

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Standards  
Committee

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Thursday, 30<sup>th</sup> April 2026

Dear Councillor


**STANDARDS COMMITTEE**

You are hereby summoned to attend a meeting of the Standards Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 11th May, 2026 at 14:00 hours.

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

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

Yours faithfully



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

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

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

### **Access for All statement**

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

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

**STANDARDS COMMITTEE  
AGENDA**

**Monday, 11th May, 2026 at 14:00 hours taking place in the Council Chamber, The Arc,  
Clowne**

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>3.</b>	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
<b>4.</b>	<b>Minutes</b>	5 - 8
	To consider the minutes of the last meeting held on 9 <sup>th</sup> February 2026.	
<b>5.</b>	<b>Compliments, Comments and Complaints Annual Summary</b>	9 - 26
<b>6.</b>	<b>Member Training 2025/26</b>	27 - 31
<b>7.</b>	<b>Standards Committee Annual Report 2025/26</b>	32 - 40
<b>8.</b>	<b>Council Constitution Part 4.8 - Contract Procedure Rules</b>	41 - 89
<b>9.</b>	<b>Work Programme 2026/27</b>	90
	To consider the Standards Committee Work Programme for the 2026/27 municipal year.	
<b>10.</b>	<b>Member Complaints Update</b>	91 - 100
<b>11.</b>	<b>Exclusion of the public</b>	
	To move:-	

“That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.” [The category of exempt information is stated after each item].

**12. Member Complaints Update**

101 - 114

## STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Monday, 9 February 2026 at 14:00 hours.

### **PRESENT:-**

Members:-

Councillor R. Jaffray in the Chair

Councillors Vicky Waplington (Vice-Chair), Justin Gilbody, Donna Hales, Duncan Haywood and Clive Moesby.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer, Stephen Oliver (Legal Team Manager & Deputy Monitoring Officer), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

### **STA50-25/26 APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Fox.

### **STA51-25/26 URGENT ITEMS OF BUSINESS**

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

### **STA52-25/26 DECLARATIONS OF INTEREST**

There were no declarations made at the meeting.

### **STA53-25/26 MINUTES**

Moved by Councillor Hales and seconded by Councillor Haywood

**RESOLVED** that the minutes of a meeting of the Standards Committee held on 10<sup>th</sup> November 2025 be approved as a true and correct record.

### **STA54-25/26 GIFTS AND HOSPITALITY ANNUAL REPORT 2025**

Consideration was given to a report presented by the Monitoring Officer relating to the Gifts and Hospitality Annual Report 2025. A copy of the Council's protocol on gifts and hospitality was attached as Appendix 1 to the report with the register for the period January 2025 to December 2025 at Appendix 2.

Councillor Moesby suggested that it would be useful to send out a reminder to all Members in relation to the need to declare any gifts and hospitality received and potentially include it as part of training.

## STANDARDS COMMITTEE

The Monitoring Officer confirmed that there was no need for Councillor Haywood as Chair of Council to declare the hospitality he received as he attended civic engagements as a representative of the Council.

Moved by Councillor Hales and seconded by Councillor Gilbody  
**RESOLVED** that the report be noted.

### **STA55-25/26 WHISTLEBLOWING ANNUAL REPORT**

Consideration was given to a report presented by the Monitoring Officer relating to the Whistleblowing Policy Annual Report and highlighted that there had been two instances during 2025. It was confirmed that due to the need to maintain confidentiality the whistleblowing complaints had been anonymised so as not to reveal the identity of complainant or whom the complaint had been made against. The Monitoring Officer confirmed that this would also be reported to Council in accordance with the Whistleblowing Policy.

Moved by Councillor Hales and seconded by Councillor Moesby  
**RESOLVED** that the instances of whistleblowing made during 2025 be noted and reported to Council.

### **STA56-25/26 CHANGE TO THE COUNCIL'S CONSTITUTION**

Consideration was given to a report presented by the Monitoring which proposed that the Council's Constitution be updated to include a definition of the term "working day". The usual interpretation of the term "working day" was Monday to Friday excluding weekends and bank/public holidays as used in many pieces of legislation including the Companies Act 2006 and the Data Protection Act 2018 but also recognised by organisations such as ACAS and HMRC.

Moved by Councillor Gilbody and seconded by Councillor Haywood  
**RESOLVED** that Council be recommended to include a definition of the term "working day" to mean Monday to Friday excluding weekends and bank/public holidays.

### **STA57-25/26 GOVERNMENT RESPONSE TO THE CONSULTATION ON CHANGES TO THE STANDARDS FRAMEWORK**

Consideration was given to a report of the Monitoring Officer which outlined the responses to the Government consultation on reforms to the standards and conduct framework. The stated intention of the reforms was to ensure that misconduct was dealt with promptly and fairly, whilst strengthening public confidence in local democratic institutions.

The key themes of the Government's response included:

- The role of the standards framework in supporting a positive organisational culture within local authorities with elected members expected to demonstrate leadership through their behaviour.

## STANDARDS COMMITTEE

- Acknowledgement of the concerns raised of persistent poor behaviour, including bullying or intimidating conduct which undermined effective governance.
- That whilst acknowledging the importance of maintaining a space for robust political debate and expression of strongly held views within local democracy this should not cross the line into toxic or intimidating behaviour.
- The use of social media and behaviour within these forums which could have a significant impact on public trust and on relationships within councils.

The Government's proposed changes included:

- To legislate for a mandatory minimum code of conduct for all local authorities in England which would embed the Seven Principles of Public Life and require members to co-operate with standards investigations.
- Stronger sanctions for breaches of the Code were proposed such as suspension for serious breaches, withholding of allowances and potential for disqualification if you are suspended twice within a five year period.
- A right to review decisions which applies to both complainants and the councillor accused of the breach as well as a national independent appeals function.

The Monitoring Officer confirmed that he would provide updates to the Standards Committee as Government progressed its proposals as well as reporting the Government's response to Council to ensure all Members were informed.

Moved by Councillor Hales and seconded by Councillor Gilbody  
**RESOLVED** that the report be noted.

### **STA58-25/26 MEMBER COMPLAINTS - UPDATE**

Consideration was given to the Complaints Update report presented by the Monitoring Officer. The report highlighted the member complaints received during 2025 and included the following updates:

- 03/02 – the investigation has been completed and discussions were taking place for an informal resolution.
- 17/01 – following an initial assessment the Monitoring Officer was satisfied that the Councillor was not acting in an official capacity.
- 24/01 – there was no interest to declare in this case.

In response to questions, the Monitoring Officer confirmed that:

- There had been a lot of complaints during 2025 many relating to Parish Councillors.

## STANDARDS COMMITTEE

- The more complex or sensitive cases would be externally investigated by solicitors or Monitoring Officers from other Local Authorities.
- Members' Code of Conduct training would be offered again soon.

Moved by Councillor Hales and seconded by Councillor Moesby  
**RESOLVED** that the report be noted.

### **STA59-25/26 RIPA ANNUAL REPORT**

Consideration was given to the Regulation of Investigatory Powers Act 2000 (RIPA) update report presented by the Monitoring Officer. Feedback had been received following the Investigatory Powers Commissioner's Office inspection of the Council's arrangements for dealing with covert surveillance. Whilst the IPCO found the Policy was a useful and comprehensive document some amendments as detailed in the report.

Moved by Councillor Haywood and seconded by Councillor Hales  
**RESOLVED** that (1) the proposed changes to the RIPA policy be approved; and

(2) that the report be noted.

### **STA60-25/26 WORK PROGRAMME 2025/2026**

Consideration was given to the Work Programme 2025/26 as presented by the Monitoring Officer.

Noted that the next meeting was scheduled to take place on 11<sup>th</sup> May 2026.

The meeting concluded at 14:26 hours.



**BOLSOVER DISTRICT COUNCIL**

**Meeting of the Standards Committee on 11<sup>th</sup> May 2026**

**Customer Service Compliments, Comments and Complaints Report and Annual Summary 2024/25**

**Report of the Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Contact Officer</b>	Victoria Dawson Assistant Director for Housing  Lesley Botham Customer Service, Complaints and Standards Manager

**PURPOSE/SUMMARY OF REPORT**

- To provide information on the Council’s performance in relation to its Customer Service Standards, compliments, comments and complaints.
- To provide information on the effective management of complaints and customer requests which is central to excellent customer service and which the Council can use to improve its services.
- To provide information on the number of compliments, comments, and complaints for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025.
- To provide an annual summary on the above.
- To make Elected Members aware of performance in relation to Customer Service Standards and the effective management of complaints.
- This is a late report but for the purposes of completion and ensuring that figures are fully reported we are bringing the full report for 24/25 and the 25/26 annual report will follow later in the year.

**REPORT DETAILS**

**1. Background**

- 1.1 The purpose of this report is to make Elected Members aware of performance in relation to the effective management of complaints.

## 2. Details of Proposal or Information

### 2.1 Compliments, Comments and Complaints

#### Compliments

In total **268** written compliments were received during 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025. Compliments were received from customers who appreciated excellent service.

#### Comments

**33** comments were received for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025. **100%** were acknowledged and passed to the respective department within the target time of 5 working days, for consideration when reviewing their service.

#### MP Enquiries

**46** M.P. Enquiries were received for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025. **100%** M.P. enquiries were responded to within our customer service standard of 10 working days, for which the target is 100%.

#### Complaints

##### Stage 1

**302** stage 1 complaints were received for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025. **99%** stage 1 complaints were responded to within our customer service standard of 10 working days, for which the target is 100%.

##### Stage 2

**57** stage 2 complaints were received for the period 1<sup>st</sup> April 2024 to 31<sup>st</sup> March 2025. **98%** stage 2 complaints were responded to within our customer service standard of 20 working days, for which the target is 100%.

#### Ombudsman

For 2024-2025, **7** Local Government and Social Care Ombudsman (LGSCO) complaints were received, and none were investigated by the LGSCO due to no or insufficient evidence of fault or personal injustice.

The Housing Ombudsman (HO) received **1** complaint regarding the Council's investigation regarding noise complaint. The Housing Ombudsman found no maladministration on the Council's handling of noise nuisance reports.

## Summary for 2024-2025

The following table provides a summary of performance for compliments, comments, and complaints for 2024-2025, with comparative data from previous years.

Appendix (1) provides a summary of performance by % of compliments, comments and complaints received for each service area and responses within timescale.

### Volume and Performance

<b>Volume by type</b>	<b>2024/25 Total</b>	<b>2023/24 Total</b>	<b>2022/23 Total</b>	<b>2021/22 Total</b>
Compliments	<b>268</b>	<b>203</b>	<b>160</b>	<b>187</b>
Comments	<b>33</b>	<b>33</b>	<b>24</b>	<b>23</b>
M.P. enquiries	<b>46</b>	<b>213</b>	<b>235</b>	<b>126</b>
Informal Complaints (previous Stage 1) Removed from April 24*	<b>N/A removed from April 2024</b>	<b>265</b>	<b>311</b>	<b>447</b>
<b>Stage 1</b> Formal Investigation Complaints (S1)	<b>302</b>	<b>103</b>	<b>116</b>	<b>117</b>
<b>Stage 2</b> Internal Review Complaints (S2)	<b>57</b>	<b>27</b>	<b>27</b>	<b>39</b>
<b>Total</b>	<b>706</b>	<b>844</b>	<b>873</b>	<b>939</b>
% Comments acknowledged within standard ( <i>target 5 working days increased from April 24</i> )	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>
% Stage 1 ( <i>informal</i> ) responded to within standard (target 100%)*	<b>N/A removed from April 2024</b>	<b>93%</b>	<b>88%</b>	<b>Data not recorded</b>
Average response in days (target 3 working days)*	<b>N/A removed from April 2024</b>	<b>2</b>	<b>2</b>	<b>Data not recorded</b>
% Stage 1 ( <i>formal</i> ) responded to within standard (target 100%)	<b>99%</b>	<b>98%</b> (previous target 97%)	<b>88%</b> (previous target 97%)	<b>91%</b> (previous target 97%)
Average response in days ( <i>target 10 working</i> )	<b>5</b>	<b>9</b>	<b>10</b>	<b>11</b>

days increased from April 24)				
% Stage 2 (internal review) responded to within standard (target 100%)	<b>98%</b>	<b>100%</b>	<b>92%</b>	<b>82%</b>
Average response in days (target 20 working days)	<b>13</b>	<b>12</b>	<b>18</b>	<b>16</b>

*\*In 2024, the Ombudsman required the Council to remove the 'informal complaint stage' and implemented a 2 stage complaints system.*

When comparing 2024/25 to the previous year 2023/24, the following is noted:

- An increase in compliments.
- A large decrease in M.P. Enquiries
- A large increase in stage 1 complaints due to Ombudsman changes
- An increase in stage 2 complaints due to Ombudsman changes

The above would appear to indicate that the Council has an easy to access complaints system, as recommended by the Local Government & Social Care Ombudsman and the Housing Ombudsman Service.

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

- 3.1 To note the overall performance on Customer Service Standards and Compliments, Comments and Complaints.

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

- 4.1 None

## **RECOMMENDATION(S)**

1. That the Standards Committee note the overall performance on Customer Service Standards and Compliments, Comments and Complaints

Approved by Councillor M Dooley, Portfolio holder for Partnership, Health & Wellbeing

## **IMPLICATIONS:**

<b>Finance and Risk</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Details:</b> Whilst there are no direct financial implications with regard to the report, the Council is at risk of recommendations or decisions by the Local Government Ombudsman and the Housing Ombudsman if complaints are not handled well. In cases of

maladministration, financial penalties can be imposed by the Local Government Ombudsman or the Housing Ombudsman.

On behalf of the Section 151 Officer

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

**Details:**

The Council is at risk of recommendations or decisions by the Local Government Ombudsman and the Housing Ombudsman and, in the case of complaints about Freedom of Information, Data Protection and Environmental Information requests, the Information Commissioner's Office can issue decision notices and impose significant fines. There are no Data Protection implications.

On behalf of the Solicitor to the Council

**Staffing**      Yes       No

**Details:**

Not applicable as the report is to keep Elected Members informed.

On behalf of the Head of Paid Service

**Equality and Diversity Impact and Consultation**      Yes       No

**Details:**

Not applicable as the report is to keep Elected Members informed.

On behalf of the Information, Engagement and Performance Manager

**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 Richard Winter, Climate Change Officer, for advice)*

**Details:**

Any complaints linked to environmental issues are dealt with in line with our policies.

