

Appendix 1

Constitution Chapter and Number	Current Wording/Suggested Change	Reason for Change
Chapter 1 Part 1 page 7	e) General There is a range of other bodies exercising Council functions. These include the Governance, Audit and Standards Committee, Planning Committee, Licensing and Appeals Committee and the Senior Chief Officer Employment Committee. More details of these and other bodies are detailed at Chapter 2 of this Constitution.	Amended to reflect the correct name of the Committee
Chapter 1 Part 2 Page 15.	9. Urgent Decision 9.4 The Chair of the Overview & Scrutiny Committee or in their absence the a Vice Chair must agree that the decision is urgent and cannot be deferred. In the absence of the Chair or Vice-Chairs of the Overview & Scrutiny Committee, the agreement of the Mayor, in their absence the Deputy Mayor, must be obtained.	Grammatical amendments
Chapter 2 Part 1&2 page 23	2.1.17 approve a programme of ordinary meetings of the Council and Committees for the year at an appropriate time. The Council meeting to consider the budget shall be limited to only that substantive item unless by agreement of the Mayor, or the criteria for urgent business, at 2.1.21, is met.	<u>Member requested amended.</u> This will allow for further items to be considered at budget meetings and remove the necessity to include additional Council meetings.
Chapter 2 Part 1 & 2, Part 2 page 25.	8. Questions by the Public 8.1 General Members of the public who are residents of the Borough or run a business in the Borough may ask one question of the Leader, Portfolio Holder or of the Chair of a Committee at ordinary meetings of the Council. The total time allocated for questions by the public is limited to	<u>Member requested amendment</u> to allow more time for questions by the public at the discretion of the Mayor.

	<p>15 minutes in total (unless at the absolute discretion of the Mayor an extension of time is permitted, in which case a maximum of no more than a total of 30 minutes shall be permitted) and no more than 5 minutes per question.</p>	
<p>Chapter 2 Part 1&2 Page 23</p>	<p>2.1 <u>Calling extraordinary meetings</u></p> <p>The Chief Executive or in their absence, the Deputy Chief Executive (section 151 Officer) may call Council meetings in addition to ordinary meetings and those listed below may request the Chief Executive or in their absence, the Deputy Chief Executive to call additional Council meetings:</p> <p>2.1.1 the Council by resolution;</p> <p>2.1.2 the Mayor of the Council;</p> <p>2.1.3 the Monitoring Officer</p> <p>2.1.4 any five Members of the Council if they have signed a requisition presented to the Mayor of the Council and he/she has refused to call a meeting or has failed to call a meeting within seven clear working days of the presentation of the requisition the Chief Executive, the Deputy Chief Executive (Section 151 Officer) or the Monitoring Officer, respectively, in the exercise of their statutory duties.</p> <p>2.1.5 The Chief Executive, in consultation with the Leader, may consider calling the meeting should the Mayor refuse to do so.</p> <p>2.1.6 An extraordinary meeting will only consider the business the meeting has been called for together with any questions and motions or petitions that relate directly to that business.</p>	<p>2.1.3 The Monitoring Officer has been added to allow the discharge of the Statutory duty to include Section 5 reports if necessary.</p> <p>2.1.5 Introducing the Chief Executive will allow for a two-stage consideration of extraordinary meetings.</p> <p>2.1.6 The criteria will assist with consideration of</p>

