

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Council

Monday 13th May 2024

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

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, 22nd May, 2024 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



Director of Governance and Legal Services & Monitoring Officer

Equalities Statement

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

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

Access for All statement

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

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

COUNCIL AGENDA

***Wednesday 22nd May 2024 at 10:00 hours taking place in the Council Chamber, The Arc,
Clowne***

| Item No. | | Page No.(s) |
|-----------------|--|------------------------|
| 1. | Election of Chair of the Council To elect the Chair of the Council for the 2024/25 Municipal Year. Once elected the Chair will make the Declaration of Acceptance of Office. | |
| 2. | Appointment of Vice Chair of the Council To appoint the Vice Chair of the Council for the 2024/25 municipal year. Once appointed the Vice Chair will make the Declaration of Acceptance of Office. | |
| 3. | Apologies For Absence | |
| 4. | Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time. | |
| 5. | Chair's Announcements To receive any announcements that the Chair of the Council may desire to lay before the meeting. | |
| 6. | Minutes To approve the Minutes of the Council meeting held on 6 th March 2024. | 5 - 14 |
| 7. | Appointment of the Deputy Leader and Members of the Executive The Leader will confirm the appointment of the Deputy Leader of the Council and the Members of the Executive for the 2024/25 Municipal Year. | |

| | | |
|------------|--|----------------|
| 8. | Establishment of Committees and Proportionality 2024/25 | 15 - 21 |
| | To establish the Council's Committees and Advisory Groups for the 2024/25 Municipal Year. | |
| 9. | Appointments to Committees and Advisory Groups | 22 - 29 |
| | To consider appointments to established committees and advisory groups for the 2024/25 Municipal Year. | |
| 10. | Nominations of Chairs and Vice Chairs of Committees | 30 - 34 |
| | To consider nominations for Chairs and Vice Chairs of Committees for the 2024/25 Municipal Year. | |
| 11. | Appointments to Outside Bodies | 35 - 39 |
| | To consider appointments to Outside Bodies (Council Functions) for the 2024/25 Municipal Year. | |
| 12. | Scheme of Delegation | 40 - 66 |
| | To approve the Scheme of Delegation (Part 3 of the Council's Constitution). | |
| 13. | Operation of Urgency Rules and Thresholds for Key Decisions | 67 - 71 |
| | To set the thresholds for Key Decisions for the 2024/25 Municipal Year and to consider the use of Urgency Rules for the previous Municipal Year. | |
| 14. | Standards Committee Annual Report 2023/24 | 72 - 79 |
| | To consider the Standards Committee Annual Report for 2023/24. | |
| 15. | Chair's Closing Remarks | |

COUNCIL

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 6th March 2024 at 10:00 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, Cathy Jeffery, Tom Kirkham, Duncan McGregor, Clive Moesby, Sandra Peake, Jeanne Rospin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Janet Tait, Ashley Taylor, Deborah Watson, Jen Wilson, Carol Wood and Jane Yates.

Officers:- Karen Hanson (Chief Executive), Steve Brunt (Strategic Director of Services), Jim Fieldsend (Service Director of Governance and Legal Services & Monitoring Officer), Theresa Fletcher (Director of Finance & Section 151 Officer), Pam Brown (Director Executive, Corporate Services and Partnerships), Ollie Fishburn (HR & Payroll Manager), and Alison Bluff (Governance).

CL73-23/24 APOLOGIES FOR ABSENCE

Apologies were received on behalf of Councillors Donna Hales, Rob Hiney-Saunders, Mark Hinman, Chris Kane, and Catherine Tite.

CL74-23/24 DECLARATIONS OF INTEREST

The Monitoring Officer reminded Members that any Member in arrears of Council Tax of more than 2 months must not vote in decisions on or which might affect budget calculations and they must disclose at the meeting that this restriction applied to them. A failure to comply with these requirements was a criminal offence under Section 106 of the Local Government Finance Act 1992.

The following interests were declared:

| Minute Number | Member | Interest |
|---|----------------------------|--|
| CL78-23/24 Proposed Amendment to the Council's Constitution (Contract Procedure Rules) | Councillor Steve Fritchley | Significant Other Interest – Director of Dragonfly Development Limited |
| | Councillor Emma Stevenson | Significant Other Interest – Director of Dragonfly Development Limited |
| | Councillor Janet Tait | Significant Other Interest – Director of Dragonfly Development Limited |

COUNCIL

| | | | |
|--|---------------------------|--|-------|
| | Councillor Deborah Watson | Significant Interest – Director of Dragonfly Development Limited | Other |
| | Councillor Carol Wood | Significant Interest – Director of Dragonfly Development Limited | Other |

CL75-23/24 CHAIR'S ANNOUNCEMENTS

The Chair thanked those Members and officers who attended his Civic Dinner at The Holiday Inn, South Normanton. The event had raised £1329 which would be donated to the Royal British Legion. The Chair further thanked the two sponsors of the event, NAL Plant and the Glapwell Garden Centre, and also Councillor Justin Gilbody for his fabulous entertainment. The Chair's next event would be the Civic Service on Sunday 14th April at St Lawrence Church, Whitwell, starting at 2.30pm followed by afternoon tea to be held at the Whitwell Community Centre. Invitations had been sent out and the Chair noted he looked forward to seeing Members there.

CL76-23/24 MINUTES

Moved by Councillor John Ritchie and seconded by Councillor Phil Smith

RESOLVED that the Minutes of a Council meeting held on 31st January 2024 be approved as a correct record.

CL77-23/24 PROPOSED AMENDMENT TO THE COUNCIL'S CONSTITUTION (SCHEME OF DELEGATION)

Council considered a detailed report, presented by the Portfolio Holder for Corporate Governance, which sought Members' approval for a change to the officer delegation scheme in the Council's Constitution, relating to acceptance of external funding and its associated terms.

The Council received funding from various organisations, however, there was no specific power for officers to accept it and therefore they used their general day to day administrative powers for amounts below the key decision threshold.

Where the amount of the funding was over a key decision threshold, approval to receive the funding and agreement of any funding conditions, must be granted by the Executive. Occasionally, the deadline to agree to accept funding did not match the Executive meeting schedule and so the Chief Executive was required to exercise urgency powers.

It was proposed to change the officer delegation scheme for the delegation to Assistant Directors and Directors to:

"To agree to the receipt of any external funding below the key decision level and the acceptance of any associated funding conditions",

COUNCIL

and the proposed wording of the delegation to the Chief Executive to:

“To agree to the receipt of any external funding and the acceptance of any associated funding conditions”.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie

RESOLVED that the changes to the Officer Delegation Scheme be approved.

Having previously declared their interest in the following item of business, Councillors Fritchley, Watson, Wood, Tait, and Stevenson left the meeting.

CL78-23/24 PROPOSED AMENDMENT TO THE COUNCIL'S CONSTITUTION (CONTRACT PROCEDURE RULES)

Council considered a detailed report, presented by the Portfolio Holder for Resources, which sought Members' approval to a proposed change to the Council's Contract Procurement Rules.

The Council's Contract Procurement Rules provided a framework for the procurement of all goods services and works for the Council, and all purchases were required to go through a set process depending on the value of the purchase.

The proposed changes to the Contract Procurement Rules were required to enable the Council to make a direct award to Dragonfly Management (Bolsover) Limited in relation to all contracts subject to it meeting the specific criteria as set out within Regulation 12 of the Regulations.

Dragonfly Management (Bolsover) Limited (DMBL) was a company wholly owned and controlled by the Council and provided over 80% of its services directly to the Council. This meant DMBL was Teckal company, and the Council could make direct contractual awards to it without complying with the statutory requirements set out in The Public Contract Regulations 2015 ('the Regulations').

Dragonfly Developments Limited (DDL) was also a company wholly owned by the Council, however, it was not a Teckal company. The threshold for public works contracts was currently £5,372,609 and the Council could award contracts below this threshold provided the Contract Procurement Rules provided for this, which was now proposed in part 4.8.4 at section (5).

The proposed changes were shown as tracked changes in the appendix to the report and clarified the position on signing / awarding contracts.

Councillor Kirkham queried what provisions were in place to ensure the Council still received value for money and the same level of transparency as in open tenders when awarding contracts to Dragonfly.

The Monitoring Officer replied that each case would be considered on its own merits, and if it were in the best interest of the Council or if it were more appropriate to go out to full tender.

Councillor Kirkham noted that a key element of the Service Level Agreement with Dragonfly related to value for money and the performance of Dragonfly and Members had

COUNCIL

been advised they would receive updates from the Monitoring Officer regarding the Dragonfly Shareholder Board. However, Members had not received these updates nor seen agendas and minutes from the meetings. He added that if the Council was going to award directly to Dragonfly, and as a wholly owned company of the Council, Members were to help steer and direct it to the Council's priorities and also have more of a say in Dragonfly, then Members needed to see the agendas and Minutes and be able to attend Shareholder Board meetings.