**DECISION INFORMATION:**

<p><input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b></p> <p><b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.</p> <p><b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p><b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick <b>All</b> if all wards are affected:</p> <p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p><b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/>          Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/>          Other <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input type="checkbox"/></p> <p>All <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
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<p><b>Links to Council Ambition: Customers, Economy, Environment, Housing</b></p>
<p>Increasing customer satisfaction with our services.          Improving customer contact and removing barriers to accessing information.          Actively engaging with partners to benefit our customer.          Promoting equality and diversity and supporting vulnerable and disadvantaged people.</p>

**DOCUMENT INFORMATION:**

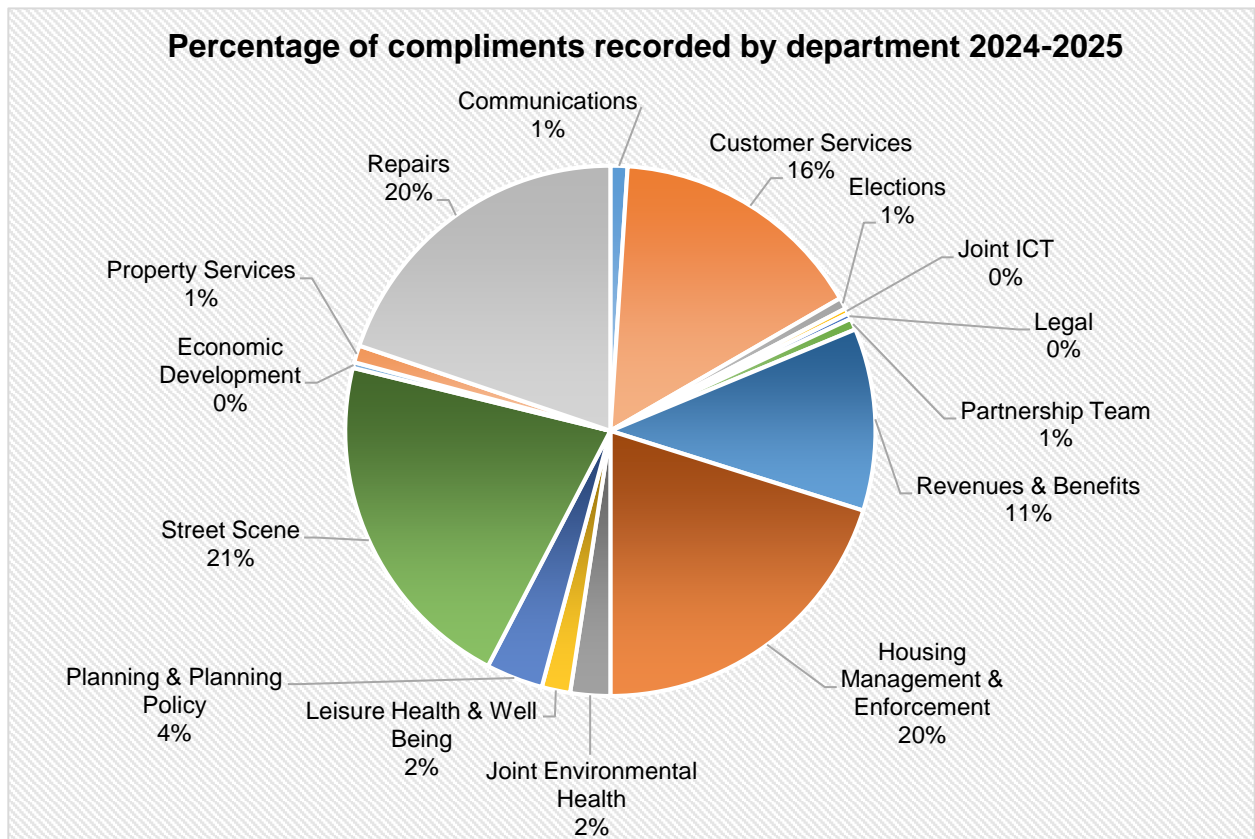
Appendix No	Title
1	Compliments, Comments and Complaints for 01/04/24 – 31/03/25: A. Compliments B. Comments C. M.P Enquiries D. Stage 1 complaints E. Stage 2 complaints F. Ombudsman complaints

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

## Appendix 1. Compliments, Comments and Complaints for 01/04/24 – 31/03/25

### A. Compliments

A - Compliments 1/4/24 - 31/3/25		
<b>Corporate Resources</b>	Customer Services	45
	Partnership Team	2
	Communications	3
	Revenues & Benefits	32
	Joint ICT	1
	Elections	2
	Legal	1
<b>Community Services</b>	Planning & Planning Policy	10
	Leisure Health & Well Being	5
	Joint Environmental Health	7
	Housing Management & Enforcement	58
	Street Scene	61
<b>Dragonfly Development Ltd</b>	Repairs	57
	Economic Development	1
	Property Services	3

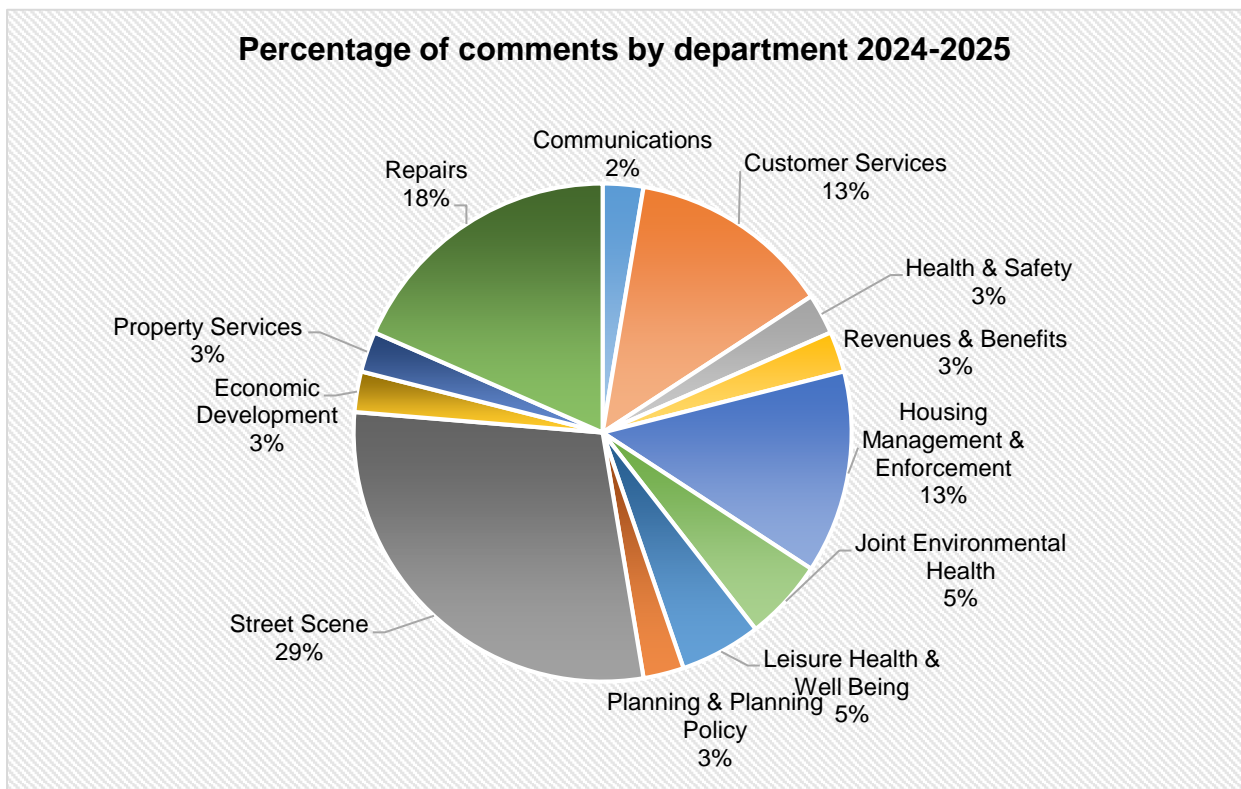


Customer complimented the Customer Advisor who went above and beyond to help a resident feel comfortable and kept updated to ensure they had the best outcome. It is a pleasure speaking to the Customer Advisor who is very kind - they state they are an enormous asset to the Customer Services team.	Customer Services
The customer would like to thank the Contact Advisor for being superb, brilliant, and compassionate towards their needs. They believe the advisor went above and beyond.	Customer Services
Customer received a wonderful service from a Pest Control Expert who had visited over an 8 week period. The treatment was effective and they were given great advice and help.	Environmental Health
The customer would like to thank the Tenancy Management Officer for being so helpful and putting their minds at ease when coming to the property.	Housing
The customer has thanked the Community Enforcement Rangers for their assistance in clearing the side of their father's property so they could access it with their mobility scooter. The customer states they did a fantastic job and provide an excellent service.	Housing
Customer complimented the Repairs Operative for being polite and considerate, they did an extremely good job and cleaned up thoroughly. The customer is happy to know that there are Operatives that take pride in their work and deserve a pay rise.	Housing Repairs and Maintenance
Customer wanted to say a massive thank you to the Plumber that completed the works. They said the Plumber was brilliant, had done a fantastic job and went above and beyond.	Housing Repairs and Maintenance
Customer wanted to give a massive thank you to the Community Activity and Sports Activator and said that they were a kind, patient and helpful person. They think they deserve a special mention and to them BDC employee of the month.	Leisure

<p>The customer has thanked the Principal Planner for their constructive working towards issues resolved, their proactive approach is appreciated.</p>	<p>Planning</p>
<p>Customer has complimented the Grounds Maintenance Operative who has done an excellent job of cleaning the road gutters and the pavement</p>	<p>Street Scene</p>
<p>Customer thanked the Grounds Maintenance Team for providing an excellent gardening service trimming the hedges and trees despite the bad weather. They did a very good job considering the circumstances and have a fabulous community spirit. One of the kind Operatives also defrosted the tenant's frozen car. The tenant stated this work is what makes a difference to village life.</p>	<p>Street Scene</p>

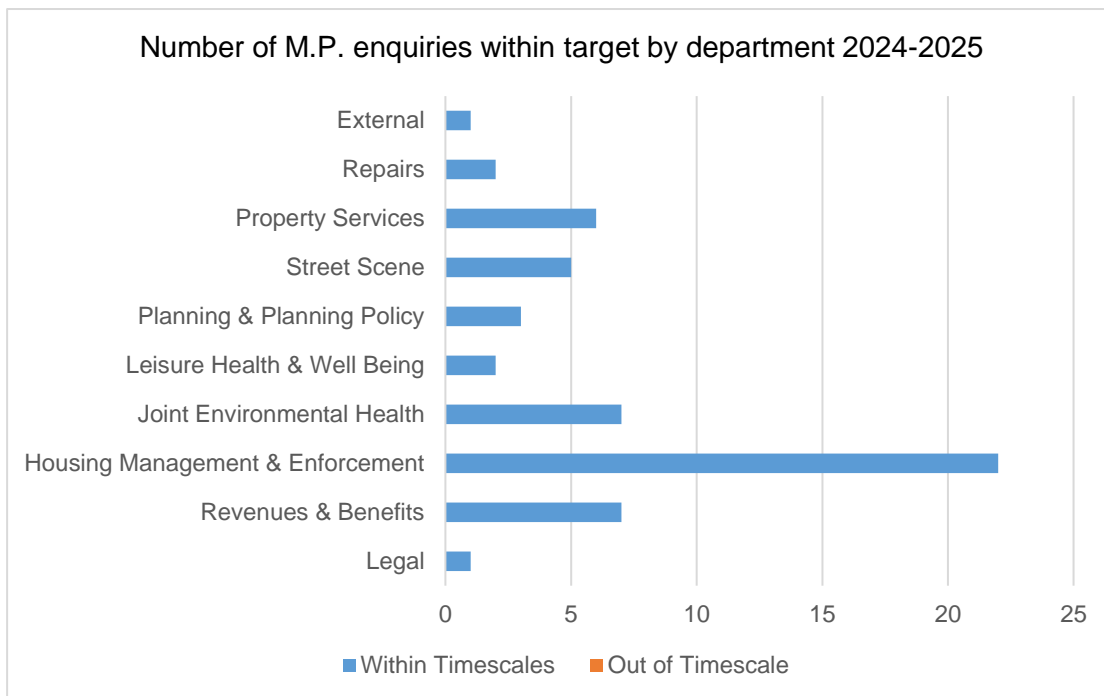
## B. Comments

B - Comments 1/4/24 - 31/3/25		
Corporate Resources	Customer Services	5
	Communications	1
	Revenues & Benefits	1
Community Services	Planning & Planning Policy	1
	Housing Management & Enforcement	5
	Leisure Health & Well Being	2
	Street Scene	11
	Corporate Health & Safety	1
	Joint Environmental Health	2
Dragonfly Development Ltd	Economic Development	1
	Repairs	7
	Property Services	1



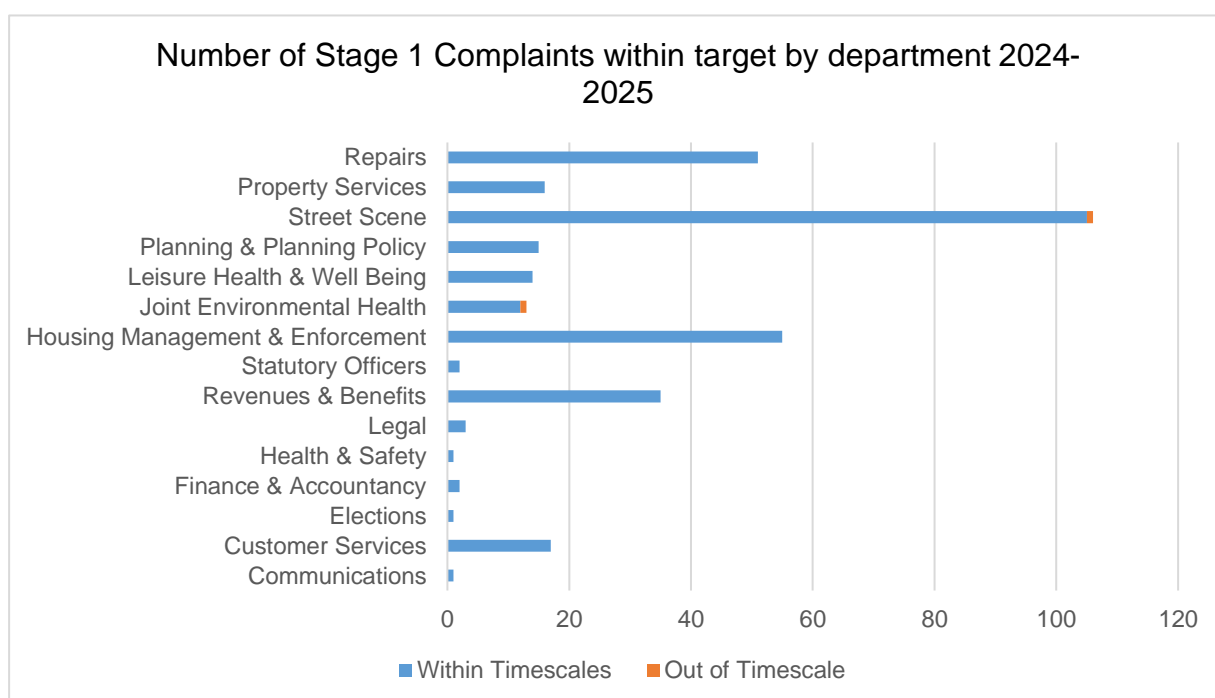
### C. M.P. Enquiries

C- M.P. Enquiries recorded by department 01/04/24 – 31/03/25			Answered Within Timescale	Answered Outside of Timescale
<b>Services Directorate</b>	Legal	1	1	0
	Revenues & Benefits	7	7	0
<b>Strategy Directorate</b>	Housing Management & Enforcement	22	22	0
	Joint Environmental Health	7	7	0
	Leisure Health & Well Being	2	2	0
	Planning & Planning Policy	3	3	0
	Street Scene	5	5	0
	Property Services	6	6	0
	Repairs	2	2	0
<b>External</b>		1	1	0



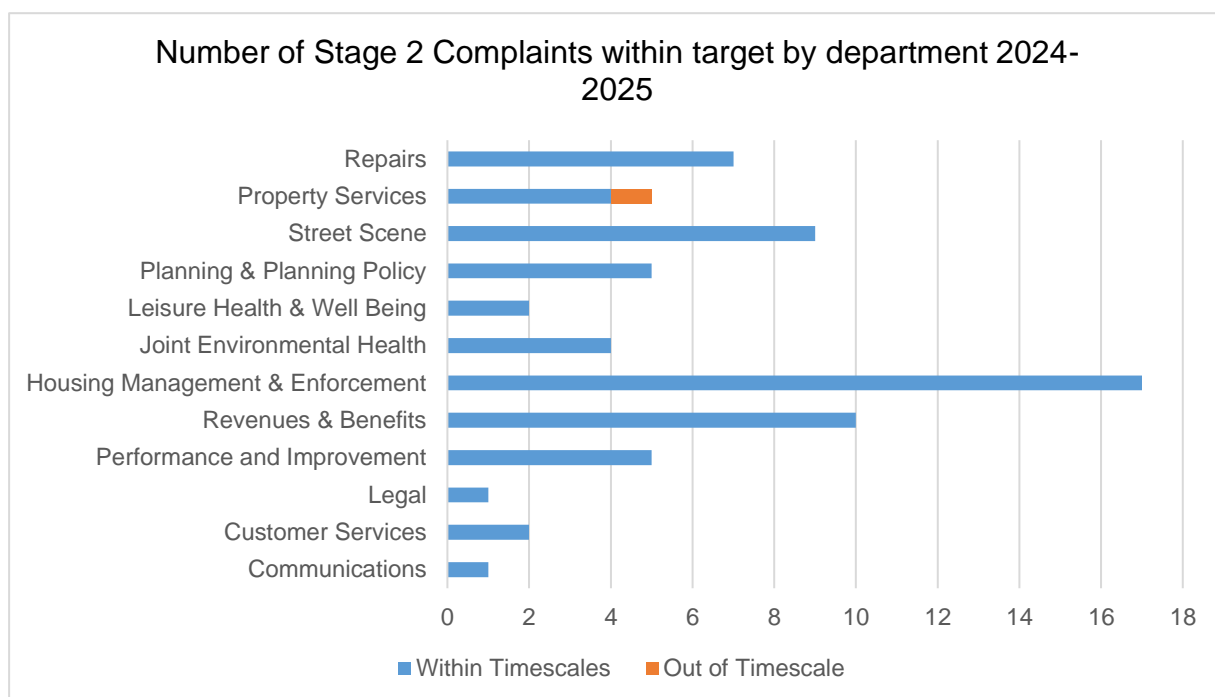
## D. Stage 1 Complaints

D - Stage 1 Complaints recorded by department 01/04/24 – 31/03/25			Answered Within Timescale	Answered Outside of Timescale
<b>Services Directorate</b>	Communications	1	1	0
	Customer Services	17	17	0
	Elections	1	1	0
	Finance & Accountancy	2	2	0
	Health & Safety	1	1	0
	Legal	3	3	0
	Revenues & Benefits	35	35	0
	Statutory Officers	2	2	0
<b>Strategy Directorate</b>	Housing Management & Enforcement	55	55	0
	Joint Environmental Health	13	12	1
	Leisure Health & Well Being	14	14	0
	Planning & Planning Policy	15	15	0
	Street Scene	106	105	1
<b>Dragonfly Development Ltd</b>	Property Services	16	16	0
	Repairs	51	51	0



