

BOLSOVER DISTRICT COUNCIL

**RECORD OF DECISION TAKEN BY THE
HEAD OF PAID SERVICE**


13 AUGUST 2020

EMERGENCY DELEGATED POWERS AS A RESULT OF CORONAVIRUS LOCKDOWN

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Director of Corporate Services and Head of Paid Service's delegation</p> <p>(4) To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and where applicable inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Director of Corporate Services and Head of Paid Service to the next meeting of Council explaining the reasons for the decision</p>	<p>Following DD/032/20/SS to extend the period during which the attached delegations are in place for a further 3 months until 30th November 2020.</p>	<p>The coronavirus resulted initially in few member meetings taking place. To deal with the issues which would arise and which would normally be decided by a formal member meeting, the attached delegations were put in place for 3 months until 31st May 2020.</p> <p>The Council began to run Member meetings virtually. However not all meetings can yet be done this way. Accordingly these delegations are being extended for a further 3 months until 30th November 2020.</p>	<p>Not to extend – currently there are gaps in the holding of member meetings which means that some of the business of the Council would come to a halt if these were not extended.</p>	<p>None</p>

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature: .  ..

Job title: Director of Corporate Services and Head of Paid Service.

Unique Reference Number: ... DD/061/20/SS.....

Date decision may be implemented following call in (if necessary):N/A.....

Circulation to:

Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

Suggested delegation	Reason for	Suggested delegation
<p>The awarding of contracts where the contract sum is in excess of the key decision levels (£75,000 for income and £150,000 for capital).</p>	<p>Such decisions are taken by the Executive and there is generally a budget for the contract.</p> <p>However there have been few Executive Meetings in May 2020 and so the decision making power must be delegated to an officer in consultation with the appropriate members to ensure contracts are let in a timely fashion and that the work of the Council can continue.</p>	<p>Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following</p> <p>(22) Following evaluation of the tenders and in consultation with the Leader and Portfolio Holder to award contracts where the contract sum is greater than the key decision levels.</p>
<p>The extension of contract periods and the payment of additional contract sums for awarded contracts which are being impacted by the coronavirus crisis.</p>	<p>It is expected that existing building and repairs contracts will stall due to the lack of labour and the inability of contractors to access properties. Such extensions would normally go to the Executive. There have been few Executive Meetings since March 2020 and although these meetings are now being held, it is believed the decision making power must be delegated to an officer in consultation with the appropriate members to ensure that the Council's business can continue where there is no suitable meeting.</p> <p>In addition, other contracts may be similarly affected and may need contract variations for extra time and/or contract sums.</p>	<p>Add to the Directors' delegations the following</p> <p>To authorise in consultation with the Leader and Deputy Leader and Portfolio Holder the extension of the contract term and/or agree additional contract sums for any contract the performance of which is affected by the coronavirus.</p>

<p>Licensing and Gambling Acts Committee, Licensing and Gambling Acts Sub Committee terms of reference to be passed to an officer.</p> <p>General Licensing and Committee and General Licensing Sub Committee terms of reference to be passed to an officer</p>	<p>The Licensing function may need to carry on but at the moment certain functions are reserved to the Committees including hearings. These need transferring to an officer for both kinds of licensing function.</p>	<p>Add to the delegation of the Director of Environment and Enforcement and the Joint Head of Environmental Health:</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee.</p> <p>Add to the delegation of the Director of Corporate Resources</p> <p>To exercise all the powers and duties of the Licensing and Gambling Acts Committee and Sub Committee and the General Licensing Committee and the General Licensing Sub Committee in consultation with the Chair and Vice Chair of Licensing Committee if the Director of Environment and Enforcement and the Joint Head of Environmental Health are unavailable.</p>
<p>Existing Licensing delegations to the Head of Housing and Community Safety</p>	<p>Pre-existing delegations exist in relation to both kinds of Licensing Committee for the Head of Housing and Community Safety. As this post no longer exists it is appropriate to transfer these powers to the Directors as well.</p>	<p>At 3.1 on page 41 of the Constitution and 4.1 on page 43 of the Constitution to substitute the Director of Environment and Enforcement for the Head of Housing and Community Safety.</p> <p>In addition add:-</p> <p>Where the Director of Environment and Enforcement is not available, the Joint Head of</p>

		Environmental Health will exercise this delegation.
Approval of all Policies and Strategies which would normally be approved by the Executive.	There are a number of policies and strategies which would be shortly submitted for approval to Executive. It is proposed that these are approved by an officer in consultation with the Leader and Deputy Leader and Portfolio Holder.	That the following is added to the Delegations to each of the 3 Directors: To approve Policies and Strategies in consultation with the Leader and Deputy Leader and the Portfolio Holder on behalf of the Executive.
Approval of the Annual Governance Statement	This is usually approved by the Audit Committee each year. These meetings have been cancelled for the foreseeable future and so alternative approval arrangements are needed.	Add to the Director of Corporate Resources and Head of Paid Service the following To approve the Annual Governance Statement.
Approval of the Statement of Accounts once external audit has been completed.	Existing delegation allows for the section 151 officer to approve the draft accounts for audit. However the post audit Statement of Accounts approval is usually done by the Audit Committee. It is unlikely that this will be required within the 3 months of these extra delegations, but should there be an extension of these, this will be needed.	Add to the Head of Finance and Resources and Section 151 Officer's existing delegation at (4): And to approve the Statement of Accounts following external audit in consultation with the Portfolio Holder.
Approval of the write off of debts above £2500	This is an Executive function and is taken to Executive for decision.	Amend (6) in the delegation of the Head of Finance and Section 151 Officer to read as follows

		After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts without limit.
Amendment of procedural requirements in policies and strategies to put alternative arrangements in place.	Some policies require certain working parties to be consulted. An example of this is the referral to the Asset Management Group of all acquisitions and disposals in accordance with the policy. The ability to amend those policies in the current circumstances is needed to avoid unnecessary meetings but to ensure that the issues are still considered properly.	Add to section 4.10.9 (General Powers delegated to all Directors and Heads of Service) the following (23) To amend the requirements of policies and strategies which require an officer/member meeting to take place in order to put in place alternative administrative arrangements to avoid the meeting.
Requirement for approval by Executive or Council for absences of members from formal meetings of more than 6 months.	There is a statutory requirement for a member to attend at least one formal meeting at the Council every 6 months. Failure to do so means the Councillor is removed from office by law. This can be avoided by the Executive or Council approving the absence where there is good cause such as illness. In order that such absences can be agreed, it is necessary to delegate this power.	Add to the Director of Corporate Resources' delegation and that of the Director of Environment and Enforcement the authority to approve a member's absence from meetings of the Council for a period greater than 6 months under section 85 Local Government Act 1972.
Approval of the calendar of meetings for 2020/21	This is usually decided by Council in advance of the start of the corporate year. There are no Council meetings before the start of the new corporate year.	Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following

		To approve the Schedule of meetings for the Corporate year 2020/21 in consultation with the Leader and Deputy Leader.
Approval of Constitution changes.	<p>The Council needs the ability to make changes to and adopt its new 2020 Constitution and to do this without the need for a formal meeting.</p> <p>Accordingly it is suggested that this is delegated to ensure that the new Constitution is adopted in a timely fashion.</p>	<p>Add to the delegation of the Head of Corporate Governance and Monitoring Officer the following</p> <p>To approve the changes to the Constitution and the adoption following those changes of the 2020 Constitution. The exercise of this power to be in consultation with the Chair and Vice Chair of Standards Committee, the Chair and Vice Chair of Council, the Head of Paid Services and the Section 151 Officer.</p>