the Council, including the economic and social situation within Bolsover.
- Business and financial acumen, including the ability to understand and manage the Council's budget.
- Leadership skills.
- Excellent political knowledge and awareness.
- The ability to chair meetings and facilitate open discussion.
- The ability to work effectively with Council officers, the public, the media and outside organisations.

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor and as an Executive Member.

DEPUTY LEADER OF THE COUNCIL

Role Purpose;

- To assist and work with the Leader of the Council to provide effective political leadership and strategic direction for the Council.
- To assist the Leader of the Council with their other responsibilities such as ensuring effective Corporate Governance and Stewardship of the Council and to ensure the Council delivers high quality, value for money services.
- Where appropriate and where permissible under the Council's Constitution to act in the absence of the Leader of the Council.

Duties and Responsibilities;

- To assist and work with the Leader of the Council in delivering ~~his~~ ~~their~~ responsibilities to the Council within ~~his~~ ~~their~~ job profile.
- To deputise for the Leader of the Council in ~~his~~ ~~their~~ absence from Council meetings and, if a member of Executive, to deputise in the Leader's absence at Executive meetings.
- In the Leader of the Council's absence to carry out the requirements of ~~his~~ ~~their~~ job profile so far as legally possible and permissible.
- To carry out such other duties and undertake portfolio responsibility as delegated by the Leader of the Council.

Skills required;

- Good communication and interpersonal skills.
- To have the ability to analyse and grasp complex issues.
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks.
- A clear understanding of the operation of the Council, including the economic and social situation within Bolsover District.
- Business and financial acumen, including the ability to understand and manage the Council's budget.
- Leadership skills.
- Excellent political knowledge and awareness.
- The ability to chair meetings and facilitate open discussion.

- The ability to work effectively with Council officers, the public, the media and outside organisations.

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor and as an Executive Member with portfolio.

LEADER OF AN OPPOSITON GROUP

Role Purpose;

- To provide effective leadership and strategic direction for an opposition ~~party~~group.

Duties and Responsibilities;

- To provide the leadership of an opposition party including scrutiny of the majority group's administration of the Council.
- To act as spokesperson for the Opposition Group of which he/she is leader.
- To promote the long term financial, business and economic stability of the Council.
- To encourage the highest standards of probity and corporate governance.
- To represent the Council's best interests on all organisations to which he/she is nominated by the Council.
- To lead their Group in a positive, pro-active manner with a view to securing meaningful engagement for the Group in the political processes of the Council and that the Group and its individual members contribute fully to the good governance of the ~~district~~District.
- To work to secure effective cross-party dialogue and co-operative working with other political Groups so far as this is consistent with the agreed political objectives of the Group.
- To ensure that members of the Group are aware of the need to secure efficient and effective working relationships based on mutual co-operation and respect, with any officer with whom such member may need to deal, either individually or on Group business.
- To participate in the appointment and/or performance appraisal procedures for the posts of Heads of Service.

Skills required;

- Good communication and interpersonal skills.
- To have the ability to analyse and grasp complex issues.
- A good understanding of how local, national and European government operates, including the statutory and financial frameworks.

- A clear understanding of the operation of the Council, including the economic and social situation within Bolsover District.
- Business and financial acumen, including the ability to understand the Council's budget.
- Leadership skills.
- Excellent political knowledge and awareness.
- The ability to chair meetings and facilitate open discussion.
- The ability to work effectively with Council officers, the public, the media and outside organisations.

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIRS OF SCRUTINY COMMITTEES

Role Purpose;

- To provide leadership of and direction to their particular Committee.
- To ensure that adequate resources (financial & officer support) are identified and sought from the Council.
- To chair Committee meetings, facilitate open discussion, and ensure the Committee achieves its terms of reference.

Duties and responsibilities;

- To ensure that Committee members lead on developing an effective work programme.
- To encourage Committee members to obtain necessary skills to carry out the scrutiny role and to work with officers to provide training if necessary.
- To endeavour to engage all members of the Committee within the scrutiny process.
- To lead the Committee in prioritising its work so as to ensure effective scrutiny.
- To co-ordinate work with other scrutiny Committees & the relevant Chairs and to share learning.
- To develop a constructive relationship with the Executive, especially with relevant portfolio holders.
- To develop a constructive relationship with the Senior Leadership Team ~~Directors and Heads of Service~~ in the areas that the Committee scrutinises.
- To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.

Skills Required;

- Good communication and interpersonal skills.
- The ability to chair meetings and facilitate open discussion.
- Leadership skills.
- Project and time management skills.

- Ability to influence and work constructively with Members, officers, the public and outside organisations.
- Ability to work as part of a team.

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIRS OF PLANNING/LICENSING COMMITTEES

Role Purpose;

- To chair and manage Committee meetings and ensure the Committee achieves its terms of reference.
- To provide leadership of and direction to the Committee.
- To demonstrate to the public, applicants, objectors etc., fair and open decision making by or on behalf of the Committee.
- To ensure that adequate resources (financial and officer support) are identified and sought from the Council.