	<p>Extraordinary Meetings will not normally deal with any public questions or petitions unless they relate directly to the business to be transacted and will not consider items that can conveniently wait until the next Ordinary Meeting of the Council. The Chief Executive in discussion with the Leader of the Council may reject the request if it:</p> <ul style="list-style-type: none"> • does not meet the definition of urgent business; • is vexatious, abusive or otherwise inappropriate; • relates to a planning decision; • relates to a licensing decision; • relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment; • requires the disclosure of confidential or exempt information; • has been considered by one of the council's decision-making bodies within the last six-months. • is not within the council's area of responsibility nor within its sphere of influence. 	<p>extraordinary meetings and provide a framework for decisions. The bullet points are taken from 'urgent business at Council meetings'.</p>
<p>Chapter 2 Part 1&2 Page 27</p>	<p>9. 1 <u>Notice of Petition</u> If a resident of the Borough or someone running a business in the Borough wishes to present a petition to a Council meeting, notice must be given at least seven clear working days before the meeting and the petition must have over 1,000 signatures (the signatories must either be resident of the Borough or someone running a business in the Borough). Otherwise a petition must be presented through a Councillor, and if under 1,000 signatories, will not qualify for debate. The Lead Signatory will receive a response on the subject of the petition from the appropriate Officer.</p>	<p><u>Member Requested Amendment:</u> To provide clarity on process for petitions under 1,000 signatories.</p>
<p>Chapter 2 Part 5</p>	<p>1. SCOPE These Rules apply to all meetings of the Council, the Cabinet, the Overview and Scrutiny Committee, Governance, Audit & Standards</p>	<p>Amended to reflect the correct name of the Committee</p>

	Committee, the Licensing & Appeals Committee, Planning Committee, Bramcote Bereavement Services Joint Committee, Senior Chief Officer Employment Committee and any Sub-Committees. Additional rules providing for access to information may also apply to any given Committee / Sub-Committee.	
Chapter 2 Part 4.1	<p>4.1 Time and Place of Meetings</p> <p>The time and place of meetings will be determined by the Chief Executive Mayor and notified in the summons. Ordinarily this would at 6pm except for Appeals Committee meetings which would commence at 10am.</p>	<p><u>Member Requested Amendment:</u></p> <p>To clarify start times for meetings and give flexibility for the Mayor/Chair to amend times.</p>
Chapter 2 Part 7 15.9	Call-In signatories to identify on the call-in form (Chapter 2 Part 7b) who will be the Lead Signatory and any other speaking signatories up to a maximum of five Members.	To complete the form to identify speaking signatories of the call-in.
Chapter 2 Part 7 15.10.1	<p>the Members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed</p> <p>15.10.1 After the Chair opens the meeting the Members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed. The Lead Signatory, the first signatory to the Call-in will be invited to address the Overview and Scrutiny Committee and to make a statement of explanation in respect of the decision called in. They should outline the reasons why the signatories have called the decision in. They should also aim to explain how the decision is in breach of the principles of decision making. Any other speaking signatories will then be invited to speak.</p>	<p><u>Member Requested Amendment:</u></p> <p>To allow Lead Signatory and any speaking signatories to address the Committee up to a maximum of 20 Minutes in total with a maximum of 10 minutes for each speaker.</p>

	<p>The address should be limited to a maximum of 10 minutes for each speaker as stated on the Call-in form, with a total of 20 minutes for all speakers from the call-in. The lead signatory and other speaking signatories should adhere to the reasons why the decision has been called and why they believe it is in breach of the decision-making principles.</p>	
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Constitution Chapter and Number	Current Wording/Suggested Change	Reason for Change
Chapter 2 Part 7 15. 9.3	decision-maker and any relevant Portfolio Holder(s) will then be invited to make any comments;	Remove line to allow for new wording for consistency.
Chapter 2 Part 7 15.10.3	decision-maker and any relevant Portfolio Holder(s) will then be invited to make any comments ; Following the lead signatory's and other speaking signatories address to the Scrutiny Committee, the relevant Cabinet Member(s) will be invited to address the Committee for a maximum of 10 minutes. Relevant Officers can be called upon to support this submission. The address should be limited to a maximum of 20 minutes in total and it should aim to address the reasons given by the lead signatory and other speaking signatories for the Call-in. They should also aim to explain why the decision has not breached the principles of decision making.	<u>Member Requested Amendment:</u> Replace wording to provide clarification and allow time for addressing the Committee.
Chapter 2 Part 7 15.10.5	15.10.5 the Scrutiny Members will ask questions of the Members and Officers in attendance; Scrutiny Committee Members can then ask questions of the Lead Signatory, any speaking signatories, the Cabinet Member(s), and Officers directly relating the decision and the reasons for the Call-in. (This should be questions about the decision and the Call-in and not a debate on the issue as a whole).	<u>Member Requested Amendment:</u> Provides clearer wording of who the Scrutiny Committee Members can ask questions too.
Chapter 2 Part 7 15.10.6	The lead signatory and any speaking signatories makes a closing statement (this should last a maximum of five minutes) responding to the submissions and	Add new comment that allows for the

	<p>questions previously heard. They are not allowed to question anyone-</p> <p><u>Member Requested Amendment:</u></p>	<p>lead signatory and speaking signatories of the Call-in to make a closing statement for a maximum of five minutes.</p>
<p>Chapter 2 Part 7 15.10.7</p>	<p>the decision-maker and any relevant Portfolio Holder(s) will be invited to make any final comments on the matter The Cabinet Member(s) then make a closing statement (this should last no longer than five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone-</p>	<p><u>Member Requested Amendment:</u></p> <p>Remove existing wording and replace with wording to make it clear who should speak with timings.</p>
<p>Chapter 2 Part 7 15.11</p>	<p>The Overview & Scrutiny Committee needs to make a decision based on the discussion that has taken place, The Chair should make it clear that no further submissions will be heard from the lead signatory or the Cabinet Member(s) whilst the Overview and Scrutiny Committee deliberates and makes a decision. after considering the evidence presented to the meeting, will make one of the following decisions:-</p>	<p>Re number to 15.8 for consistency add wording to make clearer and remove existing wording for consistency.</p>
<p>Chapter 2 Part 7 15.11.1</p>	<p>They agree with Cabinet's decision (the Cabinet decision can now be actioned) to take no further action, in which case the decision will take effect immediately;</p>	<p>replace with detailed wording.</p>
<p>Chapter 2 Part 7 15.11.2</p>	<p>Agree that the decision is referred back to the decision maker for reconsideration and that it should be referred back to the next Cabinet meeting</p>	<p>Additional wording allows for any decision that is considered urgent to</p>

	<p>unless due to matters of urgency the matter needs to be decided earlier. (the Overview and Scrutiny Committee should expressly outline the reasons to reconsider the Cabinet's decision in its recommendations). refer the decision back to the decision-maker for reconsideration, setting out the nature of the Committee's concerns; the decision-maker must then re-consider the matter with a further 10 working days, taking into account the concerns of the Overview & Scrutiny Committee, before making a final decision;</p> <p><u>Member Requested Amendment:</u></p>	<p>be decided earlier than the next meeting of Cabinet.</p>
<p>Chapter 2 part 7 15.11.3</p>	<p>To refer the matter to full Council for its views.</p>	<p><u>Member Requested Amendment:</u></p> <p>Remove the reference to refer the matter to full Council. Overview and Scrutiny Committee to decide either they agree or not agree and the decision goes back to Cabinet. Not a Council function. Current process can delay the decision being made.</p>
<p>Chapter 2 Part 7 15.12,15.13 and 15.14</p>	<p>15.12 If the matter is referred to full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no place to make decisions in respect of a Cabinet decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will</p>	<p>Remove as not referring the decision to full Council. Members agreed the decision to consider a call-in is a function of the Overview and</p>

