

**Bolsover District Council**

**Council on 6<sup>th</sup> March 2024**

**Proposed Amendment to the Council's Constitution (Scheme of Delegation)**

**Report of the Deputy Leader of the Council**

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

**PURPOSE/SUMMARY OF REPORT**

- To propose a change to the officer delegation scheme relating to acceptance of external funding and its associated terms.

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**REPORT DETAILS**

**1. Background**

- 1.1 The Council receives funding from various organisations and there is no specific power for officers to accept such funding and therefore officers will use their general day to day administrative powers for amounts below the key decision threshold. However, where the amount of the funding is over key decision threshold- £75,000 for revenue costs and £150,000 for capital- approval of the receipt of the funding and agreement of any funding conditions must be granted by the Executive. Recently the Executive approved £100,000 from Derbyshire County Council to support the emotional health and well-being of children and young people. Occasionally the deadline for agreeing to accept funding does not match the Executive schedule and the Chief Executive Officer is required to exercise urgency powers. This was done in October 2023 to accept an agreement to receive £583,500 for retrofit funding from Nottinghamshire County Council.

**2. Details of Proposal or Information**

- 2.1 It is proposed that the Officer Delegation Scheme be amended to enable all Assistant Directors, Directors and the Chief Executive Officer to accept all external grant funding below the key decision threshold. In addition, it is proposed for the Chief Executive Officer to have the delegated power to accept all external grant funding including those that exceed the key decision threshold. Where the funding exceeds the key decision threshold a proposed decision will still need to be recorded on the Forward Plan for at least 28 days unless the exceptions in the

Constitution are invoked. Nevertheless, delegating the ability to accept all external funding to the Chief Executive Officer will streamline the process and potentially result in the funding being received sooner than if a report to the Executive was required.

- 2.2 The proposed wording of the delegation to Assistant Directors and Directors is “To agree to the receipt of any external funding below the key decision level and the acceptance of any associated funding conditions”.
- 2.3 The proposed wording of the delegation to the Chief Executive Officer is “To agree to the receipt of any external funding and the acceptance of any associated funding conditions”.
- 2.4 Standards Committee on 29<sup>th</sup> January considered the proposed changes and has recommended that the Council accepts them.

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

- 3.1 To clarify the delegated powers relating to the receipt of external funding and to streamline the process.

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

- 4.1 Not to agree to the delegation. As the delegation will result in speeding up the process by which the Council can receive external funding there appears to be no reason not to approve the proposed addition to the delegation scheme.

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## **RECOMMENDATION(S)**

That Council agrees to the change to the Officer Delegation Scheme as set out in the report.

Approved by Cllr Duncan McGregor, Deputy Leader of the Council.

### **IMPLICATIONS.**

**Finance and Risk:**            Yes             No

**Details:** None arising from this report.

On behalf of the Section 151 Officer

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

**Details:**

The Council is required under the Localism Act 2011 to prepare and keep up to date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct and such other information that the authority considers appropriate.

On behalf of the Solicitor to the Council

**Environment:** Yes  No

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

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

**Staffing:** Yes  No

**Details:**  
None arising from this report.

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

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

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

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>

<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>