## E. Stage 2 Complaints

E - Stage 2 Complaints recorded by department 01/04/24 – 31/03/25			Answered Within Timescale	Answered Outside of Timescale
<b>Services Directorate</b>	Communications	1	1	0
	Customer Services	2	2	0
	Legal	1	1	0
	Performance and Improvement	5	5	0
	Revenues & Benefits	10	10	0
<b>Strategy Directorate</b>	Housing Management & Enforcement	17	17	0
	Joint Environmental Health	4	4	0
	Leisure Health & Well Being	2	2	0
	Planning & Planning Policy	5	5	0
	Street Scene	9	9	0
<b>Dragonfly Development Ltd</b>	Property Services	5	4	1
	Repairs	7	7	0



F – Ombudsman’s Summary 01/04/24 – 31/03/25	Ombudsman	Date Received	Departments Involved	Date Decision Letter Received	Ombudsman Decision
<p>Ms X has complained about how the Council’s Monitoring Officer dealt with her complaint about the conduct of a councillor. Ms X disagrees with the Council’s reasons for not investigating her complaint and says the Monitoring Officer has not listened to her concerns. Ms X is also unhappy with how the Council dealt with her complaint about the Monitoring Officer’s decision. Ms X says the Council’s actions have impacted her health.</p>	LGSCO	24/5/24	Councillors	24/5/24	<p>We will not investigate this complaint about how the Council dealt with a complaint about the conduct of a councillor. This is because we are unlikely to find fault.</p>
<p>The complaint is about the landlord’s handling of reports of noise nuisance.</p>	29/5/24	HO	<p>Housing</p> <hr/> <p>Environmental Health</p>	16/5/25	<p>In line with paragraph 52 of the Housing Ombudsman Scheme, there was no maladministration by the landlord on its handling of reports of noise nuisance.</p>

<p>The complainant, Ms X, complains about the way the Council handled her housing application for the past four years. She says she always kept the Council updated about her circumstances and does not understand why the Council has removed her from the housing register.</p>	2/7/24	LGSCO	Housing	15/7/24	<p>We will not investigate this complaint because there is insufficient evidence of fault causing injustice.</p>
<p>Mr X complained the Council had not followed up on recommendations made by an occupational therapist, which means his property has not been adapted to meet his disability needs. Mr X also complained the Council was communicating with him directly despite there being a court order in place directing it to communicate with Ms Y due to Mr X's disabilities.</p>	24/7/24	LGSCO	Housing Repairs & Maintenance	16/8/24	<p>The Council did send the response on the 31/7/24 however the download file IT prepared were in the wrong format and could not be opened. The LGO alerted the Council to this on the 8/8/24 and the new link was sent on the 9/8/24. Recommendation - It would be helpful for Council A to clarify with Mr X how he wants it to communicate with him going forward.</p>
<p>Mr X complained about the Council spending council taxpayer's funds on works in default to a nearby vacant property in 2000/2001. He says the Council failed to recover the costs of the works which have</p>	LGSCO	6/9/25	Revenues	6/9/25	<p>We will not investigate this complaint about the Council's actions with regard to an empty property. We cannot investigate complaints about how councils spend public resources which</p>

<p>benefit paid for by taxpayers. He also complained about the Council charging council tax from an unauthorised occupant because he says this is encouraging criminal activity.</p>			<p>Legal</p>		<p>affects all or most of the residents of their areas. There is insufficient evidence of any significant personal injustice to Mr X caused by the Council's actions.</p>
<p>The complainant, Mr X, complains about the lack of maintenance to the graveyard where his parents are buried.</p>	<p>LGSCO</p>	<p>8/1/25</p>	<p>Street Scene</p>	<p>24/2/25</p>	<p>We will not investigate Mr X's complaint about graveyard maintenance. This is because there is insufficient evidence of fault by the Council to warrant an investigation.</p>
<p>Mr X complained the Council caused a land ownership dispute between he and another party. Mr X believes he is now at a financial loss because he has had to resolve this dispute at a Tribunal, including legal costs. He also said he has been unable to build on the land, he believes to be his, thereby causing a loss of earnings. Mr X wanted the Council to compensate him for his losses.</p>	<p>LGSCO</p>	<p>27/3/25</p>	<p>Legal</p>	<p>27/3/25</p>	<p>We will not investigate Mr X's complaint because he has an alternative legal remedy through the courts, and it would be reasonable for him to use that alternative remedy.</p>

<p>Mr X said he paid a sum of money into a Council payment machine which was not fully accounted for. He said this meant £20 was not put onto a payment he made. Mr X wants the Council to make up the difference.</p>	<p>LGSCO</p>	<p>28/3/25</p>	<p>Customer Services</p>	<p>28/3/25</p>	<p>We will not investigate Mr X's complaint. The Council investigated his complaint and said the payment had not been made and Mr X disputes this. Because there is no other evidence we can consider, we cannot reach a conclusion and so there is no worthwhile outcome we can achieve.</p>
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LGSCO\* Local Government Ombudsman

HO\* Housing Ombudsman



**BOLSOVER DISTRICT COUNCIL**

**Meeting of the Standards Committee on 11<sup>th</sup> May 2026**

**Member Training Attendance 2025/26**

**Report of Strategic Director of Legal, Governance and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Report By</b>	Angelika Kaufhold Governance and Civic Manager

**PURPOSE/SUMMARY OF REPORT**

To provide the Standards Committee with information relating to Councillor attendance at training events.

**REPORT DETAILS**

**1. Background**

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

**2. Details of Proposal or Information**

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

**3. Reasons for Recommendation**

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

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

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

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## **RECOMMENDATION**

That Standards Committee notes the information and statistics for Member attendance at training events during 2025/26 as attached at **Appendix 1** to the report.

Approved by Councillor Donna Hales, Portfolio Holder for Corporate Performance and Governance

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## **IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Details:</b> The Member Development Budget should cover the cost of any external trainers required to deliver any training identified for the year and any sessions Members attend externally. Additional conferences that Members attend can be unexpected costs and it is important that these are identified with the Governance Team as early as possible. On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Details:</b> Essential training to cover the legal obligations and responsibilities of Members and the Council is included in the Member Development Programme as part of induction and with regular refreshers. Subjects such as data protection, safeguarding, code of conduct, will be addressed bi-annually with committee specific training on an annual basis or as needed. On behalf of the Solicitor to the Council		
<b><u>Staffing</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Details:</b> Training delivered in house adds to the workloads of officers across the Council, however, as much notice as possible will be given to minimise impact. On behalf of the Head of Paid Service		
<b><u>Equality and Diversity, and Consultation</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
<b>Details:</b>		
<b><u>Environment</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. <b>Details:</b>		

## **DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b> <b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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<p>income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.</p> <p><b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p><b>District Wards Significantly Affected:</b>  <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i>  Please state below which wards are affected or tick <b>All</b> if all wards are affected:</p>	<p><b>(a)</b> <input type="checkbox"/>      <b>(b)</b> <input type="checkbox"/></p> <p><b>(a)</b> <input type="checkbox"/>      <b>(b)</b> <input type="checkbox"/></p> <p><b>All</b> <input type="checkbox"/></p>
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<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p><b>Consultation carried out:</b>  <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p>Leader <input type="checkbox"/> 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"/></p>	<p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input checked="" type="checkbox"/></p> <p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input type="checkbox"/></p> <p><b>Yes</b> <input checked="" type="checkbox"/>      <b>No</b> <input type="checkbox"/></p>
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<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>
Customers

**DOCUMENT INFORMATION:**

Appendix No	Title
1	Members training 2025/26

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

# Appendix 1

## SUMMARY OF COUNCILLOR TRAINING ATTENDANCE 2025/2026

<b>Training and Date</b>	<b>Number of Councillors Attended</b>	<b>% of all Councillors in attendance</b>	<b>% of Committee members in attendance</b>
Tpas Councillor's Guide to Social Housing, 3 <sup>rd</sup> June 2025	12	32.43%	N/A
Planning Committee Training, 4 <sup>th</sup> June 2025	13	35.13	90%
Predetermination & Bias in Planning Training (non-compulsory), 4 <sup>th</sup> June 2025	11	29.72%	N/A
Licensing Committee Training, 5 <sup>th</sup> June 2025	10	27.02%	70%
Planning Committee Training, 9 <sup>th</sup> June 2025	1	2.70%	10%
Licensing Committee Training, 26 <sup>th</sup> June 2025	1	2.70%	10%
Licensing Committee Training, 4 <sup>th</sup> July 2025	2	5.40%	10%
Successful Health Places – Supplementary Planning Document Training, 1 <sup>st</sup> October 2025	7	18.91%	N/A
LGA Leadership Essentials, Planning Committee Chairs, 20 <sup>th</sup> – 21 <sup>st</sup> November 2025	1	N/A	N/A
LGA Leadership Essentials, Leading New System Local Plans, 22 <sup>nd</sup> to 23 <sup>rd</sup> November 2025	1	N/A	N/A
CP Viability Ltd. Viability in Planning, 10 <sup>th</sup> December 2025	8	21.62%	N/A

SUMMARY OF COUNCILLOR E-LEARNING SESSIONS COMPLETED 2025/2026

<b>Training</b>	<b>Number of Councillors Who Have Completed</b>	<b>Number of Councillors Outstanding</b>	<b>% of Councillors Who Have Completed</b>
Data Protection and Freedom of Information: Compliance Following GDPR	27	10	72.97%
Managing Information Securely	27	10	72.97%
Introduction to Data Protection	27	10	72.97%

\*Members who had participated in the Data Protection and Freedom of Information Compliance training in March 2025 were not required to participate on the above e-learning.

**Bolsover District Council**

**Standards Committee on 11<sup>th</sup> May 2026**

**Annual Report of the Standards Committee 2025/26**

**Report of the Strategic Director of Legal, Governance and Monitoring Officer**

<b>Classification</b>	This report is public
<b>Report By</b>	Jim Fieldsend, Report of the Strategic Director of Legal, Governance and Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

For Standards Committee to consider the Standards Committee Annual Report on the work it has undertaken during the municipal year 2025/26.

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**REPORT DETAILS**

**1. Background**

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

**2. Details of Proposal or Information**

- 2.1 For Standards Committee to consider the draft Annual Report which sets out the work of the Committee during the municipal year 2025/26 prior to submission to Annual Council .

The draft Annual Report 2025/26 is attached as **Appendix 1** to this report. The section on training will need to be completed following the meeting.

**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 2025/26.

**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.

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## **RECOMMENDATION**

That Standards Committee approves the draft Annual Report on the work it has undertaken during the municipal year 2025/26, as attached at **Appendix 1**.

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## **IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Details:</b> None arising from this report. <p style="text-align: right;">On behalf of the Section 151 Officer</p>
<b><u>Legal (including Data Protection)</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Details:</b> None arising from this report. <p style="text-align: right;">On behalf of the Solicitor to the Council</p>
<b><u>Staffing</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Details:</b> None arising from this report. <p style="text-align: right;">On behalf of the Head of Paid Service</p>
<b><u>Equality and Diversity, and Consultation</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <b>Details:</b> None arising from this report.
<b><u>Environment</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment. <b>Details:</b> None arising from this report.

## **DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b><i>Please indicate which threshold applies:</i></b>  <b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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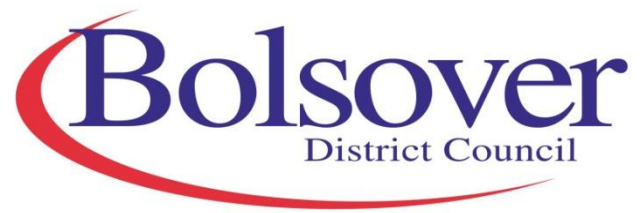
<p><b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.</p>	<p><b>(a)</b> <input type="checkbox"/>      <b>(b)</b> <input type="checkbox"/></p>
<p><b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.</p>	<p><b>(a)</b> <input type="checkbox"/>      <b>(b)</b> <input type="checkbox"/></p>
<p><b>District Wards Significantly Affected:</b>  <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i>  Please state below which wards are affected or tick <b>All</b> if all wards are affected:</p>	<p><b>All</b> <input type="checkbox"/></p>

<p><b>Is the decision subject to Call-In?</b>  <i>(Only Key Decisions are subject to Call-In)</i></p>	<p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input checked="" type="checkbox"/></p>
<p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p>	<p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input type="checkbox"/></p>
<p><b>Consultation carried out:</b>  <i>(this is any consultation carried out prior to the report being presented for approval)</i></p>	<p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input type="checkbox"/></p>
<p><b>Leader</b> <input type="checkbox"/>    <b>Deputy Leader</b> <input type="checkbox"/>    <b>Executive</b> <input type="checkbox"/>    <b>SLT</b> <input type="checkbox"/>  <b>Relevant Service Manager</b> <input type="checkbox"/>    <b>Members</b> <input type="checkbox"/>    <b>Public</b> <input type="checkbox"/>  <b>Other</b> <input type="checkbox"/></p>	

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

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Draft Annual Report of the Standards Committee 2025/26.

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



**Standards Committee  
Annual Report 2025/26**

## Standards Committee Annual Report 2025/26

### 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

DRAFT

The Annual Report outlines the work of the Standards Committee during the municipal year 2025/26.

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## 1 Chair and Co-optees of Standards Committee 2025/26

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

The Council has three Independent Persons who advise the Monitoring Officer on complaints against District or Parish Councillors and also advise Councillors who were the subject of complaints. These are Mr S Wainwright, Mr A Davies and Mr M Kenyon.

## 3 Complaints received during the period May 2025 to May 2026

From the start of May 2025, the Monitoring Officer has received 16 complaints. This is a reduction on last year when only 22 were received. 5 complaints related to the action of a district councillor and 10 relating to parish councillors.

Most incidents are relatively minor and where a potential breach was identified they were dealt with through informal methods such as an apology/training. Other more serious complaints are dealt with by an informal investigation and four complaints have been through the investigation process. One investigation found the councillor not to have breached the code whereas three have found breaches. Two of those complaints is still be resolved and discussions are taking place as to whether the councillor concerned accepts the findings. The third has resulted in an apology from the councillor concerned which the Monitoring Officer considered to be a proportionate way to conclude the complaint.

## 4 Response to the consultation on Strengthening the Standards and Conduct Framework.

In February 2026 we received a report outlining the government's proposals to improve the standards regime. Proposals include the power to suspend councillors for serious breached, withdrawal of allowances and a right of review for both complainants and subject members. Such changes to be introduced by the Government as soon as parliamentary time allows.

## 5 Consideration of requests for Dispensation.

No requests for Dispensation were received during the 2025/26 Municipal Year.

## 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:

- Inclusion of a definition of the term "working day" in the Constitution.