Duties and responsibilities;

- To ensure Committee Members obtain the necessary skills and training to contribute to the work of the Committee and to work with officers to provide training if necessary.
- To endeavour to engage all Members of the Committee in its activities.
- To lead the Committee, in consultation with officers, in prioritising its work.
- To develop a constructive relationship with the relevant Director and their staff and where appropriate, with relevant portfolio holders.
- To be willing to learn about the professional disciplines and services relevant to the work of the Committee.
- To find a suitable substitute and to brief them on the meeting due to be attended, on occasions when personal attendance is not possible and where substitutes are permissible.
- To Chair the Committee in a fair and open manner in accordance with the procedures of the Committee, and to allow applicants and objectors to put their arguments to the Committee in accordance with procedures.
- To ensure the Committee fully considers the merits of any applications taking account of national and local policies and guidance and any other material considerations.
- To guide, with the assistance of officers, the Committee to reach decisions based on the information presented to it.
- Where necessary, to act as witness for the Council at any court hearing, tribunal or other appeal against a decision made by that Committee.

Skills Required;

- Good communication and interpersonal skills.
- The ability to chair meetings and facilitate open discussion.
- Leadership skills.
- Project and time management skills.
- Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations.

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIR OF STANDARDS COMMITTEE

Role Purpose;

- To chair the Standards Committee in accordance with its terms of reference.

Duties and responsibilities;

- To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on Bolsover District Council and on parish and town councils in the area.
- To advise officers on the content of the agenda for Committee meetings.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance.
- To act as a spokesperson for the Standards Committee.
- To establish and maintain the necessary knowledge and understanding of the Council's structures and processes to facilitate this role.
- To ensure that Members and co-opted Members of the Council receive the continuous development and training they require on matters relating to the Council's Code of Conduct.

Skills Required;

- Good communication and interpersonal skills.
- Leadership skills.
- The ability to chair meetings and facilitate open discussion.
- Project and time management skills.

Assimilating and analysing complex and contradictory information.

- Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations.
- Ability to work as part of a team.

VICE CHAIRS OF ALL COMMITTEES

Role Purpose;

- To deputise for the Chair of the relevant Committee in his/her absence.
- To provide support to the Chair of the relevant Committee.

Duties and Responsibilities;

- To provide leadership of and direction to the Committee in the absence of the Chair.
- To undertake such tasks and responsibilities as are allocated to him/her by the Chair of the relevant Committee and in keeping with the Terms of Reference of the relevant Committee.
- To otherwise assist the Chair in his/her role and attend relevant meetings with Officers, Elected Members, organisations and members of the public (as necessary) so as to further the Terms of Reference of the relevant Committee.

Skills Required;

- Good communication and interpersonal skills.
- Leadership skills.
- The ability to chair meetings and facilitate open discussion.
- Project and time management skills.
- Ability to influence and work constructively with members, officers, the public, external advisors and outside organisations.
- Ability to work as part of a team.

Note: The above duties and responsibilities are in addition to the Member's role as a Councillor.

CHAIR OF THE COUNCIL

Role Purpose;

- To chair meetings of the Council.
 - To act as the civic representative of the Council.
 - To provide civic leadership to the Council and local communities;
- and**
- To fulfil all other requirements of the Constitution relative to the role of Chair~~man~~.

Duties and Responsibilities;

- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Executive or hold a position as Committee Chair~~s~~ are able to hold the Executive and Committee Chairs to account.
- To represent the Council to the local community for example the local business community, local partnerships, opening schools, presenting awards, and attending meetings and events of local societies and clubs.
- To represent the interests of the Council locally, regionally and nationally and undertaking such representative duties as may be required and acting as an advocate for the Council and local communities.
- To lead the work of the Council and encourage~~ing~~ Members to work together as a team for the benefit of the Council, its communities and stakeholders.
- To liaise with the Senior Leadership Team Directors and other officers on a regular basis, ~~through Strategic Alliance Management Team and otherwise~~ and the Governance & Civic Team Customer Service Department in its acceptance or otherwise of invitations, transport and other arrangements.
- To lead by example and achieve the highest standards of probity in public life and in all matters relating to the Council's Code of Conduct, other Protocols and Codes and Ethics rules generally.

Skills Required;

- Good communication and interpersonal skills.

- The ability to chair meetings and facilitate open discussion.
- Leadership skills.
- Project and time management skills.
- Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations.

VICE-CHAIR OF THE COUNCIL

Role Purpose;

- In the absence of the Chair of the Council, to chair meetings of the Council.
- In conjunction with the Chair of the Council, and in his/her absence, to act as the civic representative of the Council.
- In conjunction with the Chair of the Council, and in his/her absence, to provide civic leadership to the Council and local communities.

and

- To fulfil all other requirements of the Constitution relative to the role of Chair.

