

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Council

Monday, 24 July 2023

Contact: Amy Bryan  
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Dear Councillor


**COUNCIL**

You are hereby summoned to attend a meeting of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 2nd August, 2023 at 10:00 hours.

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

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

Yours faithfully



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**

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

## **COUNCIL AGENDA**

***Wednesday, 2nd August, 2023 at 10:00 hours taking place in the Council Chamber, The  
Arc, Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
<b>3.</b>	<b>Chair's Announcements</b>	
	To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
<b>4.</b>	<b>Minutes</b>	5 - 15
	To approve the Minutes of the Council meetings held on 24 <sup>th</sup> May 2023.	
<b>5.</b>	<b>Motions</b>	16 - 17
	In accordance with Council Procedure Rule 10, to consider motions on notice from Members.	
	Motion submitted by Councillor Jane Yates	
	<b><u>RECOMMENDED ITEMS</u></b>	
	To receive any items recommended for Council consideration from meetings of the Executive or Committees.	
<b>6.</b>	<b>Review of the Council's Constitution</b>	18 - 98
<b>7.</b>	<b>Independent Remuneration Panel</b>	99 - 108
<b>8.</b>	<b>Standards Committee Annual Report</b>	109 - 116

## **REPORTS OF PORTFOLIO HOLDERS**

To give consideration to reports of the Leader and Portfolio Holders for decision.

- |            |                                       |               |
|------------|---------------------------------------|---------------|
| <b>9.</b>  | <b>Medium Term Financial Strategy</b> | 117 - 134     |
| <b>10.</b> | <b>Housing Presentation</b>           | Verbal Report |
| <b>11.</b> | <b>Chair's Closing Remarks</b>        |               |

## COUNCIL

Minutes of the Annual Meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 24 May 2023 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillors David Bennett, Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Will Fletcher, Louise Fox, Steve Fritchley, Justin Gilbody, Duncan Haywood, Rob Hiney-Saunders, Mark Hinman, Cathy Jeffery, Chris Kane, Lucy King, Tom Kirkham, Duncan McGregor, Clive Moesby, Tom Munro, Sandra Peake, Lisa Powell, Jeanne Rospin, John Ritchie, Phil Smith, Janet Tait, Ashley Taylor, Catherine Tite, Rita Turner, Ross Walker, Vicky Waplington, Deborah Watson, Jen Wilson (for Minutes CL1-23/24 to CL12-23/24 only), Carol Wood and Jane Yates.

Officers:- Karen Hanson (Chief Executive), Jim Fieldsend (Service Director Corporate and Legal Services & Monitoring Officer), Theresa Fletcher (Service Director Finance & Section 151 Officer), Pam Brown (Service Director Executive, Governance and Partnerships), Victoria Dawson (Assistant Director of Housing Management and Enforcement), Grant Galloway (Chief Executive – Dragonfly Developments), Amy Bryan (Governance and Civic Manager).

### **CL1-23/24                    ELECTION OF CHAIR OF THE COUNCIL FOR THE 2023/24 MUNICIPAL YEAR**

The Chief Executive sought nominations for the position of Chair of the Council for the 2023/24 Municipal Year.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that Councillor Tom Munro be appointed Chair of the Council for the 2023/24 Municipal Year.

*Having signed the Declaration of Acceptance of Office and taken on the Chains of Office, Councillor Tom Munro took the Chair.*

*Councillor Tom Munro thanked Members for nominating him and welcomed those Members who were new to the Council and wished them all the best in serving their constituents.*

### **CL2-23/24                    APPOINTMENT OF VICE CHAIR OF THE COUNCIL FOR THE 2023/24 MUNICIPAL YEAR**

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor **RESOLVED** that Councillor Rita Turner be appointed Vice Chair of the Council for the 2023/24 Municipal Year.

*Having made the Declaration of Acceptance of Office and taken the Vice Chair's medallion, Councillor Rita Turner took the Vice Chair's seat.*

## COUNCIL

*Councillor Rita Turner thanked Councillors for appointing her and said she would continue to try her best in the role.*

### **CL3-23/24 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Donna Hales, Sally Renshaw and Emma Stevenson.

### **CL4-23/24 DECLARATIONS OF INTEREST**

There were no declarations made at the meeting.

### **CL5-23/24 CHAIR'S ANNOUNCEMENTS**

The Chair asked all officers present at the meeting to introduce themselves for the purposes of the new Councillors.

The Chair reported that his nominated charity for the year would be the Royal British Legion. He stated that he was a SSAFA (Soldiers', Sailors' & Airmen's Families Association) caseworker and he had found the Royal British Legion to be a generous contributor to those in need.

### **CL6-23/24 ELECTION OF LEADER OF THE COUNCIL**

The Chair sought nominations for the election of Leader of the Council.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor  
**RESOLVED** that Councillor Steve Fritchley be elected as Leader of the Council.

### **CL7-23/24 APPOINTMENT OF THE DEPUTY LEADER AND EXECUTIVE**

Councillor Steve Fritchley, Leader of the Council, thanked the Council for its support in electing him Leader and advised of the Members of the Executive and their respective portfolios for the 2023/24 Municipal Year. This was confirmed as follows:

Councillor Duncan McGregor	Deputy Leader and Portfolio Holder – Corporate Governance
Councillor John Ritchie	Portfolio Holder – Growth
Councillor Sandra Peake	Portfolio Holder – Housing
Councillor Mary Dooley	Portfolio Holder – Health and Wellbeing
Councillor Anne Clarke	Portfolio Holder – Environmental Health
Councillor Clive Moesby	Portfolio Holder - Resources

## COUNCIL

### CL8-23/24 ESTABLISHMENT OF COMMITTEES AND PROPORTIONALITY 2023/24

Council considered a report presented by the Monitoring Officer in relation to the establishment of the Council's committees and proportionality for the 2023/24 Municipal Year.

In line with the provisions within legislation and the Council's constitution, the Annual Meeting of Council was required to:

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

The size and terms of reference for each committee were set out in Appendix 1 to the report. Appendix 3 to the report showed the allocation of Committee seats which best met the requirements of Section 15 of the Local Government and Housing Act 1989 as far as was reasonably practicable.

The report proposed that the Joint Employment and Appeals Committee be disestablished, as this body had dealt with appointments to the Strategic Alliance Management Team, which no longer existed. The report also proposed that the membership of Planning Committee be increased to 10 members, as well as the Local Plan Implementation Advisory Group. It was also proposed to increase the membership of the Climate Change and Communities Scrutiny Committee and the Finance and Corporate Overview Scrutiny Committee from 7 to 8 members. This would take the total seats on the scrutiny committees to 30. The final proposed change was to disestablish the Audit and Corporate Overview Scrutiny Committee and to replace it with a separate Audit Committee and a Finance and Corporate Overview Scrutiny Committee. The terms of reference for the new committee were set out in Appendix 2 to the report.

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley

**RESOLVED** that (1) the Council's committees, their terms of reference and the size, as set out in Appendix 1 and 2 be established for the 2023/24 Municipal Year in accordance with Council Procedure Rule 1.1(k);

(2) the Joint Employment and Appeals Committee and Audit and Corporate Overview Scrutiny Committee be disestablished;

(3) the Council agrees the allocation of seats on committees as set out in Appendix 3, in accordance with the political balance rules;

(4) authority be delegated to the Monitoring Officer, in consultation with the Leader of the Council and relevant Committee Chair (when appointed), to make amendments to the terms of reference for committees arising within the 2023/24 Municipal Year.

(Monitoring Officer/Governance & Civic Manager)

## COUNCIL

### CL9-23/24 APPOINTMENT TO COMMITTEES AND ADVISORY GROUPS 2023/24

Council considered a report in relation to nominations for Members to serve on committees and advisory groups for the 2023/24 Municipal Year.

The committees were subject to the political balance requirements of the Local Government and Housing Act 1989. The advisory groups were not subject to the same political balance requirements.

Nominations received from political groups in advance of the meeting were set out in Appendix 1 to the report, an updated copy had been circulated at the meeting.

Moved by Councillor Tom Munro and seconded by Councillor Ross Walker

**RESOLVED** that (1) the nominations to committees and advisory groups as set out below be agreed:

#### **Committees**

##### Finance & Corporate Overview Scrutiny Committee

Councillors David Bennett, Rowan Clarke, Justin Gilbody, Chris Kane, Lucy King, Tom Munro, Sally Renshaw, Jen Wilson

##### Local Growth Scrutiny Committee

Councillors Will Fletcher, Duncan Haywood, Mark Hinman, Tom Kirkham, Phil Smith, Janet Tait, Deborah Watson

##### Customer Services Scrutiny Committee

Councillors Amanda Davis, Louise Fox, Donna Hales, Lisa Powell, Rita Turner, Victoria Waplington, Jane Yates

##### Climate Change and Communities Scrutiny Committee

Councillors Rob Hiney-Saunders, Cathy Jeffery, Jeanne Raspin, Emma Stevenson, Ashley Taylor, Catherine Tite, Ross Walker, Carol Wood

##### Employee Appeals Committee

Councillor Steve Fritchley, Mark Hinman, Duncan McGregor  
Deputies – Councillors Rowan Clarke, John Ritchie, Mary Dooley

##### Employment and Personnel Committee

Councillor Mary Dooley, Duncan McGregor, Sandra Peake, Deborah Watson and (1 vacancy)