## 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. A review was conducted in January 2025 with no substantive changes being made other than housekeeping amendments. At Council on 8<sup>th</sup> October 2025 a motion to review the Whistleblowing Policy was submitted and members were reminded that it had already been reviewed and approved in January 2025. A further review of the Whistleblowing Policy took place at Standards Committee on 10<sup>th</sup> November 2026 with no further changes being made.

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 on an annual basis.

The Monitoring Officer reported to Standards Committee on 9<sup>th</sup> February 2026 and then to Council on 4<sup>th</sup> March 2026 that there had been two instances of Whistleblowing reported.

### RIPA Policy Review

In early 2025, the Investigatory Powers Commissioner's Office (IPCO) undertook an inspection of the Council's arrangements for dealing with covert surveillance. The IPCO was satisfied that the Council was complying with its obligation as set out in the Regulation of Investigatory Powers Act 2000 (RIPA) and suggested some suggestions on how certain parts of the Policy could be clarified. The RIPA Annual Report included the IPCO's findings and sought approval for amendments to the Policy. The Standards Committee on 9<sup>th</sup> February 2026 approved the amendments to the Policy.

The Monitoring Officer confirmed that no such powers were used.

## 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 February 2026, 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 2025 to December 2025.
- 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. A report relating to Member attendance on training course was considered at the Standards Committee on 11<sup>th</sup> May 2026.

***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***



**BOLSOVER DISTRICT COUNCIL**

**Meeting of the Standards Committee on 11<sup>th</sup> May 2026**

**Contract Procedure Rules**

**Report of the Strategic Director Legal, Governance and Monitoring Officer**

<b>Classification</b>	This report is Public
<b>Contact Officer</b>	Jim Fieldsend, Strategic Director of Legal, Governance and Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

To consider and recommend to Council the adoption of revised Contract Procurement Rules.

**REPORT DETAILS**

**1. Background**

- 1.1 The Council’s Contract Procurement Rules as contained in Part 4.8 of the Constitution provides a framework for the procurement of all goods services and works for the Council. All purchases are required to go through a set process depending on the value of the purchase.
- 1.2 The Council’s Contracts Manager has been in post since February 2025. During that time she has assessed the Council’s existing Contract Procurement Rules and has produced the revised rules which are attached at Appendix 1.

**2. Details of Proposal or Information**

- 2.1 The attached rules have been drafted to reflect the requirement of the Local Government Act, Public Contract Regulations 2015 and the Procurement Act 2023.
- 2.2 Key parts of the code include the following:
  - A clear message that relevant officers must comply with the code when entering into contracts for supply of works, good or services;
  - Avoidance of conflict of interest;
  - Prevention of corruption measures;
  - Need for KPIs;

- Guidance on cyber security issues;
- Requirement to consider use of artificial intelligence;
- Purchasing through external frameworks;
- The requirement to maintain an Annual Contract Forward Plan;
- Contract Procedure thresholds and procedures for each threshold;
- Requirement to add all contracts with a value above £5,000 on the contracts register and on the Central Digital Platform if over £30,000;
- Exceptions and Direct Awards. This includes contracts for legal services and services relating to arbitration, mediation and conciliation services and employee grievance or disciplinary matters.

2.3 The rules have been reported to Senior Leadership Team and consultation has taken place with officers who regularly undertake procurement work. Where appropriate changes have been made to reflect comments received.

2.4 The rules are designed to protect the Council and ensure that it obtains value for money without it being too prescriptive and placing too many burdens on the procuring officers. The thresholds provided greater freedom to secure appropriate contractors but at the same time ensures that the market is adequately tested. Also the rules ensure that social value is recognised as a desired output.

**3. Reasons for Recommendation**

3.1 It is necessary to have Contract Procurement Rules to provide a clear framework of rules for the procurement of works goods and services.

**4 Alternative Options and Reasons for Rejection**

4.1 To retain the current rules. These are not in line with current legislation.

**RECOMMENDATION(S)**

(1) That the Committee agree to the proposed Contract Procurement Rules and support the submission of the rules to Council.

**IMPLICATIONS:**

<b><u>Finance and Risk</u></b>		
Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
Details:		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b>		
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	

<b>Details:</b> The Local Government Act 1972 requires the Council to have standing orders for how it procures contracts		On behalf of the Solicitor to the Council
<b>Staffing</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Details:</b>		On behalf of the Head of Paid Service
<b>Equality and Diversity, and Consultation</b>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>		
<b>Environment</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment		
<b>Details:</b>		

**DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick <b>All</b> if all wards are affected:	All <input type="checkbox"/>

<p>If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? (<i>decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer</i>)</p> <p><b>Consultation carried out:</b> (<i>this is any consultation carried out prior to the report being presented for approval</i>)</p> <p>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/>  Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/>  Other <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
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<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>
Customers.

**DOCUMENT INFORMATION:**

Appendix No	Title
1	Revised Contract Procurement Rules

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

## **4.8 CONTRACT PROCUREMENT RULES**

### **4.8.1 Introduction**

The Local Government Act 1972 requires the Council to have standing orders for how it enters into Contracts. These Contract Procedure Rules are the standing orders required by the 1972 Act. They form part of the Council's Constitution and are, in effect, the instructions of the Council to officers and members for entering into Contracts on behalf of the Council.

The purpose of these Contract Procedure Rules is to set a framework of clear rule for the procurement and purchase of works, goods and services for the Council and to ensure a system of openness, integrity and accountability, within which the probity and transparency of the Council's procurement process will be beyond reproach or challenge.

Accordingly, these Contract Procedure Rules must be followed for **all** Contracts for:

- the supply of goods to the Council;
- the supply of services to the Council;
- the carrying out of works for the Council;
- to contract under light touch for the Council and  
Concession Contracts.

The Council is also subject to the Public Procurement Legislation. These Contract Procedure Rules provide a basis for true and fair competition for Contracts by providing clear and auditable procedures, which, if followed, will give confidence that the Council has a procurement regime that is fully accountable and compliant with procurement law.

Following the Contract Procedure Rules will also help to ensure that the Council obtains value for money when it buys works, goods or services.

These Contract Procedure Rules are to protect the interests of the Council, its officers and members and the communities of Bolsover District Council.

These Contract Procedure Rules reflect the requirements of the Local Government Act 1972 and the Public Contract Regulations 2015 (as amended), the Procurement Act 2023, and other procurement legislation as amended. In any apparent conflict of meaning or intent, the legislation shall take precedence.

Where procurements commenced before 24 February 2025, the Previous Regulations will apply. These CPRs assume the Procurement Act 2023 applies. However, in relation to Contracts let under the Previous Regulations, officers will need to apply the Previous Regulations– please contact Procurement Services who will be able to advise. References to Public Procurement Legislation should be interpreted as referring to the Previous Regulations where Procurement Services advise that is appropriate.

When undertaking procurements regulated by the Procurement Act 2023, regard should be had to:

- the National Procurement Policy Statement,
- the principles and objectives set out in the Procurement Act 2023.
- the duty to consider how to remove barriers for small and medium sized businesses.
- the requirements to publish notices at each stage of the procurement and during the life of the contract (not all required notices are referred to in these CPRs).
- Cabinet Office Guidance.

## **Definitions of Terms Used in These Rules;**

### **Annual Contracts Forward Plan**

means setting out all proposed Council contracting activity for a financial year. This plan prepared by each of the Service Areas which is shared with Procurement Service to amalgamate;

### **Artificial Intelligence**

means (AI) computer science dedicated to creating systems capable of performing complex tasks that typically require human intelligence, such as reasoning, learning, problem-solving, perception, and decision-making;

### **Authority**

means the appropriate level of authority based on the value of the contract, extension or variation as set out in Appendix 1;

### **Award Letter**

means a formal document that is drafted up to the value of £75,000 when the Councils standard term and conditions are used for the award of contract that is actioned by Procurement Services that notifies a contractor that they have won a contract

providing specific information such as but not limited to start and end dates of the contract, project details and contract value:

**Below Threshold Tender Notice**

means a notice setting out that a contracting authority intends to award a (below threshold) contract;

**Central Digital Platform**

means the Find a Tender platform where all UK contracting authorities publish information relating to Contracts;

**Concession Contract**

means a Contract as defined in the Public Procurement Legislation;

**Contract**

means the agreement between the Council and a supplier for the supply of works, goods or services including Purchase Orders. Although at law a verbal agreement may be a Contract, Contracts for Bolsover District Council must always be supported by appropriate written Contract documents;

**Contract Award Notice**

means a notice as described in section 50 of the Procurement Act 2023 setting out that the Council intends to enter into a Contract;

**Contract Details Notice**

means a notice as described in section 53 of the Procurement Act 2023 setting out that the Council has entered into a Contract;

**Contract Number**

means the number allocated to the contract by the Procurement Service;

**Contracting Officer**

means any officer who proposes to procure goods services or works;

**Contract Performance Notice**

means the report on supplier performance against KPIs where total contract value is over £5 million which shall report poor supplier performance and any breach of contract in accordance with section 71 of the Procurement Act 2023;

<b>Corporate Contract</b>	means a Contract for the supply of works, goods or services to the Council as a whole rather than for an individual service area. For example, stationery, work wear. Corporate Contracts are generally procured and managed by the Procurement Service;
<b>Council's Financial Regulations</b>	means the Council's Financial Regulations which contain all financial accountabilities in relation to the running of the Council, including the Council budget and Council policy framework;
<b>Cyber Security</b>	mean the practice of protecting systems, networks, programs, and data from digital attacks, unauthorized access, or damage;
<b>Dynamic Purchasing System</b>	means the system referred to and defined in regulation 34 of the Public Contracts Regulations 2015 (as amended);
<b>Dynamic Market</b>	means arrangements defined by the Procurement Act 2023;
<b>E-Procurement System</b>	means In-Tend or successor system or other system used by the Council;
<b>Exception</b>	means an exception to these CPRs as further described in 4.8.44 of these CPRs;
<b>Framework</b>	means a framework agreement under the Previous Regulations or the Procurement Act 2023 as the context requires;
<b>FTS</b>	means the Find a Tender Service which allows supplier to find public sector contracts;
<b>Key Decision</b>	A significant decision which is the responsibility of the Executive or an officer under delegated powers
<b>Light Touch</b>	means the rules and procedures for the light touch contracts set out in section 9 of the Procurement Act 2023;
<b>Local Supplier</b>	means a Supplier based in the Borough of Bolsover.

<b>Members of Staff</b>	means individuals who carry out the day-to-day work of the Council, either on a permanent or a temporary basis, and includes officers, interim post-holders and agency staff but not consultants or suppliers (also referred to as officers);
<b>Monitoring Officer</b>	means the officer designated under section 5 of the Local Government and Housing Act 1989 to monitor the Council's compliance with the law and rules of administration. The Director of Governance and Legal Services is the Monitoring Officer;
<b>Notifiable Below-Threshold Contract</b>	means a Below Threshold Contract which has total value of £30,000 or above;
<b>Open Framework</b>	means an open framework as defined by the Procurement Act 2023;
<b>PAS 91</b>	means the PAS 91: 2013 Construction prequalification questionnaires
<b>PED</b>	means the Procurement Engagement Document: a strategy document laying out the business case for and proposed approach towards a procurement exercise. It also secures the project number, commissions the Procurement Service and Legal Services to support the exercise;
<b>Pipeline Notice</b>	means a notice as described in section 93 of the Procurement Act 2023 setting out specified information about any public contract with an estimated value of more than £2 million in respect of which the Council intends to publish a Tender Notice or Transparency Notice during the reporting period;
<b>Planned Procurement Notice</b>	means a notice informing the market that the Council intends to publish a Tender Notice, as more particularly described in section 15 of the Procurement Act 2023;
<b>Preliminary Market Engagement Notice</b>	means a notice setting out that the Council intends to, or has conducted, preliminary market engagement as more particularly

described in section 17 of the Procurement Act 2023;

**Previous Regulations**

means the Public Contracts Regulations 2006, the Public Contracts Regulations 2015 (as amended) or the Concession Contracts Regulations 2016 (as applicable) as amended from time to time;

**Project Lead**

means the Officer of the Council from the Service Area who will lead on the project;

**Public Procurement Legislation**

means the Public Contracts Regulations 2015 (as amended), Concession Contracts Regulations 2016, the Procurement Act 2023, or other UK legislation affecting public sector Contracts and any amendment, re-enactment or replacement of any of them;

**Purchase Order**

means the Council's official order form for the purchase of works, goods or services;

**Quotation**

means an offer by a Supplier to undertake a Contract of £30,000 or more but less than £75,000 in value;

**Service**

means any service provided to the Council including supplies, works or services as defined in the Public Procurement Legislation;

**Service Manager**

means Officer of the Council who has responsible and overseas activity in the Service Area:

**Social Value**

means activities, approaches and services that help to deliver corporate objectives, in particular measurable benefits to local communities' safety, health, prosperity and quality of life, including:

- Climatic and environmental improvements
- Local economic benefits
- Beneficial impacts on local communities – including furthering equalities and community cohesion;

<b>Subsidy Control</b>	means the legal framework that regulates how public authorities give money to businesses
<b>Supply Chain</b>	means the entire network of organisations, contractors, people, activities, information, and resources involved in the supply of a product, service or works contract to the Council;
<b>SQ</b>	means the selection questionnaire under the Public Contracts Act 2015 (as amended), and the conditions of participation under the Procurement Act 2023 being a standard selection questionnaire, which suppliers have to complete to provide evidence of or self-declare their legal, financial and technical capacity (including their health and safety and equal opportunities policies) to undertake a contract for the Council, in a format approved by the Procurement Service;
<b>Supplier</b>	means a supplier of works, goods or services to the Council;
<b>T&amp;Cs</b>	means the Councils standard terms and conditions of Contract;
<b>Tender</b>	means an offer by a supplier to undertake a Contract
<b>Tender Notice</b>	means a notice informing the market that the Council is commencing a procurement process, as more particularly described in section 21 of the Procurement Act 2023;
<b>Tender Report</b>	means a report which describes the procurement process, any material decisions, the tenderers and their scores and identifies the successful tenderer;

**Threshold Amount**

means the threshold amount as defined in the Public Procurement Legislation and updated every two years (latest 1<sup>st</sup> January 2026) above which the requirements of the legislation are engaged;

**Transparency Notice**

means a notice as described in section 44 of the Procurement Act 2023 setting out that a contracting authority intends to award a Contract directly without undertaking a procurement;

## General Contract Procedure Rule Requirements

### 4.8.2 Application and Scope

- (1) These CPRs apply to:

All Contracts for the supply of works, goods or services to the Council, regardless of value, including Concession Contracts and Requests for Quotation (RFQ).

Contracts for the engagement of consultants to provide Services to the Council that are part of a discrete piece of work for example, carrying out research, giving advice or managing a project

The nomination of a sub-contractor to a main contractor.

- (2) These CPRs do **not** apply to:

Contracts for the purchase or sale of any interest in land (including leasehold interests).

Contracts for the appointment of individual Members of Staff, including Members of Staff sourced through employment agencies under a Corporate Contract.

Grant agreements, where the Council is giving, subject to a full complaint Subsidy Control assessment (where the Council carries out a procurement using grant monies received, the CPRs will apply).

Supply of works, goods and services **by** the Council.

Individual Placements.

- (3) If a Contract is being procured in collaboration with other local authorities, the Contract Procedure Rules of the lead authority shall apply. Assurance should be sought that the lead authority is compliant with its own contract procedure rules / standing orders. Where the Procurement Act 2023 applies, the Council is jointly responsible with the other local authorities for compliance with legislation.
- (4) E-procurement procedures shall be used wherever possible. Requests for quotations, pre-qualification questionnaires and invitations to tender

should wherever practical be issued to tenderers by electronic means. Where e-tendering is utilised then this must be undertaken by way of the corporate e-tendering system which is managed on the Council's behalf by the Procurement Service.

- (5) Before any tendering exercise is considered, reference must be made to the Council's procurement and equalities guidelines. The Council is committed to dealing fairly with all relevant discrimination groups as defined in the Equalities Act 2010. A failure to take into account special requirements for these groups in a tender would be a significant corporate failure, affecting the reputation and standing of the Council.
- (6) All procurement arrangements must ensure compliance with the Council's responsibility in respect of the Freedom of Information Act, Environmental Information Regulations 2004 and the GDPR, Data Protection Act 2018 and the Data Act 2025.

