

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised												
Scheme Of Delegation To Officers	<p>A Revised Scheme of Delegation to Officers and is necessary as a consequence of the Strategic Alliance Management Team (SAMT) restructure.</p> <p>The amendments and additions to the Scheme are set out below:</p> <table border="1" data-bbox="607 528 1621 1383"> <thead> <tr> <th data-bbox="607 528 1115 603">Amendments to the Delegation Scheme</th> <th data-bbox="1115 528 1621 603">Rationale</th> </tr> </thead> <tbody> <tr> <td data-bbox="607 603 1115 751">The majority of changes have been replaced the old posts with the title of the new posts carrying out the relevant functions.</td> <td data-bbox="1115 603 1621 751">To implement the new Strategic Alliance Management Team (SAMT) structure.</td> </tr> <tr> <td data-bbox="607 751 1115 975">The wording of the delegation to the Joint Chief Executive Officer regarding the power to suspend or revoke a taxi driver's licence has been amended</td> <td data-bbox="1115 751 1621 975">To reflect changes to the Taxi/Licensing Policy</td> </tr> <tr> <th data-bbox="607 975 1115 1050">Additions to the Delegation Scheme</th> <th data-bbox="1115 975 1621 1050">Rationale</th> </tr> <tr> <td data-bbox="607 1050 1115 1310">Carrying out Rights of Way functions (including the diversion of footpaths) - Strategic Director - Place</td> <td data-bbox="1115 1050 1621 1310">This has been previously carried out under a general delegation at NEDDC, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.</td> </tr> <tr> <td data-bbox="607 1310 1115 1383"><i>Neighbourhood Planning</i></td> <td data-bbox="1115 1310 1621 1383">This would only be exercised by an Officer when time does now</td> </tr> </tbody> </table>	Amendments to the Delegation Scheme	Rationale	The majority of changes have been replaced the old posts with the title of the new posts carrying out the relevant functions.	To implement the new Strategic Alliance Management Team (SAMT) structure.	The wording of the delegation to the Joint Chief Executive Officer regarding the power to suspend or revoke a taxi driver's licence has been amended	To reflect changes to the Taxi/Licensing Policy	Additions to the Delegation Scheme	Rationale	Carrying out Rights of Way functions (including the diversion of footpaths) - Strategic Director - Place	This has been previously carried out under a general delegation at NEDDC, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.	<i>Neighbourhood Planning</i>	This would only be exercised by an Officer when time does now	The Functions Scheme and the Scheme of Delegation to Officers is in Part 3 of the Constitution – currently Pages 60-80.
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	<p>Determining action on a neighbourhood plan following receipt of the Examiner's report (including sending it for referendum). - Strategic Director - Place</p>	<p>allow for the matter to be submitted to Cabinet. There are specific timescales for each stage in the Neighbourhood planning process. The Council must determine the action to take on a Neighbourhood Plan proposal within 5 weeks of the receipt of the Examiner's Report.</p>	
	<p><i>Neighbourhood Planning</i> Making the Neighbourhood Plan after a successful referendum result. - Strategic Director - Place</p>	<p>After a successful referendum result, a Neighbourhood Plan must be taken into account in all development decisions immediately, however there is still a legal requirement that the Plan be 'Made' as a formality. Recent practice has been that this function has been delegated to the Joint Chief Executive by Cabinet when it has considered the Examiner's report, however it is proposed that this be included as a specific delegation to the Joint Strategic Director – Place to avoid the need for this to be agreed on a case by case basis.</p>	

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	<p>Approving Disabled Facilities Grants and other applications/ functions under Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation. - Joint Strategic Director - Place</p>	<p>This has been previously carried out under a general delegation at NEDDC, but it is considered clearer and more appropriate to include this in the scheme as a specific delegation.</p>	
	<p>Delegation of authorisation of persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings. - Joint Chief Executive Officer Monitoring Officer</p>	<p>Contained with the Function Scheme but more appropriate to include in specific delegations to the Joint Chief Executive and the Monitoring Officer in the Delegation Scheme.</p>	
	<p>Two additions to the general powers delegated to Joint Strategic Directors and Joint Heads of Service (at paragraph 9) have also been made, which are not new powers but cross reference powers contained with the Functions Scheme and arising from the Financial Procedure Rules.</p>	<p>To ensure all delegated powers with the Constitution are referred to within the Scheme of Delegation Scheme</p>	

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	<p>The current Scheme of Delegation for Officers has also been adopted by Bolsover District Council and these proposals to change will also be submitted to the Standards Committee and Council there for approval.</p> <p>The revised Scheme of Delegation to Officers is attached as Appendix 2.</p>	
Functions Scheme	<p>The NEDDC Functions Scheme includes references to delegations to Officers and job titles have been referred to through-out. It was therefore necessary to include a review of the Functions Scheme in addition to the Scheme of Delegation to Officers. The changes proposed replace the old posts with the title of the new posts carrying out the relevant functions.</p> <p>The Strategic Alliance Joint Committee has also been added to the Functions Scheme in include the functions of the Committee, arising from the amendments to Article 9 – Joint Arrangements. No terms of reference have been removed. Whilst the Bolsover District Council Constitution does hold a number of joint committees’ terms of reference within their Functions Scheme, there have been no out of date sections to remove from the NEDDC Scheme.</p> <p>The revised Functions Scheme is attached as Appendix 3.</p>	The Functions Scheme and the Scheme of Delegation to Officers is in Part 3 of the Constitution – currently Pages 32-59.
Inclusion of reference to training for Members on Licensing, Standards and Scrutiny Committees and other Mandatory Training	<p>This recommendation has been put forward by Member Development Working Group at its meeting on 25 April 2018.</p> <p>The Articles in the Constitution set out the composition and role of the Committees appointed by the Council. In Article 8, it is stated that Members</p>	The Articles of the Constitution are contained in Part 2 of the Constitution.

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	<p>and Substitutes of the Planning Committee will be encouraged to undertake training.</p> <p>This recognises that a level of technical and procedural knowledge in relation to Planning matters is important when sitting on the Committee.</p> <p>It is proposed that this provision be amended to state that Members will be required to undertake training and that this provision also be included for Licensing Committee, Standards Committee and the Scrutiny Committees, as the training provided for Members sitting on these Committees will also be important when carrying out their roles.</p> <p>Member Development Working Group considered that it was important for the Constitution to reflect the Council's position that all Members must undertake training before sitting on regulatory and Scrutiny Committees in order to enable them to carry out their roles effectively. It was recognised that enforcing these provisions would be a matter for the political groups as, within the current legal framework, Members cannot be prevented from sitting on a Committee to which they have been duly appointed.</p> <p>In addition to Committee specific training, the Member Development Working Group consider that other training sessions should be mandatory for all Members, such as data protection, equalities, safeguarding etc. What is deemed mandatory training would be set out in the Member Development Strategy.</p> <p>It is therefore proposed that Article 2 of the Constitution be amended to include a provision to require Members to undertake all mandatory training.</p>	<p>These changes would apply to Article 2 and Articles 6 – 8, currently pages 10-11 and 18-21.</p>

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Correction of numbering in the Council Procedure Rules	<p>The Council Procedure Rules set out how meetings of the Council and most Committees will be conducted. Paragraph 24 of the Rules sets out which of the Rules apply only to Council and which apply to all Committees and Groups.</p> <p>Reviewing the paragraphs referred to in this section, it would appear that the number refers to incorrect sections.</p> <p>Currently paragraph 24 states:</p> <p><i>24. Application of Council Procedure Rules to Committees</i></p> <p><i>Rules 5 to 8, 11.1(a) to (p), 12 to 15 and 19 to 24 apply to meetings of all groups and committees other than Cabinet.</i></p> <p>It is proposed that this paragraph be moved to after what is currently Rule 25, making Rule 25 - Attendance at Committee Meetings by Members of the Council, the new Rule 24.</p> <p>The paragraph headed Application of Council Procedure Rules to Committees (now numbered 25) would state:</p>	The Council Procedure Rules are contained in Part 4 of the Constitution – currently pages 83-100.

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	<p data-bbox="577 308 1581 379"><i>Rules 4 to 7, 11 to 15 and 19 to 24 apply to meetings of all groups and committees</i></p> <p data-bbox="577 419 1615 564">This also removes Cabinet as an exception. These rules have been followed by Cabinet despite this exception, so this proposal does not directly impact on how Cabinet meetings will be run, rather it corrects the wording of the procedure rules.</p>	