##### General Licensing Committee

Councillors David Bennett, Amanda Davis, Mary Dooley, Will Fletcher, Lucy King, Lisa Powell, Sally Renshaw, Emma Stevenson, Ashley Taylor, Rita Turner

##### Licensing and Gambling Acts Committee

Councillors David Bennett, Amanda Davis, Mary Dooley, Will Fletcher, Lucy King, Lisa Powell, Sally Renshaw, Emma Stevenson, Ashley Taylor, Rita Turner



## **COUNCIL**

### Planning Committee

Councillors Justin Gilbody, Rob Hiney-Saunders, Chris Kane, Duncan McGregor, Tom Munro, Lisa Powell, John Ritchie, Phil Smith, Janet Tait, Carol Wood

### Safety Committee

Councillors Rowan Clarke, Donna Hales, Mark Hinman, Deborah Watson, Jane Yates

### Audit Committee

Councillors Duncan Haywood, Cathy Jeffery, Chris Kane, Tom Munro, Lisa Powell, Carol Wood (and 2 co-opted members)

### Standards Committee

Councillors Anne Clarke, Louise Fox, Justin Gilbody, Clive Moesby, Catherine Tite, Jane Yates (and 1 co-opted member)

### Union/Employee Consultation Committee

Councillors Rowan Clarke, Mary Dooley, Cathy Jeffery, Sally Renshaw, Ross Walker, Vicki Waplington

## **Joint Committees**

### ICT Share Services Committee

Councillors David Bennett, Steve Fritchley and (Exec Member for ICT)

### Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel)

Councillors Will Fletcher and (two vacancies – names to be confirmed)

## **Advisory Groups**

### Pleasley Park and Vale Conservation Area Joint Advisory Group

Councillors Chris Kane, Tom Kirkham, Tom Munro, John Ritchie, Catherine Tite

### Local Plan Implementation Advisory Group

Councillors Justin Gilbody, Rob Hiney-Saunders, Chris Kane, Duncan McGregor, Tom Munro, Lisa Powell, John Ritchie, Phil Smith, Janet Tait, Carol Wood

### Member Development Working Group

Councillors Rowan Clarke, Mary Dooley, Louise Fox, Tom Munro, Sandra Peake, Rita Turner, Deborah Watson

### Tenant Participation Review and Development Group

Councillors Sandra Peake, Janet Tait, Ashley Taylor, Rita Turner, Jane Yates

(Monitoring Officer/Governance & Civic Manager)

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### CL10-23/24      **NOMINATIONS OF CHAIRS AND VICE CHAIRS TO COMMITTEES 2023/24**

Members gave consideration to the submitted nominations for Chairs and Vice Chairs and the Chair sought any further nominations from the floor.

The following positions were contested and were put to the vote as follows:

A vote was held on the appointment of Chair of the Audit Committee, nominations had been received for both Councillor Tom Munro and Councillor Carol Wood. Councillor Tom Munro was appointed as Chair of Audit Committee.

A vote was held on the appointment of Chair of the Customer Services Scrutiny Committee, nominations had been received for both Councillor Catherine Tite and Councillor Louise Fox. Councillor Catherine Tite was appointed as Chair of the Customer Services Scrutiny Committee.

A vote was held on the appointment of Chair of the Local Growth Scrutiny Committee, nominations had been received for both Councillor Tom Kirkham and Councillor Deborah Watson. Councillor Tom Kirkham was appointed as Chair of the Local Growth Scrutiny Committee.

A vote was held on the appointment of Chair of the Finance and Corporate Overview Scrutiny Committee, nominations had been received for both Councillor Lucy King and Councillor Justin Gilbody. Councillor Lucy King was appointed as Chair of the Finance and Corporate Overview Scrutiny Committee.

There had been only one nomination submitted for the other positions being considered. Any bodies not referred to would appoint the Chair at the first meeting.

**RESOLVED** that the following be appointed Chairs and Vice Chairs for the 2023/24 Municipal Year:

Audit Committee

Chair – Councillor Tom Munro

Vice Chair – Independent Appointed Person

Climate Change and Communities Scrutiny Committee

Chair – Councillor Catherine Tite

Vice Chair – Councillor Ashley Taylor

Customer Services Scrutiny Committee

Chair – Councillor Donna Hales

Vice Chair – Councillor Rita Turner

Local Growth Scrutiny Committee

Chair – Councillor Tom Kirkham

Vice Chair – Councillor Phil Smith

Finance and Corporate Overview Scrutiny Committee

Chair – Councillor Lucy King

Vice Chair – Councillor Jen Wilson

## COUNCIL

### Licensing Committee(s)

Chair – Councillor Emma Stevenson

Vice Chair – Councillor Amanda Davis

### Planning Committee

Chair – Councillor Tom Munro

Vice Chair – Councillor Chris Kane

### Standards Committee

Chair – Mrs Ruth Jaffray

Vice Chair – Councillor Clive Moesby

### Local Plan Implementation Working Group

Chair – Councillor Tom Munro

Vice Chair – Councillor Chris Kane

## **CL11-23/24 APPOINTMENTS TO OUTSIDE BODIES 2023/24 (COUNCIL FUNCTIONS)**

Council considered a report in relation to the list of Outside Body (Council functions) appointments for 2023/24.

No nominations had been received so it was proposed that the Monitoring Officer be given delegated authority to make the appointments and any appointments made would be reported back to a future meeting.

The term of office for each appointment would run until the date of the next Annual Council meeting in 2024, unless otherwise specified.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie

**RESOLVED** that authority be delegated to the Monitoring Officer to make the appointments to Outside Bodies (Council functions) for 2023/24.

(Monitoring Officer/Governance & Civic Manager)

## **CL12-23/24 REVIEW OF THE COUNCIL'S CONSTITUTION**

The Solicitor to the Council and Monitoring Officer presented a report proposing amendments to the Council's constitution as recommended by the Standards Committee as part of the Annual Review.

The Council was required by law to prepare and keep and an up-to-date Constitution which explained how the Council operated, how decisions were to be made and the procedures which were to be followed to ensure that these were efficient, transparent and accountable to local people.

One of the functions of the Standards Committee was to undertake an annual review of the Council's Constitution to ensure it was up-to-date and in line with legislation and

## COUNCIL

current circumstances.

The Standards Committee had reviewed parts of the Constitution at its meeting on 20<sup>th</sup> February 2023. The areas reviewed included:

- Changes to the establishment – separating the Audit Committee from Scrutiny (the detail of this was dealt with separately in the Establishment of Committees and Advisory Groups 2023/24 (Minute No. CL8-23/24)
- Scrutiny Procedure Rules
- Call-In
- Budget and Policy Framework

An amended version of the Scrutiny Procedure Rules (with specific amendments highlighted) was attached to the report at Appendix 1. An amended version of the Call-In Procedure Rules was attached to the report at Appendix 2. A revised Budget and Policy Framework was attached to the report at Appendix 3.

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane  
**RESOLVED** that the amendments to the Constitution, as set out in Appendices 1, 2 and 3 to the report, be approved.

(Monitoring Officer/Governance & Civic Manager)

### **CL13-23/24      SCHEME OF DELEGATION FOR OFFICERS**

The Solicitor to the Council & Monitoring Officer presented a report proposing to approve the Scheme of Delegation as outlined in Part 3 of the Council's Constitution.

It was a requirement under Council Procedure Rule 1.1 (o) of the Council's Constitution that the Annual Council Meeting agree the Scheme of Delegation.

The Scheme of Delegation outlines the specific delegation of Council and Executive Functions to officers. The scheme includes general powers delegated to all senior managers together with specific powers delegated to the:

- Chief Executive Officer
- Service Director Finance and Section 151 Officer
- Service Director Corporate and Legal Services and Monitoring Officer

The scheme also outlined the Proper Officer Provisions.

The Scheme of Delegation for Officers was attached to the report at Appendix 1.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie  
**RESOLVED** that the Scheme of Delegation for Officers, as set out in Appendix 1 to the report, be approved.

### **CL14-23/24      OPERATION OF URGENCY RULES AND THRESHOLDS FOR KEY DECISIONS**

Council considered a report which advised Members of any Key Decisions taken under

## COUNCIL

statutory Urgency Rules in the previous 12 months, any decision taken under Urgency Rules with the Council's Scrutiny Rules (this was where call-in provisions were waived as the decision was urgent and could not be reasonably deferred), and to set the Key Decision threshold for the forthcoming year in line with the constitutional requirement at Annual Council meetings.

One Key Decision had been taken using Special Urgency rules in the previous 12 months. Due to the urgency of the decision it had to be implemented immediately and that had not allowed for the call-in period to run as usual. A copy of the decision taken had been attached to the report at Appendix 1.

The report recommended that the Key Decision thresholds remained the same, which were:

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

Moved by Councillor Duncan McGregor and seconded by Councillor Chris Kane

**RESOLVED** that (1) the decision that had been taken over the past 12 months under Special Urgency Rules, be noted

(2) the decision that had been taken over the past 12 months under Urgency Provisions in the Council's Scrutiny Rules, be noted

(3) the financial thresholds for Key Decisions be maintained at £75,000 (Revenue) and £150,000 (Capital).

(Monitoring Officer/Governance & Civic Manager)

### **CL15-23/24      CHAIRMAN'S CLOSING REMARKS**

The Chair thanked Members for their contributions to the meeting and agreed to move straight into the scheduled ordinary meeting of Council.

The meeting concluded at 10:50 hours.