The Monitoring Officer replied that in terms of the decision making route, if an award were going to be given to Dragonfly, a report would go to the Shareholder Board and then to Executive for a formal decision, which would be subject to Scrutiny review. Currently, the makeup of the Shareholder Board was Executive Members, however, this was being looked at along with the roles and responsibilities going forward.

Councillor McGregor acknowledged Councillor Kirkham's concern and advised that the Shareholder Board Minutes would be shared with Members.

Councillor Moesby added that it was being looked at to add Scrutiny Members onto the Shareholder Board.

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby
RESOLVED that changes to the Contract Procurement Rules as set out in the report be agreed.

Councillors Fritchley, Watson, Wood, Tait, and Stevenson returned to the meeting.

CL79-23/24 SKY LANTERNS AND HELIUM BALLOONS CHARTER

Council considered a detailed report, presented by the Portfolio Holder for Environment, in relation to sky lanterns and helium balloons with a Scrutiny Committee recommendation that the Council introduce a charter to ban the release of either of these on any land or property owned by the Council.

Sky lanterns, (also known as Chinese lanterns), and helium balloons, could travel a long way before they fell to the ground. As well as being a litter nuisance, the risks they presented included fire, danger to animals and livestock causing injury or death, contamination to crops, and false alarms/significant danger to aviation traffic such as planes and helicopters. In addition, there were concerns that lanterns could be drawn into aircraft engines and could delay take-off and landing, and lanterns drifting across a night sky had been mistaken by the public and coast guards for marine distress signals.

Following referrals from the Customer Standards & Complaints Officer and the Leader of the Council, Scrutiny chose to investigate further to establish what the Council could do to mitigate the impacts at a local level.

It was found that several organisations were running national awareness campaigns and calling for the celebratory use of these items to be banned through national regulatory action. These included the Peak District National Park, the Countryside Alliance, the Marine Conservation Society, and the RSPCA. The RSPCA website also provided alternative suggestions to the use of sky lanterns and helium balloons:
<https://www.rspca.org.uk/adviceandwelfare/litter/balloon-and-sky-lantern-alternatives>

COUNCIL

Whilst there was limited additional impact the Council could have at a local level due to current national legislation, designating restrictions on use on Council owned land would bring the Council in line with over 50% of English councils. As a result of the Scrutiny review, Scrutiny Members had agreed five recommendations including that the Council write to the Government lobbying for change to national legislation, in line with the national campaign. Scrutiny had also drafted a Charter for adoption by the Council in line with the approach taken by other councils nationally. All five recommendations were detailed in the appendix attached to the report.

Councillor Jen Wilson spoke from her own experience and noted that when helium balloons lay deflated on the ground in hay fields, they would get baled into the hay which was used to feed horses. Councillor David Bennett also noted the significant danger to aviation and the impact on life and limb and that he would like to see an outright ban of sky lanterns and helium balloons.

Moved by Councillor Anne Clarke and seconded by Councillor Ashley Taylor

RESOLVED that the Council adopts and promotes a charter as follows: -

Bolsover District Council has banned the release of sky lanterns and balloons on any land or property owned by the Council.

We are committed to encouraging businesses, communities, landowners, and individuals to switch to alternative ways of celebrating and commemorating events.

Bolsover District Council pledges to: -

- Promote the restriction of the release of all types of helium-filled balloon and sky lantern on property and land owned by the Council. This includes those that are made from bamboo or claim to be biodegradable.*
- Engage with businesses, communities, landowners, schools, and individuals to encourage them to sign up to this charter.*
- Raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns.*

CL80-23/24 LEVEL OF COUNCIL TAX 2024/25

Council considered a detailed report, presented by the Portfolio Holder for Resources, which set out the proposed level of Council Tax for 2024/2025.

The Localism Act 2011 required the billing authority to calculate a Council Tax requirement for the year. The approved demand on the Collection Fund for the Council should be **£4,691,334**. The Council had now received all parish precept demands which totalled **£4,583,187** so the total demand on the Collection Fund in 2024/25 would be **£9,274,521**.

In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority, and parish councils would also need to be taken into account. The Council had now received all

COUNCIL

the relevant precept demands from these other local authorities that precept upon the Council as the billing authority for Council Tax.

The Chair reminded Members that a recorded vote would need to be taken on this item as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

The recommendations in the report were moved by Councillor Clive Moesby and seconded by Councillor David Bennett.

For the motion (25):

Councillors David Bennett, Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Steve Fritchley, Justin Gilbody, Duncan Haywood, Cathy Jeffery, Tom Kirkham, Duncan McGregor, Clive Moesby, Tom Munro, Sandra Peake, Jeanne Rospin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Janet Tait, Ashley Taylor, Rita Turner, Deborah Watson, Jen Wilson, and Jane Yates.

Against the motion (3):

Councillors Will Fletcher, Louise Fox, and Carol Wood.

Abstentions (0).

RESOLVED that 1) the Council Tax for the Financial Year 2024/25 as set out in the report be approved,

2) the officers as set out in section 1.6 of the report be approved to undertake the identified duties in accordance with section 223 of the Local Government Act 1972, and the Council's Chief Financial Officer be delegated the authority to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year.

CL81-23/24 COUNCIL CORPORATE PLAN - BOLSOVER DISTRICT THE FUTURE 2024-2028

Council considered a detailed report, presented by the Leader of the Council, which sought Members' approval for the Council's Corporate Plan - Bolsover District The Future 2024-2028.

To accompany the Plan, the Chief Executive provided a presentation and a short montage of video clips of staff carrying out their daily duties.

Bolsover District The Future 2024-2028, built on the success of the Council Ambition 2020-2024, and recognised the pivotal role that the Council played in delivering and working with and influencing public and private sector partners, government, and businesses to make Bolsover District a great place to live, work and spend time.

The new plan had a separate aim for Housing to reflect the Council's ambitions in this area and recognised the importance of the new Social Housing Consumer Standards. The plan set out the four aims (Customers, Economy, Environment, and Housing) together with the Council's priorities under each aim.

COUNCIL

To support the delivery of the Plan, a performance management framework was being developed with Service Managers to enable active monitoring of the plan.

Consultation on the priorities which underpinned the Council's aims had been wide and had received broad support. Consultees included the Citizens' Panel, Equality Panel, and employees. Senior Leadership Team and the Council's four Scrutiny Committees were also consulted on the initiatives and targets supporting the priorities.

The Chief Executive highlighted some of the great achievements the Council had accomplished during the life of the 2020/2024 Plan.

The video clips would be put on the Council's website and roadshows would also take place with Q&A sessions for staff with the Leader and KH attending and also representation from Senior Leadership Team.

The Leader echoed those Members comments that the Council should be proud of what it had achieved so far. The Council now had to face combined authorities and the Leader had put together a second to none devolution team where staff had demonstrated flexibility, which was key, along with resilience.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor

RESOLVED that (1) the Council's Corporate Plan, 'Bolsover District The Future 2024-2028', be approved,

(2) the Chief Executive be authorised to make any subsequent minor amendments to 'Bolsover District The Future 2024-2028',

(3) the Chief Executive and the Senior Leadership Team manage the supporting performance management framework to ensure that it stays aligned to 'Bolsover District The Future 2024-2028', vision, aims and priorities.

CL82-23/24 PAY POLICY STATEMENT 2024/25

Council considered a detailed report, presented by the Portfolio Holder for Corporate Governance, which sought Members' approval for the Council's Pay Policy Statement 2024/2025.

The Annual Pay Policy Statement 2024/25, set out the Council's policy on pay for senior managers and employees in accordance with the requirements of Section 38 of the Localism Act 2011 and Supplementary Guidance 2013.

The Pay Policy Statement was presented to Council on an annual basis. Any amendments to the policy statement, other than minor updates to reflect the 2023/24 pay agreement and 2024/25 pay agreement, would require the approval of Council. The Annual Pay Policy Statement 2024/25 reflected the current position based on decisions previously taken at Council and was attached as an appendix to the report.

Under the Local Government Transparency Code 2015 additional organisational information was required to be published annually on the Council's website. This consisted of third tier organisation charts, senior salaries information, including functional responsibilities, budget amounts and numbers of staff responsible for, together with

COUNCIL

details of trade union facility time.

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby
RESOLVED that the Annual Pay Policy Statement 2024/25 be approved.

CL83-23/24 STATEMENT OF LICENSING POLICY - DELEGATED DECISION

Council considered a detailed report, presented by the Portfolio Holder for Environment, which provided information regarding a decision taken by the Chief Executive under delegated powers in relation to the Statement of Licensing Policy, and to explain the reasons for the decision taken.