### **4.8.3 Compliance with Contract Procedure Rules**

- (1) Every Contract entered into on behalf of the Council must comply with:
  - these Contract Procedure Rules (unless an Exception is granted)
  - the Council's Financial Regulations and
  - all relevant UK legislation.
- (2) Each Service Manager is responsible for ensuring that their department complies with these Contract Procedure Rules.
- (3) All Members of Staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council must comply with these Contract Procedure Rules. Failure to comply with these Contract Procedure Rules may result in disciplinary action and legal proceedings against the Members of Staff and consultants concerned.
- (4) Officers should also pay attention to the Council's Employee Code of Conduct. Non-compliance with these Contract Procedure Rules constitutes grounds for disciplinary action and may be considered gross misconduct.
- (5) No procurement process of any value may be undertaken without an initial assessment of:
  - Need
  - Assured funding
  - A check for conflict with existing Contracts
  - An assessment of savings.

- (6) All Contracts for Goods and Services with a value of £75,000 or more must be initiated with a Procurement Engagement Document (PED) and be supported by the Procurement Service.
- (7) All Contracts for Works with a value of £100,000 or more must be initiated with a Procurement Engagement Document (PED) and be supported by the Procurement Service.
- (8) All Contract extension for Contracts for Good, Service or Works, an extension notification report must be completed and forward to the Procurement Service when the extension has been agreed with the Supplier.
- (9) All contract variations for Contracts for Good, Service or Works, Procurement Service must be advised, and the variation must be completed by Legal Services
- (10) Any Contract decisions having a total value of £75,000 for revenue and £150,000 for capital or more (including any extension period) are Key Decisions to which the Forward Plan and Access to Information Procedure Rules will apply and for which appropriate level of Authority must be sought in accordance with Appendix 1

#### **4.8.4 Partnership Working**

- (1) These CPR's apply, in addition to other procurements, to any proposal for the Council to become involved in a joint venture or partnership, including the monitoring of any such arrangement, if the Council is leading on the procurement process.

Where Partnership arrangements, or working with other public bodies, are used in order to procure goods or provide services then consultation must take place with both the Monitoring Officer, the Head of Finance and Resources and Procurement Manager prior to entering into such arrangements. Such arrangements should only be pursued on the basis that appropriate approval from the Council's statutory officers and from appropriate Council bodies have been secured prior to any formal commitments being given.

#### **4.8.5 Conflict of Interest**

- (1) All Members of Staff must avoid any conflict between their own interests and the interests of the Council. This is a requirement of the Council's Employees Code of Conduct.

This includes:

- 1) Not accepting gifts or hospitality from organisations or suppliers that the Council has any dealings with.
  - 2) Not working for organisations or suppliers that the Council has any dealings with.
  - 3) Notifying a relevant Project Lead and Procurement Services of any links with an organisation or supplier who is tendering or quoting for a Contract with the Council or already has a Contract with the Council.
- (2) The relevant Project Lead and the Procurement Services must ensure that any consultants engaged to act on behalf of the Council enter into a Contract with the Council and sign a declaration. The declaration shall confirm that:
- They have no conflict
  - They will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council; and
  - They will notify the relevant Project Lead and Procurement Service if they have any links with an organisation or supplier who is tendering or quoting for a Contract with the Council or already has a Contract with the Council.
- (3) If an elected member of the Council or a member of staff involved in the procurement or management of a Contract has an interest, financial or otherwise, in a Contract or proposed Contract, they must declare it in writing to the relevant Project Lead and the Procurement Services as soon as they become aware of the interest. An elected member or member of staff who has an interest in a Contract must not take part in the procurement or management of that Contract.
- (4) Before commencing a tendering exercise, the relevant Project Lead and the Procurement Services must identify conflicts of interests or potential conflicts of interest, and the Procurement Service will prepare a conflicts assessment in accordance with the requirements of the Procurement Act 2023.
- (5) Where conflict(s) are identified, the relevant Project Lead must take all reasonable steps to ensure that the conflict(s) does not put the supplier at an unfair advantage or disadvantage in the procurement.
- (6) At each point of publishing one of the following notices, (as defined in the Procurement Act 2023), the relevant Project Lead must advise Procurement Service who must prepare a conflict of interest assessment or review and amend the existing conflicts of interest assessments as necessary:

- Planned Procurement Notice
- Tender Notice
- Transparency Notice
- Dynamic Market notice in relation to the establishment of a Dynamic Market
- Contract Details Notice
- Contract Change Notice.
- Duties of Strategic Directors / Service Managers

### **4.8.6 Prevention of Corrupt Activity**

- (1) A Contract must be capable of being terminated immediately, and any losses to the Council arising from the termination recovered from the Supplier, if the Supplier, or anyone acting on their behalf (with or without the Supplier's knowledge):
- offers, promises or gives a financial or other advantage to any elected member of the Council, any member of staff or any consultant in connection with the Contract.
  - or requests, agrees to receive or accepts a financial or other advantage so that some action in relation to the Contract is performed improperly.

**A statement to this effect must be included in all invitations to Tender or quotes.**

- (2) Any elected member of the Council, member of staff or consultant who becomes aware or has reason to believe that a Supplier or potential Supplier has committed one of the corrupt acts referred to in CPR 4.8.6 (1) must report it to the Monitoring Officer and/or the Head of Internal Audit Consortium and the Procurement Manager immediately.
- (3) The attention of officers is drawn to the Council's Employee Code of Conduct. Non-compliance with these Contract Procedure Rules constitutes grounds for disciplinary action and may be considered gross misconduct.

### **4.8.7 Duties of the Service Manager**

A Service Manger must:

- (1) Ensure that all Contracts within their department comply with Contract Procedure Rules, Financial Regulations and all applicable Public Procurement Legislation.

- (2) Plan the procurement of and manage Contracts within their department to ensure that Contracts:
  - Deliver value for money; and
  - Operate effectively, efficiently and economically.
- (3) Make sure that the Council operates within the terms of any Contract for which they are responsible, to ensure that the Council does not breach the Contract.
- (4) Maintain an accurate register of Contracts entered into by their department and ensure these are added to the Council's overall Contracts Register via completing a transparency report and emailing to the procurement service. One off contract for less than £5,000 need not be recorded in the register.
- (5) Keep adequate records and maintain audit trails to evidence compliance with Contract Procedure Rules, Financial Regulations and all relevant legislation in their department.
- (6) Ensure there is adequate budget available to finance all purchasing decisions irrespective of the value and where required, that a Purchase Order is raised on the Council's finance system following a relevant spend approval decision.
- (7) Ensure that contract budgets are monitored and managed, ensuring any additional costs and overspend are approved in accordance with the Financial Regulations and the advertised contract spend.

#### **4.8.8 Preliminary Market Engagement**

- (1) Consider the benefits of engaging with the market prior to the commencement of a procurement and publish a Preliminary Market Engagement Notice when appropriate in accordance with the requirements of the Procurement Act 2023.

#### **4.8.9 Cyber Security and Supply Chain Assurance**

All Project Leads must:

- (1) Treat cyber security as a core procurement risk, proportionate to the contract's risk profile and the potential impact on services, data and residents.
- (2) Apply a risk-based approach at the start of each procurement to identify where specialist ICT / information security input is required, and to determine what assurance is proportionate.

- (3) Build cyber requirements into specifications and evaluation for relevant contracts (for example where suppliers process personal or sensitive information, host systems, connect to our network, or deliver critical services).
- (4) Require suppliers (and relevant subcontractors) to evidence appropriate governance and controls, such as: secure access management, patching and vulnerability management, secure configuration, staff training, and incident management arrangements.
- (5) Include proportionate contract provisions for incident notification, cooperation during incidents, and continuous improvement; for higher-risk contracts, we will consider audit/assurance rights and measurable security service levels.
- (6) Manage cyber risks through ongoing contract management for key suppliers, including periodic review of security performance and material changes in the supplier's delivery model (for example use of new systems, hosting locations, or subcontractors).

#### **4.8.10 Artificial Intelligence Transparency**

All Project Leads must:

- (1) Require suppliers to be transparent about any use of Artificial Intelligence (including generative AI) that is material to: (a) their tender submission, (b) the solution proposed, or (c) delivery of the contract.
- (2) For relevant procurements, include an "AI disclosure" schedule in the tender requiring bidders to set out: where AI is used; which tools/models are used (including subcontractors); what data is used (including any Council data); how outputs are checked and governed; and how risks such as bias, error, security and privacy are managed.
- (3) Where AI is part of the contract delivery, evaluate bidders on their AI governance and assurance arrangements, including human oversight, explainability, testing/monitoring and incident/issue escalation.
- (4) Include proportionate contract requirements so that suppliers notify us of any material changes to their AI use during the contract (for example changes to models, tools, hosting, training data sources, or subcontractors) and cooperate with any required reviews.
- (5) Set clear expectations on data protection and confidentiality when AI is used, including controls to prevent unauthorised disclosure or retention of Council information.

- (6) Use contract management to monitor AI use and performance where relevant, including audit/assurance where proportionate and agreed.

#### **4.8.11 KPI's**

- (1) Include a minimum of 3 Key Performance Indicators (KPIs) in Contracts where required by the Procurement Act 2023 to do so, unless the Service Manager and Project Lead reasonably considers that the Supplier's performance under the Contract could not appropriately be assessed by reference to KPIs.
- (2) For Contracts with a total value over £5 million, at least once annually and on termination of a Contract, assess and publish details of the Supplier's performance under the KPIs on the Central Digital Platform using a Contract Performance Notice.

#### **4.8.12 Contract Performance Notice**

- (1) Issue a Contract Performance Notice when a Supplier has breached a Contract and the breach results in:
  - (i) termination or partial termination of the Contract;
  - (ii) the award of damages, or
  - (iii) a settlement agreement between the Supplier and the Council.

if required by the Procurement Act 2023 to do so. Advice should be sought from Procurement Service in the event of a breach of contract and will action the notice.

#### **4.8.13 Record Keeping**

- (1) Project Lead shall maintain records to explain a decision to award a Contract as required by the Procurement Act 2023.
- (2) Project Lead and / or Procurement Services shall maintain records of any communication between the Council and a supplier prior to the award of a public contract.

#### **4.8.14 Publication of Contracts**

- (1) Publish a copy of the Contract entered into if its total value is more than £5 million (appropriately redacted) as follows:
  - if the contract is a Light Touch Contract, before the end of the period of 180 days beginning with the day on which the Contract is entered into;

- otherwise, before the end of the period of 90 days beginning with the day on which the Contract is entered into.
- This requirement does not apply to Contracts which have been directly awarded on the ground of user choice in accordance with paragraph 15 of Schedule 5 of the Procurement Act 2023.

#### **4.8.15 Notices**

- (1) Issue notices in accordance with the Procurement Act 2023.
- (2) A Service Manger can award Contracts with a total value of up to £75,000 for revenue spend and £150,000 for capital spend and above those amounts where Authority has been delegated to them to do so. Any decision with a value of £75,000/£150,000 and above in total (including options to extend) will be a Key Decision and must be placed on the Forward Plan.

#### **4.8.16 Valuation of Contracts**

- (1) The Project Lead is responsible for each Contract must record an estimated value for the Contract before any offers are sought.
- (2) The value of a Contract is the total amount that the Council expects to pay for the whole Contract term, including any possible Contract extension period, and is:
  - a. Exclusive of VAT for the purposes of Council budget and approval purposes but
  - b. Inclusive of any applicable VAT for the purposes of considering the Threshold Amounts and compliance with Procurement Act 2023.
- (3) The value of a Concession Contract shall be calculated in accordance with Schedule 3 section 3 of the Procurement Act 2023.
- (4) Procurement Services must be consulted to confirm the calculation of the value of a Concession Contract.
- (5) The Service Area must not try to avoid compliance with these Contract Procedure Rules or the Procurement Act 2023 by splitting a procurement for the same or similar works, goods or services into smaller, separate Contracts, except where permitted by the Procurement Act 2023.
- (6) If it will achieve better value for money, Contracts for the same or similar works, goods or services must, where reasonably practicable, be aggregated into a single procurement with Lots where necessary.

#### **4.8.17 SME Participation**

- (1) To facilitate SME participation in awards of contracts consideration should be given to dividing contracts into smaller lots where appropriate. Procurement Services will advise on whether a contract could be divided. Where a contract may be divided the project officer shall consult with a Service Manager. If a decision is taken not to divide a contract into lots, then the relevant Project Manager must maintain a written summary of the reasoning underlying that decision.

#### **4.8.18 Purchasing Through Corporate Contracts Or Frameworks and Collaborative Procurement**

- (1) If there is an existing internal corporate Bolsover District Council, Framework, Open Framework or Dynamic Market for the supply of any works, goods or services, the Service Area must buy through that Contract, Framework, Open Framework or Dynamic Market unless agreed otherwise with the Procurement Services at the time of drafting the PED.
- (2) Where appropriate external Framework Agreements or Dynamic Markets are available, these may be used but must be assessed by Procurement Service before deciding to conduct a tender exercise through them.
- (3) Procurement Services must be consulted on the acceptability of T&Cs before joining or buying from an external Framework, Open Framework or a Dynamic Market.
- (4) The cost of using any external Frameworks, Open Frameworks or Dynamic Markets should always be included in the strategic assessment of this route to market and form part of the business case for using or not using them.
- (5) Any procurement exercise conducted through a Framework, Open Framework or Dynamic Market must follow the procedures set out by Framework, Open Framework or Dynamic Market.
- (6) A decision at the appropriate level will be required to award a Contract procured through consortia, buying groups, Dynamic Markets, Open Frameworks or Frameworks, whether set up by the Council or set up by another public authority.
- (7) Procurement Service must set up an internal Framework, Open Framework or a Dynamic Market.
- (8) Wherever possible and practicable, collaboration with other public authorities or other service areas within the Council should be considered.
- (9) For Contracts, Frameworks, Open Frameworks or Dynamic Markets where the Council is the lead authority, the Contract award will be subject to the

Council's CPRs and governance process, and the use of the Council's e-tendering system.

- (10) For Contracts, Frameworks, Open Frameworks or Dynamic Markets where the Council is *not* the lead authority, but the Council is participating in the procurement, the procurement process and Contract award will be subject to the lead Authority's contract procedure rules / standing orders and governance procedures.
- (11) Contracts, Frameworks, Open Frameworks or Dynamic Markets procured by the Council on behalf of Council owned companies will be subject to the Council's CPRs and governance procedures.

#### **4.8.19 Contract Award**

- (1) Written Contracts executed as a deed are required for all contracts having a contract value of £100,000. All commissions, below £100,000 must be concluded by a purchase order award letter or simple contract.
- (2) Contract T&Cs must be approved by Procurement Services.
- (3) Non-standard form Contracts must be drafted by or approved by Legal Services.
- (4) A Purchase Order must be issued for every Contract and the Contract Number where applicable must be referenced.
- (5) The provision of contracted services works or supplies must not begin under a Contract until the Contract has been signed and/or sealed by both parties.
- (6) Contracts which are not required to be sealed must be signed for and on behalf of the Council by an authorised signatory of the Council.
- (7) The minimum levels of cover required under Contract must be:
  - £5 million for employer's liability insurance.
  - £5 million for public liability and products liability insurance.
  - £2 million for professional indemnity insurance.
- (8) Any lower level of insurance cover agreed must be adequate to cover the value and risks involved, following a risk assessment and approval from the Service Manager.

#### **4.8.20 Performance Bonds and Guarantees**

- (1) In the case of contracts valued above £100,000 the Procurement Manager shall determine, the degree of security (if any) required to protect the Council from a contractor default. This may be a performance bond or some other form of financial or performance guarantee.
- (2) Where an order is placed with an in-house service and work forming part of that order is sub-contracted to an external company, then the provisions of Rule 4.8.19 (1) will apply.
- (3) All Contracts, bonds, guarantees, agreements or transactions
  - (i) in respect of which there is no consideration; or
  - (ii) which equal or exceed £100,000 in value over the life of the Contract must be executed as a deed under seal in accordance with these Contract Procedure Rules unless otherwise agreed with Legal Services.
- (4) 4.8.17 will *not* apply to Contracts for insurance where the Contract is brought into effect by the issue of a schedule of insurance and policy documents to the Council by the insurer.
- (5) Legal Services may direct that other Contracts must be executed as deeds.
- (6) All Contracts executed as deeds must have the Council's Common Seal (electronically or otherwise) affixed to them and witnessed by an officer of the Council authorised by the Monitoring Officer.
- (7) For every Contract of £5 million or more in total value, the Service Manager and Project Lead with guidance from Legal and Procurement Services must decide, whether the circumstances justify the Council requiring the Supplier to provide a parent company guarantee and/or a bond.
- (8) All parent company guarantees and bonds must be in a form approved by Legal Services.
- (9) Where a performance bond and/or parent company guarantee is required, then the tender documents must provide for this.