## COUNCIL

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 24 May 2023 at 10:30 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Rita Turner (Vice-Chair), David Bennett, Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Will Fletcher, Louise Fox, Steve Fritchley, Justin Gilbody, Duncan Haywood, Rob Hiney-Saunders, Mark Hinman, Cathy Jeffery, Chris Kane, Lucy King, Tom Kirkham, Duncan McGregor, Clive Moesby, Sandra Peake, Lisa Powell, Jeanne Rospin, John Ritchie, Phil Smith, Janet Tait, Ashley Taylor, Catherine Tite, Ross Walker, Vicky Waplington, Deborah Watson, Carol Wood and Jane Yates.

Officers:- Karen Hanson (Chief Executive), Jim Fieldsend (Service Director Corporate and Legal Services & Monitoring Officer), Theresa Fletcher (Service Director Finance & Section 151 Officer), Pam Brown (Service Director Executive, Governance and Partnerships), Victoria Dawson (Assistant Director of Housing Management and Enforcement), Grant Galloway (Chief Executive – Dragonfly Developments), Amy Bryan (Governance and Civic Manager).

### **CL16-22/23 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Donna Hales, Sally Renshaw, Emma Stevenson and Jen Wilson.

### **CL17-22/23 DECLARATIONS OF INTEREST**

There were no declarations made at the meeting.

### **CL18-22/23 CHAIR'S ANNOUNCEMENTS**

The Chair had no announcements to make.

### **CL19-22/23 MINUTES**

It was noted that in the list of those Councillors present Councillor Hinman's first name needed to be inserted, so it read "Mark Hinman".

Moved by Councillor Duncan McGregor and seconded by Councillor Deborah Watson **RESOLVED** that the minutes of a meeting of Council held on 8<sup>th</sup> March 2023 be approved as a true and correct record.

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### **CL20-22/23          HOUSING OPTIONS MANAGER POST**

The Assistant Director of Housing Management and Enforcement presented a report which sought approval for the creation of a permanent Housing Options Manager. The report also sought an increase of the General Fund revenue budget for the costs associated with the establishment of the permanent post.

The report explained that the Assistant Director of Housing Management and Enforcement was seeking to create a permanent Housing Options Manager to lead the Homelessness Team. Recently, there had been a significant increase in the volume of homelessness cases. The complexity of cases had also increased, which meant they took more time to consider, process, explain and record. The new post would provide more capacity and experience to investigate cases to ensure applications were genuine and that robust decisions were made.

The post had been through job evaluation and had been determined as Grade 9. With on-costs this role had a starting cost of £53,967, which would be met through the General Fund.

Moved by Councillor Sandra Peake and seconded by Councillor David Bennett

**RESOLVED** that (1) a new full time permanent Housing Options Manager be added to the establishment;

(2) a revenue budget increase of £53,967 to the General Fund be approved.

(HR Business Partner/Service Director of Finance & Section 151 Officer)

### **CL21-22/23          ENVIRONMENTAL HEALTH - PRESENTATION**

This item had been withdrawn. There would be an induction session for Councillors on Environmental Health on 12<sup>th</sup> June 2023.

### **CL22-22/23          CHAIRMAN'S CLOSING REMARKS**

The Chair had no closing remarks.

The meeting concluded at 11:01 hours.

## **Standing up for Responsible Tax Conduct**

Bolsover District Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

Bolsover District Council believes that:

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.



5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Bolsover District Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax. .
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

**Bolsover District Council**

**Meeting of Council on 2<sup>nd</sup> August 2023**

**Review of the Constitution**

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend, Director of Governance & Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

To consider proposed amendments to the Council’s Constitution as recommended by the Standards Committee.

**REPORT DETAILS**

**1. Background**

- 1.1 The Constitution is the Council’s ‘rulebook’. It sets out how the Council operates and how it makes decisions. Council approved its latest version of the Constitution at the Annual Meeting in May 2023.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how it is working to make sure it gives full effect to its purpose.
- 1.4 On 19<sup>th</sup> June 2023 the Monitoring Officer recommended two changes to the Officer Delegation Scheme which were approved by Standards Committee and which are outlined below.

**2. Details of Proposal or Information**

Junior Executive Members

- 2.1 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.

- 2.2 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.

#### Access to Information Rules

- 2.3 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.
- 2.4 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.
- 2.5 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.

- 2.6 A revised version of the Access to Information Rules is attached at Appendix 2.

#### Executive/Scrutiny Protocol

- 2.7 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.

- 2.8 A proposed Executive/Scrutiny Protocol for insertion into the constitution is attached at Appendix 3.

#### Community Call for Action (CCfA)

- 2.9 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 4.5.1 rectifies this and updates Part 4.5 as originally intended.
- 2.10 A revised Community Call for Action is attached at Appendix 4.

#### Members Roles and Responsibilities

- 2.11 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.
- 2.12 In addition the roles and responsibilities of the Vice-Chair of the Council has been added for clarity purposes
- 2.13 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

- 2.14 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 The Standards Committee have agreed the above changes
- 3.2. It is required by law to keep an up to date constitution. Part of the role of the Standards Committee is to review the document on a regular basis to make such recommendations to Council as necessary.

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

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

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## **RECOMMENDATION(S)**

1. That the amendments to the Constitution detailed in the report be approved

Approved by the Portfolio Holder – Corporate Governance

### **IMPLICATIONS:**

**Finance and Risk:**            Yes             No

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

On behalf of the Section 151 Officer

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

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

On behalf of the Solicitor to the Council

**Environment:**            Yes             No

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

**Details:** Not applicable to this report.

<b>Staffing:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Details:</b> There are no human resource issues implications arising from this report.
On behalf of the Head of Paid Service

**DECISION INFORMATION**

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

<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Details: Deputy Leader

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

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Revised Article 7
2	Revised Part 4.2 Access to Information Rules
3	Proposed Executive/Scrutiny Protocol
4	Revised Community Call for Action
5	Revised Part 5.6 Members Roles and Responsibilities
6	Revised changes to the Virement rules

**Background Papers**

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

None

## 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.

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<b>4.2</b>	<b>ACCESS TO INFORMATION RULES</b>
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	<b><u>Supply of Copies</u></b>
	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	<b><u>Access to Minutes eEtc, After the Meeting</u></b>
	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	<b><u>Background Papers</u></b>
(1)	<b><u>List of Background Papers:</u></b>
	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)	<b><u>Public Inspection of Background Papers;</u></b>
	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	<b><u>Summary of Public's Rights</u></b>
	These Rules constitute the written summary of the public's rights to attend meetings and to inspect and copy documents.
4.2.11	<b><u>Exclusion of Access by the Public to Meetings</u></b>
(1)	<b><u>Confidential Information – Requirement to Exclude public;</u></b>
	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)	<b><u>Exempt Information – Discretion to Exclude Public;</u></b>
	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)	<b><u>Meaning of Confidential Information;</u></b>
	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)	<b><u>Meaning of Exempt Information;</u></b>
	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>
	<b>Schedule 12A</b> <b>Access to information : Exempt Information</b>
	<b>Part 1</b> <b>Descriptions of Exempt Information : England</b>
	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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<b>Schedule 12A</b>	
<b>Access to information : Exempt Information</b>	
	<b>Part 1</b>
	<b>Descriptions of Exempt Information : England</b>
1.	<del>Information relating to any individual.</del>
2.	<del>Information which is likely to reveal the identity of an individual.</del>
3.	<del>Information relating to the financial or business affairs of any particular person (including the authority holding the information).</del>
4.	<del>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.</del>
5.	<del>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</del>
6.	<del>Information which reveals that the authority proposes—</del>
	<del>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</del>
	<del>b) To make an order or direction under any enactment.</del>
7.	<del>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</del>
	<del>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.</del>
	<del>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.</del>

4.2.12	<u>Exclusion of Access by the Public to Reports</u>
	<p><del>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 4.2.11(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.</del></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>
	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.
4.2.14	<u>Procedures Prior to Consideration of Confidential or Exempt Items</u>
(1)	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.
—(2)	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.
(3)	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 Chair <del>man</del> 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 Chair <del>man</del> is unable to act, then the Chair <del>man</del> of the Council may provide permission or, in his absence, the Vice Chair <del>man</del> .
(4)	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.

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4.2.15	<b><u>Key Decisions</u></b>
	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	<b><u>Publicity in Connection with Key Decisions</u></b>
	(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	<b><u>General Exception</u></b>
	(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), <a href="#">he</a> /she must publish a notice setting out the reasons why compliance with paragraph 4.2.167(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 <del>man</del> of the Council, or in his/her absence the Vice-Chair <del>man</del> 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 <del>and Civic</del> 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	<b><u>Additional Rights of Access to Documents for Members of Local Authorities</u></b>
(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	<b><u>Additional Rights of Access to Documents for Members of Overview and Scrutiny Committees</u></b>
(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>
	<del>(3) Scrutiny Committee is not entitled to;</del>
(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

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		or decision the Scrutiny Committee is reviewing or scrutinising or intends to scrutinise.
	(4)	<a href="#">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.</a>
<del>4.2.23</del>		<del>Reports to <u>The Local Authority Council</u> Where the Key Decision Procedure is Not Followed</del>
	(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.
<del>4.2.24</del>		<del>Reports to Council on Special Urgency</del>
		<del>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.</del>

~~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.~~

## 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 30<sup>th</sup> 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



## 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 [S](#)sub-Committee shall be entitled to recommend to Council the appointment of such non-voting co-optees as the Scrutiny Committee or Scrutiny [S](#)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.