The Council was a Licensing Authority for the purpose of the Licensing Act 2003 ('the Act'). Section 5 of the Act required all Licensing Authorities to prepare and publish a Statement of Licensing Policy that they proposed to apply in exercising their functions under the Act during the five-year period to which the policy applied.

The Policy established a set of controls which the Council considered appropriate for the effective management of licensable activities within the district. The Policy acted as a guide for Members, applicants, responsible authorities, and members of the public and aimed to promote fair, consistent, and proportionate decision making.

Section 4 of the Act provided that, in carrying out its functions, a Licensing Authority must 'have regard to' Guidance issued by the Secretary of State under Section 182 as appropriate. Modifications to Section 182 Guidance had been published during 2023 and early 2024. These revisions needed to be considered and time given to review and prepare a revised Statement of Licensing Policy ready for statutory consultation and final publication.

As the Council's Licensing Policy Statement was due to expire on 31st January 2024, a decision was taken under delegations to republish the existing Statement of Licensing Policy to cover the interim period required to consider modifications to the guidance issued by the Secretary of State.

A draft, revised Licensing Policy Statement was considered by the Climate Change and Communities Scrutiny Committee on 20th February 2024, and by the Licensing and Gambling Acts Committee on 22nd February 2024. The draft policy would be subject to a 6-week consultation period before being further considered by the Licensing and Gambling Acts Committee.

Final approval of a new policy would be considered by Council on the recommendations of the Licensing and Gambling Acts Committee.

Moved by Councillor Anne Clarke and seconded by Councillor Steve Fritchley
RESOLVED that the decision taken by the Chief Executive under delegations with regard to the Council's Statement of Licensing Policy be noted.

CL84-23/24 APPOINTMENT OF CHAIR OF THE CLIMATE CHANGE AND COMMUNITIES SCRUTINY COMMITTEE

COUNCIL

Members considered a detailed report, presented by the Monitoring Officer, for Council to decide upon the appointment of the Chair of the Climate Change and Communities Scrutiny Committee.

Following the recent resignation of the Chair of the Climate Change and Communities Scrutiny Committee, Councillor Catherine Tite, it was necessary for the Council to elect a new Chair.

The other Members on the Climate Change and Communities Scrutiny Committee were Councillors Ashley Taylor (Vice Chair), Rob Hiney-Saunders, Cathy Jeffery, Emma Stevenson, Janet Tait, Ross Walker, and Carol Wood.

Councillor Duncan McGregor nominated Councillor Emma Stevenson to be Chair of the Climate Change and Communities Scrutiny Committee. The nomination was seconded by Councillor Anne Clarke.

RESOLVED that Councillor Emma Stevenson be Chair of the Climate Change and Communities Scrutiny Committee.

CL85-23/24 COUNCIL MEETING SCHEDULE 2024/25

Council considered the proposed schedule of meetings for 2024/2025, presented by Councillor Duncan McGregor, Portfolio Holder for Corporate Governance.

Each year the Council considered a calendar of its meetings for the forthcoming municipal year. This was to ensure that the Authority had in place an efficient meeting schedule that met the needs of Members and facilitated decision making in line with statutory deadlines.

Councillor Ashley Taylor noted his disappointment that there had been little consideration for meetings to be held at different times during the day to accommodate those Members who were in full time employment, which limited those Members' contribution to the Council. He requested that consideration be given to this when the next meeting schedule was being prepared.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

RESOLVED that 1) the 2024/25 calendar of meetings, as attached at Appendix 1 to the report, be approved,

2) delegated authority be granted to the Governance and Civic Manager following consultation with the Chair of the relevant Committee(s)/Working Group(s) to amend the calendar of meetings 2024/25 as and when required.

CL86-23/24 CHAIRMAN'S CLOSING REMARKS

The Chair thanked everyone's contribution to the meeting and reiterated his pride in being Chair of the Council and what the Council had achieved and was still achieving.

He reminded those present of his Civic Service to be held on Sunday 14th April and

COUNCIL

added that there would also be a commemorative event at the Oxcroft Centre, Stanfree, for Pat Cooper, former District and Bolsover Town Parish Councillor, who sadly passed away in 2020, and kindly requested Members to support the event if they could.

The meeting concluded at 11:11 hours.

Bolsover District Council

Meeting of the Annual Council on 22nd May 2024

Establishment of Committees and Proportionality 2024/25

Report of the Director of Governance and Legal Services & Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is Public |
| Report By | Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

To establish the Council's Committees and Advisory Groups for the 2024/25 Municipal Year.

REPORT DETAILS

1. Background

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

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

2. Details of Proposal or Information

2.1 The size for each Committee is set out in Appendix 1.

2.2 There are no changes proposed to the current establishment. The terms of reference for each committee will remain as currently set out in the Council's Constitution.

2.3 Appendix 2 sets out the allocation of committee seats which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 as far as is reasonably practicable.

- 2.4 The Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. The Advisory Groups are not subject to the political balance requirements.
- 2.5 Nominations to committees are detailed in a separate report.

3. Reasons for Recommendation

- 3.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of Section 15 of the Local Government and Housing Act as far as reasonable practicable.

4 Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

1. That the Council's committees, their terms of reference and size as set out in Appendix 1 be established for the 2024/25 Municipal Year in accordance with Council Procedure Rule 1.1(k);
2. That the Council agrees the allocation of seats on committees as set out in Appendix 2, in accordance with the political balance rules,
3. That authority be delegated to the Monitoring Officer in consultation with the Leader of the Council and relevant Committee Chair (when appointed) to make amendments to the terms of reference for committees arising within the 2024/25 municipal year.

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

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

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

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

Staffing: Yes ☐ No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

Links to Council Ambition: Customers, Economy and Environment.

DOCUMENT INFORMATION

| Appendix No | Title |
|-------------|--|
| 1 | Establishment of Committees and Terms of Reference |

| | |
|---|-------------------------------|
| 2 | Proportionality on Committees |
| | |

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

Establishment of Committees and Terms of Reference.

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

- Finance & Corporate Overview Committee - 8 Members
- Climate Change and Communities Scrutiny Committee - 7 Members
- Customer Services Scrutiny Committee - 8 Members
- Local Growth Scrutiny Committee - 7 Members
- Employee Appeals Committee - 3 Members plus 3 deputies
- General Licensing Committee - 10 Members
- Licensing and Gambling Acts Sub Committee - 3 Members
- Safety Committee - 5 Members plus 5 employee representatives
- Standards Committee - 6 Members plus 1 co-opted member
- Union / Employee Consultation Committee - 6 Members plus 6 employee representatives
- Employment & Personnel Committee - 5 Members
- Planning Committee - 10 Members
- Joint ICT Committee - 3 Members
- Joint Scrutiny Panel - 3 Members
- Audit Committee - 6 Members plus 2 co-opted Members

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

- Local Plan Implementation Advisory Group - 10 Members
- Member Development Working Group - 7 Members
- Pleasley Park and Vale Conservation Area Joint Advisory Group - 5 Members
- Tenant Participation Review and Development Group - 5 Members

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

| | |
|-----------|----|
| Executive | 8 |
| Non-Exec | 29 |

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

| Group | Total Seats Allocated | Proportion |
|--------------------|-----------------------|------------|
| Labour Group | 83 | 83.00% |
| Conservative Group | 9 | 9.00% |
| Independent (DW) | 3 | 3.00% |
| Independent (RW) | 2 | 2.00% |
| Independent (JG) | 4 | 4.00% |
| Vacant | 0 | 0.00% |


| | |
|-------------|-----|
| Total Seats | 100 |
|-------------|-----|

| Scrutiny Committees | Total seats on Committee | | Labour Group | | Conservative Group | | Independent (DW) | | Independent (RW) | | Indepdenent (JG) | | Total seats allocated |
|---|--------------------------|----|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|-----------------------|
| | | | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | |
| Customer Services Scrutiny Committee | 7.25 | 8 | 6.70 | 6 | 0.65 | 1 | 0.22 | 1 | 0.22 | 0 | 0.00 | 0 | 8 |
| Local Growth Scrutiny Committee | 7.25 | 7 | 5.86 | 5 | 0.57 | 1 | 0.19 | 0 | 0.19 | 1 | 0.00 | 0 | 7 |
| Finance and Corporate Overview Scrutiny Committee | 7.25 | 8 | 6.70 | 7 | 0.65 | 0 | 0.22 | 0 | 0.22 | 0 | 0.00 | 1 | 8 |
| Climate Change and Communities Scrutiny Committee | 7.25 | 7 | 5.86 | 6 | 0.57 | 1 | 0.19 | 0 | 0.19 | 0 | 0.00 | 0 | 7 |
| Total seats | 0 | 30 | 25.14 | 24 | 2.43 | 3 | 0.81 | 1 | 0.81 | 1 | 0 | 1 | 30 |
| | 29 | | | | | | | | | | | | |

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

| Joint Committees* | Total seats on Committee | Labour Group | | Conservative Group | | Independent (DW) | | Independent (RW) | | Independent (JG) | | Total seats allocated |
|----------------------|--------------------------|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|---------------------|-----------------|-----------------------|
| | | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | Proportion of seats | Allocated Seats | |
| Joint ICT | 3 | 2.51 | 3 | 0.24 | 0 | 0.08 | 0 | 0.08 | 0 | 0.00 | 0 | 3 |
| Joint Scrutiny Panel | 3 | 2.51 | 2 | 0.24 | 1 | 0.08 | 0 | 0.08 | 0 | 0.00 | 0 | 3 |

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

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

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

Bolsover District Council

Meeting of Annual Council on 22nd May 2024

Appointments to Committees and Advisory Groups 2024/25

Report of the Director of Governance and Legal Services & Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is Public |
| Report By | Jim Fieldsend Director of Governance and Legal Services & Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

To establish and appoint Members to the Council's Committee and Advisory Groups for the 2024/25 Municipal Year.