#### **4.8.21 Liquidated Damages**

- (1) Any contract which is estimated to exceed £100,000 in value or amount, and is for the execution of works, or for the supply of goods or materials by a particular date or series of dates, shall provide for liquidated damages. The amount to be specified in each such contract shall be determined by a Project Lead in consultation with Legal Services.

#### **4.8.22 Further Information**

Total Value	Method of Contract Formation
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<p>Up to £100,000</p>	<p>The Project Lead concerned must issue a purchase order, award letter or enter into a simple contract made on such terms that have the prior approval of the Director of Governance &amp; Monitoring Officer and be signed by at least one authorised officer</p> <p>the Monitoring Officer (taking into consideration the risks involved) may deem an purchase order or simple contract inappropriate in any particular case, even where the value of the scheme is less than £100,000.00. In this case, the Service Director shall ensure that a formal contract under seal relating to the scheme is made in such terms that have the prior approval of the Monitoring Officer.</p> <p>Procurement Manager can issue an award letter on behalf of the Project Lead for a purchase order to be issued by the service area.</p> <p>Project Lead shall ensure that:</p> <ol style="list-style-type: none"><li>(1) no purchase order or award letter be issued or formal contract made for a scheme which will commit Council to expenditure unless provision exists to finance that expenditure,</li><li>(2) each purchase order or award letter must set out<ol style="list-style-type: none"><li>(i) the nature and quantity of the work, goods, materials or services,</li><li>(ii) the agreed value or price and provisions for payment, any trade or cash discount or allowance, the time, or times, within which such order or contract is to be performed,</li><li>(iii) the quotation or tender including the reference number under which the goods works or services were sought</li></ol></li></ol> <p>(Reference to these documents on a purchase order ensures those specific terms apply to the purchase, rather than the Council's standard purchase order terms of agreement)</p> <ol style="list-style-type: none"><li>(3) (if Procurement Service has not been involved in the process) as soon as possible after any purchase order or award letter has been made the matter must be notified to the Procurement Service for noting on the Contracts Register.</li><li>(4) a scanned copy of every executed formal contract must be provided to the Procurement Manager for storing on the Council's internal system.</li></ol>
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£100,001.00 and above	a formal contract under seal executed by both parties must be completed under the direction of the Monitoring Officer.  Provided that these provisions shall not apply when the selected procurement route is by use of a framework agreement AND the framework terms and conditions provide that documents are to be executed as a simple contract and not as a deed
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### 4.8.23 Before Entering into Contract

(1) Before issuing the RFQ / ITT, the Contracting Officer must:

- Be satisfied that a specification (where appropriate) that will form the basis of the contract has been prepared (the specification should be retained on the appropriate contract file held within the service), and
- Have prepared and documented an estimate of the cost of the contract including, where appropriate, any maintenance and on-going costs (the estimate should be retained on the appropriate contract file held within the service), and
- Ensure that all evaluation criteria have been determined in advance, put into order of relative importance with weightings for each element and published in the tender pack; and
- For contracts where there are clear risks, and for all contracts over £75,000, produce and maintain a documented risk register for the procurement process and for the eventual contractual relationship. As a minimum documentation should be maintained analysing all risks, identifying how they will be managed, and naming responsible officer(s).

(2) Before entering into contract, the Contracting Officer must:

- Be satisfied about the technical capability of such proposed contractor and be satisfied that s/he has the power and authority to enter into the contract; and
- Ensure that these Rules have been complied with, and that the proposed contract represents value for money; and
- For all contracts that exceed £75,000, the Contracting Officer shall undertake appropriate checks to ensure that the proposed contractor has the financial and resource capacity (taking

account of contract value and risk) to perform the contract (unless the contractor has already been subjected to a recent satisfactory financial check). Financial vetting shall be undertaken by a designated financial officer, who shall advise on what, if any, security should be provided by the contractor.

#### **4.8.24 Signatures**

- (1) The Contracting Officer responsible for securing signature of the contract must ensure
- (i) that the person signing for the other contracting party has authority to bind it and
  - (ii) ensure that the signatory is a director or secretary as listed on Company House and
  - (iii) they hold authorisation from the Council i.e. an Executive minute or a formal Delegated Decision or if below the DD limit (£50,000) a written authorisation from the Senior Officer to commit the Council to the contract and such authorisation must be provided prior to the document being submitted for signature by an approved signatory

#### **4.8.25 Sealing**

Where contracts are completed by each side adding their formal seal, the affixing of the Council's seal will be attested by the Monitoring Officer or anyone authorised by the Monitoring Officer together with a Councillor.

An entry of every sealing shall be made and consecutively numbered in an electronic register kept for the purpose. The seal must not be affixed without the authority of the Council, Executive, a committee or under delegated powers. A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end; or
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services;

or

- where there is any doubt about the authority of the person signing for the other contracting party; or
- the Total Value exceeds £75,000

## 4.8.26 Archiving and Lodgement of Records

The original signed/sealed contract must be recorded on the Contracts Register and stored securely within Legal Services and Procurement Services.

## 4.8.26 Annual Contracts Forward Plan

- (1) The predicted procurement activity for the coming year should be recorded in a planning document (the Annual Contracts Forward Plan) by Service Area in readiness for the start of each financial year and agreed through the Procurement Service.

This supports:

- (i) Procurement Services and Legal Services resource planning.
  - (ii) Compliance with the Pipeline Notice publication process set out with section 93 of the Procurement Act 2023).
- (2) The Annual Contracts Forward Plan will set out all contracting activity for that financial year with agreed resource allocation. Projects submitted after the approval of the Annual Contracts Forward Plan will be considered subject to resource availability and priority given to the approved Annual Contracts Forward Plan.

## 4.8.27 Below Threshold Contracts

- (1) Procurements for Below Threshold Contracts may not restrict submission of Tenders on the basis of a supplier's legal and financial capacity or technical ability. This applies to Below Threshold Contracts for Good and Service with a total value of £207,720 and Light Touch with a total value £663,540 (inclusive of Value Added Tax)
- (2) Paragraph 1 does not apply to Below Threshold Contracts for works and light touch.
- (3) Before inviting the submission of Tenders in relation to the award of a Regulated Below-Threshold Contract, a contracting authority must have regard to the fact that small and medium-sized enterprises may face particular barriers in competing for a contract and consider whether such barriers can be removed or reduced.
- (4) Notifiable Below Threshold Contracts may not be advertised for the purpose of inviting Tenders without first publishing Below Threshold Tender Notice

unless the advert is only for the purpose of inviting Tenders from particular or pre-selected suppliers.

- (5) As soon as reasonably practicable after entering into a Notifiable Below Threshold Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice template must be completed and returned to the Procurement Services for publishing.

#### **4.8.28 Contract Procedure Thresholds**

- (1) For Goods and Services and Light Touch Contracts - These Rules relate to four categories of procurement based on the estimated value of the contract: -

- (a) Up to £5,000
- (b) Above £5,000 to £30,000
- (c) Above £30,000 to £75,000
- (d) Above £75,000 to Threshold
- (e) Over the FTS Threshold

- (2) For Works Contracts - These Rules relate to five categories of procurement based on the estimated value of the contract: -

- (a) Up to £10,000
- (b) Above £10,000 to 30,000
- (c) Above £30,000 to £75,000
- (d) Above £75,000 to £1,000,000
- (e) Above £1,000,000 to Threshold
- (f) Over the FTS Threshold

**Whether the contract is for Goods, Services Light Touch or Works contract the specific rules for each of the above categories is contained in Parts 4.8.28 to 4.8.35 of these rules.**

## **4.8.29 Procurements below £5,000 for Goods and Services and Light Touch Contracts**

### **COMPETITION**

- (1) Competitive quotations require from at least three quotations sought for Contracts of less than £5,000 total value but the Service Area must be able to demonstrate that the Council is receiving value for money and maintain an audit trail of the procurement. Whilst quality and price submissions may be sought, quotations can be sought on a price-only basis.
- (2) The process can be either written or oral and can be undertaken. Evidence must be kept for audit purposes.
- (3) The repeated use of the same Supplier must be avoided, and the process must not be used for the purposes of disaggregation.
- (4) Wherever possible, a Local Supplier should be invited to quote.

### **PURCHASE ORDERS**

- (5) A Purchase Order must be issued for any and every purchase made under such purchasing agreement.

### **AUTHORITY TO ENTER INTO A CONTRACT**

- (6) The Contract shall be based on the Councils standard T&Cs attached to the written correspondence and / or shared with the contractor before the contract is entered into. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Services.
- (7) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed for all contract value of £5,000 and more and returned to the Procurement Services for publishing.

## **4.8.30 Above £5,000 to £30,000 for Goods and Services and Light Touch Contracts**

### **COMPETITION**

- (1) Competitive quotations require from at least three quotations sought for Contracts of above £5,000 but less than £30,000 total value but the Service

Area must be able to demonstrate that the Council is receiving value for money and maintain an audit trail of the procurement. Whilst quality and price submissions may be sought, quotations can be sought on a price-only basis.

- (2) The process must be written and can be undertaken using the Council's approved RFQ process.
- (3) The repeated use of the same Supplier must be avoided, and the process must not be used for the purposes of disaggregation.
- (4) Wherever possible, a Local Supplier should be invited to quote.

### **PURCHASE ORDERS**

- (5) All purchasing agreements must be in writing using the documentation embedded in the RFQ process. A Purchase Order must be issued for any and every purchase made under such purchasing agreement.

### **AUTHORITY TO ENTER INTO A CONTRACT**

- (6) The award of any Contract arising from the process must be approved by the relevant Senior Officer.
- (7) The relevant Senior Officer may authorise the Contracting Officer to approve the award of a Contract arising from the RFQ process. However, a written record of such authorisation must be maintained.
- (8) The Contract shall be based on the Council's standard T&Cs attached to the RFQ documentation. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Services.
- (9) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed and returned to the Procurement Services for publishing

## **4.8.31 Procurements above £30,000 to £75,000 for Goods and Services and Light Touch Contracts**

- (1) Competitive quotations including a quality assessment must be sought for Contracts from above £30,000 to £75,000 total value through the Council's approved RFQ process.
- (2) At least three suppliers must be invited to quote and at least two offers received for evaluation.
- (3) If only one quote is received a record must be kept demonstrating that best value has been achieved.

- (4) The repeated use of the same Supplier/s must be avoided and at least one Local Supplier must be included in the list wherever possible.
- (5) All quotations in this category must be sought on the basis of the most advantageous Tender.
- (6) All procurement for Contracts with a total value of £75,000 or more must include Social Value in the evaluation model:
  - Social Value must have a minimum weighting of at least 10% and where appropriate seek to include a higher weighting
  - This weighting should come from the quality element of the evaluation model
  - Corporate guidance on seeking and evaluating the SV element of bids must be followed.
- (7) The approval of any award arising from the process must be made by the relevant Senior Officer.
- (8) The relevant Senior Officer may authorise the Contracting Officer to approve the award of a Contract arising from the RFQ process. A written record of this authorisation must be retained
- (9) As soon as practicable after the decision to award the Contract has been made, the Contracting Officer must write to inform the successful and unsuccessful Suppliers of that decision.
- (10) The Contract shall be based on the standard T&Cs attached to the RFQ documentation. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Service.
- (11) If the Contract is Industry Standard or bespoke, Legal Services must action this contract on behalf of the Council.
- (12) The Contracting Officer must comply with the publication of notices requirements set out in Regulation 9 of the Procurement Act 2023 for Below Threshold Contracts.
- (13) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed and returned to the Procurement Services for publishing.

### **4.8.32 Procurements above £75,000 up to the Threshold Amount for Goods and Services and Light Touch Contracts**

- (1) The Procurement Service must be made aware of all tenders in this value range, must review and approve the PED and provide support throughout the Tender process.
- (2) A competitive Tenders must be sought for Contracts of £75,000 or more in total value (up to the Threshold Amount) and must be exercised entirely through the Council's E-Procurement System.
- (3) A single-stage tender process should always be undertaken unless there is strategic justification for an alternative procurement procedure to be followed.
- (4) The Selection Criteria (SQ) should be included as part of the supplier assessment and selection process.
- (5) The SQ and PAS 91 should not be used as part of the supplier assessment process unless there is a strong business case supporting the proposal to do so.
- (6) Opportunities in this range of values must be advertised solely through the Council's e-tendering portal, and the Central Digital Platform must be used.
- (7) All procurement for Contracts with a total value of £75,000 or more must include Social Value in the evaluation model:
  - Social Value must have a minimum weighting of at least 10% and where appropriate seek to include a higher weighting
  - This weighting should come from the quality element of the evaluation model
  - Corporate guidance on seeking and evaluating the SV element of bids must be followed.
- (8) All Tenders must be assessed on the basis of Most Advantageous Tender (MAT). The Procurement Act 2023 provides that MAT includes lowest-price assessment where this is the better option for the authority.
- (9) The Tender award may only be made once the evaluation process has been completed and the panel's recommendation has been approved by Procurement Service, on the basis of a full Tender Report submitted.
- (10) Tender outcome letters must be issued to all bidders as soon as possible after the decision to award the Contract has been approved.

- (11) Whilst a standstill period is not a regulatory requirement, a voluntary standstill period may be observed, and tenderers should be advised accordingly. If a voluntary standstill period has been proposed within the Tender documentation, then it must be observed. 8 working days is an advisory period for a voluntary standstill period
- (12) Contracts up to the Threshold Amount between £75,000 to threshold are required to be sealed.

#### **4.8.33 Procurements below £10,000 for Works Contracts COMPETITION**

- (1) Competitive quotations require from at least two quotations sought for Contracts of less than £10,000 total value but the Service Area must be able to demonstrate that the Council is receiving value for money and maintain an audit trail of the procurement. Whilst quality and price submissions may be sought, quotations can be sought on a price-only basis.
- (2) The process can be either written or oral and can be undertaken. Evidence must be kept for audit purposes.
- (3) The repeated use of the same Supplier must be avoided, and the process must not be used for the purposes of disaggregation.
- (4) Wherever possible, a Local Supplier should be invited to quote.

#### **PURCHASE ORDERS**

- (5) A Purchase Order must be issued for any and every purchase made under such purchasing agreement.

#### **AUTHORITY TO ENTER INTO A CONTRACT**

- (6) The Contract shall be based on the Councils standard T&Cs attached to the written correspondence and / or shared with the contractor before the contract is entered into. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Services.
- (7) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed and returned to the Procurement Services for publishing.
- (8) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed for all

contract value of £5,000 and more and returned to the Procurement Services for publishing.

## **4.8.34 Procurements above £10,000 to £30,000 for Works Contracts**

### **COMPETITION**

- (9) Competitive quotations require from at least two quotations sought for Contracts of above £10,000 to £30,000 total value but the Contracting Officer must be able to demonstrate that the Council is receiving value for money and maintain an audit trail of the procurement. Whilst quality and price submissions may be sought, quotations can be sought on a price-only basis.
- (10) The process must be written and can be undertaken using the Council's approved RFQ process.
- (11) The repeated use of the same Supplier must be avoided, and the process must not be used for the purposes of disaggregation.
- (12) Wherever possible, a Local Supplier should be invited to quote.

### **PURCHASE ORDERS**

- (13) All purchasing agreements must be in writing using the documentation embedded in the RFQ process. A Purchase Order must be issued for any and every purchase made under such purchasing agreement.

