

**Appendix 1**

Presented to 1 <sup>st</sup> July 2019 Standards Committee		
<b>Area of Review</b>	<b>Proposal and Rationale</b>	<b>Sections of the Constitution to be revised</b>
Proper Officer Provisions	<p>During review of this area of the Constitution it was found that a number of the regulations specified under Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to proper officer provisions were not titled correctly and that several of the regulations that have 'proper officer' provisions were not included within the list detailed at pages 170 - 175.</p> <p>This section has been amended as set out in <b>Appendix 2</b> in line with the legislation.</p>	<p>Pages 170 – 175 Part 4* – Scheme of Delegation Proper officer Provisions <i>*040920 (now Part 3.1)</i></p>
Joint Employment Committee and Joint Appeals Committee	<p>ALREADY APPROVED BY COUNCIL</p> <p>The changes proposed suggest for the JEC and the JAC become one Committee entitled the Joint Employment and Appeals Committee (JEAC). The JEAC would sit as an 8 member Committee to deal with appointments of SAMT members.</p> <p>The rational for the change is that, in the current arrangements, any appeal against a decision by the JEC would be made to the JAC. The JAC's membership also comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council. An appeal cannot be heard by the same Members that heard the original disciplinary or capability case so revised arrangements are required.</p>	<p>Pages 61 and 62 Part 3 Responsibility for Functions</p> <p>Scheme of Delegation Page 164 CX Delegation 28</p>

	<p>The terms of reference as amended are set out as part of Appendix 3.</p> <p>Further, amendment to the Scheme of Delegation to officers is also proposed to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive Officer, or the Strategic Directors in his absence. The would amend paragraph 10.28 (ii) as follows:</p> <p style="text-align: center;"><i>To determine all staffing matters including but not limited to:</i></p> <p style="text-align: center;">...</p> <p style="text-align: center;">(ii) <i>the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, <b>in the case of statutory officers, their dismissal.</b></i></p> <p>This has the effect of removing the power to dismiss statutory officers only from the delegation, leaving all other dismissal decisions within the scope of the power.</p>	
<p>Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders</p>	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p><i>Virements</i></p> <p><i>4.3.6 - Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets <b>AND REQUIRED TO INFORM THE RELEVANT PORTFOLIO HOLDER WHEN THE VIREMENT IS IN EXCESS OF £25,000.</b> Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels.</i></p>	<p>Part 4 Budget and Policy Framework (pages 103 and 104 in current version)</p>

	<i>Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.</i>	
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Presented to 23<sup>rd</sup> September 2019 Standards Committee

<b>Area of Review</b>	<b>Proposal and Rationale</b>	<b>Sections of the Constitution to be revised</b>
Standards Committee Terms of Reference	<p>In response to Standards Committee’s consideration of the recent Scrutiny Review and the Parliamentary Committee’s Review in to Standards in Public Life, a revised Terms of Reference (TOR) is presented for consideration at <b>Appendix 2</b>.</p> <p>The tracked changes in the attached document consider revisions including:</p> <ul style="list-style-type: none"> <li>• Inviting Parish Council representatives to sit on the Committee, without voting rights, as a means to improve transparency, impartiality, and involve the district in Standards matters.</li> <li>• Having an oversight, not only of Member Training on Code of Conduct matters, but of Member attendance at the training.</li> <li>• Reviewing Member attendance at Committee Meetings on behalf of the Authority.</li> <li>• Placing an emphasis on the public face of Standards within Bolsover, by review of the website content, and consideration of training for Parish Councils and promotion of understanding of the code of conduct within the district.</li> <li>• Retaining an independent Chair of the meeting.</li> </ul>	Article 9 and the TOR contained within Part 3.