REPORT DETAILS

1. Background

- 1.1 In line with the provisions within the Council's constitution, the Annual Meeting of Council is required to:
 - Appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matter which are neither reserved to the Council Meeting nor are Executive Functions;
 - Decide the size and terms of reference for those committees;
 - Decide the allocation of seats to political groups in accordance with the Political Balance rules.
- 1.2 There are no proposed changes to the terms of reference for any of the Committees.

2. Details of Proposal or Information

- 2.1 Political Groups are requested to nominate Members to serve on Committees and Advisory Groups (as set out in **Appendix 1**) for the 2024/25 Municipal Year.
- 2.2 The Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. The Advisory Groups are not subject to the political balance requirements.

3. Reasons for Recommendation

- 3.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of section 15 of the Local Government and Housing Act as far as reasonable practicable.
- 3.2 Nominations that have been received in advance of the meeting from Political Groups are detailed in **Appendix 1**.

4 Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

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

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details: The Council is required to:

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

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

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

Staffing: Yes ☐ No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

| |
|---|
| Links to Council Ambition: Customers, Economy and Environment. |
| |

| DOCUMENT INFORMATION | |
|----------------------|--|
| Appendix No | Title |
| 1 | Appointments to Committees and Advisory Groups for 2024/25 |

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

BOLSOVER DISTRICT COUNCIL

ANNUAL COUNCIL MEETING 22nd MAY 2024

APPOINTMENT TO ESTABLISHED COMMITTEES AND ADVISORY GROUPS 2024/25

COMMITTEES

| Committee | Labour Group (31) | Conservative Group (3) | Independent (3) |
|--|--|---------------------------------|----------------------------------|
| Finance & Corporate Overview Scrutiny Committee (8) | (7) Councillors David Bennett, Rowan Clarke, Chris Kane, Lucy King, Sally Renshaw, Janet Tait, Jane Yates | (0) | (1) Councillor Justin Gilbody |
| Local Growth Scrutiny Committee (7) | (5) Councillors Duncan Haywood, Tom Kirkham, Tom Munro, Jeanne Raspin, Jen Wilson | (1) Councillor Will Fletcher | (1) Councillor Ross Walker |
| Customer Services Scrutiny Committee (8) | (6) Councillors Amanda Davis, Donna Hales, Lisa Powell, Phil Smith, Rita Turner, Victoria Waplington | (1) Councillor Louise Fox | (1) Councillor Deborah Watson |
| Climate Change and Communities Scrutiny Committee (7) | (6) Councillors Rob Hiney-Saunders, Mark Hinman, Cathy Jeffery, Emma Stevenson, Ashley Taylor, Catherine Tite | (1) Councillor Carol Wood | (0) |

| Committee | Labour Group (31) | Conservative Group (3) | Independent (3) |
|--|--|---------------------------------|----------------------------------|
| Employee Appeals Committee (3) Deputies (3) | (3) Councillors Steve Fritchley, Duncan McGregor, Rita Turner Deputies: (3) Deputy 1 – Councillor Jane Yates Deputy 2 – Councillor Rowan Clarke Deputy 3 – Councillor Janet Tait | (0) | (0) |
| Employment and Personnel Committee (5) | (4) Councillors Mary Dooley, Duncan McGregor, Tom Munro, Sandra Peake | (0) | (1) Councillor Deborah Watson |
| General Licensing Committee (10) | (9) Councillors David Bennett, Anne Clarke, Amanda Davis, Mary Dooley, Lisa Powell, Jeanne Raspin, Emma Stevenson, Ashley Taylor, Rita Turner | (1) Councillor Will Fletcher | (0) |
| Licensing and Gambling Acts Committee (10) | (9) Councillors David Bennett, Anne Clarke, Amanda Davis, Mary Dooley, Lisa Powell, Jeanne Raspin, Emma Stevenson, Ashley Taylor, Rita Turner | (1) Councillor Will Fletcher | (0) |

| Committee | Labour Group (31) | Conservative Group (3) | Independent (3) |
|--|---|------------------------------|----------------------------------|
| Planning Committee (10) | (8) Councillors Rob Hiney-Saunders, Chris Kane, Duncan McGregor, Tom Munro, John Ritchie, Phil Smith, Janet Tait, Jen Wilson | (1) Councillor Carol Wood | (1) Councillor Deborah Watson |
| Safety Committee (5) | (4) Councillors Amanda Davis, Tom Munro, Jeanne Rospin, Jane Yates | (0) | (1) Councillor Justin Gilbody |
| Audit Committee (6) Plus 2 co-opted Members | (5) Councillors Cathy Jeffery, Chris Kane, Tom Munro, Lisa Powell, Catherine Tite | (1) Councillor Carol Wood | (0) |
| Standards (6) Plus 1 co-opted Member | (4) Councillors Anne Clarke, Duncan Haywood, Tom Kirkham, Jane Yates | (1) Councillor Louise Fox | (1) Councillor Justin Gilbody |
| Union / Employee Consultation Committee (6) | (5) Councillors Rowan Clarke, Mary Dooley, Duncan Haywood, Sandra Peake, Victoria Waplington | (0) | (1) Councillor Ross Walker |

JOINT COMMITTEES

| Committee | Labour Group (31) | Conservative Group | Independent (3) |
|--|--|---------------------------------|-----------------|
| ICT Shared Services Committee (3 from BDC plus CBC and NEDDC) | (3) Councillors David Bennett, Steve Fritchley, Clive Moesby | (0) | (0) |
| Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel) (3) | (2) TBC | (1) Councillor Will Fletcher | (0) |

ADVISORY GROUPS

| Committee | Labour Group (31) | Conservative Group (3) | Independent (3) |
|--|---|------------------------------|----------------------------------|
| Pleasley Park and Vale Conservation Area Joint Advisory Group (5) | (5) Councillors Chris Kane, Tom Munro, John Ritchie, Janet Tait, Catherine Tite | (0) | (0) |
| Local Plan Implementation Advisory Group (10) | (8) Councillors Rob Hiney-Saunders, Chris Kane, Duncan McGregor, Tom Munro, John Ritchie, Phil Smith, Janet Tait, Jen Wilson | (1) Councillor Carol Wood | (1) Councillor Deborah Watson |
| Member Development Working Group (7) | (5) Councillors Rowan Clarke, Mary Dooley, Cathy Jeffery, Sandra Peake, Jen Wilson | (1) Councillor Louise Fox | (1) Councillor Justin Gilbody |
| Tenant Participation Review and Development Group (5) | (5) Councillors Sandra Peake, Janet Tait, Ashley Taylor, Rita Turner, Jane Yates | (0) | (0) |

Bolsover District Council

Meeting of the Annual Council on 22nd May 2024

Nominations to Chairs and Vice-Chairs of Committees and Advisory Bodies 2024/25

Report of the Director of Governance and Legal Services and Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is Public |
| Report By | Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

For Council to decide upon the appointment of Chairs and Vice-Chairs for the 2024/25 Municipal Year.