### **AUTHORITY TO ENTER INTO A CONTRACT**

- (14) The award of any Contract arising from the process must be approved by the relevant Senior Officer using the sign-off section of the RFQ documentation.
- (15) The relevant Senior Officer may authorise the Contracting Officer to approve the award of a Contract arising from the RFQ process. However, a written record of such authorisation must be maintained.
- (16) The Contract shall be based on the Councils standard T&Cs attached to the RFQ documentation. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Services.
- (17) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed and returned to the Procurement Services for publishing.

### **4.8.35 Procurements above £30,000 to £75,000 for Works Contracts**

- (1) Competitive quotations including a quality assessment must be sought for Contracts from £30,000 to £75,000 total value through the Council's approved RFQ process.
- (2) At least three suppliers must be invited to quote and at least two offers received for evaluation.
- (3) If only one quote is received a record must be kept demonstrating that best value has been achieved.
- (4) The repeated use of the same Supplier/s must be avoided and at least one Local Supplier must be included in the list wherever possible.
- (5) All quotations in this category must be sought on the basis of the most advantageous Tender.
- (6) All procurement for Contracts with a total value of £75,000 or more must include Social Value in the evaluation model:
  - Social Value must have a minimum weighting of at least 10% and where appropriate seek to include a higher weighting
  - This weighting should come from the quality element of the evaluation model
  - Corporate guidance on seeking and evaluating the SV element of bids must be followed.
- (7) The approval of any award arising from the process must be made by the relevant Senior Officer.
- (8) The relevant Senior Officer may authorise the Contracting Officer to approve the award of a Contract arising from the RFQ process. A written record of this authorisation must be retained
- (9) As soon as practicable after the decision to award the Contract has been made, the Contracting Officer must write to inform the successful and unsuccessful Suppliers of that decision.
- (10) The Contract shall be based on the standard T&Cs attached to the RFQ documentation. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Service.
- (11) If the Contract is Industry Standard or bespoke, Legal Services must action this contract on behalf of the Council.

- (12) The Service Area must comply with the publication of notices requirements set out in Regulation 9 of the Procurement Act 2023 for Below Threshold Contracts.
- (13) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed and returned to the Procurement Services for publishing.

#### **4.8.36 Procurements above £75,000 up to £1,000,000 for Works Contracts**

- (1) Competitive quotations including a quality assessment must be sought for Contracts above £75,000 to £1,000,000 total value through the Council's approved RFQ process.
- (2) At least four suppliers must be invited to quote and at least two offers received for evaluation.
- (3) If only one quote is received a record must be kept demonstrating that best value has been achieved.
- (4) The repeated use of the same Supplier/s must be avoided and at least two Local Supplier must be included in the list wherever possible.
- (5) All quotations in this category must be sought on the basis of the most advantageous Tender.
- (6) All procurement for Contracts with a total value of £75,000 or more must include Social Value in the evaluation model:
  - Social Value must have a minimum weighting of at least 10% and where appropriate seek to include a higher weighting
  - This weighting should come from the quality element of the evaluation model
  - Corporate guidance on seeking and evaluating the social value element of bids must be followed.
- (7) The approval of any award arising from the process must be made by the relevant Senior Officer.
- (8) As soon as practicable after the decision to award the Contract has been made, the Contracting Officer must write to inform the successful and unsuccessful Suppliers of that decision.
- (9) The Contract shall be based on the standard T&Cs attached to the RFQ documentation. If deemed necessary, these T&Cs may be amended in consultation with Legal Services or Procurement Service

- (10) Legal Services must action this contract on behalf of the Council.
- (11) The Contracting Officer must comply with the publication of notices requirements set out in Regulation 9 of the Procurement Act 2023 for Below Threshold Contracts.
- (12) As soon as reasonably practicable after entering into a Contract, if the Procurement Service has not been involved in the Procurement a Contract Details Notice or Transparency Report template must be completed and returned to the Procurement Services for publishing.

#### **4.8.37 Procurements above £1,000,000 up to Threshold for Works Contract**

- (1) The Procurement Service must be made aware of all tenders in this value range, must review and approve the PED and provide support throughout the Tender process.
- (2) A competitive Tenders must be sought for Contracts of £1,000,000 or more in total value (up to the Threshold Amount) and must be exercised entirely through the Council's E-Procurement System.
- (3) A single-stage tender process should always be undertaken unless there is strategic justification for an alternative procurement procedure to be followed.
- (4) The Selection Criteria (SQ) should be included as part of the supplier assessment and selection process.
- (5) The SQ and PAS 91 should not be used as part of the supplier assessment process unless there is a strong business case supporting the proposal to do so.
- (6) Opportunities in this range of values must be advertised solely through the Council's e-tendering portal, and the Central Digital Platform must be used.
- (7) All procurement for Contracts with a total value of £75,000 or more must include Social Value in the evaluation model:
  - Social Value must have a minimum weighting of at least 10% and where appropriate seek to include a higher weighting
  - This weighting should come from the quality element of the evaluation model
  - Corporate guidance on seeking and evaluating the SV element of bids must be followed.
- (8) All Tenders must be assessed on the basis of Most Advantageous Tender (MAT). The Procurement Act 2023 provides that MAT includes lowest-price assessment where this is the better option for the authority.

- (9) The Tender award may only be made once the evaluation process has been completed and the panel's recommendation has been approved by Procurement Service, on the basis of a full Tender Report submitted.
- (10) Tender outcome letters must be issued to all bidders as soon as possible after the decision to award the Contract has been approved.
- (11) Whilst a standstill period is not a regulatory requirement, a voluntary standstill period may be observed, and tenderers should be advised accordingly. If a voluntary standstill period has been proposed within the Tender documentation, then it must be observed. 8 working days is an advisory period for a voluntary standstill period.
- (12) Contracts up to the Threshold Amount between £1,000,00 to threshold are required to be sealed must be signed for behalf of the Council Legal Services.

#### **4.8.38 Procurements from Over Threshold for Goods, Service, Works and Light Touch Contract**

- (1) The full requirements of the relevant procurement regulations must be observed for all tenders that exceed the Threshold Amounts.
- (2) The choice of procedure should take account of the complexity, cost and nature of the Contract. The procedure should be proportionate and not place unnecessary burdens on bidders.
- (3) The support of the Procurement Service must be sought for all tenders exceeding the £75,000 total value for Goods and Service and Light Touch, £1,000,000 total value must review the PED.
- (4) The rules relating to exclusion of suppliers set out in the Procurement Act 2023 must be carefully followed and advice should be sought from Legal Services and the Procurement Service if an exclusion is being considered. Excludable and excluded suppliers should be submitted for addition to the centrally published debarment list on the Central Digital Platform.
- (5) The procurement must be exercised through the Council's e-tendering system.
- (6) The Tender Notice or other advertisement inviting Tenders must not be published until the relevant Senior Officer or Executive (as appropriate) has made the decision to invite and evaluate Tenders and the decision has been recorded in writing on the appropriate decision form.
- (7) For all Tenders, an SQ, as appropriate, must be used as part of the bidder assessment and selection process

- (8) The number of tenderers must provide an adequate level of competition. The reasons for any shortage of bidders and the grounds for proceeding with the tender exercise must be recorded.
- (9) All Tenders must be assessed on the basis of Most Advantageous Tender ("MAT"). The Procurement Act 2023 provides that MAT includes lowest-price evaluations where this is the better option for the authority.
- (10) The evaluation criteria used should be linked to the subject matter of the contract. The criteria should be clear, measurable and specific and must not break the rules on technical specifications in the Procurement Act 2023. The criteria should be a proportionate means of assessing tenders, having regard to the nature, complexity and cost of the Contract.
- (11) All procurement for Contracts with a total value of £75,000 or more must include Social Value in the evaluation model:
- Social Value must have a minimum weighting of at least 10% and where appropriate seek to include a higher weighting
  - This weighting should come from the quality element of the evaluation model
  - Corporate guidance on seeking and evaluating the SV element of bids must be followed.
- (12) The Tender award may only be made once the evaluation process has been completed and the panel's recommendation has been approved by Procurement Service, on the basis of a full Tender Report submitted.
- (13) For contracts with a total value of £75,000 (revenue) or £150,000 (capital) or above, the decision to award a Contract is a Key Decision and the award proposal must be progressed via the Forward plan.

### **4.8.39 Evaluation Process**

- (1) Formal RFQ's or ITT will be managed via the Councils e-Tendering portal and will be involved in the evaluation process.
- (2) All members of the evaluation panel will be identified before the RFQ / ITT deadline.
- (3) A conflict-of-interest document will be issued to all evaluation panel members.
- (4) If no conflict is found and individual scorecard and all bids will be shared will shared with the nominated evaluation panel.
- (5) Each bid should be scored in accordance with the scoring matrix issued in the RFQ / ITT documents and provide reason to why the score has been allocated.

- (6) Individual scorecards to be return to the Procurement Service before the moderation meeting is held.
- (7) Moderation meeting to be held where all evaluators meet to discuss and agree on the final score and justification are to be transparent and documented.

#### **4.8.40 Tender Award**

- (1) For all formal RFQ and ITT Contracts require a report including the evaluation panel's recommendation must be produced in a format approved by the Procurement Service.
- (2) The decision to award the Contract must be made in accordance with CPR's.
- (3) Tender Reports must be sent to the Procurement Service and the decision-maker before the decision to award the Contract is made. The Tender Report must be marked " EXEMPT ".
- (4) The recommendation to the decision-maker to award the Contract must include the name of the successful tenderer, the length of the Contract and any options for extension and the price or estimated price of the Contract.
- (5) Assessment summaries must be issued to all tenderers as soon as possible after the decision to award the Contract has been made, taking call-in procedures and standstill period requirements into account. A Contract Award Notice and a Contract Details Notice must also be published in accordance with the Procurement Act 2023.

#### **4.8.41 Contract Management**

- (1) Within ten days of the date of the Contract, if the total value of the Contract is worth £5,000 or more, the Service Area must notify the Procurement Service to add the details of the Contract onto the Council's Contracts register and the Central Digital Platform if the total value of the Contract worth £30,000 or more inclusive of VAT.
- (2) The Contracting Officer shall be the Contract manager for the day-to-day responsibility for managing the Contract
- (3) The relevant Senior Officer must consult Procurement Services and Legal Services for consideration of the Council's legal position with regards to:
  - Contractor poor performance
  - Before any Contract is to be terminated or suspended,
  - In the event of a claim for payment not clearly within the T&Cs of Contract,

- Before making any deduction from payments due to a Supplier or withholding payment from a Supplier, or
  - Before making any extension to a Contract or variation of the scope of a Contract.
- (4) To ensure value for money and competition, no Contracts except Dynamic Markets may run for more than ten years.

#### **4.8.42 Contract Performance**

- (1) The Contract Manager must monitor the overall performance of the contract in line with the specification, agreed service levels and contract terms.
- (2) If the value of the contract is £5,000,000 or over, at least once every twelve months during the term of the contract and on termination of the contract, the Contract Manager must assess performance using the standard rating system against the published KPIs and publish a Contract Performance Notice on the Central Digital Platform.
- (3) If the supplier has breached the contract and the breach results in:
- Termination (or partial termination of the contract),
  - The award of damages, or
  - A settlement agreement between the supplier and the Council
- a Contract Performance Notice must be published by the Procurement Service within 30 days of the relevant breach on the Central Digital Platform.
- (4) Whether a contract expires or is terminated, the Contract Manager must advise the Procurement Service who will publish a Contract Termination notice within 30 days of that expiry/termination.

#### **4.8.43 Contract Extension**

- (1) Procurement Service must be notified of all extensions to a Contract to ensure that the relevant notices are issued through the Central Digital Platform.
- (2) Subject to conditions stated herein, these CPRs will permit an extension to an existing Contract where the extension is permissible under the Public Procurement Legislation.
- (3) If the Contract is above the relevant Threshold Amount and an extension is permitted within the contract terms, it must be established that the extension will deliver best value.
- (4) All extensions must be evidenced in writing in accordance with the Contract with the benefit of advice from the Procurement Service.

- (5) In all instances where an extension is not permitted within the contract terms but is permitted by Public Procurement Legislation the Service Area must consult with Procurement Service.
- (6) If a Contract extension is sought where the circumstances are or appear to be in breach of these CPRs, then an Exception must be sought.
- (7) Any notice requirements relating to extensions under the Public Procurement Legislation must be complied with.

#### **4.8.44 Contract Modification**

- (1) If the value of the contract is £5,000,000 or over a redacted copy of the modified contract must be published via an updated Contract Details Notice on the Central Digital Platform.

#### **4.8.45 Contract Termination**

- (1) On expiry, end term or termination of a contract, the Contract Manager must advise the Procurement Service who will publish a Contract Termination notice within thirty days of that expiry/termination.

#### **4.8.46 Exceptions**

- (1) An Exception to the Contract Procedure Rules is a permission to let a Contract without complying with one or more areas listed below.
  - Any contract between the Council and an entity controlled by the Council where more than 80% of the activities are carried out on behalf of the Council.
  - Any contract between the Council and another Contracting Authority where the contract has the aim of achieving public function related objectives and is solely in the public interest and where no more than 20% of the activities are intended to be carried out for other reasons.
  - The acquisition of land or buildings.
  - The acquisition, development, production or co-production of material intended for broadcast and a contract for the broadcast to the public of material.
  - A contract for the provision of arbitration, mediation or conciliation services or any service relating to an employee disciplinary or grievance matter.
  - A contract for any legal services (including those relating to judicial or other dispute resolution proceedings).

- A contract of employment and other contracts with individuals appointed to the Council.
  - A contract for the provision of research and development services where the services are intended to be for the benefit of the public and the contract does not also include for the provision of goods or works or production of tools or industrial processes for manufacture.
  - Expenditure incurred directly as a result of an insurer led arrangement.
  - Membership/Subscriptions (not applicable to software licensing) where the Council arranges to receive goods or services regularly by paying in advance and competition is absent for technical reasons.
  - Any award of grants of money, but such awards must be made in accordance with the Grant Funding Agreement, Subsidy Control, Council's Financial Procedure Rules and wider Constitution
- (2) An Exception to Contract Procedure Rules is *not* required in the following circumstances:
- Placing an order under an existing Corporate Contract or single Supplier Framework or Open Framework or a Framework or Open Framework where direct awards are permissible under their respective rules.
  - As part of a partnering Contract that contemplates a series of Contracts with a single supplier, provided the entire series has been duly authorised as appropriate for its value
  - Where legislation or compliant Frameworks, Open Frameworks, Dynamic Purchasing Systems and Dynamic Markets requires the Council to let a Contract in a manner that deviates from these Contract Procedure Rules: or
  - Placing an order under an arrangement, of which the Council is an affiliate, which has gone through a legally compliant competitive process.

#### **4.8.47 Direct Award Under the Procurement Act 2023**

- (1) In special circumstance a direct award can be made under the Procurement Act 2023

Direct award justification does apply.

Key justifications include:

- Single Source: Only one supplier can satisfy the requirement due to unique artistic performance, exclusive intellectual property rights (e.g., software patches), or technical reasons (e.g., interoperability/safety).

- Extreme Urgency: Strictly necessary for "extreme and unavoidable urgency" that could not have been foreseen.
  - Prototypes & Development: Procuring novel goods or services for research, experiment, or testing purposes (early stages only).
  - Repeat Goods/Services: Buying additional or replacement goods from an existing supplier to avoid disproportionate technical difficulties.
  - User Choice: Specifically for personal social care where an individual or their carer has a legal right to choose the supplier.
  - Defence & Security: Certain contracts for deployment outside the UK or to maintain operational readiness.
  - Protection of Life, etc. A new "safety valve" power allowing the Council to make regulations for direct awards to protect human, animal, or plant life, or to protect public order or safety.
  - Switching from a Failed Procedure. If a competitive tender fails to produce any "suitable" tenders, an authority may switch to a direct award
- (2) Applications must be made in writing via a direct award application and be signed by the relevant Senior Officer and Contracting Officer. Applications must include the Exception that is requested and the justification for the Direct Award.
- (3) Only the Monitoring Officer and the Procurement Manager or authorised deputies, can authorise the direct award of a contract under the Procurement Act 2023.
- (4) Procurement Service to issue a contract award notice through the Central Digital Platform and a mandatory 8 working days standstill period applies after the publications of this notice but before the contract is signed.
- (5) Where an Exception is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, Monitoring Officer and the Procurement Manager or authorised deputies, following consultation may authorise the recommendations of the Exception immediately.
- (6) No mandatory standstill is required for awards based on extreme urgency or protection of life.
- (7) The Procurement Service must keep a register of all Exceptions to Contract Procedure Rules.