	<p>The Standards Committee resolved to add to the proposed changes that parish council representatives who are invited to sit on the Standards Committee not be parish councillors who were also District Councillors.</p> <p>The Committee also resolved to undertake a review on of Independent Persons' Terms of Office at a later date.</p>	
<p>Joint Employment and Appeals Committee</p>	<p><b>ALREADY APPROVED BY COUNCIL</b></p> <p>The Standards Committee recommended that the following wording be added to the JEAC Terms of Reference for Bolsover only posts;</p> <p><i>Where the Authority determines to recruit to a Head of Service or a Director post outside the Strategic Alliance or determines to take any disciplinary action in relation to such as post the Member Panel will be called the Employment and Appeals Committee and will comprise:-</i></p> <p><i>The 4 Members of the JEAC and;</i></p> <p><i>Where there are 2 "Leaders of the Opposition" of groups of equal size, both Leaders of the Opposition will be Members of the Employment and Appeals Committee increasing the size of the Committee to 5.</i></p>	<p>Pages 61 and 62 Part 3 Responsibility for Functions</p>
<p>Questions and Motions</p>	<p>The main issues to consider with regards to these rules revolves around the number of questions and motions were are allowed and the overall time for consideration of questions and motions. In addition, whether they should be dealt with in the order of receipt, to access the provision of urgency and to be satisfied that the scope and reasons for rejection are fit for purpose.</p> <p>Standards Committee recommended that no change be made to:</p>	<p>Council Procedure Rules at Part 4</p>

	<p>Council Procedure Rule 9 – Questions by Councillors</p> <p>Council Procedure Rule 10 – Motions on Notice</p> <p>Standards Committee recommended that the following amendments to Council Procedure Rule 8 – Questions by the public be recommended to Council for adoption:</p> <ul style="list-style-type: none"> <li>• To allow any member of the public to ask a question as long as it meets the scope</li> <li>• To extent the time allowed for questions by the public to 30 minutes</li> <li>• To amend the scope for questions so as to allow questions to be rejected where they relate to either an ongoing complaint being dealt with either by Council or the Local Government Ombudsman</li> </ul>	
<p>Membership of Budget Scrutiny Committee</p>	<p>Standards Committee considered this however no changes are recommended to be made to Scrutiny Procedure Rules at 4.5.1(2).</p>	<p>Scrutiny Procedure Rules at 4.5.1(2) page 135.</p>

**Bolsover**

<b>Area of Review</b>	<b>Proposal and Rationale</b>	<b>Sections of the Constitution to be revised</b>
<p>Delegation Scheme authority to implement legal changes</p>	<p>From time to time, there are changes in legislation, government guidance or other regulatory changes that impact on Council policies. Currently, all such changes must be brought to Executive or Council for approval (depending on the nature of the policy) even though in the vast majority of these cases, there is no discretion for Members and the amendments must be accepted.</p> <p>This can prove difficult where changes must be implemented within a short timescale and cannot practically be reported to Members in time. It is therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Services in the Delegation Scheme.</p> <p>Where there is any discretionary element to the changes or the impact of the changes in legislation etc. are significant, these can still be reported to Members.</p> <p>The proposed wording of the delegation is:</p> <p><b>To make non-substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:</b></p> <ul style="list-style-type: none"> <li><b>i) reflect changes in the law, government or regulators' guidance, and other Council policies; or</b></li> <li><b>ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles.</b></li> </ul>	<p>Part 3 – Functions Scheme Scheme of Delegation to Officers</p> <p>4.10.9 General powers delegated to all Strategic Directors and Heads of Service - page 83 of the current version.</p>

<p>Reserves – approval of Transformation Reserve - Delegation</p>	<p>At the present time there is a specific delegation to the Section 151 Officer to approve expenditure from this Reserve. This was agreed so that expenditure from the Reserve could be properly monitored and recorded but also so that relatively minor expenditure as part of the Transformation Programme would not be delayed by the need for a formal Executive decision.</p> <p>However it is not necessary for the delegatee to be the Section 151 Officer. The Section 151 Officer needs to be aware of expenditure from this Reserve and we need to make sure the system so informs her. However the actual decisions come through the governance structure set up to deal with Transformation Programme projects. It would be the Transformation Governance Group (TGG) (which includes the Leader and other Members) that would decide to progress a project not the Section 151 Officer.</p> <p>This can be achieved by amending the delegation and transferring the delegation to the Director of People with an additional requirement that the Section 151 Officer not only has to see the proposal but initials the Delegated Decision form (DD form) to evidence that she has been consulted.</p>	<p>Delegation Scheme – 4.10.13 Head of Finance and Resources and Section 151 Officer number (10).</p> <p>This delegation to move to the Director of People <b>(which is now the Director of Corporate Resources)</b></p> <p>Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them.</p> <p>The Budget and Policy Framework Rules number 4.3.6 (2) needs amending to refer to the Director of People.</p>
<p>Reserves – approval of expenditure from Reserves by Executive</p>	<p>It has always been the case that expenditure from Reserves are agreed by the Executive/Cabinet in a formal decision. This used to be in the Constitution but for some reason was removed.</p> <p>There needs to be a decision route for expenditure from the Reserves – for openness and transparency reasons. It is suggested therefore that this is put back into the Constitution to make the position clear.</p>	<p>Executive functions in Part 3 of the Constitution includes at point (8) the provision of such resources as may be needed for the proper operation of the Council. This could be amended as follows, with changes being shown in bold:-</p>

		<p>(8) The provision of such resources (<b>including expenditure from Reserves</b>) as may be necessary for the proper operation of the Council provided the resources are within the Budget and Policy Framework.</p>																
<p>Time limits for Questions and Motions to Council.</p>	<p>Currently, the deadline for all of these is midday 7 clear working days before the day of the meeting. This gives very little preparation time for those who have to answer the questions or those who want to participate in the motion debate.</p> <p>Accordingly it is being suggested that the deadline is extended. The suggestion is that the deadline could be extended by either 5 working days or 10 working days. This would operate as follows in terms of the February, March and April Council meetings:-</p> <table border="1" data-bbox="654 1042 1453 1303"> <tr> <td>17 clear days</td> <td>24/1/20</td> <td>7/2/20</td> <td>25/3/20</td> </tr> <tr> <td>12 clear days</td> <td>31/1/20</td> <td>14/2/20</td> <td>1/4/20</td> </tr> <tr> <td>Current deadline of 7 clear days.</td> <td>7/2/20</td> <td>21/2/20</td> <td>8/4/20</td> </tr> <tr> <td>Agenda Despatch</td> <td>11/2/20</td> <td>25/2/20</td> <td>14/4/20</td> </tr> </table>	17 clear days	24/1/20	7/2/20	25/3/20	12 clear days	31/1/20	14/2/20	1/4/20	Current deadline of 7 clear days.	7/2/20	21/2/20	8/4/20	Agenda Despatch	11/2/20	25/2/20	14/4/20	<p>If Members wish to change the deadlines this would mean an alteration 9.3 and 10.1 of the Council Procedure Rules (CPR) and the addition of the following:-</p> <p>9.3 (c) details of questions submitted by Councillors on notice will be circulated to Cabinet immediately after the deadline has passed.</p> <p>And add to the end of 10.1:-</p> <p>Details of motions submitted by Councillors on notice will be circulated to the Cabinet immediately after the deadline has passed.</p>
17 clear days	24/1/20	7/2/20	25/3/20															
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	<table border="1" data-bbox="656 193 1456 268"> <tr> <td data-bbox="656 193 891 268">Council Meeting</td> <td data-bbox="891 193 1059 268">19/2/20</td> <td data-bbox="1059 193 1267 268">4/3/20</td> <td data-bbox="1267 193 1456 268">22/4/20*</td> </tr> </table> <p data-bbox="656 308 943 339">*Affected by Easter</p> <p data-bbox="656 384 1641 523">The table shows what extending the deadline by 5 and 10 clear days does to timescales. This would be accompanied by a change requiring the distribution of questions and motions to members to occur immediately after the deadline for submission.</p> <p data-bbox="656 568 1637 671">Standards Committee recommends that the deadline for questions and motions to Council be changed to midday, 12 clear working days before the day of the meeting.</p>	Council Meeting	19/2/20	4/3/20	22/4/20*	
Council Meeting	19/2/20	4/3/20	22/4/20*			
Budget and Policy Framework/Financial Regulations conflict	<p data-bbox="656 719 1659 858">Following a recent audit report it has been noticed that the Budget and Policy Framework Rules conflict with the Financial Regulations on the issue of virements. The Budget and Policy Framework Rules as amended last year state at 4.3.6 (1) on page 129:</p> <p data-bbox="656 903 1637 1042">Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets and required to inform the relevant Portfolio Holder when the virements is in excess of £25,000.</p> <p data-bbox="656 1086 1525 1118">Financial Regulations state at 4.7.2 (7) on page 146 state:-</p> <p data-bbox="656 1163 1659 1267">Strategic Alliance Management Team (SAMT) and Heads of Service have the authority to transfer savings from one budget area towards additional expenditure in another budget area.</p>	<p data-bbox="1688 719 2119 783">Add to Financial Regulations state at 4.7.2 (7):-</p> <p data-bbox="1688 828 2051 1007">The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.</p> <p data-bbox="1688 1051 2096 1155">A reminder should be given via SAMT and the Service Managers Forum.</p>				

	Clearly the 2 need aligning. The reference to the Portfolio Holder was added last year following the annual review.	
Small increases in expenditure and effect on the Council's Budget	<p>From time to time changes are made to the way services are provided to make them better. Sometimes this has no cost. If the cost is significant, then a report is taken to Executive. Sometimes however, the cost increase is very small. As the rules stand at the moment, even a small increase in budget requires formal member approval. So Executive could be considering a report that involves a very small increase.</p> <p>It is felt that these decisions would be better done by Delegated Decision. This would ensure transparency (a formal decision is recorded) whilst still involving members (the Leader and/or Deputy Leader and/or Portfolio Holder have to be consulted on every delegated decision) but give a faster route and avoiding Executive dealing with minor increases.</p> <p>Clearly the section 151 Officer needs to be able to exercise control over this and stop costs spiralling out of control. It is therefore suggested that a new delegation is given to the section 151 officer.</p>	<p>Delegation Scheme 4.10.13 New (11) To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.</p>
<p>Council Procedure Rules</p> <p>Rule 8 Questions by the public</p>	<p>A review of our neighbouring authorities has shown that they all allow <b>any</b> member of the public to ask questions at council so long as they meet the scope.</p> <p>Bolsover District Council restricts whom may ask questions as <i>"Members of the public who are on the Register of Electors for or who are Non Domestic Rate Payers to the district"</i>.</p>	<p>Part 4 Council Procedure Rules</p> <p>8 – Questions by the Public</p> <p>8.1 General - page 103 of the current version.</p>

	<p>Concern was raised that some whom have a connection to the district may not qualify to ask a question under this current regime and consideration was given to whether this should be extended to include those who have a “Local Connection” to the district.</p> <p>For the purposes of Housing the Housing Act 1996 defines that a person has a local connection to a district if</p> <ol style="list-style-type: none"> <li>1. <i>(a) they are, or were in the past, normally resident there, and that residence was of their own choice; or,</i></li> <li>2. <i>(b) they are employed there; or,</i></li> <li>3. <i>(c) they have family associations living there; or,</i></li> <li>4. <i>(d) of any special circumstances.</i></li> </ol> <p>The committee could accept that anyone can ask a question as the current scope limits this to a matter which is one the Council “<i>has a responsibility or which affects the district.</i>” This restriction would ensure that whomever asked a question could only do so if it genuinely affected the district.</p> <p>The proposed wording of the amended rule 8.1 (a) is</p> <p><b>Members of the public who are on the Register of Electors for Bolsover District Council, or who are Non Domestic Rate Payers to District, may ask questions of members of the Executive at ordinary meetings of the Council.</b></p>	
<p>Access to Information – Member attendance during exempt items of Executive</p>	<p>The Council Procedure Rules make provision, at rule 25.3 for Members who are not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that Committee or Sub-Committee during the</p>	<p>Part Four - Council Procedure Rules, Section 25.3</p>

	<p>private session considering exempt items, unless the Committee or Sub-Committee ask them to leave.</p> <p>This rule has in practice been applied to Executive, although technically this is not a Committee. It is therefore proposed in the interests of clarity, that the term Executive be added to the wording of this rule.</p>	
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