REPORT DETAILS

1. Background

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

2. Details of Proposal or Information

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

3. Reasons for Recommendation

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

4. Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

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

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

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

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

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

Staffing: Yes ☐ No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

| |
|---|
| Links to Council Ambition: Customers, Economy and Environment. |
| |

| DOCUMENT INFORMATION | | | | | | |
|---|---|--------------|---|---|--|--|
| <table border="1"><tr><th>Appendix No</th><th>Title</th></tr><tr><td>1</td><td>List of Chairs and Vice-Chair nominations 2024/25</td></tr><tr><td> </td><td> </td></tr></table> | Appendix No | Title | 1 | List of Chairs and Vice-Chair nominations 2024/25 | | |
| Appendix No | Title | | | | | |
| 1 | List of Chairs and Vice-Chair nominations 2024/25 | | | | | |
| | | | | | | |

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

**NOMINATIONS OF
CHAIRS AND VICE-CHAIRS TO ESTABLISHED COMMITTEES
2024/25**

| | Committee/Regulatory Body | Labour Group nomination | Other nomination |
|----|---|---|-------------------------|
| a) | Audit Committee Chair Vice Chair | Cllr Tom Munro Independent Appointed Person | |
| b) | Climate Change and Communities Scrutiny Committee Chair Vice Chair | Cllr Rob Hiney-Saunders Cllr Ashley Taylor | |
| c) | Customer Services Scrutiny Committee Chair Vice Chair | Cllr Donna Hales Cllr Rita Turner | |
| d) | Local Growth Scrutiny Committee Chair Vice Chair | Cllr Tom Munro Cllr Jen Wilson | |
| e) | Employment and Personnel Committee Chair Vice Chair | Cllr Duncan McGregor Cllr Deborah Watson | |
| f) | Finance & Corporate Overview Scrutiny Committee Chair Vice Chair | Cllr David Bennett Cllr Sally Renshaw | |
| g) | Licensing Committee(s) Chair Vice Chair | Cllr Emma Stevenson Cllr Amanda Davis | |
| h) | Planning Committee Chair Vice Chair | Cllr Tom Munro Cllr Chris Kane | |

| | | | |
|----|--|--|--|
| i) | Safety Committee Chair Vice Chair | To be appointed at first meeting | |
| j) | Standards Committee Chair Vice Chair | Mrs Jean Ruth Jaffray Councillor Jane Yates | |
| k) | Union / Employee Consultation Committee Chair Vice Chair | To be appointed at first meeting | |
| l) | Member Development Working Group Chair Vice Chair | To be appointed at first meeting | |
| m) | Local Plan Implementation Advisory Group Chair Vice Chair (same as Planning Committee) | Cllr Tom Munro Cllr Chris Kane | |

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

Bolsover District Council

Meeting of Annual Council on 22nd May 2024

Appointments to Outside Bodies (Council Functions) 2024/25

Report of the Director of Governance and Legal Services & Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is Public |
| Report By | Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

For Council to appoint representatives to Outside Bodies for 2024/25.

REPORT DETAILS

1. Background

- 1.1 Council is asked to consider the list of Outside Bodies (Council Functions) attached at Appendix 1 and to make appointments of representatives.

2. Details of Proposal or Information

- 2.1 The term of office for each appointment will be from the date of the Annual Council meeting (22nd May 2024) until the next Annual Council meeting unless otherwise specified.
- 2.2 Appendix 1 includes details of the bodies to be appointed to for 2024/25 at the time of writing the report. A list of proposed nominations will be circulated before the meeting.

3. Reasons for Recommendation

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

4. Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

1. That Council considers the list of Outside Bodies (Council Functions) attached at Appendix 1 and to make appointments of representatives.
2. The term of office for each appointments will be from the date of the Annual Council meeting (22nd May 2024) until the next Annual Council meeting, unless otherwise specified.

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

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

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

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

Staffing: Yes ☐ No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

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

| DOCUMENT INFORMATION | |
|----------------------|---|
| Appendix No | Title |
| 1 | Appointments to Outside Bodes (Council Functions) for 2024/25 |
| | |
| | |

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

Appendix 1

APPOINTMENTS TO OUTSIDE BODIES 2024/25 (COUNCIL FUNCTIONS)

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

| Organisation | Representative(s) |
|--|---|
| Arthur Townrow Pensions Fund (term expiring on 1 st January 2027) | (2 representatives) Councillor X Councillor X |
| Association of Councillors a) National | (1 representative & 1 sub) Councillor X Councillor X (substitute) |
| Association of Councillors b) English Regional | (1 representative & 1 sub) Councillor X Councillor X (substitute) |
| Creswell Heritage Trust | (1 representative) Councillor X |
| Derbyshire Police and Crime Panel | (1 representative & 1 sub) Relevant Portfolio Holder for Community Safety Councillor X (Substitute) |
| Doe Lea Management Committee | (1 representative) Councillor X |
| Isabella Smithson's Charity (Administered by The John Pearce Trust) | (3 representatives) Councillor X Councillor X Councillor X |

| Organisation | Representative(s) |
|---|--|
| <p>Joint Board (BDC/NEDDC/CBC)</p> <p>Council Appointments - Scrutiny Observers</p> | <p><i>Leader and Deputy Leader (Executive Appointments)</i></p> <p>Councillor X (Scrutiny Representative Observer)</p> <p>Councillor X Councillor X (Scrutiny Representative Substitute Observers)</p> |
| <p>Local Government Association National</p> | <p>Leader Deputy Leader (substitute)</p> |
| <p>South Yorkshire Mayoral Combined Authority Board</p> <p>(non-constituent Council members)</p> | <p>(1 representative (the Leader) and one substitute)</p> <p>Leader Deputy Leader (substitute)</p> |

Bolsover District Council

Meeting of the Annual Council on 22nd May 2024

Scheme of Delegation for Officers

Report of the Director of Governance and Legal Services & Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is Public |
| Report By | Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

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

REPORT DETAILS

1. Background

- 1.1 It is a requirement under Council Procedure Rule 1.1 (o) of the Council's Constitution that the Annual Council Meeting agrees the Scheme of Delegation as set out in Part 3 of the Constitution.
- 1.2 The Scheme of Delegation outlines the specific delegation of Council and Executive functions to officers. The scheme includes general powers delegated to all senior managers together with specific powers delegated to the Chief Executive Officer, the Service Director Finance & Section 151 Officer and Service Director Governance and Legal Services & Monitoring Officer
- 1.3 The Scheme also outlines Proper Officer Provisions.

2. Details of Proposal or Information

- 2.1 The Scheme of Delegation for Officers is shown in Appendix 1.
- 2.2 Standards Committee on the 15th April 2024 considered a proposal and recommended to Council that the Scheme of Delegation be amended to enable the Strategic Director of Services to agree to the purchase of all vehicles. This power would only be used where the Council's Contract Procurement Rules have been complied with. Where the cost of the vehicles exceeds the key decision threshold a proposed decision will still need to be recorded on the Forward Plan for at least 28 days unless the exceptions in the Constitution are invoked.

- 2.3 The proposed wording of the delegation to Strategic Director of Service is “To agree to the purchase of all vehicles subject to the purchase being in accordance with the approved capital budget and the Contract Procurement Rules”.

3. Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

- 4.1 It is a requirement of the Council's Procedural Rules that a scheme of delegation is approved.

RECOMMENDATION(S)

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

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

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

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

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

Staffing: Yes ☐ No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

| |
|---|
| Links to Council Ambition: Customers, Economy and Environment. |
| |

DOCUMENT INFORMATION

| Appendix No | Title |
|-------------|----------------------|
| 1 | Scheme of Delegation |

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

3.1 SCHEME OF DELEGATION FOR OFFICERS

4.10.1 Introduction

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

- Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
- The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
- Any provision contained within this Constitution.

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

4.10.2 Exclusions

- (1) This Scheme does not delegate:-

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

4.10.3 Authorisations to other Officers

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

4.10.4 Reserve Delegations

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

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

4.10.5 Consultation

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

4.10.6 Restriction on delegations to Directors Assistant Directors

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

4.10.7 Transfer of Functions

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

4.10.8 Proper Officers

- (1) In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the “Proper Officer” in relation to that task. The list of Proper Officers is approved by the Council and set out later in section 4.11
- (2) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out in section 4.11

4.10.9 General powers delegated to the Chief Executive Officer and all Directors and Assistant Directors

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

- (iv) Suspension or dismissal of employees below Head of Service/Assistant Director level
 - (v) Re-grading of posts below Assistant Director level following job evaluation
 - (vi) Determination of job sharing applications
 - (vii) Waive any part of the notice required to be given by an employee to terminate employment.
- (12) To authorise payments for overtime in accordance with Council procedures.
 - (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
 - (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
 - (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
 - (16) To commission goods, services and works within approved budgets whether or not the decision is above or below the key decision threshold.
 - (17) To award a contract without following one of the normal procedures within part 4.8.3 of the Council's Procurement Rules provided that one of the exemptions in part 4.8.4 of the Rules can be applied and the provisions of part 4.8.4 are met.
 - (18) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
 - (19) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Council subsequently.
 - (20) To work with partners to achieve and implement the objectives and actions set out in the approved Council Ambition, Service Plans, Business Plans, policies, strategies or other plans.
 - (21) To carry out any duties or responsibilities as contained within the Financial Regulations.
 - (22) To carry out any functions contained within section 3.2 of Part 3 – Council Functions and section 3.3 – Local Choice Council Functions of the Functions Scheme in so much as they relate to the day to day administration and

operational management of the services and functions for which they are responsible.