#### 4.5.1 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 Decision<sup>1</sup> is made by the Executive or a committee of the Executive, or under joint arrangements, or in line with any delegation within the Constitution, the decision shall be published electronically and shall be available at the main offices of the Council within two working days of being made.
- (3) Copies of the Notice of Decision will be provided to all Members within the same timescale.
- (4) All Key Decisions will come into effect five working days after the publication of the decision unless three Scrutiny Members give notice in writing to the Governance & Civic Manager requesting to call-in the decision.

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<sup>1</sup> A Key Decision is an Executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is considered significant.



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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.

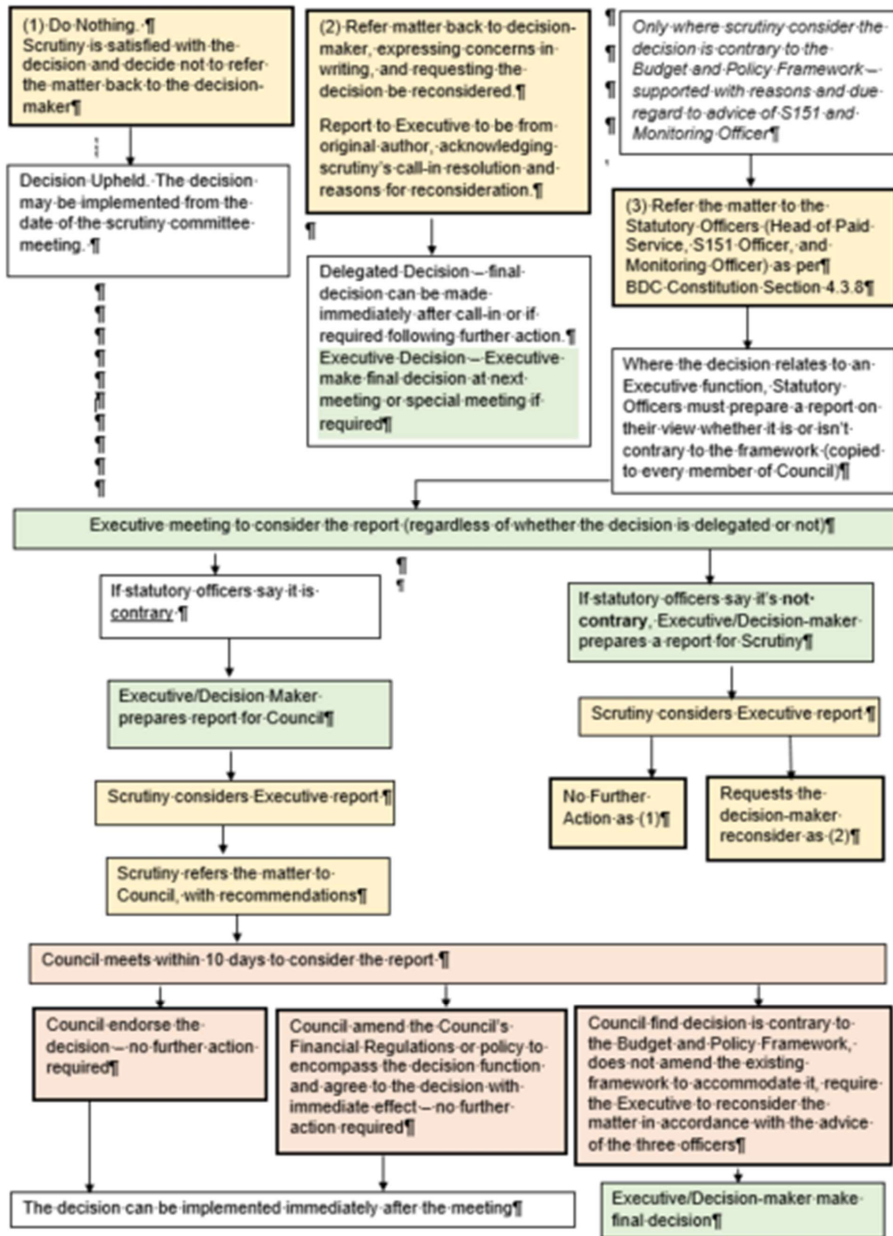
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Call-In Procedure Flowchart

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;

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- (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)

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:-

<b>Consideration</b>	<b>Exclusion</b>	<b>Action required</b>
<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 &amp; 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 &amp; 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 &amp; 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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## 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 Chairman.

### **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 encouraging 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.**

## Bolsover District Council

### Meeting of Council on 2<sup>nd</sup> August 2023

#### Independent Remuneration Panel

<b>Classification</b>	This report is Public
<b>Report By</b>	Jim Fieldsend, Director of Governance & Monitoring Officer

#### PURPOSE/SUMMARY OF REPORT

- To accept the appointment of the Independent Remuneration Panel.
  - To authorise the recommended payment to the members of the Independent Remuneration Panel.
  - To receive and consider the recommendation of the Independent Remuneration Panel.
  - To approve the future scope of the Independent Remuneration Panel.
- 

#### REPORT DETAILS

##### Background

- 1.1 In accordance with The Local Authorities (Members' Allowances) (England) Regulation 2003 (the Regulations) a local authority must establish a scheme in order to pay its Members the following allowances:
  - A basic allowance.
  - Special responsibility allowances.
  - Dependent carers' allowance.
  - Travelling & subsistence allowances.
  
- 1.2 The scheme can also provide for a mechanism for an annual adjustment by reference to a specific index. If a scheme contains such an index, it must be reviewed every four years.
  
- 1.3 Before a local authority adopts or makes changes to its allowance scheme it is required to set up an Independent Remuneration Panel of at least 3 people. The role of the panel is to provide recommendations on the scheme and the local authority must have regard to those recommendations when making or amending the scheme.
  
- 1.4 The last time the Council's scheme was reviewed was in 2017. Since then, there have been no proposed changes. In addition, there is no mechanism for annually adjusting the allowances. Consequently, there has been no need to request an Independent Remuneration Panel to undertake a review. However the Leader of the Council has proposed that a new role of Junior Executive Member is created

which may benefit from the payment of a Special Responsibility Allowance. In addition the Council could pay its board members of the Dragonfly companies an allowance. Before the Council can agree to these payments being added to the Members Allowance scheme it must establish a new panel. The Panel will make recommendations and the Council must consider those recommendations before making changes to the scheme.

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

### To establish an Independent Remuneration Panel

- 2.1 Following the Leader's proposal to create the new Junior Executive Member role for approval at Council on 2<sup>nd</sup> August it was felt necessary for Council to consider an appropriate Special Responsibility Allowance at the same time. This required the establishment of an Independent Remuneration Panel which Council could retrospectively approve at its meeting on 2<sup>nd</sup> August.
- 2.2 Members of the panel need to be truly independent of the Council and requests were made of the Independent Persons at North East Derbyshire District Council. This followed a reciprocal request by North East asking Bolsover's Independent Persons and its co-opted member of Standards Committee to form their Independent Remuneration Panel.
- 2.3 Officers therefore approached North East Derbyshire's Independent Persons who are Amanda Orchard, Graham Hudson and David Richardson to form the panel. All three agreed to form Bolsover District Council's Independent Remuneration Panel.
- 2.4 The panel has already met and provided recommendations in relation to the Junior Executive Panel this is detailed below.

### The scope of the panel

- 2.5 It is proposed that the panel should be asked to consider and make recommendations on the following:
  - Whether the Junior Executive Members role should receive a special responsibility allowance and if so the amount of the allowance.
  - Whether a board member of Dragonfly Development Limited and Dragonfly Management (Bolsover) Limited should receive a Special Responsibility Allowance.
  - A review of the scheme as a whole.

### Allowances payable to the Independent Remuneration Panel

- 2.6 The Regulations allow for the Council to pay the panel an allowance as it sees fit. In light of the amount of work that a panel member is expected to undertake it would appear reasonable to agree to such an allowance. It is proposed that the panel are paid £100 per meeting. This is in line with what other councils pay.

## 2.7 Junior Executive Member

The Panel were asked to consider whether the Junior Executive Member should receive a special responsibility allowance and if so, how much that should be. The Panel considered all information provided to it and has recommended that a Junior Executive Member should receive a special responsibility allowance and that the allowance should be £2445.36 per year, being 50% of an Executive Member allowance. A copy of the Panel's full report is attached as **Appendix 1**.

## 3 Reasons for Recommendation

- 3.1 To enable the Council to review and make changes to its Members Allowance Scheme.

## 4 Alternative Options and Reasons for Rejection

- 4.1 Not to appoint an Independent Remuneration Panel. This is rejected as it is not possible to make changes to a Members Allowance Scheme without considering the recommendation of an Independent Remuneration Panel

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## RECOMMENDATION(S)

1. To agree to the appointment of the Independent Remuneration Panel to undertake a review of the Council's Members' Allowance Scheme.
2. To agree the scope of the Independent Remuneration Panel as set out in the report.
3. To consider the attached report of the Independent Remuneration Panel and decide whether the role of Junior Executive Member should receive a Special Responsibility Allowance and if so, what that allowance should be.
4. To agree the payment an allowances to the members of the Independent Remuneration Panel as set out in the report.

### IMPLICATIONS.

**Finance and Risk:**      Yes       No

**Details:** By including an allowance for the Junior Executive Members the total cost of the Members Allowance Scheme will increase by £12,226.80. This is based on there being five Junior Executive Members, none of whom already receive a special responsibility allowance. Payment of an allowance to the members of the Independent Remuneration Panel will also result in an increase in costs over and above what is already included in the Medium-Term Financial Plan.

On behalf of the Section 151 Officer

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

**Details:** In accordance with The Local Authorities (Members' Allowances) (England) Regulation 2003 the Council must consider the recommendation of its Independent Remuneration Panel before making changes to the Members' Allowance Scheme.

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:** There are no environmental implications contained within this report.

**Staffing:** Yes  No

**Details:** There are no staffing implications contained within this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

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

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

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Report of the Independent Remuneration Panel

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

## THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

### REPORT TO THE DISTRICT OF BOLSOVER JULY 2023

#### MEMBERS: -

Amanda Orchard- works as an Independent Person for a number of authorities across the country as well as experienced in undertaking a number of remuneration reviews. She works in conflict resolution adjudicating complaints, sitting on fitness to practice panels for a number of healthcare regulators as well as being a trained mediator. She also sits as a JP in crime and family court.

Graham Hudson- 38 years in HR Management at Sheffield City Council. HR lead officer for all outsourcing projects. Latterly seconded as Head of Corporate Resources for Renaissance South Yorkshire on Behalf of the 4 South Yorkshire District Councils and Yorkshire Forward-The Regional Development Agency. He is also an Independent Person at a neighbouring authority.

David Richardson- currently works in Further and Higher Education and is the Student Success Facilitator in the Faculty of Health at the University of Bradford. Previously he was an investigator with the Local Government Ombudsman. He is also an Independent Person at a neighbouring authority.



## **1. INTRODUCTION**

We, the members of the Independent Remuneration Panel (the Panel) were invited to participate by the Monitoring Officer of Bolsover District Council. This was done in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations require that before making or amending a Members' Allowance Scheme, the Authority must have regard to the recommendations of an independent remuneration panel.

The Panel comprises three members all of which are Independent Person of a neighbouring authority; one of whom has been a panel member of other authorities Independent Remuneration Panels

We represent a broad range of disciplines and have significant knowledge of local government. We are also independent from the Authority and are able to look at the matter of members' allowances objectively, with no self-interest. We have also been able to bring the experience of our own spheres to bear on the discussions.

We have been supplied with a range of information to consider during the formulation of our recommendations.

## **2. THE PANEL'S TERMS OF REFERENCE**

These terms of reference have been compiled with reference to The Local Authorities (Members' Allowances) (England) Regulations 2003 ('the Regulations').

In accordance with regulation 21 the Independent Remuneration Panel is required to make recommendations on the Members' Allowance Scheme in the form of a report to the Authority on the following:-

### **Basic Allowance**

- The amount of Basic Allowance which should be payable to its elected members.

### **Special Responsibility Allowance**

- Whether Special Responsibility Allowances shall be included in the scheme.
- The responsibilities or duties for which a Special Responsibility Allowance should be payable and the amount of each allowance.

## **Travelling and subsistence Allowances**

- Whether travelling and subsistence allowances shall be included in the scheme.
- The responsibilities or duties for which travelling and subsistence allowances should be payable and the amount of each allowance.
- The effect on the Members' Allowance Scheme on proposed changes to the employees mileage allowances.

## **Dependants' carers' allowance**

Whether dependants' carers' allowances should be payable to members of the authority and the amount of such an allowance.

## **Reviews**

- Whether the level of allowances may be determined according to an index and if so which index.
- How long the mechanism should be applied (subject to a maximum of four years) before its application should be reviewed.

We have been asked to review and make recommendations on Bolsover District Council's Members' Allowance Scheme which we will consider in later meetings and provide the Council with a further report.

In the meantime, we have been asked to provide an interim report addressing whether the role of Junior Executive Member should receive a Special Responsibility Allowance and if so what the level of allowance should be. Set out below are our findings and recommendations on this.

### **3. THE PANEL'S METHODOLOGY**

- 3.1 We were provided with detail of the Council's proposal to introduce a new role of Junior Executive Member that we were informed is due to be considered at a meeting of the Council on 2<sup>nd</sup> August 2023. This included the proposed role description.

3.2 We were also provided with a table showing what other local authorities paid members in similar roles and how this compared to that authorities basic allowance or Executive member SRA. This is reproduced below.

Comparison of Junior Executive Members SRAs paid by other authorities

<b>Authority</b>	<b>Basic Allowance</b>	<b>Executive</b>	<b>Junior Executive</b>	<b>Percentage</b>
Tameside	£14,712	£22,081	£9176	No clear pattern
Nottingham City	£13,052	£21,210	£7,070	33% of Executive Allowance
Blackpool	£11,0944	£14,977	£5,547	50% of Basic Allowance
Chesterfield Borough	£6,286	£7,993	£3,996	50% of Executive Allowance
London Borough of Harrow	£8,711	£20,861	£2,179	25% of Basic Allowance
Rochdale	£11,172	£15,082	£3,016	20% of Executive
Blackburn with Darwen	£7,336	£7,336	£3144	No clear pattern
Huntingdonshire District Council*	£4,500	£8,394	£840	10% of Executive
London Borough of Bromley	£11,393	£21,380	£3746	No clear patter

\*This was paid up to 2022. The Executive Assistant Role is no longer a role.

3.3 We first considered whether the role should attract a Special Responsibility Allowance. We are happy that the role fell within the criteria set out by the Regulations for payment of Special Responsibility Allowance and we are happy that members undertaking that role should receive an allowance.

3.4 We do have concern about the number of members who receive a special responsibility allowance and are conscious of guidance stating that if the majority of members of a council receive a special responsibility allowance the local electorate may rightly question whether this was justified. This is something we will consider when we review the scheme as a whole.

- 3.5 Having agreed to attribute an SRA to the role of Junior Executive Member we then considered what the level of that SRA should be. The IRP considered the current list of roles and SRAs paid by Bolsover District Council and whether the new role should be a percentage of one of the existing SRAs. We agreed it would seem sensible for the Junior Executive Member to attract a percentage of the SRA that a Member of the Executive received.
- 3.6 We also considered the level of SRA that a similar role attracted at other local authorities, including Chesterfield Borough Council which paid Junior Executive Members 50% of the Executive's SRA.
- 3.7 We looked at the SRA paid to the Vice Chairs and how they compared to the SRA paid to the Chair of the same Committee.
- 3.8 We debated at what level to recommend the SRA be paid, between 33% and 50% of that paid to Members of the Executive and we agreed to recommend that the Junior Executive Member SRA should be 50% of the SRA paid to Members of the Executive. Members of the Executive received £4890.72, therefore the recommended SRA for the Junior Executive Members would be £2445.36.
- 3.9 In making our decision it should be noted that we will want to review the Junior Executive Member SRA as part of the full review.

#### **4. CONCLUSIONS AND RECOMMENDATIONS: -**

**For the reasons set out above our recommendations are that the role of Junior Executive Member should attract a Special Responsibility Allowance of £2445.36 (50% of an Executive Member SRA).**

**Bolsover District Council**

**Meeting of Council on 2<sup>nd</sup> August 2023**

**Annual Report of the Standards Committee 2022/23**

**Report of the Chair of Standards Committee**

<b>Classification</b>	This report is Public
<b>Report By</b>	Amy Bryan Governance & Civic Manager 01246 242529 <a href="mailto:amy.bryan@bolsover.gov.uk">amy.bryan@bolsover.gov.uk</a>
<b>Contact Officer</b>	Jim Fieldsend Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

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

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**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 Council to consider the Standards Committee Annual Report which sets out the work of the Committee during the municipal year 2022/23.

2.2 The 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;

Council notes the Standards Committee Annual Report 2022/23

Approved by Councillor Duncan McGregor, Portfolio Holder for Corporate Governance

<b><u>IMPLICATIONS:</u></b>	
<b><u>Finance and Risk:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b> None arising from this report.	
On behalf of the Section 151 Officer	
<b><u>Legal (including Data Protection):</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b> None arising from this report.	
On behalf of the Solicitor to the Council	
<b><u>Environment:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.	
<b>Details:</b> Not applicable to this report.	
<b><u>Staffing:</u></b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>	
None arising from this report.	
On behalf of the Head of Paid Service	

#### DECISION INFORMATION

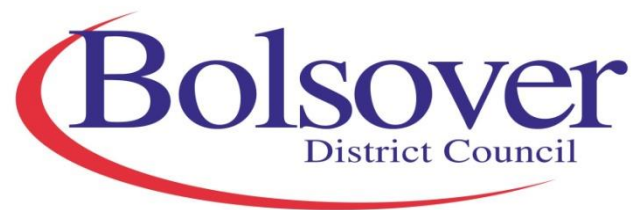
<p><b>Is the decision a Key Decision?</b>          A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital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

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

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

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Annual Report of the Standards Committee 2022/2023

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



**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 9<sup>th</sup> 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 21<sup>st</sup> 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 Council on 2<sup>nd</sup> August 2023**

**Medium Term Financial Strategy**

**Report of the Portfolio Holder for Resources**

<b>Classification</b>	This report is public
<b>Report By</b>	Director of Finance and Section 151 Officer
<b>Contact Officer</b>	Director of Finance and Section 151 Officer Theresa Fletcher 01246 242548 theresa.fletcher@bolsover.gov.uk

**PURPOSE/SUMMARY OF REPORT**

To seek approval of the updated Medium Term Financial Strategy (MTFS) attached at **Appendix 1**, which was considered by Executive on 31<sup>st</sup> July 2023.

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**REPORT DETAILS**

**1. Background**

- 1.1 The Medium-Term Financial Strategy (MTFS) sets out the Council’s strategic approach to the management of its finances and outlines the various factors and influences that may impact on us over the next few years.
- 1.2 This MTFS relates purely to the General Fund at present as the Housing Revenue Account (HRA) assumptions are based on the 30-year Business Plan. The decisions for Members around the HRA dwelling rents and service charges will be provided to Council in the MTFP in February.

**2. Details of Proposal or Information**

- 2.1 The Medium-Term Financial Strategy 2024/25 – 2027/28 for the General Fund is attached at **Appendix 1**.
- 2.2 The MTFS is the starting point for developing a meaningful four-year strategy that sets out the strategic intention for all of the different strands of funding available to the Council. The Council will then rely on this to inform future decisions. The Medium-Term Financial Plan (MTFP) will be prepared using the approved MTFS assumptions.

- 2.3 The MTFS has been produced in a period where there remains a great deal of uncertainty regarding future funding of Local Government. Delays to Government Reviews and a series of roll-over Spending Reviews for the last few years, mean predicting the likely outcome of the Spending Review for 2024/25 is exceedingly difficult.
- 2.4 The outcome of the Spending Review is critically important to the financial health and viability of local authorities across the country. Councils are looking to the review to give real-terms growth in funding that will underpin our finances over the next few years.
- 2.5 The only prediction being made by external advisors with any certainty around the 2024/25 Spending Review, is that it will be another 1-year settlement. A possible general election in Spring 2024, means there are unlikely to be any changes made this year. Any changes made as a result of an election, could not be implemented by Government until 2026/27 at the earliest.
- 2.6 Once the details of the Spending Review are known the implications for Bolsover will be included in our updated MTFP which will be presented to Members in February 2024.

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

- 3.1 To inform the MTFP process by providing strategic financial intention.

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

- 4.1 Members could decide not to approve the MTFS. The MTFP would then be prepared on assumptions not agreed by Members and there could be a risk it would need to be amended in February if the assumptions used were not agreeable. By law, the MTFP must be approved prior to the beginning of the financial year to which the budget relates, 31<sup>st</sup> March 2024.

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## **RECOMMENDATION(S)**

1. That Members approve the Medium-Term Financial Strategy at Appendix 1.
2. The Council continues to fund the General Fund revenue base budget from the full amount of New Homes Bonus (and related grants such as Services Grant) allocated by Government.
3. To set the strategic intention to continue to be a member of the Derbyshire Business Rates Pool while ever it is financially advantageous for the Council to do so.
4. To set the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax referendum, to endeavour to continue to deliver services. (The actual Council Tax for any given year will be decided by Council in the preceding March).

5. That the Council maintains a policy of a minimum level of Balances for the General Fund of £2m.

Approved by the Portfolio Holder - Cllr Clive Moesby, Executive Member for Resources

**IMPLICATIONS.**

**Finance and Risk:**            Yes             No

**Details:** Financial implications are covered throughout this report and appendix 1. The risk of not approving the MTFP before the statutory deadline might be greater without an approved MTFS.

On behalf of the Section 151 Officer

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

**Details:** There are no legal or data protection issues arising directly 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:** Not applicable to this report.

**Staffing:**            Yes             No

**Details:** There are no human resource issues arising directly out of this report.

On behalf of the Head of Paid Service

**DECISION INFORMATION**

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

<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> Leader / Deputy Leader <input 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 type="checkbox"/>	Details:  Portfolio Holder for Finance

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

**DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Medium-Term Financial Strategy 2024/25 – 2027/28

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



## **1 Introduction**

- 1.1 The Medium-Term Financial Strategy (MTFS) sets out the Council's strategic approach to the management of its finances and outlines the various factors and influences that may impact on us over the next few years.
- 1.2 The MTFS links our Council Ambition and priorities with forecasted resources and budgets. It is then used as a framework for the detailed budget setting process to ensure that resources are effectively managed and are able to deliver the Council's key objectives as set out in the Council's Ambition, over the medium term.
- 1.3 The Council's Ambition for 2020-2024 is:

"To become a dynamic, self-sufficient and flexible Council that delivers excellent services, whilst adapting to local aspirations and acting as the economic and environmental driver for Bolsover District."
- 1.4 Within the Council's Ambition one of the strategic themes is Economy. To support this theme is the priority of 'Ensuring financial sustainability and increasing revenue streams.' This is the overall purpose of this MTFS.

## **2 Key Objectives of the Medium-Term Financial Strategy (MTFS)**

- 2.1 There is a legal requirement for the Council to produce a balanced and robust budget for the forthcoming year. In preparation for the annual budget, officers will review the MTFS to update Members on changes to budget assumptions and service issues. The MTFS will be updated when items are further known, such as results of Government consultations or Government funding settlements.
- 2.2 The Medium-Term Financial Plan (MTFP) will then be presented to Members in February based on the MTFS strategic assumptions. The MTFP will contain the detailed revenue budgets for the general fund and housing revenue account resulting from the annual budget process for the next 4 years at service level, along with the proposed Capital Programme.
- 2.3 The MTFS will ensure financial sustainability and increase revenue streams by:
  - Ensuring that effective financial planning and management contributes to the Council achieving the priorities in the Council Ambition.
  - Maximising the income from Council Tax and Business Rates.
  - Maximising income from commercial and regeneration opportunities within the District.

- Ensuring the Council's financial standing is prudent, robust, stable, and sustainable.

2.4 The Council has a number of agreed principles as a basis for financial management and budget planning as follows:

- Emerging pressures are managed within existing overall budgets in the first instance.
- Spending is aligned to key priorities as set out in the Council's Ambition.
- Income is only included in the budget where it is supported by robust proposals and is deliverable.
- Commercial income will be maximised where possible to ensure that fee charging services break-even over time and are provided with a nil cost subsidy from the taxpayer or return a surplus where appropriate.
- Where possible, future liabilities are anticipated.
- Budgets are sustainable.
- Savings proposals are supported by project plans and the impact on service delivery is clear.
- Capital and revenue planning are integrated to ensure implications are fully anticipated.
- Borrowing costs will be incurred (on capital projects) only where the cost is covered by new income as part of a business case.
- The Council's reserves and balances are not used as a primary method to balance the ongoing pressures in the budget. Earmarked reserves are used for specific one-off purposes to support the delivery of corporate objectives, to mitigate risks or to allow savings to be made as an invest-to-save.

### **3 The Factors Effecting the Medium-Term Financial Strategy (MTFS)**

3.1 In compiling the MTFS a number of factors which effect the resources and expenditure for the Council have been considered. These have been reviewed to ensure the MTFS reflects the most up-to-date financial position for the Council.

Resources Available

- 3.2 The anticipated resources to be received by the Council are included in the MTFs. The resources forecasts are based on a number of assumptions which are detailed in the following sections. The table below shows the resources that were included in the MTFP in February 2023 as we do not yet have the actual figures for 2024/25 onwards until the Spending Review 2023 is announced.

Table 1 – Estimated resources receivable by the Council (excluding fees and charges)

	2023/24	2024/25	2025/26	2026/27
	£	£	£	£
<b>Government Grants</b>				
Revenue Support Grant	1,473,016	1,582,000	377,000	347,000
Business Rates S31 Grant	2,505,381	2,958,932	3,091,285	3,418,638
New Homes Bonus	677,892	677,892	0	0
2022/23 Services Grant	113,676	113,676	0	0
Funding Guarantee Grant	40,837	0	0	0
	4,810,802	5,332,500	3,468,285	3,765,638
<b>Locally Generated Income</b>				
Council Tax	8,423,448	8,610,775	8,741,686	8,872,597
Business Rates	4,044,605	4,222,097	2,077,244	2,033,362
	12,468,053	12,832,872	10,818,930	10,905,959
	17,278,855	18,165,372	14,287,215	14,671,597
% resources locally generated	72%	71%	76%	74%

- 3.3 The amount of income the Council receives from the Government has significantly reduced since 2009/10. The amount received for 2023/24 is estimated to be £5m lower than 2009/10 which is a reduction of 50%. The MTFP from February 2023, outlined the continued uncertainty surrounding local government funding and the significant assumptions that have to be made. These are given in more detail below.

**Overdue Local Government Funding Reforms**

- 3.4 There were multiple reforms scheduled for 2020/21 that were due to have a significant impact on local authority finances when complete. These were delayed understandably in 2020 due to the pandemic and it was expected some of these may not be implemented until 2023/24. Latest information is that these reforms are likely now to be delayed until at least 2026/27. As a reminder the areas being reformed are described below.
- 3.5 **The Fair Funding Review** will re-assess the relative needs and relative resources of local authorities. This will determine the methodology for the distribution of the funding allocated to local government to individual authorities.

- 3.6 **Baseline Reset** – the Business Rates retention system is due to be reset. The reset will establish new Baseline Funding Levels, Business Rates Baselines and Top-ups/Tariffs for each local authority.

Top-ups/Tariffs will be reset based on:

- The amount of funding to be distributed following the Spending Review.
- The new needs assessment resulting from the Fair Funding Review.
- Estimates of individual local authority's Business Rates income.

- 3.7 **Business Rates Retention** – the Government announced in the Autumn Budget 2017 that local authorities would move to a system of 75% Business Rates Retention from 2020/21. This was delayed and due to be in place from April 2022. However, in early November 2021 the government announced that plans to allow councils to retain 75% of Business Rates from April 2022 had been abandoned as it was said the policy would conflict with the government's levelling up agenda and that the government would now 'proceed with caution' on the issue.

- 3.8 **Council Tax** – the Government's future strategy for Council Tax increases will also be a key issue. The Government's policy on referendum limits from 2023/24 onwards is not yet known.

#### **Local Government Finance Settlement 2023/24**

- 3.9 2019/20 was the final year of the four-year Local Government Finance Settlement. The Spending Review 2019 was originally planned to cover the three-year period 2020/21 – 2022/23 but was delayed. This effectively resulted in a one-year extension to the four-year settlement.
- 3.10 The Spending Review 2020 was due to cover the years 2021/22 – 2024/25 and it was anticipated it would provide clarity on the Government reforms, but this was delayed due to the pandemic. The Spending Review 2020 was therefore, another one-year extension.
- 3.11 It was hoped the Spending Review 2021 would provide an update on the Government reforms and cover the years 2022/23 – 2024/25 but again, a one-year settlement was announced for 2022/23 and there were no projected or indicative numbers for the remainder of the spending review period. Therefore, the Spending Review 2021 was again effectively a roll-over settlement.
- 3.12 In November 2022, when the Chancellor announced the Autumn Statement it was thought that the Spending Review 2022 would cover both 2023/24 and 2024/25. However, the local government finance settlement when announced was another one-year settlement for 2023/24 only. There were no projected or indicative numbers for 2024/25 in lots of areas (although some were given), therefore, the Spending Review 2022 was effectively another roll-over settlement.

- 3.13 As previously discussed, many times, the early indicative results of the above reforms were all detrimental to us as a district Council who has seen much growth in recent years, both in business rates and New Homes Bonus grant. The removal of these funding streams will have a major effect on our financial position.
- 3.14 In his letter of 16<sup>th</sup> December 2021, the Secretary of State for Levelling Up, Housing and Communities (DLUHC) wrote, “**Government is committed to ensuring that funding allocations for councils are based on an up-to-date assessment of their needs and resources. The data used to assess this has not been updated in a number of years, dating from 2013/14 to a large degree, and even as far back as 2000. Over the coming months, we will work closely with the sector and other stakeholders to update this and to look at the challenges and opportunities facing the sector before consulting on any potential changes. As part of this, we will look at options to support local authorities through transitional protection.**”
- 3.15 The Spending Review 2023 is due to be announced around October 2023. Early predictions from commentators are that there will be a roll-over for 2024/25. Once the implications of the Spending Review are known for Bolsover, they will be included in our updated MTFP.

#### **New Homes Bonus**

- 3.16 A number of times it has been announced by the Government that the current year represents the final year of New Homes Bonus funding. In the Spending Review 2023, we were allocated grant of £0.678m for 2023/24 and it was suggested a further amount would be payable in 2024/25. The future of New Homes Bonus has been consulted on by Government and we await the result. Both the Lower Tier Services Grant and the 2022/23 Services Grant were introduced because the future of New Homes Bonus Grant had not been decided.
- 3.17 The Spending Review 2023 again, introduced a new 3% Funding Guarantee Grant. This ensured every authority got an increase in core spending power of at least 3%. This was to take account of the reduction in Lower Tier Services Grant and the change in New Homes Bonus allocations. Bolsover received a one-year allocation of £0.041m. There is every chance this grant will be provided to us in some form again in 2024/25 as a proxy for the New Homes Bonus that we are eventually likely to lose.

#### **Lower Tier Services Grant**

- 3.18 This grant was introduced in 2021/22 to provide damping to authorities with cash-terms reductions in Core Spending Power. It provided additional funding to district Councils who are losing the most from the reduction in New Homes Bonus and gain the least from new grant increases and council tax increases. Bolsover received allocations in 2021/22 and 2022/23. It is felt unlikely this grant will be paid out again.

**2022/23 Services Grant**

3.19 This was a new, one-off grant to support all services delivered by councils. This was distributed to every authority using the 2013/14 SFA. An amount was initially only allocated for 2022/23, but the Spending Review 2023, allocated Bolsover £0.114m for 2023/24 and 2024/25. It is unlikely this specific grant will be paid to us again.

**Revenue Support Grant**

3.20 As with New Homes Bonus, we have been led to believe that RSG is being phased out. However, the Spending Review 2023 allocated us two more years and implied funding for a further two. Therefore, the current MTFP has amounts of £1.473m, £1.582m, £0.377m and £0.347m for 2023/24, 2024/25, 2025/26 and 2026/27 respectively.

**Baseline Funding Level**

3.21 The baseline is the amount of money the Government has assessed that the Council needs to keep to fund its services, based on a needs formula. The Local Government Finance Settlement updates the baseline every year, usually in line with inflation. Bolsover is able to keep 50% of any business rates growth above the baseline set by the Government, with the remainder payable to the Government (but see Retained Business Rates section for pool implications). The table below summarises the estimated Baseline Funding Level for the MTFP period and shows the current assumptions change in 2025/26, which was the revised date for the introduction of the Business Rates Reset.

	Baseline Funding Level			Change %		
	Business Rates Baseline	Business Rates Tariff	Total	Business Rates Baseline	Business Rates Tariff	Total
	£	£	£			
2019/20	8,481,995	(5,602,995)	<b>2,879,000</b>			
2020/21	8,620,695	(5,694,286)	<b>2,926,409</b>	1.6%	1.6%	1.6%
2021/22	8,620,695	(5,694,286)	<b>2,926,409</b>	0.0%	0.0%	0.0%
2022/23	8,620,695	(5,694,286)	<b>2,926,409</b>	0.0%	0.0%	0.0%
2023/24	9,821,928	(6,786,006)	<b>3,035,922</b>	13.9%	19.2%	3.7%
2024/25	10,550,000	(7,289,000)	<b>3,261,000</b>	7.4%	7.4%	7.4%
2025/26	15,068,000	(11,740,000)	<b>3,328,000</b>	42.8%	61.1%	2.1%
2026/27	15,371,000	(11,976,000)	<b>3,395,000</b>	56.5%	76.5%	11.8%

**Retained Business Rates**

- 3.22 Our Business Rates tax base represents the value of Business Rates income we estimate will be collected from businesses. Each Business Rates taxpayer account has a rateable valuation provided by the Valuation Office Agency, multiplied by a business rates multiplier which increases each year and is set by the Government.
- 3.23 In total Bolsover retains 40% of Business Rates collected during the year, after deductions for mandatory and discretionary reliefs, the cost of income collections, including losses, and for the cost of changes to rateable values as a result of appeals. The remaining amounts are paid on the basis of 50% to central government, 9% to Derbyshire County Council and 1% to Derbyshire Fire Authority.
- 3.24 Bolsover's Retained Business Rates income (the 40%) is then subject to a tariff, which is increased annually by the retail price index and is paid to central government. This tariff payment funds other authorities where their Business Rates are considered to be disproportionately low. The level of the tariff is unique to each local authority and is announced as part of the Spending Review.
- 3.25 Since 1<sup>st</sup> April 2015, the Derbyshire Business Rates pool has been in operation. This consists of all eight Derbyshire district or borough Councils, Derbyshire County, Derby City and Derbyshire Fire Authority. Instead of each district or borough Council paying 50% of their growth above the baseline over to Government, it is kept within the pool and distributed amongst all the members on an agreed basis.
- 3.26 There are a number of risks that could affect the level of Business Rate income collected, and as such, reduce the anticipated amount of Retained Business Rates. The most significant risks are as follows:
- Unpredictable increases in exemptions and reliefs due to different property usage.
  - Successful business rate appeals dating back to earlier years.
  - Slower than anticipated local economic growth.
  - Retail price index increases on the tariff, being higher than local economic growth.
  - Uncollectable debts as a result of worsening economic conditions.
- 3.27 One of the largest financial risks that the Council is facing is around how the Government will re-set the Business Rates Baseline for the Council. The growth being encouraged by the Council within the business sector means we have the highest level of growth in the Derbyshire Business Rates pool.
- 3.28 In 2022/23 we were £3.7m above our Business Rates Baseline so contributed £1.8m into the pool and were able to transfer £2m into our Business Rates Growth Protection Reserve as we planned in the MTFP.

3.29 The Business Rates income in the current MTFP has the worst-case scenario for 2024/25 to 2026/27 and includes no smoothing from the Government of significant losses because the detail is unknown. This will be updated as soon as any information is made available.

### Council Tax

3.30 Council Tax is charged by local authorities on residential properties. The Valuation Office Agency decides the correct band based on the value of property at 1 April 1991. Local authorities set the charge based on a Band D property each year.

3.31 Council Tax is the main source of funding for the provision of general fund services. It is determined locally but the Government indicate what upper limit they consider acceptable on a yearly basis. The legislative requirement to hold a referendum is triggered if this limit is exceeded. For 2023/24, District Councils were permitted to increase their share of the Council Tax by the greater of 3% or £5. This was a 1% increase on the limit that had been in place for the two previous years. It is currently unknown whether this will remain the same for 2024/25 or revert back to the lower percentage.

3.32 In calculating our recent funding settlements, the Government has assumed that we will increase Council Tax by the maximum level allowed.

3.33 For 2023/24 we increased our share of the bill for a Band D property by £5.72 per annum which was 2.99% and equated to 11p per week. This raised £130,911 in revenue income. This same increase has been assumed for all years of the MTFP for exemplifying the financial position only.

3.34 The breakdown of the 2023/24 Council Tax bill over all the preceptors is as follows:

<i>Derbyshire County Council</i>		£1,311.01
<i>Derbyshire County Council – Adult Social Care element</i>		£166.97
Derbyshire County Council Total	67.16%	£1,477.98
Bolsover District Council	8.95%	£197.00
Police + Crime Commissioner	12.11%	£266.60
Derbyshire Fire + Rescue Service	3.90%	£85.84
Town + Parish Councils (average)	7.88%	£173.29
The total charge for the average Band D bill 2023/24	<b>100%</b>	<b>£2,200.71</b>



**Council Tax Base**

- 3.35 The Council Tax base for 2023/24 of 22,900.72 was determined by the Chief Financial Officer under delegated powers in December 2022. This represents the number of Band D equivalent properties that we collect Council Tax from. This is an increase on the 2022/23 Tax Base. The Tax Base for 2023/24 looks to be back on track to where it would have been if the pandemic had not occurred. The Tax base for 2024/25 is currently being determined.
- 3.36 The more Band D equivalent properties the Council has, allows the local authority to generate more income for the Council from Council Tax. Properties valued at Band A generate less income for the Council as the charge is 70% of the charge for a Band D property. The Council Tax base for Bolsover District Council is exceptionally low and this is a disadvantage for us. If another Council with a much higher Tax base increased their Council tax by the same percentage as us, they would receive far more income than us. This needs to be remembered when Council Tax is becoming one of the main ways the Government is allowing us to generate income.

**Reserves and Balances**

- 3.37 The Local Government Act 2003 (Section 25) requires the Council's Section 151 Officer to report to Council on the Robustness of Budget Estimates and Adequacy of Reserves, for consideration immediately prior to setting the Budget and Council Tax. This is subject to external audit review to assess value for money and a going concern opinion.
- 3.38 The Section 151 Officer must consider the level of reserves needed to meet estimated future expenditure when calculating the budget requirement. The Council keeps a level of reserves to protect against the risk of any uncertainties or unforeseen expenditure. Much like using savings to offset monthly household bills the use of financial reserves cannot solve a budget problem outright but allows for smoothing of impacts or allows the Council time to ride any short-term situations before returning to normal. Therefore, reserves are used to:
- Manage the impact of funding reductions over a longer period.
  - Invest in projects that allow services to be delivered cheaper.
  - Take one-off hits for the council without the need to further reduce service budgets.
  - Provide capacity to absorb any non-achievement of planned budget reductions in each year.
  - Provide capacity to absorb non-achievement of potential income, planned to be included in the MTFP in each year.
  - To temporarily roll over unused portions of grants that can legally be used later.

- To insure against major unexpected events.
- To protect against general risk.
- To guard against emerging specific risks, such as business rate appeals, Council Tax support funding cuts and welfare reform.

3.39 Best practice guidance from the Chartered Institute of Public Finance and Accountancy (CIPFA), states that the General Fund balance may be between 5% and 100% of net expenditure. The Council's £2m minimum working balance represents 18% of total net expenditure.

3.40 In addition to the General Fund balance, the Council retains a number of earmarked reserves on the balance sheet. Some are required to be held for statutory reasons, some are needed to comply with proper accounting practice and others have been set up voluntarily to earmark resources for future spending plans or potential liabilities.

3.41 The Council has continued to develop its prudent financial management arrangements through the development of earmarked reserves to mitigate against potential future risks. As issues arise, the potential requirement for an earmarked reserve is considered. New earmarked reserves are formally considered as part of the detailed budget process to ensure that any new risks identified are mitigated, and throughout the annual budget monitoring process as risks arise or become clearer.

3.42 The detailed budget process includes an assessment of risk, the adequacy of General Fund Reserves and a review of earmarked reserves, to both create and change earmarked reserve levels and to also release reserves which are no longer required.

The table below shows the level of general fund usable reserves and balances as at 1 April 2023.

	<b>Balance at</b>
<b>General Fund</b>	<b>01-Apr-23</b>
	<b>£'000</b>
<b>Balances:</b>	
General Fund Balance	<b>(2,019)</b>

	<b>Balance at</b>
<b>General Fund</b>	<b>01-Apr-23</b>
	<b>£'000</b>
<b>Usable Reserves:</b>	
Area Based Grant	<b>(48)</b>
Covid-19 - Reserve	<b>(69)</b>
General	<b>(1,286)</b>
NDR Growth Protection	<b>(11,566)</b>
Insurance - GF	<b>(478)</b>
IT and Office Equipment	<b>(1,357)</b>
Legal Costs	<b>(195)</b>
Local Development Scheme	<b>(179)</b>
Planning Fees	<b>(162)</b>
Transformation Reserve	<b>(3,795)</b>
Vehicle Repair and Renewal - GF	<b>(2,445)</b>
3G Pitch, Carpet Renewal Reserve	<b>(100)</b>
<b>Total Reserves and Balances</b>	<b>(23,699)</b>

#### **4 Budget Pressures**

- 4.1 The table below is from the 2022/23 Outturn report. It is the latest position for all years in the current MTFP before we start the revised budget and MTFP process. These figures will be updated and presented to Council in December and February.
- 4.2 The table shows that the Council is currently not forecasting any budget shortfall in any year due to us making transfers to/(from) the NNDR Growth Protection Reserve as planned in the MTFP. At 31<sup>st</sup> March 2023, the balance on the reserve was £11.566m. The planned movement on this reserve means at the end of the current MTFP there is forecast to be a balance of £5.845m remaining for future years.

	<b>2023/24 Budget £000</b>	<b>2024/25 Budget £000</b>	<b>2025/26 Budget £000</b>	<b>2026/27 Budget £000</b>
Net Cost of Services	12,544	12,281	12,400	12,745
Net debt charges + investment interest	(282)	(21)	85	61
Net t/f to/(from) reserves + balances	1,210	1,321	270	344
Net t/f to/(from) NNDR Growth Protection Reserve	(275)	354	(2,829)	(2,971)
Parish precept	3,646	3,646	3,646	3,646
Funding from council tax, business rates and government grants	(16,825)	(17,851)	(13,572)	(13,825)
<b>Use of GF balance</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>0</b>

- 4.3 Once the details of the Spending Review are known the implications for Bolsover will be included in our updated MTFP and the figures for 2027/28 will be included in the plan for the first time.
- 4.4 Since 2011/12, Bolsover has delivered savings of over £5m. We have a good record of finding efficiencies and new ways of working but new budget savings are becoming increasingly more difficult to identify and deliver now we have reduced service budgets to minimum levels. For this reason, it is essential that the Council continues to identify areas where costs can be reduced, or income increased to close any budget gaps.
- 4.5 A number of areas have already been identified around additional income as follows:
- Potential Council Tax increases and growth in the tax base from new properties or bringing empty properties back into use.
  - Income from a proposed crematorium.
  - Income from providing funding for our own Development Company.

## **5 CIPFA Financial Management Code**

- 5.1 CIPFA has developed a Financial Management Code (FM Code) which is designed to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The FM Code has been introduced because the exceptional financial circumstances faced by local authorities have revealed concerns about fundamental weaknesses in financial management, particularly in relation to a small number of high-profile failures across local government which threaten stakeholder's confidence in the sector as a whole.
- 5.2 Although the FM Code does not have legislative backing, it applies to all local authorities, and it must be demonstrated that the requirements of the FM Code are being met. Demonstrating this compliance with the Code is a collective responsibility of Elected Members, the Section 151 Officer, and the Corporate Leadership Team.

## **6 Dragonfly Group**

- 6.1 On 4<sup>th</sup> October 2022, Dragonfly Development Limited was converted from a joint venture with Woodhead Regeneration Ltd into a wholly owned company of Bolsover District Council
- 6.2 Dragonfly Development Co. Ltd is a development company limited by shares. Dragonfly Management (Bolsover) Ltd is a management company which is a wholly owned subsidiary of Dragonfly Development Co. Ltd, as a company limited by shares. These two entities form the Dragonfly Group and have been established to take advantage of the wider trading powers provided by the Localism Act 2011.
- 6.3 A full business case was commissioned from Sharpe Pritchard (Public Sector Lawyers) and aligned to the requirements of the HM Treasury Five Case Model and the CIPFA Local Authority Owned Companies good practice guide. The business case produced, demonstrated that Dragonfly Development Co. Ltd can be a viable proposition that will provide the Council with a positive income stream.
- 6.4 The business case showed that the Company makes a loss in the first 3 years of operation and makes a profit after tax for the first time in 2026/27. The business case also showed the losses made in the first 3 years of operation during development and before it starts generating returns, are recouped by 2034 under the assumptions used at the time. Assumptions would be such as interest rates/costs of materials/achievable income, to name but a few.

- 6.5 As with any business case it is important that actual costs remain close to the costs estimated in producing the business case to ensure the financial performance of Dragonfly is viable and a positive income stream is provided for the Council. At the time of writing this Strategy, service level agreements between the Council and Dragonfly are still being drawn up so no figures have yet been included in the current MTFP. However, unless there have been changes approved by Council since, the already approved MTFP budgets will transfer across to Dragonfly with the services.
- 6.6 To protect the Council, as a minimum, monitoring of the business case and the performance of Dragonfly against it, will take place on at least a quarterly basis in respect of the transferred services. This will then be reported to Members as part of the budget monitoring process.