## Appendix A - Financial Thresholds and Aggregation Rule

### For Goods and Service and Light Touch Contract Thresholds

Contract Value		Process	Award Procedure based on	Contract Opportunity Publication/Route	Documentation	Award Notification
From	To					
£0.00	£5,000	Oral or Written Quotations	Minimum of 2 Oral / Written Quotation	No mandatory procurement involvement	Service Area identifying need to record details on quotation. Council Ts&Cs must be accepted	Complete Transparency Report and send to Procurement Service - Contracts Register for contracts over £5,000
Above £5,000	£30,000	Written Quotations	Minimum of 3 Written Quotation	No mandatory procurement involvement	Service Area identifying need to record details on quotation. Council Ts&Cs must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register

					Procurement RFQ Document. Must be based on a written specification provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award
<b>£30,001</b>	<b>£75,000</b>	Written RFQ	Minimum of 3 Written Quotation	Advise to be obtained from Procurement Services before commencing procurement.		
87 <b>£75,001</b>	<b>Threshold</b>	Formal RFQ	Open RFQ Process	Issue via the Councils e-Tendering Portal and Central Digital Platform	Mandatory Procurement Service involvement. Advertised in via the Council e-Tendering portal. Central Digital Platform. Council Ts&Cs, or bespoke contract must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award - Exercise voluntary 8 Day Standstill Period
<b>Threshold</b>	<b>Above</b>	Formal ITT	Open ITT RFQ Process	Issue via the Councils e-Tendering Portal and Central Digital Platform	Mandatory Procurement Service involvement. Advertised in via the Council e-Tendering portal. Central Digital Platform. Council Ts&Cs, or bespoke contract must be accepted. Specialist publication if appropriate	Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award - Exercise the mandatory 8 Day Standstill Period

**For Works Contract Thresholds**

Contract Value		Process	Award Procedure based on	Contract Opportunity Publication/Route	Documentation	Award Notification
From	To					
<b>£0.00</b>	<b>£10,000</b>	Oral or Written Quotations	Minimum of 2 Oral / Written Quotation	No mandatory procurement involvement	Service Area identifying need to record details on quotation. Council Ts&Cs must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register for contracts over £5,000
<b>∞ Above £10,000</b>	<b>£30,000</b>	Written Quotations	Minimum of 2 Written Quotation	No mandatory procurement involvement	Service Area identifying need to record details on quotation. Council Ts&Cs must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register
<b>Above £30,000</b>	<b>£75,000</b>	Written RFQ	Minimum of 3 Written Quotation	Advise to be obtained from Procurement Services before commencing procurement.	Procurement RFQ Document. Must be based on a written specification and all supporting documents provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs, Industry Standards or bespoke contact must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award
<b>Above £75,000</b>	<b>£1,000,000</b>	Written RFQ	Minimum of 4 Written Quotation	Advise to be obtained from Procurement Services before commencing procurement.	Procurement RFQ Document. Must be based on a written specification and all supporting documents provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs, Industry Standards or bespoke contact must be accepted.	Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award

<p><b>Above £1,000,000</b></p>	<p><b>Threshold</b></p>	<p>Formal RFQ</p>	<p>Open RFQ Process</p>	<p>Issue via the Councils e-Tendering Portal and Central Digital Platform</p>	<p>Mandatory Procurement Service involvement. Advertised in via the Council e-Tendering portal. Central Digital Platform. Council Ts&amp;Cs, or Industry Standard or bespoke contract must be accepted.</p>	<p>Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award - Exercise voluntary 8 Day Standstill Period</p>
<p>68 <b>Threshold</b></p>	<p><b>Above</b></p>	<p>Formal ITT</p>	<p>Open ITT RFQ Process</p>	<p>Issue via the Councils e-Tendering Portal and Central Digital Platform</p>	<p>Mandatory Procurement Service involvement. Advertised in via the Council e-Tendering portal. Central Digital Platform. Council Ts&amp;Cs, or Industry Standard or bespoke contract must be accepted. Specialist publication if appropriate</p>	<p>Complete Transparency Report and send to Procurement Service - Contracts Register - FTS Contract Award - Exercise the mandatory 8 Day Standstill Period</p>

**NB The Contract Value shall be calculated as follows:** The estimated or proposed contract value is the value or consideration for the contract as a whole (not an annual value) and any contract with an option to extend the contract period will be valued to include also any provision for such extended period (e.g. a three year contract with an option to extend for a further two years will be valued as the consideration for a five year contract).

## Standards Committee Work Programme 2026/27

Date of Committee	Items
<b>01/09/2026</b>	<ul style="list-style-type: none"> <li>▪ Review of Constitution (TBD)</li> <li>▪ RIPA Policy Review</li> <li>▪ LGSCO Annual Letter and Report</li> <li>▪ Member Complaints update</li> </ul>
<b>30/11/2026</b>	<ul style="list-style-type: none"> <li>▪ Review of Constitution (TBD)</li> <li>▪ Compliments Comments and Complaints Annual Summary</li> <li>▪ Housing Ombudsman Annual Report &amp; Self-Assessment</li> <li>▪ Member Complaints update</li> </ul>
<b>22/02/2027</b>	<ul style="list-style-type: none"> <li>▪ Review of Constitution (TBD)</li> <li>▪ Gifts and Hospitality Annual Report</li> <li>▪ Whistleblowing Policy Annual Report</li> <li>▪ Regulation of Investigatory Powers Act 2000 Annual Report</li> <li>▪ Member Complaints update</li> <li>▪ Work Programme</li> </ul>
<b>10/05/2027</b>	<ul style="list-style-type: none"> <li>▪ Proposed Amendment to the Scheme of Delegation for Officers</li> <li>▪ Member Training Attendance 2026/27</li> <li>▪ Annual Report of the Standards Committee 2026/27</li> <li>▪ Member Complaints Update</li> <li>▪ Work Programme</li> </ul>



**BOLSOVER DISTRICT COUNCIL**

**Meeting of the Standards Committee on 11<sup>th</sup> May 2026**

**Members Complaints.**

**Report of the Strategic Director of Legal, Governance and Monitoring Officer**

<b>Classification</b>	This report is Public  Appendix 2- is not for publication under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972
<b>Contact Officer</b>	Jim Fieldsend, Strategic Director of Legal, Governance and Monitoring Officer

**PURPOSE/SUMMARY OF REPORT**

- To update on the complaints made against councillors since 1<sup>st</sup> January 2025.

**REPORT DETAILS**

**1. Background**

- 1.1 All those working or serving in public life including M.P.s, councillors and employees are required to adhere to the Nolan Principles of Public Life, i.e selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 1.2 Councillors are also required to agree to sign up to a code of conduct which is designed to regulate their behaviour in the form of a clear set of rules. Each council has its own code of conduct however many, like Bolsover District Council, will have adopted the Local Government Association’s standard code. The code requires councillors to:
- Treat others with respect;
  - Not bully, harass or discriminate against people;
  - Act impartially;
  - To treat certain information as confidential;
  - Not to bring the Council or the role as councillor into disrepute;
  - Not to misuse the position as councillor;

- Not to misuse Council resources;
  - Cooperate with any Code of Conduct investigation;
  - Comply with rules regarding disclosure of interest;
  - Comply with gifts and hospitality rules;
  - Undertake all mandatory training.
- 1.3 If a councillor fails to comply with the requirements of the code a complaint can be made to the Council's Monitoring Officer, who is responsible for maintaining councillor standards at both District and Parish/Town Council level.
- 1.4 When a complaint is made the Monitoring Officer will assess whether the councillor in question was a councillor at the time of the incident and whether he/she was acting as a councillor when the incident occurred. The Monitoring Officer is not concerned about incidents occurring whilst a councillor is acting in a private capacity. The Monitoring Officer will also consider whether, if proven, does the behaviour amount to a breach of the code.
- 1.5 If a complaint meets the basic criteria the Monitoring Officer will decide whether to undertake a more detailed investigation. Many breaches are of a nature where it is not in the public interest to justify a formal investigation. These breaches can be dealt with by the councillor accepting that there has been a breach and offering an apology or agreeing to some training. However occasionally a councillor will not accept that there has been a breach and the Monitoring Officer will appoint someone to investigate.
- 1.6 Where an investigation is held, if the investigator finds that no breach has occurred no further action will be taken. However, where a breach is found to have been held, this can either result in more informal action, e.g. an apology or training or a formal hearing in front of the Standards Sub-Committee. If the Sub-Committee finds that the councillor has breached the code of conduct they have limited powers. For instance, they can censure the councillor, they can recommend that they undertake training, they can recommend to the council concerned that they be removed from a position of responsibility. Currently there is no power to suspend a councillor from office, however the Government have recently announced proposals to strengthen the standards and conduct framework which includes a proposal to suspend councillors for more serious breaches and for persistent breaches.
- 1.7 Throughout the complaints process the Monitoring Officer will consult with someone known as an Independent Person. Currently the Council has three Independent Persons who act as a sounding board for the Monitoring Officer, two of which were recently appointed by the Council in its meeting on 8<sup>th</sup> October.

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

- 2.1 Appendix 1 of the report sets out details of the complaints received in the current since the start of 2025. So far at the time of writing, we have processed 24 complaints. Some of the complaints are about more than one councillor and other complaints have been made by more than one complainants. Two complaints are currently under investigation or due to be investigated. Two new complaints are being assessed as to whether an investigation is necessary. Four complaints have resulted in councillors accepting they have breached the code and apologised to the complainant. Two councillors resigned as a councillor soon after a complaint being made and no further action taken. The remainder of the complaints were not considered to be matters that fell under the jurisdiction of the member complaints regime.
- 2.2 One complaint that has been investigated has resulted in Bolsover District Councillor John Ritchie being found to have breached the code of conduct. The investigating officer's report is set out in full in Appendix 2 which is an exempt document. Councillor Ritchie has been found to have breached the code through interfering in the day to day management of staff which is a breach of Protocol on Member/Officer Relations. The Investigating Officer considered this amounted to a breach of the Code of Conduct requirement to treat local employees with respect. In addition Councillor Ritchie has failed to comply with the requirement not to disclose confidential information.
- 2.3 Members will note the proposed recommendations from the Investigating Officer, that Councillor Ritchie apologise to the complainant and undertake relevant training. The complainant was consulted on the proposed actions however they felt that the matter should be referred to a Standards Committee hearing. Despite the complainant's views the Monitoring Officer, following consultation with one of the Independent Persons, considered that the proposed actions were proportionate and suitable in the circumstances. Councillor Ritchie agreed to both proposals and has now submitted an apology to the complainant through the Monitoring Officer.

## **3. Reasons for Recommendation**

- 3.1 To keep members of Standards Committee updated on code of conduct complaints.

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

- 4.1 There are no alternative options.

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**RECOMMENDATION(S)**

1. That the Committee note the report.
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**IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b> <p style="text-align: right;">On behalf of the Section 151 Officer</p>
<b><u>Legal (including Data Protection)</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Details:</b> <p>Section 28(6) and (7) of the Localism Act 2011 requires the Council to have arrangements in place under which allegations that a district town or parish councillor within its area has failed to comply with that authority's code of conduct can be investigated and decisions made on such allegations.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>
<b><u>Staffing</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b> <p style="text-align: right;">On behalf of the Head of Paid Service</p>
<b><u>Equality and Diversity, and Consultation</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Details:</b>
<b><u>Environment</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment <b>Details:</b>

**DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.	<b>(a)</b> <input type="checkbox"/> <b>(b)</b> <input checked="" type="checkbox"/>

<p><b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p><b>District Wards Significantly Affected:</b>  <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i>  Please state below which wards are affected or tick <b>All</b> if all wards are affected:</p>	<p><b>(a)</b> <input type="checkbox"/>      <b>(b)</b> <input checked="" type="checkbox"/></p> <p><b>All</b> <input type="checkbox"/></p>
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<p>If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p><b>Consultation carried out:</b>  <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p> <b>Leader</b> <input type="checkbox"/>    <b>Deputy Leader</b> <input type="checkbox"/>    <b>Executive</b> <input type="checkbox"/>    <b>SLT</b> <input type="checkbox"/>  <b>Relevant Service Manager</b> <input type="checkbox"/>    <b>Members</b> <input type="checkbox"/>    <b>Public</b> <input type="checkbox"/>  <b>Other</b> <input type="checkbox"/> </p>	<p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input type="checkbox"/></p> <p><b>Yes</b> <input type="checkbox"/>      <b>No</b> <input checked="" type="checkbox"/></p>
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<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>

**DOCUMENT INFORMATION:**

Appendix No	Title
1	Councillor Complaints Received 2025/2026
2	Investigating Officer's report.

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

# Appendix 1

## BDC COMPLAINTS MADE AGAINST COMPLAINTS RECEIVED 2025/26

DATE OF RECEIPT	PART OF CODE OF CONDUCT ALLEGED TO HAVE BEEN BREACHED	PARISH/TOWN COUNCIL OR DISTRICT COUNCIL	WHETHER A POTENTIAL BREACH WAS FOUND	REASONS FOR DECISION/ ACTION
02/01/25	Failure to act with impartiality  Failing to show respect	District Council	No	No evidence of failure to act with impartiality  Not acting in councillor capacity with regards respect
12/01	Failing to show respect	District Council	No	Not acting in capacity as councillor
26/01	Failing to show respect- comments made during in a council meeting that complainant found offensive.	District Council	No	Councillor apologised for the offence caused.
03/02	Bullying  Please note 2 complaints of bullying received at the same time. This is being treated as one complaint	Parish/Town Council	Yes	An investigation has completed and discussions are taking place as to whether a local resolution is appropriate
17/02	Respect/Bringing Council into disrepute	District Council	Yes	The Councillor has apologised for any offence caused
27/03	Bringing the Council into disrepute	Parish/Town Council	N/A	Insufficient evidence of a breach

27/03	Predetermination Please note this complaint has been made against 3 councillors arising from the same incident	Parish/Town Council	N/A	Actions did not amount to a breach of the code
27/03	Failing to show respect Please note this complaint has been made against 3 councillors arising from the same incident	Parish/Town Council	N/A	Actions did not amount to a breach of the code
07/04	Failure to respond to questions at a meeting.	Parish/Town Council	N/A	This is currently under investigation.
19/05	Failing to show respect	Parish Council	N/A	Councillor resigned before action
14/06	Disrepute- councillor not being honest in email communication.	District Council	No	An investigation has been concluded and the councillor was not held to have breached the code of conduct
20/06	Respect- councillor not being respectful in email communication	District Council	Yes	An investigation has completed and discussions are taking place as to whether a local resolution is appropriate
24/07	Respect- inappropriate comment during a Council meeting	District Council	Yes	The Councillor has apologised for any offence caused
01/08	Bullying	Parish/Town Council	N/A	Awaiting result of earlier investigation before determining how to proceed.

02/09	Respect following inappropriate remarks made at a meeting . Complaint received from several individual relating to the same incident.	Parish/Town Council	N/A	Councillor resigned before action
02/09	Various allegations of breach of code	Parish/Town Council	N/A	An investigation is ongoing
04/11	Complaint about how a parish chair handled a meeting	Parish/Town Council	N/A	Behaviour would not have amounted to a breach of the code of conduct.
12/12	Breach of confidentiality. Respect, bullying and harassment	District	Yes	Investigation has completed. Councillor found to have breached the requirement to respect members of staff and to keep information confidential. An informal solution was proposed by the investigating officer and accepted as appropriate by the Monitoring Officer and Independent Person. The councillor has now apologised and agreed to attend training.
17/01/26	Respect	Parish	N/A	Not acting in capacity as councillor
20/01	Bullying and harassment	Parish	N/A	Initial assessment has been undertaken with an informal solution proposed.
24/01	Failure to declare an interest	Parish	N/A	Action would not have amounted to a breach
24/01	Disrespect	Parish	N/A	Councillor not acting in official capacity

24/02	Disrespect	Parish	N/A	Initial investigation being undertaken
13/04	Disrespect	District	N/A	Initial investigation being undertaken
24/04	Bullying and harassment	Parish	N/A	Initial investigation being undertaken



# Agenda Item 12

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted