

Bolsover		
Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Delegation Scheme authority to implement legal changes.	<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>To make amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:</p> <ul style="list-style-type: none"> i) reflect changes in the law, government or regulators' guidance, and other Council policies; or ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles. 	Part 3 – Functions Scheme Scheme of Delegation to Officers 4.10.9 General powers delegated to all Strategic Directors and Heads of Service - page 83 of the current version.

<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.</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 (including expenditure from Reserves) 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 suggestions 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="658 898 1458 1238"> <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> <tr> <td>Council Meeting</td> <td>19/2/20</td> <td>4/3/20</td> <td>22/4/20*</td> </tr> </table> <p>*Affected by Easter</p> <p>The table shows what extending the deadline by 5 and 10 clear days does to timescales. This would be accompanied</p>	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	Council Meeting	19/2/20	4/3/20	22/4/20*	<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>
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	<p>by a change requiring the distribution of questions and motions to members to occur immediately after the deadline for submission.</p>	
<p>Budget and Policy Framework/Financial Regulations conflict</p>	<p>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>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>Financial Regulations state at 4.7.3 (7) on page 146 state:-</p> <p>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>Clearly the 2 need aligning. The reference to the Portfolio Holder was added last year following the annual review.</p>	<p>Add to Financial Regulations state at 4.7.3 (7):-</p> <p>The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.</p> <p>A reminder should be given via SAMT and the Service Managers Forum.</p>
<p>Small increases in expenditure and effect on the Council's Budget</p>	<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</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</p>

	<p>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>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 any 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>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"> 1. (a) they are, or were in the past, normally resident there, and that residence was of their own choice; <p style="padding-left: 40px;">or,</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>2. <i>(b) they are employed there; or,</i> 3. <i>(c) they have family associations living there; or,</i> 4. <i>(d) of any special circumstances.</i></p> <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>Members of the public who are on the Register of Electors for North East Derbyshire 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.</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 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>	<p>Part Four - Council Procedure Rules, Section 25.3</p>