

BOLSOVER and NORTH EAST DERBYSHIRE DISTRICT COUNCILS

**RECORD OF DECISION TAKEN BY THE
Head of Paid Services**

6th March 2020

Amendments to the Delegation Scheme

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>The resolution of North East Derbyshire District Council on 2nd March 2020 and the same resolution of Bolsover District Council on 4th March 2020 as follows:</p> <p>That in consultation with the Leader, the Head of Paid Services is given delegated authority to deal with issues, as they arise, to ensure the implementation of the news structure is completed, this to include the allocation of responsibilities in the Delegation Scheme in the Constitution including Proper Officer appointments.</p>	<p>1. To amend the Delegation Scheme as shown on the attached document.</p> <p>2. To amend the Council Procedure Rules in the Constitution as shown on the attached document.</p>	<p>To enable business to continue as usual now that the CEO post has been disestablished by taking reference to the CEO out of both the Delegation Scheme and the Council Procedure Rules..</p>	<p>To wait until the Annual Meeting of the Councils. This was rejected as it would mean that no one could exercise the CEO's delegations in the meantime and that the Council Procedure Rules would be unclear for the next formal meetings of the Councils.</p> <p>A full review will occur as part of the Annual Review of the Constitution.</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: Head of Paid Service

Unique Reference Number: ..NEDDC DD/018/20/SS
BDC DD/012/20/SS

Date decision may be implemented following call in (if necessary):

Circulation to:
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

PART 4 OF THE CONSTITUTION

Council Procedure Rules

These rules set out how meetings of the Council and most committees will be conducted, for example who can speak, when and how proposals are debated.

1. Annual Council Meeting

TIMING AND BUSINESS

- 1.1 In a year when there is an ordinary election of *Councillors*, the annual meeting will take place within 21 days of the retirement of the outgoing *Councillors*. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (a) elect a person to preside if the *Chairman of the Council* is not present;
- (b) elect the *Chairman of the Council*;
- (c) appoint the *Vice Chairman of the Council*;
- (d) receive any declarations of interest;
- (e) approve the minutes of the last meeting;
- (f) receive any announcements from the *Chairman of the Council* and/or the *Head of Paid Service*;
- (g) elect the *Leader of the Council* in the year of the District Council elections only;
- (h) receive the announcement of the appointment of the Deputy Leader and Members of the Cabinet;
- (i) consider any other business as set out in the notice of the meeting.

COMMITTEES AND OUTSIDE BODIES

- (j) appoint at least one *Scrutiny Committee* and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the *Council Meeting* nor are *Executive Functions*
- (k) decide the size and terms of reference for those committees;
- (l) decide the allocation of seats to political groups in accordance with the political balance rules set out in Appendix A;

- (m) receive nominations of *Councillors* to serve on each committee and outside body; and
- (n) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the *Cabinet*;
- (o) agree the scheme of delegation set out in Part 3 of this Constitution.
- (p) approve the financial threshold for Key Decisions.

2. Ordinary Meetings

2.1 Ordinary meetings of the Council will take place in accordance with the agreed calendar of meetings. Ordinary meetings will:

- (a) elect a person to preside if the *Chairman of the Council* or *Vice Chairman of the Council* is not present;
- (b) approve the minutes of the last meeting and the Chairman will sign them as a correct record;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the *Chairman of the Council*, *Leader*, Members of the *Cabinet* or the *Head of Paid Service*;
- (e) receive any *Deputations* or consider petitions submitted in accordance with the Council's Petitions Scheme
- (f) receive any questions from, and provide answers to, the public;
- (g) receive any questions from Members of the Council;
- (h) deal with any business from the last Council meeting;
- (i) receive reports from the *Cabinet* and the Council's committees and receive questions and answers on any of those reports as required by law or specifically referred by those bodies;
- (j) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (k) consider motions on notice;
- (l) consider any other business specified in the summons to the meeting.

- 2.2 It is the right of Council at any ordinary or extraordinary meeting to establish or dissolve any board or committee (apart from the *Cabinet*) or to review its size and terms of reference, giving regards to existing rules around proportionality.
- 2.3 If a meeting of Council is to be cancelled before the notice and summons has been sent out, this is to be agreed with the Chairman and Vice Chairman of the Council and the Leader of the Council, or Deputy Leader in their absence.
- 2.4 No meeting of Council shall be cancelled if the notice and summons has already been sent out.

3. Extraordinary Meetings

- 3.1 The people or bodies listed below may require the Head of Paid Service to call Council meetings in addition to ordinary meetings:
- (a) the Council by resolution;
 - (b) the *Chairman of the Council*;
 - (c) the *Monitoring Officer*;
 - (d) the Chief Finance Officer; and
 - (e) any five Members of the Council if they have signed a requisition presented to the *Chairman of the Council* and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.
- 3.2 When requested, the Head of Paid Service shall call a meeting of the Council unless he or she is of the opinion that the business to be discussed at the proposed meeting can conveniently wait until the next ordinary meeting of the Council.
- 3.3 No business may be conducted at an extraordinary meeting other than that specified in the resolution, request or requisition which led to it being called.

4. Time and Place of Meetings

- 4.1 All Council meetings will be in accordance with the agreed Meetings Schedule or at such other time and/or place as may be determined by the Chairman or, in the Chairman's absence, the Vice-Chairman in advance of the summons to the meeting being despatched.

5. Notice of Meetings

- 5.1 The Monitoring Officer or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the *Access to Information Procedure Rules*.

5.2 At least five clear working days before a meeting, the Monitoring Officer will send a summons signed by him/her by post or electronic mail to every Member of the Council or by leaving it at their usual place of residence. Members may provide details in writing of an alternative address or email to which he/she wishes summons to be sent to.

5.3 The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by any relevant reports.

6. Chairman of Meeting

6.1 The person presiding at a meeting of the Council may exercise any power or duty of the *Chairman of the Council*. Where these rules apply to meetings of boards or committees, references to the *Chairman of the Council* also include the Chairman of boards or committees.

7. Quorum

7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater.

7.2 If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned.

7.3 During any meeting if the person chairing the meeting counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the person chairing the meeting. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. Questions by the Public

8.1 General.

(a) Members of the public, who are on the Register of Electors for North East Derbyshire District or who are Non-Domestic Rate Payers to the District, may ask questions of members of the Cabinet at ordinary meetings of the Council.

(b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.

(c) Questions and responses shall not be a matter of debate.

8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday seven clear

working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

8.3 Number of Questions.

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the district;
- (b) it is defamatory, frivolous or offensive;
- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a planning application that is in the process of being determined by the District Council.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

8.5 Record of Questions.

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

8.6 Order of Questions.

Questions will be asked in the order of which notice of them was received, except that the *Chairman of the Council* may group together similar questions.

8.7 Asking the Question at the Meeting.

The *Chairman of the Council* will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.

8.8 Supplementary Question.

A questioner who has put a question in person may also put one brief supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The *Chairman of the Council* may reject a supplementary question on any of the grounds in rule 8.5 above or if the question takes the form of a speech.

8.9 Response

An answer may take the form of:

- (a) a direct oral answer
- (b) where the desired information is in a council publication or another published work, a reference to that publication; or
- (c) a written answer circulated later to the questioner.

8.10 Reference of Question to the *Cabinet* or a Committee.

Unless the *Chairman of the Council* decides otherwise, no discussion will take place on any question, but any Councillor may move that the matter raised by a question be referred to the *Cabinet* or the appropriate board or Committee. Once seconded, such a motion will be voted on without discussion.

9. **Questions By Councillors**

9.1 On Reports of the Cabinet or Committee.

A *Councillor* may ask the *Leader*, the *Chairman of the Council* or a Committee Chairman questions without notice about an item in a report of the *Cabinet* or of that Committee when it is being considered.

9.2 Questions on Notice at Council Meetings.

Subject to rule 9.3, a *Councillor* may ask the *Chairman of the Council*, the *Leader*, any *Cabinet Members* or the *Chairman* any Committee a question about any matter in relation to which the Council has powers or duties or which affects the District.

9.3 Notice of Questions.

A Councillor may only ask a question under Rule 9.2 if either:

- (a) submitted the question in writing to the question to the Monitoring Officer no later than midday seven clear working days before the day of the meeting; or
- (b) the question relates to urgent matters, they have the consent of the Councillor to whom the question is to be put and the content of the question is given to the Monitoring Officer by 9 am on the day of the meeting.

9.4 Response.

An answer may take the form of:

- (a) a direct oral answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) a written answer circulated to the questioner.

9.5 Supplementary Question.

A Councillor asking a question under Rule 9.2 may ask one supplementary question without notice. A supplementary question must arise directly out of the original question or reply.

9.6 Number of Questions.

Questions on notice are limited to one per Councillor per meeting, plus one supplementary question.

9.7 Time for Questions.

There will be an overall time limit of fifteen minutes on Councillors' questions with no extension of time and questions not dealt with in this time will be dealt with by written response.

9.8 Format of Questions.

Councillors must confine their contributions to questions and answers and not make statements or attempt to debate. The *Chairman of the Council* will decide whether a Councillor is contravening this rule and stop the Councillor concerned. The *Chairman of the Council's* ruling will be final.

10. Motions - on Notice

10.1 Notice.

Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by at least one Councillor, must be delivered to the Monitoring Officer not later than midday on the day seven clear working days before the date of the meeting. These will be entered in a book open to inspection by the public.

10.2 Scope.

Motions must be about matters for which the Council has a responsibility or which affect the area. The *Chairman of the Council* may, on the advice of the Head of Paid Service, refuse a motion which is illegal, scurrilous, improper or out of order.

10.3 Motions Set Out in the Agenda.

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the Councillor giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

11. Motions and Amendments - Without Notice

11.1 The following motions and amendments may be moved without notice:

- (a) to appoint a *Chairman* of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the Minutes;
- (c) to change the order of business in the Agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Councillor arising from an item on the summons for the meeting;
- (f) to receive reports and recommendations of Committees or officers and to make any decisions necessarily arising;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;

- (l) to adjourn a meeting;
- (m) to suspend a particular Procedure Rule;
- (n) to exclude the public in accordance with the Access to Information Procedure Rules;
- (o) not to hear a Councillor further or to require a Councillor to leave the meeting; (rules 22.2 and 22.3) and
- (p) to give the consent of the Council where its consent is required by this Constitution.

12. Rules Of Debate

12.1 No Speeches to be Made until Motion Seconded.

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

12.2 Right to Require a Motion in Writing.

Unless notice of the motion has already been given, the *Chairman of the Council* may require it to be written down and handed to him or her before it is discussed.

12.3 Secunder's Speech.

When seconding a motion or amendment, a Councillor may reserve his or her speech until later in the debate.

12.4 Content and Length of Speeches.

Speeches must be directed to the question under discussion or to a personal explanation or point of order. A Member presenting a report of the Cabinet or other Member Group or moving a motion, of which notice has been given under Rule 10, may speak for up to ten minutes. No other speech may exceed 5 minutes. The *Chairman of the Council* may consent to extend the time limit on speeches.

12.5 When a Councillor May Speak Again.

A Councillor who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another Councillor;

- (b) to move a further amendment if the motion has been amended since he or she last spoke;
- (c) if their first speech was on an amendment moved by another Councillor, to speak on the main issues (whether or not the amendment on which he or she spoke was carried);
- (d) to exercise a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

12.6 Amendments to Motions

- (a) An amendment must be relevant to the motion and should:
 - (i) refer the motion to an appropriate body or individual for consideration or re-consideration;
 - (ii) leave out words;
 - (iii) leave out words and insert or add others;
 - (iv) insert or add words;as long as the effect of (ii) – (iv) above is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the *Chairman of the Council* will read out the amended motion before accepting any further amendment or, if there are none, put it to the vote.

12.7 Alteration of Motion

- (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

- (b) A Councillor may alter a motion which he or she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

12.8 Withdrawal of Motion.

A Councillor may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

12.9 Right of Reply

- (a) The mover of a motion has a right to reply at the close of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion also has a right of reply at the close of debate on the amendment, but may not otherwise speak on the amendment.
- (c) The mover of an amendment shall have a right of reply to the debate on the amendment, just before the mover of the original motion.

12.10 Motions which may be Moved During Debate

When a motion is under debate, no other motion may be moved except the following:

- (a) to withdraw the motion
- (b) to amend the motion
- (c) to proceed to the next business
- (d) that the question be now put
- (e) to adjourn a debate
- (a) to adjourn a meeting
- (b) to exclude the press and public in accordance with the access to information rules
- (h) that a Councillor be not further heard or to exclude the Councillor from the meeting (under rules 22.2 and 22.3).

12.11 Closure Motions

- (a) A Councillor may move without comment the following motions at the end of a speech of another Councillor:
 - (i) to proceed to next business;
 - (ii) that the question be now put;
 - (iii) to adjourn a debate; or
 - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the *Chairman of the Council* thinks the item under discussion has been sufficiently discussed, he or she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the *Chairman of the Council* thinks the item has been sufficiently discussed, he or she will put the procedural motion to the vote. If it is passed, he or she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or adjourn the meeting is seconded and the *Chairman of the Council* thinks the item has not been sufficiently discussed and cannot reasonably be discussed on that occasion, he or she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

12.12 Point of Order.

A Councillor may raise a point of order at any time and the *Chairman of the Council* will hear them immediately. A point of order may only relate to the alleged breach of these Council Procedure Rules or the law. The Councillor must indicate the rule or law and the way in which he or she considers it has been broken. The ruling of the *Chairman of the Council* on the matter will be final.

12.13 Personal Explanation.

A Councillor may make a personal explanation at any time. A personal explanation shall only relate to some material part of an earlier speech by the Councillor which may appear to have been misunderstood in the present debate. The ruling of the *Chairman of the Council* on the admissibility of a personal explanation will be final.

13. Previous Decisions and Motions

13.1 Motion to Rescind a Previous Decision.

A motion to rescind a decision arising from a motion moved and adopted at a Council meeting within the past six months cannot be moved unless the notice of motion is signed by at least one third of the all Councillors.

13.2 Motion Similar to one Previously Rejected.

A motion or amendment in similar terms to one which has been rejected at a Council meeting within the past six months cannot be moved unless notice of motion or amendment is given signed by at least one third of all Councillors of Council.

Once a motion or amendment to which this Rule applies has been dealt with, no Councillor can propose a similar motion or amendment within the next six months.

14. Voting

14.1 Majority.

Unless this Constitution (or the law) provides otherwise any matter will be decided by a simple majority of those Councillors present and voting in the room at the time the question was put.

14.2 Chairman of the Council's Casting Vote.

If there are equal numbers of votes for and against, the *Chairman of the Council* will have a second or casting vote. There will be no restriction on how the *Chairman of the Council* chooses to exercise a casting vote.

14.3 Show of Hands.

Unless a recorded vote is demanded (under rule 14.4) the *Chairman of the Council* will take the vote by a show of hands, or if there is no dissent, by the affirmation of the meeting.

14.4 Recorded Vote.

If three Councillors present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

Where matters affecting the setting of the Council's budget or Council Tax are considered by Council then a recorded vote will take place as a matter of course.

14.5 Right to Require Individual Vote to be Recorded.

Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

14.6 Voting on Appointments.

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

The number of votes each Member has is restricted to the number of vacancies to be filled.

15. Minutes

15.1 Signing the Minutes.

The *Chairman of the Council* will sign the minutes at the next suitable meeting. The *Chairman of the Council* will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

15.2 No Requirement to Sign Minutes of Previous Meeting at an Extraordinary Meeting.

Where in relation to any meeting, the next meeting for the purposes of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41 (1) and (2) of schedule 12 relating to the signing of minutes.

15.3 Recording Attendance

An attendance register shall be circulated at each meeting of the Council and Members shall record their attendance at the meeting by signing the register and the names of Members attending the meeting will be recorded in the Minutes.

Any Member leaving a meeting before its conclusion must first indicate to the *Chairman* their intention to leave.

16. Petitions

16.1 The Council welcomes petitions and recognises that they are one way in which people can let us know their concerns. All petitions submitted under the

Council's Petitions Scheme will receive an acknowledgement from the Council within 10 working days of receipt.

- 16.2 That acknowledgement will set out what the Council plans to do with the petition.
- 16.3 If a petition contains more than 1,000 signatures it will be debated by the full Council unless it is a petition asking for a senior Council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend.
- 16.4 The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.
- 16.5 The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors for a maximum of up to 30 minutes.
- 16.6 The Council will decide how to respond to the petition at this meeting.

[Please refer to the Petition Scheme appended to the Constitution for full details.]

17. Deputations

- 17.1 *Deputations* may be received at any meeting of the Council following five clear working days written notice to the *Monitoring Officer*. They must be about matters for which the Council has a responsibility or which affect the area. The notice must be signed by at least five persons and set out the subject which the deputation wishes to raise and how it relates to the Council's functions or affects the area. The *Chairman of the Council* may, on the advice of the Head of Paid Service, refuse a *Deputation* which is illegal, scurrilous, improper, out of order or relates to a specific planning application or relates to a matter on which there has been a previous similar deputation within the preceding six months.
- 17.2 A maximum of two *Deputations* only will be permitted at any meeting and they will be selected in the order notice is received. Only one *Deputation* will be permitted if the *Monitoring Officer* receives notice of a petition under Rule 16.
- 17.3 A *Deputation* may consist of up to five people, of whom no more than two may speak, except to answer Councillors' questions.
- 17.4 The *Deputation* may address the meeting for no more than five minutes and Councillors may then question the deputation for a further five minutes.
- 17.5 The relevant portfolio holder or appropriate Council member may, if he or she chooses, then address the meeting for up to three minutes.

17.6 No vote will be taken on a *Deputation*. A Councillor may propose that the subject matter be placed on the agenda of the next ordinary meeting of the relevant committee, such a motion to be moved and seconded formally and put without discussion. If no such motion is moved or carried, the *Deputation* will be referred to the relevant *Strategic Director* or *Head of Service* who will respond to it in writing within 28 days.

18 Requirements for Members to Withdraw from Meetings

18.1 Where a member has a disclosable pecuniary interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered, unless the member has been granted a dispensation.

18.2 Subject to paragraph 18.3 below and paragraph 11 (d) of the Code of Conduct, where a member has a significant other interest in any business of the authority they must withdraw from the meeting room (including the public gallery) whenever it becomes apparent that the business is being considered.

18.3 A member with a significant other interest in any business of the authority may still attend that meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Immediately after making representations, answering questions or giving evidence the member must withdraw from the meeting room (including the public gallery) for the consideration and vote on the business.

19. Use of Media and Other Communication Methods

Subject to Rule 22, a person may report on or provide commentary on the proceedings of a meeting using any means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later.

20. Exclusion of the Public

20.1 The public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 22 (disturbance by the public).

21. Councillors' Conduct

Speaking at Meetings

21.1 When a Councillor speaks at Council, firstly they should announce their name and Ward or Cabinet Portfolio (if more appropriate), and he/she must address the meeting through the Chairman. Whilst there is no requirement, Councillors are permitted to stand to address Council should they wish to do so.

- 21.2 If more than one Councillor wishes to speak, the Chairman will ask one to speak, and the other will refrain. Other Councillors must remain silent whilst a Councillor is speaking unless they wish to make a point of order or personal explanation.
- 21.3 When the *Chairman of the Council* stands during a debate any Councillor(s) then standing must sit down and the Council must be silent.

Disturbance by Members

- 21.4 If a Councillor is guilty of misconduct by persistently disregarding the ruling of the *Chairman of the Council*, or by behaving irregularly, improperly or offensively, or by deliberately obstructing business, any Councillor may move that the Councillor is not further heard. If seconded, the motion will be voted on without discussion.
- 21.5 If the Councillor continues to behave improperly after such a motion is carried, any Councillor may move either that the Councillor leave the meeting or that the meeting be adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 21.6 If there is a general disturbance making orderly business impossible, the *Chairman of the Council* may adjourn the meeting for as long as he or she thinks necessary.

22. Disturbance By Public

- 22.1 If a member of the public interrupts proceedings, the *Chairman of the Council* will warn the person concerned and, if the interruption continues, will order the person's removal from the meeting room.
- 22.2 If there is a general disturbance in any part of the meeting room open to the public the *Chairman of the Council* shall order that part to be cleared.

23. Suspension and Amendment of Council Procedure Rules

- 23.1 Any of the Council Procedure Rules to which this Rule applies may be suspended by motion on notice or without notice.
- 23.2 Such a motion cannot be moved without notice unless at least one half of the whole number of Councillors of the Council are present.
- 23.3 Suspension can only be for the duration of the meeting from the point of resolution to the move in to private session.

24. Attendance at Committee Meetings by Members of the Council

- 24.1 A Member of the Council may, with the approval of the appropriate Chairman, attend any meeting of a Committee or Sub-Committee and, if so invited by the

Chairman of that Committee or Sub-Committee, may speak but not vote on business before that meeting.

- 24.2 No Member of the Council shall attend any Standing Committee or Standing Sub-Committee or any other Committee, Sub-Committee or other body set up by the Council of which he/she is not a member whilst that Committee/Sub-Committee/Other body is exercising any function which, in the opinion of the Head of Paid Service, is engaged in interviewing candidates for any position with the Council or in existing appellate functions in relation to appointment, promotion, dismissal, salary, superannuation or conditions of service, or as to the conduct of any person employed by the Council.
- 24.3 In the event of any Committee or Sub-Committee deciding in accordance with the Access to Information Procedure Rules to exclude the public whilst any matter of a confidential or exempt nature is discussed, any Member of Council who is present who is not a Member of that Committee or Sub-Committee may remain unless the Committee or Sub-Committee ask him/her to leave or if he/she is precluded by any other Rule or Code of Conduct issue from remaining. In the case of Sub-Committee and Working Party meetings, which are not ordinarily open to the press and public, it shall similarly be open to the Sub-Committee or Working Party to ask a non-member to leave.

25. Application of Council Procedure Rules to Committees

Rules 4 to 7, 11 to 15 and 18 to 24 apply to meetings of all groups and committees.

Appendix A

Proportionality Rules

- 1. Eight clear working days in advance of the Annual Meeting of Council, the Monitoring Officer shall inform the Leader of each of the political groups showing what allocation of seats would, in the Monitoring Officer's opinion, best meet the requirements of section 15 of the Local Government and Housing Act.**
- 2. Proposed nominations to Committees by the Political Groups must be given to the Monitoring Officer seven clear working days prior to the Annual Meeting of the Council, or as soon as practicable before the Annual Meeting.**

In years where no District Council elections are held, the procedure outlined above will be followed. In election years, the notice will be sent by the Monitoring Officer as soon as practicable following the elections and the political parties to respond as soon as practicable in advance of the Annual Meeting.

3.1 SCHEME OF DELEGATION FOR OFFICERS

4.10.1 Introduction

- (1) This scheme has been adopted by Bolsover District Council and North East Derbyshire District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.
- (2) Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on Executive Functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- (3) All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- (4) Officers must consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- (5) Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not officers of the Authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business (for example Environmental Health).
- (6) References to powers of 'the Council' include functions of the Executive.
- (7) Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- (8) All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- (9) All delegations to officers are subject to:-
 - Statutory requirements
 - Contract Procedure Rules
 - Financial Regulations/Finance Rules
 - Consideration of the policies and plans of the relevant Council
 - The Employee Code of Conduct and adopted protocols

- The requirements of the Strategic Alliance Management Team in relation to the overall management and coordination of the Councils affairs
 - Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
 - The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
 - Any provision contained within this Constitution
- (10) Where an officer has delegated powers, the Council or the Cabinet/Executive or a committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally, it is always open to an officer not to exercise delegated powers but to refer the matter up as appropriate.
- (11) A number of the Directors and Heads of Service are joint posts within the Strategic Alliance. However, the word "Joint" has been omitted from the scheme descriptions.

Where the Delegation Scheme refers to Heads of Service, this also includes Assistant Directors.

4.10.2 Exclusions

(1) This Scheme does not delegate:-

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet/Executive or a committee or sub-committee.

4.10.3 Authorisations to other Officers

Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager.

4.10.4 Reserve Delegations

The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:-

- that post is vacant
- the post-holder is not at work for any reason

4.10.5 Consultation

Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom he/she considers to be an appropriate substitute. In particular, consultation must take place with legal, finance and human resources as appropriate.

4.10.6 Restriction on delegations to Heads of Service

- (1) Each delegation to a Head of Service is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer has given a direction to that effect.
- (2) The Head of Paid Service, or a Director, may exercise any delegated power possessed by a Head of Service whilst a direction is in force with respect to that delegation.
- (3)
- (3) In the absence of a Director, a Head of Service within that Directorate may exercise any delegated power possessed by that Director.
- (4) Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Financial Regulations. The use of the Invest to Save Reserve (NEDDC) or the Transformation Reserve (BDC) can only be authorised by the Section 151 Officer.

4.10.7 Transfer of Functions

- (1) Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet/Executive or a Committee/Sub Committee.
- (2) Where a service is restructured, the Head of Paid Service shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and inform the relevant Portfolio Holder.

4.10.8 Proper Officers

- (1) In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is approved by the Council and is attached at Appendix One.

- (2) The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out below.

4.10.9 General powers delegated to all Directors and Heads of Service

- (1) To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- (2) To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or committees.
- (3) To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- (4) To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.
- (5) Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- (6) To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- (7) To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- (8) To exercise the Council's power to publish information about its services including deciding the content of any publication.
- (9) To decide the terms upon which services will be provided to the public, (which may include providing services on different terms to different individuals or classes of individuals).
- (10) To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order. The Chief Executive Officer must be informed of any decision to exclude under this paragraph.
- (11) To deal with the following employment matters in accordance with Council procedures:

Part 3.1 Scheme of Delegation for Officers

- (i) The employment of all employees below Head of Service level including determining the most appropriate means of recruitment and selection
 - (ii) Formulation, review and revision of person specifications and job descriptions for posts within their service areas
 - (iii) Application of conditions of service including the authorisation of leave of absence, purchase of annual leave (Bolsover District Council only) and payment of honoraria
 - (iv) Suspension or dismissal of employees below Head of Service level
 - (v) Re-grading of posts below Head of Service level following job evaluation
 - (vi) Determination of job sharing applications
 - (vii) Waive any part of the notice required to be given by an employee to terminate employment.
- (12) To authorise payments for overtime in accordance with Council procedures.
- (13) To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- (14) To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.
- (15) To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- (16) To commission goods, services and works within approved budgets.
- (17) To deal with media enquiries and press releases in conjunction with the Communications Manager/Officer who will contact the relevant Members.
- (18) To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Executive/Cabinet/Council subsequently.
- (19) To work with partners to achieve and implement the objectives and actions set out in the approved Corporate Plan, Service Plans, Business Plans, policies, strategies or other plans.
- (20) To carry out any duties or responsibilities as contained with the Financial Finance (NEDDC) or Financial Regulations (BDC).

- (21) To carry out any functions contained within section 2 – Council Functions and section 3 – Local Choice Functions of the Functions Scheme (NEDDC).

Specific Delegations:

4.10.1 Director of Corporate Resources and Head of Paid Services	
0	
<u>Delegations</u>	<u>Exceptions</u>
(1) To act as Head of Paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.	Suspension of Monitoring Officer and Section 151 Officer limited to suspension for a maximum of 2 months.
To act as the Safeguarding lead.	
(2) To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3) To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time by the Council or its Committees and to act thereon.	
(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	

Part 3.1 Scheme of Delegation for Officers

	Director of Corporate Services to the next meeting of Council explaining the reasons for the decision.	
(5)	If there is an urgent need for a commercial decision, the Director of Corporate Resources, following consultation with the Leader and/or Deputy Leader and the relevant Portfolio Holder shall make the decision and endorsement will be sought from the Executive/Cabinet or Council as appropriate.	
(6)		
(7)	To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.	
(8)		
(9)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	
(10)		
(11)		
(12)	To progress the Strategic Alliance by taking any action necessary to facilitate it including but not limited to redundancies which may result from the implementation.	
(13)	To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from the implementation.	
(14)	To make authorisations of officers from other services at Bolsover District Council to carry out appropriate statutory powers within North East Derbyshire.	
(15)	To make authorisations of officers from other services at North East Derbyshire District Council to carry out appropriate statutory powers within Bolsover District Council.	
(16)	To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee have authority to issue/grant such authorisations.	
(17)		
(18)		
(19)	To exercise any of the powers delegated to a Head of Service.	
(20)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation	

(21)	Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the Local Government Pension Scheme transfers policy.	
(22)	Following consultation with the Section 151 Officer, if they see fit to accept transfers (in respect of an individual employees application to transfer in pension from a previous scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.	
(23)		
(24)	Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer, to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.	
(25)		
(26)		
(27)		
(28)	To determine all staffing matters including but not limited to:-	
	(i) determining matters relating to structure (additions, reductions post title changes and other changes to the establishment).	
	(ii) the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Directors, Assistant Director and Heads of Service, this does not include the appointment and, in the case of statutory officers, their dismissal.	
	(iii) Approving secondments and temporary appointments of any staff.	
(29)	Where the decision of the Head of Paid Service taken under (xxx) above will incur additional expenditure which cannot be met by approved budgets, then the matter will be referred to the Executive/Cabinet, provided that the remit of the Executive/Cabinet shall be limited to decisions on financial matters only.	
(30)		
(31)		

4.10.1 Director of Environment and Enforcement

1

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Emergency Planning Lead.	

Part 3.1 Scheme of Delegation for Officers

(2)	To guide and where appropriate direct Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	
(3)	To deputise for the Head of Paid Services in his absence and exercise any powers delegated to him.	
(4)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(5)	Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet/Executive to meet the statutory deadline.	
(6)	Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.	
(7)	To carry out Rights of Way functions for which the Council is responsible to Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).	
(8)	To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).	Applications for discretionary Disabled Facilities Grants must be submitted to Executive (BDC) / Cabinet (NEDDC).

Part 3.1 Scheme of Delegation for Officers

(i)	To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and;		
(ii)	To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.		
To authorise the making of Public Space Protection Orders under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014, following consultation with the Leader or Deputy Leader of the Council and relevant ward members, and to incur any necessary expenditure to create, manage or revoke Public Space Protection Orders.			
Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.			

4.10.1
2

<u>Delegations</u>	<u>Exceptions</u>
(1)	
(2)	
(3)	
(4)	

Director of Development (BDC)

4.10.1
3

Following consultation with the Leader and Deputy Leader to authorise the making of a compulsory purchase order pursuant to any of the statutory powers enabling the Council so to do and including the exercise by the Council of such powers on behalf of a parish or town council where so requested.	
To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
To guide and where appropriate direct the Assistant Director and the Heads of Service in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.	

Part 3.1 Scheme of Delegation for Officers

Following consultation with the Leader and Deputy Leader, to agree extended rent free periods up to 5 years where major building works are undertaken by tenants on Pleasley Vale Business Park (Bolsover District Council only).	

Head of Finance and Resources and Section 151 Officer

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation.	
(2)	Have responsibility for the proper administration of the financial affairs of the Council.	
(3)	After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer, to report to the Council Meeting (or to the Cabinet/Executive in relation to an Executive Function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.	
(4)	To approve the Draft Statement of Accounts prior to consideration by External Audit.	
(5)	To determine whether an employee who has left the employment of the Councils shall be granted early release of pension subject to Council approval of the budgetary implications.	
(6)	After consultation with the relevant Portfolio Holder, to authorise the write-off of bad debts up to an approval limit of £2,500. Larger debts will be included in a report for information to the Executive/Cabinet.	
(7)		

(8)	To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with s.223 of the Local Government Act 1972.	
(9)	To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.	
(10)	To authorise the use of earmarked reserves (Invest to Save Reserve (NEDDC) or Transformation Reserve (BDC)).	

4.10.1 Head of Corporate Governance and Monitoring Officer

4

	<u>Delegations</u>	<u>Exceptions</u>
(1)	To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.	
	To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning Officer and Local Counting Officer in all elections and referenda.	
(2)	To institute, prosecute, defend, conduct, participate in, withdraw or settle any legal proceedings brought by or against the Council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.	
(3)	Authority to sign documents in legal proceedings, contracts, contracts in accordance with the Contract Procedure rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and Information and complaints, and lay them on behalf of the Council for the purpose of Magistrates' Court proceedings unless statute provides otherwise.	
(4)	Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtain expert advice on any matter affecting or likely to affect the interests of the Council.	
(5)	To negotiate and settle claims and disputes without recourse to court proceedings.	
(6)	To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.	

Part 3.1 Scheme of Delegation for Officers

(7)	To conduct, authorise and co-ordinate investigations into complaints under the Members Code of Conduct and make reports or recommendations about them to the Standards Committee.	
(8)	To advise whether decisions of the Cabinet/Executive are in accordance with the Budget and Policy Framework.	
(9)	To provide advice on the scope of powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.	
(10)	Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).	
(11)	To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.	
	To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates' Court.	
(12)	To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.	
	Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder, to make and revoke appointments to outside bodies.	
	Following consultation with the Bolsover District Council Leader and Deputy Leader, to select Members to sit on any appeals hearing dealing with the hearing and determination of appeals relating to employment (including those relating to dismissal or other disciplinary action, sickness absence, pensions and grievance).	
	To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.	
	To consider and co-ordinate any investigation by the Local Government and Social Care (the Housing Ombudsman subject to informing the Head of Paid Services.	
	To consider and report on any report of the Local Government and Social Care Ombudsman Housing Ombudsman and to decide on and implement the action to be taken and to approve compensation payments on the recommendation of the Ombudsman whether or not a budget following consultation with the Head of Paid Services, the Leader and Deputy Leader up to of £5,000 in respect of each recommendation.	

The relevant post holders listed below have been designated as Proper Officers for the purposes of the adjacent legislative provisions and any subsequent amendments:

Proper Officer Provisions And Designation Of Officers To Statutory Functions/Roles

The relevant post holders listed below have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments:

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Monitoring Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Monitoring Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer
S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer
S.100D(5)(a)	The officer to include in the list of background papers	Monitoring Officer

Part 3.1 Scheme of Delegation for Officers

	those documents which have been relied on.	
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
S.115(2)	Receipt of money due from officers	Head of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Head of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Head of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs – Deputy	For BDC – the NEDDC Head of Finance & Resources and S.151 Officer and for NEDDC – the BDC Head of Finance & Resources and S.151 Officer
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Head of Corporate Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Head of Finance & Resources and S.151 Officer.
S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s. 234	The officer required to give, make or issue any notice, order or other document under any	Monitoring Officer

Part 3.1 Scheme of Delegation for Officers

	enactment and to sign the same.	
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Head of Finance & Resources and S.151 Officer
S.248	Officer who will keep the Roll of Freemen	Governance Manager
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Monitoring Officer
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Monitoring Officer
Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Monitoring Officer
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Director of Environment and Enforcement Director of Development (BDC)
Representations of the People Act 1983		

Part 3.1 Scheme of Delegation for Officers

S.8	Registration Officer	Head of Corporate Governance and Monitoring Officer
S.8	Deputy Registration Officer	Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.35	Returning Officer for Local Elections	Head of Corporate Governance and Monitoring Officer
S.35	Deputy Returning Officer for Local Elections	Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.24	Acting Returning Officer for a Parliamentary Election	Head of Corporate Governance and Monitoring Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Electoral Services Manager (BDC) Electoral Services Manager (NEDDC)
S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Head of Corporate Governance and Monitoring Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Head of Corporate Governance and Monitoring Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Head of Corporate Governance and Monitoring Officer
S. 200	Publication of Notices under the Act	Head of Corporate Governance and Monitoring Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Head of Corporate Governance and Monitoring Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S. 4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Head of Corporate Governance and Monitoring Officer

Part 3.1 Scheme of Delegation for Officers

Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Head of Corporate Governance and Monitoring Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Head of Paid Services except as specifically provided in this scheme
The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulation 2	Determination of documents constituting Background Papers	Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Monitoring Officer
Regulation 15	Inspection of background papers	Monitoring Officer
Regulation 13	Individual Executive decisions	Monitoring Officer
Regulation 7	Access to agenda and connected reports	Monitoring Officer
Regulation 10	General exception relating to Key Decisions	Monitoring Officer
Regulation 16	Members' rights of access to documents	Monitoring Officer

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Regulation 20	Confidential/exempt information and exclusion of public from meetings	Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Director of Development (BDC) and Director of Environment and Enforcement
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Director of Environment and Enforcement
Public Health Act 1961		
S.37	Control of any verminous article	Director of Environment and Enforcement
Localism Act 2011		
S. 33	Submission of written requests for Standards Dispensations	Monitoring Officer
S. 81	Administration of Community Right to Challenge	Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Monitoring Officer
Freedom of Information Act 2000		
S. 36	Qualified Person determining prejudice to effective conduct of public affairs	Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Monitoring Officer
S.3A	Employers certificate for exemption from politically restricted posts	Head of Paid Service

Part 3.1 Scheme of Delegation for Officers

S.4	Head of Paid Service	Director of Corporate Resources
S.5	The Monitoring Officer	Head of Corporate Governance
S. 5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Director of Corporate Resources
Data Protection Act 2018		
S. 69	Data Protection Officer	Information, Engagement and Performance Manager