Duties and Responsibilities;

All of the following is carried out in conjunction with the Chair of the Council, and where required in his/her absence:

- To ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Members who are not in the Executive or hold a position as Committee Chair, are able to hold the Executive and Committee Chairs to account.
- To represent the Council to the local community for example the local business community, local partnerships, opening schools, presenting awards, and attending meetings and events of local societies and clubs.
- To represent the interests of the Council locally, regionally and nationally and undertaking such representative duties as may be required and acting as an advocate for the Council and local communities.
- To lead the work of the Council and encourage Members to work together as a team for the benefit of the Council, its communities and stakeholders.
- To liaise with the Senior Leadership Team and other officers on a regular basis, and the Governance & Civic Team in its acceptance or otherwise of invitations, transport and other arrangements.
- To lead by example and achieve the highest standards of probity in public life and in all matters relating to the Council's Code of Conduct, other Protocols and Codes and Ethics rules generally.

Skills Required;

- Good communication and interpersonal skills.

- The ability to chair meetings and facilitate open discussion.
- Leadership skills.
- Project and time management skills.
- Ability to influence and work constructively with Members, officers, the public, external advisors and outside organisations.

APPENDIX 6

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. Members of the Senior Leadership Team (SLT) shall have the authority to transfer savings from one budget area towards additional expenditure in another budget area. Any savings secured from staffing budgets may be vired to agency or overtime budgets in order to maintain services with the agreement of SLT. All other vacancy savings will be utilised in order to meet corporate vacancy management targets. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.~~
- The SLT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

- (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.

4.7.2

- (7) ~~Strategic Alliance Management Team (SAMT) and Heads of Service~~ Members of the Senior Leadership Team (SLT) shall have the authority to transfer savings from one budget area towards additional expenditure in another budget area. Any savings secured from staffing budgets may be vired to agency or overtime budgets in order to maintain services with the agreement of ~~SAMT~~ SLT. All other vacancy savings will be utilised in order to meet corporate vacancy management targets. Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area

The ~~SAMT~~ SLT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.

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.

BDC COMPLAINTS MADE AGAINST MEMBERS –
FULL UPDATE OF
COMPLAINTS RECEIVED 2022/23

List of Cases which did not proceed to investigation

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION/ ACTION
30/05/22	Respect – councillor used inappropriate language in social media exchange	South Normanton Parish Council	Yes	Minor breach. Complainant happy to accept an apology
01/06/22	Respect- Councillor was aggressive towards others at a community event	South Normanton Parish Council	No	Councillor not acting in capacity as a councillor at the time
13/06/22	Discrimination and bias Failure to comply with Nolan principle of objectivity	Bolsover District Council	No	MO considered no further action required
13/06/22	Failure to comply with Nolan principles of objectivity, openness and impartiality Respect	Bolsover District Council	No	MO considered no further action required
21/06/22	Making a dishonest statement at a parish council meeting	Bolsover District Council	No	Councillor not acting in capacity as a councillor at the time

19/07/22	Failing to comply with Council's Standing Orders	Shirebrook Town Council	No	Actions not covered by the code
01/8/22	Respect Social media posting	Clowne Parish Council	No	Councillor not acting in capacity as a councillor at the time
10/08/22	Breach of confidentiality Councillor accused of sharing exempt information with a 3 rd party	Bolsover District Council	No	Insufficient evidence
01/11/22	Respect Comments by councillor about members of staff during Council meeting	Tibshelf Parish Council	No	MO considered no further action required
08/11/22	Respect Social media argument	Bolsover District Council	No	Councillor not acting in capacity as a councillor at the time
14/02/23	Respect	South Normanton Parish Council	No	MO considered no further action required
20/02/23	Dishonesty	Tibshelf Parish Council	No	Insufficient evidence MO considered no further action required
09/03/23	Respect	Blackwell Parish Council	No	MO considered no further action required

BDC COMPLAINTS MADE AGAINST MEMBERS – FULL UPDATE OF COMPLAINTS RECEIVED 2022/23

List of Cases which did proceed to investigation:

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION/ ACTION
10/08/22	Breach of confidentiality Councillor accused of sharing exempt information with a 3 rd party	Bolsover District Council	No	Investigating officer interviewed the councillor and found insufficient evidence to recommend there had been a breach.
17/10/22 *	Respect-behaviour during parish council meeting	Shirebrook Parish Council	No	Investigating Officer interviewed complainants and the complainee and found that the actions of the complainee did not amount to a breach

*These complaints area about incidents at the same meeting but different councillors

Currently there are two outstanding complaint at an informal stage.

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	NAME OF COUNCIL	COMMENTS
21/10/22 *	Respect-behaviour during parish council meeting	Shirebrook Parish Council	The investigating officer has completed her investigation and is awaiting comments from interested parties.
20/02/23	Respect Social media posting	Clowne Parish Council	The investigating officer has completed her investigation and is awaiting comments from interested parties.

*These complaints area about incidents at the same meeting but different councillors