- (23) To make non substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:
 - i) reflect changes in the law, government or regulators' guidance, and other Council policies; or
 - ii) correct obvious, technical or clerical errors and to take account of
- (24) To agree to the receipt of any external funding below the key decision level and the acceptance of any associated funding conditions.

4.10.10 Chief Executive Officer

Delegations

Exceptions

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

redundancies which may result from implementation.

- (6) Following consultation with the section 151 Officer, delegation in respect of points 1,3 and 1.4 of the Local Government Pension Scheme transfers policy.
- (7) Following consultation with the section 151 Officer, if they see fit to accept transfers (in respect of an individual employee's application to transfer in pension from a previous scheme) to the local government pension scheme outside the 12 month period, in those cases where the scheme member has not been informed of the time limit.
- (8) Following consultation with the Licensing Section within the shared Environmental Health service, Legal Services and the Chair of the Licensing Committee to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.
- (9) To authorise the making of notices and orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014. In the case of Public Space Protection Orders only these will require consultation with the Leader or Deputy Leader of the Council and relevant ward members, and authorisation given incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.
- (10) To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- (11) To express the views of the Council with regard to Local Government and the

functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.

- (12) To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow and where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Chief Executive Officer to the next meeting of Council explaining the reasons for the decision.
- (13) If there is an urgent need for a commercial decision, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder, to make the decision and endorsement will be sought from the Executive or Council as appropriate.
- (14) To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- (15) To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.
- (16) To exercise any of the powers delegated to a Director or Assistant Director.
- (17) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- (18) Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.

- (19) To make customers vexatious under the Compliments, Comments and Complaints Policy.
- (20) To authorise the use of earmarked reserves or Transformation Reserves.

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

- (21) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is required to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
- (22) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.
- (23) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.
- (24) Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a Neighbourhood Plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Executive to meet the statutory deadline.
- (25) Following a consultation with the Leader and the relevant Portfolio Holder, to make a Neighbourhood development Plan where more than half of those voting in an

applicable referendum have voted in favour of the plan.

- (26) To carry out Rights of Way functions for which the Council is responsible under Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) together with rights of way powers as set out in the Town & Country Planning Act 1990.
- (27) To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).
- (28) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions.
- (29) To authorise the enforcement officers of the Council to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.
- (30) To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant Ward Members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.
- (31) Following consultation with the Licensing Section within the shared Environmental Health service, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where

Exception to para 27:
Applications for discretionary Disabled Facilities Grants must be submitted to Executive.

permitted by law, this may be with immediate effect on the grounds of public safety.

- (32) To undertake and determine a review of a decision on compensation in relation to a listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.
- (33) To serve Section 215 Town and Country Planning Act 1990 notices.
- (34) To act as the Emergency Planning Lead.
- (35) To complaints and remedial action in respect of high hedges under Part 8 of the Anti-Social Behaviour Act 2003, regulations and orders under that Act, in accordance with procedures approved by the Council.
- (36) Following consultation with the Leader and Deputy Leader to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park.
- (37) (Further delegated to the Assistant Director of Planning) making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.
- (38) (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82n TCPA) in consultation with the relevant Portfolio Holder.
- (39) (Further delegated to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.
- (40) (Further delegated to the Assistant Director of Planning) discharge of Planning conditions in consultation with the relevant Portfolio Holder.

- (41) Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council to do so and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.
- (42) To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.
- (43) To agree to the receipt of any external funding and the acceptance of any associated funding conditions.
- (44) To agree to the receipt of any external funding and the acceptance of any associated funding conditions.

4.10.11 Service Director Finance and Section 151 Officer

Delegations

Exceptions

- (1) To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.
- (2) Have responsibility for the proper administration of the financial affairs of the Council.
- (3) After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer, to report to the Council Meeting (or to the Executive in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.
- (4) To approve the Draft Statement of Accounts prior to consideration by External Audit.

- (5) To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.
- (6) After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Executive/Cabinet.
- (8) To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.
- (9) To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- (10) To initial Delegated Decisions relating to Transformation Reserve spend to evidence that the Section 151 Officer has been consulted.
- (11) To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.
- (12) Following consultation with the Leader and Deputy Leader, to determine any matter the Council is required to make a decision on under Part 5 Chapter 3 (Assets of Community Value) of the Localism Act 2011 and the Assets of Community Value (England) Regulations 2012.
- (13) To undertake and determine a review under section 92 of the Localism Act 2011 of a listing of an asset of community value, where the original decision was made by another Director.
- (14) To undertake and determine a review of a decision on compensation in relation to a

listing of an Asset of Community Value under Regulation 16 of the Assets of Community Value (England) Regulations 2012, where the original decision was made by another Director.

- (15) To serve Section 215 Town and Country Planning Act 1990 notices.

4.10.12 Service Director Governance and Legal Services and Monitoring Officer

Delegations

Exceptions

- (1) To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
- (2) To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.
- (3) Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.
- (4) Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.
- (5) To negotiate and settle claims and disputes without recourse to court proceedings.
- (6) To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.

- (7) To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.
- (8) To advise whether decisions of the Executive are in accordance with the Budget and Policy Framework.
- (9) To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.
- (10) Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).
- (11) To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.
- (12) To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.
- (13) To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.
- (14) Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.
- (15) Following consultation with the Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).
- (16) To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.

- (17) To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman subject to informing the Head of Paid Services.
- (18) To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.
- (19) To provide a dispensation under Section 85 of the Local Government Act 1972, where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council Meeting which could consider it.
- (20) To make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

4.10.13 Strategic Director of Services

Delegations

Exceptions

- (1) To agree to the purchase of all vehicles subject to the purchase being in accordance with the approved capital budget and the Contract Procedure Rules.

4.11 Proper Officer Provisions

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

Proper Officer Provisions and Designation Of Officers To Statutory Functions/Roles

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

| Legislative Provision | Function | Proper Officer |
|----------------------------------|--|---|
| Local Government Act 1972 | | |
| S.83(1) to (4) | Witness and receipt of Declaration of Acceptance of Office | Service Director Governance and Legal Services and Monitoring Officer |
| S.84(1) | Receipt of notice of resignation of elected member | Service Director Governance and Legal Services and Monitoring Officer |
| S.88(2) | Arranging a Council meeting to appoint a Chair of the Council | Service Director Governance and Legal Services and Monitoring Officer |
| S.89(1) | Notice of casual vacancy | Service Director Governance and Legal Services and Monitoring Officer |
| S.100 (except 100(D)) | Admission of public (including press) to meetings | Service Director Governance and Legal Services and Monitoring Officer |
| S.100B(2) | The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public | Service Director Governance and Legal Services and Monitoring Officer |
| S.100B(7) | The officer to supply copies of documents to newspapers | Service Director Governance and Legal Services and Monitoring Officer |

| | | |
|---|---|---|
| S.100C(2) | The officer to prepare a written summary of the proceedings at committees and sub-committees | Service Director Governance and Legal Services and Monitoring Officer |
| S.100D(1)(a) | The officer to prepare a list of background papers for inspection | Service Director Governance and Legal Services and Monitoring Officer |
| S.100D(5)(a) | The officer to include in the list of background papers those documents which have been relied upon | Service Director Governance and Legal Services and Monitoring Officer |
| S.100F(2) | The officer to determine when a document should not be open to inspection because it discloses exempt information | Service Director Governance and Legal Services and Monitoring Officer |
| S.115(2) | Receipt of money due from officers | S.151 Officer |
| S137A (5) | Statement on Financial Assistance | Service Director of Finance and S.151 Officer |
| S.146(1)(a) and (b) | Declarations and certificates with regard to transfer of securities | Service Director of Finance and S.151 Officer |
| S.151 (and S.114 Local Government and Finance Act 1988) | The officer responsible for the proper administration of the Council's financial affairs | Service Director of Finance and S.151 Officer |
| S.151 (and S.114 Local Government and Finance Act 1988) | The officer responsible for the proper administration of the Council's financial affairs – Deputy | Service Director of Finance and S.151 Officer |
| S.191 (2) and (4) | Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent | Service Director Governance and Legal Services and Monitoring Officer |
| S.225 (1) and (2) | Deposit of documents | Service Director Governance and Legal Services and Monitoring Officer |

| | | |
|--|--|---|
| S.228(3) | Accounts for inspection by any member of the Council | Service Director of Finance and S.151 Officer |
| S.229(5) | Certification of photographic copies of documents | Legal Team Manager |
| s. 234 | The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same | Service Director Corporate and Legal Services and Monitoring Officer |
| S.236(9) and (10) | Sending of copies of byelaws to parish councils, parish meetings and County Council | Legal Team Manager |
| S.238 | Certification of byelaws | Governance & Civic Manager |
| S.248 | Officer who will keep the Roll of Honorary Aldermen and Freemen | Governance & Civic Manager |
| Local Government Act 1972 – Schedule 12 | | |
| Para 4(2)(b) | Signing of summons to Council meeting | Service Director Governance and Legal Services and Monitoring Officer |
| Para 4(3) | Receipt of notice about address to which summons to meeting is to be sent | Service Director Governance and Legal Services and Monitoring Officer |
| Local Government Act 1972 – Schedule 14 | | |
| Para 25 | Certification of resolution passed under this paragraph (Street naming etc) | Strategic Director of Services |
| Local Government Act 1974 | | |
| S.30(5) | To give notice that copies of an Ombudsman's report are available | Service Director Governance and Legal Services and Monitoring Officer |

| Local Government (Miscellaneous Provisions) Act 1976 | | |
|---|---|---|
| S.41(1) | The officer who will certify copies of evidence of resolutions and minutes of proceedings | Service Director Governance and Legal Services and Monitoring Officer |
| Local Authorities Cemeteries Order 1977 | | |
| Regulation 10 | To sign exclusive rights of burial | Strategic Director of Services |
| Representations of the People Act 1983 | | |
| S.8 | Registration Officer | Chief Executive Officer |
| S.8 | Deputy Registration Officer | Electoral Services Manager |
| S.35 | Returning Officer for Local Elections | Chief Executive Officer |
| S.35 | Deputy Returning Officer for Local Elections | Electoral Services Manager |
| S.24 | Acting Returning Officer for a Parliamentary Election | Chief Executive Officer |
| S.24 | Deputy Acting Returning Officer for a Parliamentary Election | Electoral Services Manager |
| S.52 | To act in place of Registration Officer | Deputy Registration Officer (see above) |
| S.67 | Appointment of election agent | Chief Executive Officer |
| S.82 and 89 | Receipt of election expense declarations and returns and the holding of those documents for public inspection | Chief Executive Officer |
| S.128, S.131, S.145, S.146 | Provisions relating to election petitions | Chief Executive Officer |
| S. 200 | Publication of Notices under the Act | Chief Executive Office |
| Sch. 4, (3), (6) and (8) | Elections Expenses | Chief Executive Officer |

| Local Authorities (Conduct of Referendums) (England) Regulations 2012 | | |
|---|---|--|
| S. 4, S41 and S.43 | Publicity in connection with the referendum and the Declaration of result | Chief Executive Officer |
| Local Elections (Parishes and Communities) (England and Wales) Rules 2006 | | |
| Rules 5 | Officer to receive the request for election to fill a casual vacancy in a Parish Council. | Chief Executive Officer |
| Local Government Act 2000 | | |
| | All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation | Chief Executive Officer except as specifically provided in this scheme |
| The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 | | |
| Regulation 2 | Determination of documents constituting Background Papers | Service Director Governance and Legal Services and Monitoring Officer |
| Regulation 12 | Recording of Executive decisions made at meetings of the Executive or Cabinet | Service Director Governance and Legal Services and Monitoring Officer |
| Regulation 14 | Inspection of documents following Executive decisions | Service Director Governance and Legal Services and Monitoring Officer |
| Regulation 15 | Inspection of background papers | Service Director Governance and Legal Services and Monitoring Officer |
| Regulation 13 | Individual Executive decisions | Service Director of Governance and Legal Services and Monitoring Officer |
| Regulation 7 | Access to agenda and connected reports | Service Director Governance and Legal Services and Monitoring Officer |

| | | |
|---|---|---|
| Regulation 10 | General exception relating to Key Decisions | Service Director Governance and Legal Services and Monitoring Officer |
| Regulation 16 | Members' rights of access to documents | Service Director Governance and Legal Services and Monitoring Officer |
| Regulation 20 | Confidential/exempt information and exclusion of public from meetings | Service Director Governance and Legal Services and Monitoring Officer |
| Building Act 1984 | | |
| S.78 | Signing of Notices | Strategic Director of Services |
| Public Health Act 1936 | | |
| S.85(2) | To serve notice requiring remedial action where there are verminous persons or articles | Strategic Director of Services |
| Public Health Act 1961 | | |
| S.37 | Control of any verminous article | Strategic Director of Services |
| Public Health (Control of Disease) Act 1984 | | |
| S11, 18, 20, 21, 22, 24, 29, 31, 36, 40,42, 43 and 48 | | Service Director Governance and Legal Services and Monitoring Officer |
| Public Health (Infectious Diseases) Regulations 1988 | | |
| Regulations 6, 8, 9, 10 Schedule 3 and 4 | | Service Director Governance and Legal Services and Monitoring Officer |

| Localism Act 2011 | | |
|--|---|---|
| S. 33 | Submission of written requests for Standards Dispensations | Service Director Governance and Legal Services and Monitoring Officer |
| S. 81 | Administration of Community Right to Challenge | Service Director Governance and Legal Services and Monitoring Officer |
| S.87 | Maintenance of List of Assets of Community Value | Service Director Governance and Legal Services and Monitoring Officer |
| Freedom of Information Act 2000 | | |
| S. 36 | Qualified Person determining prejudice to effective conduct of public affairs | Service Director Governance and Legal Services and Monitoring Officer |
| Local Government and Housing Act 1989 | | |
| S.2(4) | Recipient of the list of politically restricted posts | Service Director Governance and Legal Services and Monitoring Officer |
| S.3A | Employers certificate for exemption from politically restricted posts | Chief Executive Officer |
| S.4 | Head of Paid Service | Chief Executive Officer |
| S.5 | The Monitoring Officer | Service Director Governance and Legal Services and Monitoring Officer |
| S. 5 | Deputy Monitoring Officer | Legal Team Manager |
| Local Government (Committees and Political Groups) Regulations 1990 | | |
| | For the purposes of the composition of committees and nominations to political groups | Service Director Governance and Legal Services and Monitoring Officer |

| Local Authorities (Standing Orders) (England) Regulations 2001 | | |
|---|---|---|
| Schedule 1, Part II, para 5. | Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3 | Chief Executive Officer |
| Data Protection Act 2018 | | |
| S. 69 | Data Protection Officer | Information, Engagement and Performance Manager |

Bolsover District Council

Meeting of the Annual Council on 22nd May 2024

Operation of Urgency Rules and Thresholds for Key Decisions

Report of the Director of Governance and Legal Services & Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is Public |
| Report By | Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer |

PURPOSE/SUMMARY OF REPORT

The purpose of this report is to:

- Advise of Key Decisions taken under statutory Urgency Rules in the past 12 months.
- Advise of decisions taken under Urgency Rules within the Council's Scrutiny Rules (this is where call-in provisions are waived as the decision is urgent and cannot be reasonably deferred).
- Set the Key Decisions thresholds for the forthcoming year in line with the constitutional requirement at Annual Council meetings.

REPORT DETAILS

1. Background

- 1.1 A Key Decision is an executive (i.e. Executive or officer) decision which is likely to:
- result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
 - be significant in terms of its effects on communities living or working in an area comprising two or more wards within the District.

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

- 1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that all Key Decisions must be published at least 28 days prior to being made. Where this is not possible the decision may still be made so long as there is compliance with General Exception

provisions. This involves informing the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) and publishing a notice five days prior to making the decision outlining the reasons why compliance with the requirements is not possible.

- 1.3 Where it is impractical to comply with the General Exception rules, a Key Decision may only be taken in cases of Special Urgency. This is where the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) agrees that the decision is urgent and cannot be reasonably deferred. Again, the Council must publish a notice setting out the reasons why the decision is urgent and cannot be reasonably deferred.
- 1.4 The Leader is required to submit, at least on an annual basis, a report setting out those decisions where Special Urgency rules have been used. The report must cover the period since the last report was issued and contain details of the decisions that were made. Since the last such report to Council, one Key Decision has been taken using Special Urgency rules. This was a decision in respect of a Public Space Protection Order.
- 1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months, five decisions have been taken using urgency provisions to waive call-in. These decisions were:

Lease in respect of Property at Former Construction Block, The Arc (Decision by the Chief Executive on 17th July 2023)

Dog Management Public Space Protection Order (Decision by the Chief Executive on 25th October 2023)

Renewal of Insurance Policies (Decision by the Director of Finance & Section 151 Officer on 29th September 2023)

Appointment of Contractor to Deliver Hyper-Local New Zero Innovation Programme (Executive – 6th November 2023)

Award of three-year Idox Software Maintenance Contract (Executive – 15th April 2024)

- 1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The current thresholds for Key Decisions, which are recommended to continue, are as follows:
 - Revenue Income, Savings or Expenditure - £75,000
 - Capital Income or Expenditure - £150,000

2. Details of Proposal or Information

- 2.1 The Key Decision that was taken using Special Urgency rules related to the extension of the Dog Public Space Protection Order (PSPO), which expired on 25th October 2023. Also, due to the urgency of the decision it needed to be implemented immediately (so as not to leave the Council without the PSPO in place) and this did not allow for the call-in period to run as usual. The Chair of the Council agreed that the decision was reasonable in all the circumstances and to it being treated as a matter of urgency. The decision was made by the Chief Executive on 25th October 2023.
- 2.2 Lease in respect of Property at Former Construction Block, The Arc (Decision by the Chief Executive on 17th July 2023) – this decision was in relation to the lease of property to a subtenant following the head lessee appointing administrators. The Chair of the Local Growth Scrutiny Committee was consulted in accordance with Scrutiny Procedure Rules and agreed that it was urgent and not subject to call-in.
- 2.3 Renewal of Insurance Policies (Decision of Director of Finance & Section 151 Officer on 29th September 2023) – this decision was in relation to the annual renewal of the Council's insurance policies. This item was treated as urgent to ensure that the policies were renewed prior to the end of the current contract expiring. Late receipt of the terms and premiums for renewal were not received in time to give the full notice for this Key Decision. The Chair of the Finance and Corporate Overview Scrutiny Committee was informed of the decision to be taken and agreed it would not be subject to call-in.
- 2.4 Appointment of Contractor to Deliver Hyper-Local New Zero Innovation Programme (Executive – 6th November 2023) – this decision was treated as urgent as any delay would have prejudiced the supplier's ability to deliver on the terms of the contract to be signed and delay expenditure of UKSPF funds that could result in the return of unspent money to Government after March 2025. The Chair of the Council was informed of the decision to be taken and agreed it would not be subject to call-in.
- 2.5 Award of three-year Idox Software Maintenance Contract (Executive – 15th April 2024) – this was treated as urgent as the Council would have been out of contract and support, which would have had a negative impact on the performance of Planning and Environmental Health teams. The Chair of the Customer Services Scrutiny Committee was informed of the decision to be taken and agreed it would not be subject to call-in.

3. Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

That Council:

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

IMPLICATIONS:

Finance and Risk: Yes ☐ No ☒

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

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

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

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

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

Staffing: Yes ☐ No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION

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

| | |
|--|--|
| District Wards Significantly Affected | None directly |
| Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> | Details: Relevant Scrutiny Chairs were consulted on the decision as per the urgency procedures |

| |
|---|
| Links to Council Ambition: Customers, Economy and Environment. |
| |

| DOCUMENT INFORMATION | |
|----------------------|-------|
| Appendix No | Title |
| | |
| | |
| | |

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

Bolsover District Council

Council on 22nd May 2024

Standards Committee Annual Report

Report of the Director of Governance and Legal Services & Monitoring Officer

| | |
|-----------------------|---|
| Classification | This report is public. |
| Report By | Jim Fieldsend Director of Governance and Legal Services & 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 2023/24.

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 2023/24.
- 2.2 The Annual Report 2023/24 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 2023/24.

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 2023/24.

Approved by Cllr Duncan McGregor, Portfolio Holder for Corporate Governance

IMPLICATIONS.

Finance and Risk: Yes ☐ No ☒

Details: None arising from this report.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details: None arising from this report.

On behalf of the Solicitor to the Council

Environment: Yes ☐ No ☒

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

Details: None arising from this report

Staffing: Yes ☐ No ☒

Details: None arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

| |
|---|
| Links to Council Ambition: Customers, Economy and Environment. |
|---|

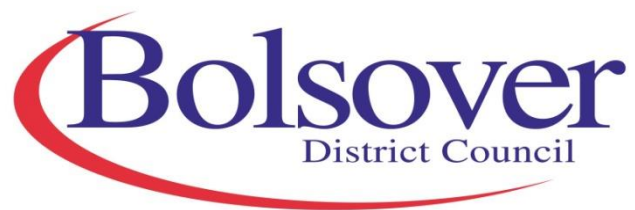
| |
|-------------------------------|
| Demonstrating good governance |
|-------------------------------|

| |
|-----------------------------|
| DOCUMENT INFORMATION |
|-----------------------------|

| Appendix No | Title |
|------------------------|--------------|
| | |

| |
|--------------------------|
| Background Papers |
|--------------------------|

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



Standards Committee
Annual Report 2023/24

Standards Committee Annual Report 2023/24

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.

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 2023/24;
- 2 Independent Persons;
- 3 Complaints received during 2023/24;
- 4 Councillor Complaint Procedure;
- 5 Establishment of a Sub-Committee to deal with Member complaints;
- 6 Constitution Review Work;
- 7 Policy Review Work;
- 8 Gifts and Hospitality;
- 9 Member Training Attendance;
- 10 Increase of Public Awareness.

1 Chair and Co-optees of Standards Committee 2023/24

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 who has undertaken that role since then.

2 Independent Persons

2.1 The Council has two Independent Persons who advises the Monitoring Officer on complaints against District or Parish Councillors and also advises Councillors who were the subject of complaints. These are Mr Stephen Wainwright and Mr Ian Kirk.

2.2 In September 2023 it was reported that one of Independent Persons may need to resign and approval was granted to recruit two new Independent Person, one to replace the retiring Independent Person and another to provide additional resilience. It transpired that the Independent Person did not need to retire. The third Independent Person has not yet been appointed.

3 Complaints received during 2023/2024

It has been a quiet year with only 8 complaints against Members were received during the period May 2023 to April 2024 with 4 of those complaints relating to the same incident. Six complaints related to parish councils and 2 related to the District Council. Further they were all closed with no further action. There are no outstanding complaints.

4 Councillor Complaint Procedure

In November Standards Committee approved changes to the Councillor Complaint Procedure. This is the procedure undertaken when a complaint is made that a district or parish councillor has breached a relevant code of conduct. Under the procedure once a complaint has been investigated and the investigator recommends that there has been a breach of the code, the matter can be dealt with informally or by way of a hearing. Under the previous procedure before determining that a formal hearing was not required the Monitoring Officer was essentially required to seek approval from the complainant. This meant that where the Monitoring Officer did not believe that a formal hearing was appropriate a complainant could still force a hearing to take place. This took away the discretion of the Monitoring Officer and put disproportionate control in the hands of the complainant. Standards Committee addressed this imbalance and approved changes to the procedure that gave the Monitoring Officer the discretion to refer a complaint for a formal hearing. This change is in line with guidance issued by the Local Government Association.

5 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. If an agreement cannot be reached the matter may be referred to a hearing by a sub-committee of the

Standards Committee. This is unusual and only one such hearing prior to this year has been held for over the last 11 years.

A complaint was received in February 2023 regarding the conduct of a Clowne Parish councillor. Following an investigation by the Deputy Monitoring Officer in which she recommended that the Parish Councillor had breached the Clowne Parish Council code the councillor concerned failed to acknowledge the Deputy Monitoring Officer's conclusions. In September 2023 the Standards Committee agreed to establish a sub-committee to consider the matter and the hearing eventually took place on 24th October 2023. The sub-committee found that the Clowne Parish Councillor was in breach of part 1.1 of the Clowne Parish Council's code of conduct which requires a Councillor "to treat other Councillors and members of the public with respect". Further, the sub-committee recommended that the Parish Council censure the councillor by reading out the sub-committee's decision notice. Clowne Parish Council agreed to this and the Member was censured at the Parish Council meeting on 21st February.

6 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;

- Officer Delegation Scheme;
- Access to Information Rules;
- Creation of Junior Executive roles;
- Council's Contract Procurement.

7 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 January 2024 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 January, that the policy was fit for purpose and there had been no instances of whistle blowing since the 2023 annual review.

8 Gifts and Hospitality

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

- 8.2 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.
- 8.3 In January 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 2023 to December 2023.
- 8.4 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.

9 Member Training Attendance

Part of the Terms of Reference of the Standards Committee is to oversee Members training including attendance at courses. We noted that attendance at some of the training was lower than it should be, however this would be addressed by further sessions being organised and members receiving invites to these sessions.

10 Increase of Public Awareness

In November the Committee approved an article to be published in the Council's InTouch magazine. The report explained that one of the roles of the Standards Committee was to increase the public awareness of the Code of Conduct and its application. This could be achieved through the use of the Council's communication media. One such channel was the InTouch magazine which was delivered quarterly to homes and businesses across the District. At the time of writing this report the article has not yet been published in InTouch.

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 242529