	<p>-refer any decision to which it objects back to the decision-maker, together with the Council's views on the decision. That decision-maker shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet or a Committee a meeting will be convened to reconsider the decision within 10 working days of the Council's request. Where the decision was made by an individual, the individual will reconsider the decision within 10 working days of the Council's request.</p> <p>15.13 If the Council objects to the decision but does not refer the decision back to the decision-maker, the decision will become effective on the date of the Council meeting at which the Council considered and referred the decision.</p> <p>15.14 If a decision is referred to the Council and the Council fails to meet for the purpose of considering the decision, the decision will take effect on the expiry of the period during which the Council meeting should have been held.</p>	<p>Scrutiny Committee as per its Terms of Reference. As only the Executive can review a decision it was considered that referring a call-in to full Council would add unnecessary delay in the decision being revisited.</p>
<p>Chapter 2 Part 7 17.5</p>	<p>In the absence of the Chair or Vice-Chairs of the Overview & Scrutiny Committee the Mayor, or in their absence, the Deputy Mayor's consent shall be required. In the absence of both the Mayor and Deputy Mayor the Chief Executive or their Deputy's from the Chair, or in their absence the Vice-Chairs of a Scrutiny Sub-Committee.</p>	<p>To be consistent with 15.5 within the Constitution.</p>
<p>Chapter 2 part 7b</p>	<p>Replace second flow diagram with Call in Process Explanatory Note Call-In Process – Explanatory Note</p> <p>This note provides a simple explanation of the format for the 'Call-In' at the meeting of a Scrutiny Committee. It sets out each stage to follow to ensure the meeting is effective and is not adversarial. The key stages are set out as follows:</p> <p>Stage 1 – Lead signatory submission</p> <p>As lead signatory, the first signatory to the 'Call-In' will be invited to address the Scrutiny Committee for a maximum of 10 minutes and to make a statement of explanation in respect of the decision called in. They should outline the reasons why the signatories have called the decision in. They should also aim to explain how the decision is in breach of the principles of decision making. Any other speaking signatories will then be invited to speak for a maximum of</p>	<p>To align with new stages of the Call-in Process and easier Stages to follow.</p>

no more than 10 minutes each. The address should be limited to a maximum of 20 minutes in total and the speaking signatories should stick to the reasons why the decision has been called in and why they believe it is in breach of the decision-making principles.

Stage 2 – Ward Members

Any Ward Members registered to speak will have five minutes to address the Committee.

Stage 3 – Cabinet Member Submission

Following the lead signatory's and any other speaking signatories of the Call-in, and registered Ward Members address to the Scrutiny Committee, the relevant Cabinet Member(s) will be invited to address the Committee. Relevant Officers can be called upon to support this submission.

The address should be limited to a maximum of 20 minutes and it should aim to address the reasons given by the lead signatory for the Call-In. They should also aim to explain why the decision has not breached the principles of decision making.

Stage 4 – Scrutiny Committee Questions

Scrutiny Committee Members can then ask questions of the lead signatory and any speaking signatories, the Cabinet Member(s) and Officers directly relating to the decision and the reasons for the Call-In (this should be questions about the decision and the Call-In and not a debate on the issue as a whole).

Stage 5 – Lead Signatory Closing Statement

The lead signatory and any speaking signatories makes a closing statement (this should last a maximum of five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

Stage 6 – Cabinet Member Closing Statement

The Cabinet Member(s) then make a closing statement (this should last no longer than five minutes) responding to the submissions and questions previously heard. They are not allowed to question anyone.

Stage 7 – Scrutiny Committee Decision

At this stage, the Scrutiny Committee needs to make a decision based on the discussion that has taken place. The Chair should make it clear that no further submissions will be heard from the lead signatory, any speaking signatories, or the Cabinet Member(s) whilst the Scrutiny Committee deliberates and makes a decision.

The Scrutiny Committee has two options available for its decision which are:

- they agree with Cabinet’s decision (the Cabinet decision can now be actioned)
- Agree that the decision is referred back to the decision maker for reconsideration and that it should be referred back to the next Cabinet meeting unless due to matters of urgency the matter needs to be decided earlier. (the Overview and Scrutiny Committee should expressly outline the reasons to reconsider the Cabinet’s decision in its recommendations).

Minutes of the meeting containing the decision will be circulated to all Councillors in due course.

*"Excluded matters" are:

- planning decision
- licensing decision

- any matter concerning an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
- any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview & Scrutiny Committee.
- any matter which is a local crime and disorder matter for the purposes of Section 19 of the Police and Justice Act 2006.

APPENDIX

Notice of Call-In of Key Decision

In accordance with the Council's Call-In of Key Decisions Procedure, we the undersigned hereby give notice that we wish to Call-In the following key decision:

Decision.....

Meeting at which the decision was made.....

Date of the Meeting.....

We believe that the following principles of decision making have been breached by the making of this decision (please give reasons against those principles which are thought to have been breached):

Proportionality

Due consultation and the taking of professional advice from Officers

A presumption in favour of openness

Clarity of aims and desired outcomes

A record of what options were considered and giving the reasons for the decision

The lead Signatory to be the first Member named below. Please indicate below if any further Councillors are to speak at the meeting.

1. Signed..... Lead Signatory

Name.....

Date.....

2. Signed..... Speaking Y/N

Name.....

Date.....

3. Signed..... Speaking
Y/N

Name.....

Date.....

4. Signed..... Speaking
Y/N

Name.....

Date.....

5. Signed..... Speaking
Y/N

Name.....

Date.....

Chapter 2 part 8-17 p.124	granting dispensations to Members (including co-opted Members) from requirements relating to interests set out in the Members' Code of Conduct unless otherwise determined by the Monitoring Officer;	To align with legislation this function is delegated to the Monitoring Officer as the proper officer.
Chapter 2 Part 8-17 page 132	Number of Members 5-7	Increased to 7 to allow provision for a sub-committee to be set up.
Chapter 2 part 8-17 p.135	<u>Events, Arts, Cultural and Heritage Working Group</u> Must have at least one Cabinet Member on the Working Group The following Councillors may not serve on the Working Group: Members of the Overview and Scrutiny Committee	To ensure consistency with other Cabinet Working Groups
Chapter 3- Part 1 page 141	Where a power has been delegated, the Council, Cabinet or Committee, or in the case of an Officer Sub-Delegation, the delegating Officer, or that person's nominated substitute may still exercise that power in a particular instance if considered appropriate. Equally, any matter may be referred up to the source of the delegation for determination	Amended to ensure onward delegation is captured.
Chapter 3 Part 1 page 141	In the event of a restructure the Chief Executive shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer and the Head of Legal Services. Any use of the Chief Executive's exercise of this delegated power over £25,000, which are not within existing budget must be reported to the Council and/or to the Cabinet as soon as practicable.	Amended to reflect the current practice.
Chapter 3 – Part 1 Para' 4.1 Page 143	4.1 When exercising delegated powers on non-routine matters , Officers must consult as considered appropriate, the relevant Portfolio Holder and/or the Leader and give due regard to any advice received and if considered appropriate , keep Councillors and relevant other Officers properly informed of actions arising within the scope the delegation exercised.	To differentiate between non-routine matters and significant matters that need to be disclosed.
Chapter 3 Part 1 Para 7.3 Page 144	7.3.10 Head of Environmental Health, Licensing and Private Sector Housing 7.3.11 Head of Administrative Services; Head of ICT and Corporate Services	To reflect correct position

	<p>7.3.12 Chief Environmental Health Officer;</p> <p>7.3.13 Chief Communities Officer. Head of Communities and Crime</p> <p>7.3.14 Head of Health and Safety and Emergency Planning.</p>	
<p>Chapter 3 Part 1 Para' 7.4 Page 145</p>	<p>7.4.1 ICT and Business Transformation Manager;</p> <p>7.4.3 Health and Safety and Emergency Planning Manager;</p> <p>Now in new paragraph 7.3.10 above</p>	<p>To reflect correct position</p>
<p>Chapter 3 Part 1 Para 8.2 Page 145</p>	<p>If the Officer to whom a function has been delegated is unable to act due to a conflict of interest, a conflict of opinion with a Chief Officer or any other reason, then it is for the Chief Executive to determine who should exercise that function. If the Chief Executive is unable to act due to a conflict of interest, or any other reason, then it is for the Section Deputy Chief Executive/Section 151 Officer to determine who should exercise that function. If the Chief Executive and Deputy Chief Executive/Section 151 Officer are unable to act due to a conflict of interest, or any other reason, then the function can be exercised by any Chief Officer from the General Management Team</p>	<p>Grammatical error</p>
<p>Chapter 3 Part 1 Para'9.6 Page 146</p>	<p>In consultation with the HR Manager, as considered necessary, to deal with all employee matters, other than those reserved to the Council, relating to the recruitment, appointment, remuneration, conditions of service, discipline, dismissal (including settlement agreements after consultation with the Monitoring Officer and Deputy Chief Executive/Section 151 Officer), superannuation, qualifications, training, job evaluation, promotion, safety and provision of welfare facilities of all employees of the Council up to £25,000, or within existing budgets, which have not been delegated to a Committee or Cabinet, except that the following shall be reserved to Council:</p>	<p>To align with how the rest of the delegations are set out and without being prescriptive.</p>

	<p>9.6.1 The appointment and dismissal of the roles of:</p> <p>9.6.2 the Head of Paid Service (Chief Executive)</p> <p>9.6.3 the Monitoring Officer as appointed pursuant to Section 5 of the Local Government and Housing Act 1989 and</p> <p>9.6.4 the Officer having responsibility for the Council's financial affairs pursuant to Section 151 of the Local Government Act 1982 and any other Chief Officer.</p> <p>(including settlement of claims up to £25,000 after consultation with the Monitoring Officer and Deputy Chief Executive/Section 151 Officer.</p>	
Chapter 3 Part 1 Para' 9.7 Page 147	To act as the Council's Returning Officer for Local and General Elections and Referendums the elections of Councillors of the Borough , Electoral Registration Officer for the Borough and Proper Officer for Parish polls under the Local Government Act 1972	Amended to reflect full scope of elections.
Chapter 3 Part 1 Para' 11.2.2 Page 150	<p><u>11. Monitoring Officer</u></p> <p>To maintain an up-to-date version of the Constitution and ensure that it is widely available to Members, staff and public, to make changes to the Council's Constitution as she/he deems to be necessary and which are in the Council's interest and not major in nature, including but not limited to:</p> <p>11.2.3 Changes amounting to routine revision</p> <p>11.2.4 to provide appropriate clarity</p> <p>11.2.5 to correct typographical and other drafting errors</p> <p>11.2.6 To reflect new legislation</p> <p>11.2.7 to correct inconsistencies in drafting Officer delegations</p>	To enable minor administrative changes to be undertaken without unnecessary delay being caused through awaiting decisions via Committee/Council to help transact the business of the Council

	<p>11.2.8 to reflect new Officer structures and job titles, properly approved through Council processes include the recording of any changes ensuring that all administrative changes are made in consultation with the Chief Executive, Leader and Leader of the Opposition, save where such consultees object to the proposed changes in which case the matter shall be determined by the Council.</p> <p>11.2.9 To record any changes on the constitution document control log and to report these to Council annually.</p>	
Chapter 3 Part 1 Para 11.2.3 Page 151	<p>Insert:</p> <p>To interpret the Constitution where the meaning is uncertain or there is a dispute about its meaning.</p>	Reflect current practice
Chapter 3 Part 1 Para 13.14 Page 151	<p>Insert:</p> <p>13.15 To perform the Council's elections, electoral registration and Local Land Charges functions.</p>	Reflect change in role
Chapter 3 Part 1 Para 16.3 Page 154	<p>To perform the Council's Street works functions.</p>	Reflect current practice
Chapter 3 Part 1 Para 16.5 Page 154	<p>To perform the Councils functions in relation to Economic Development, Investment Regeneration, including involvement in Economic Development partnerships, government initiatives/investments and relevant committees. Local Enterprise Partnership.</p>	To reflect position regarding the levelling up initiatives and cessation of Local Enterprise Partnership.
Chapter 3 Part 1 Para 16.9 Page 155	<p>Insert:</p> <p>To manage the transfer of all Building Control Functions (under the provisions of Building Act 1984, Building Regulations 2010 and all other relevant legislation) to Erewash Borough Council.</p>	To reflect the current position

<p>Chapter 3 Part 1 Para's 16.10-16.13 Page 155</p>	<p>To approve or reject plans deposited under the Building Regulations and to make a declaration that plans approved under the Building Regulations since 1 April 1974 are of no effect where work has not commenced on site within 3 years of deposit of plans.</p> <p>To manage the Council's functions under the Building Act 1984 as amended to include the issue of Notices under Section 36 of the Building Act 1984 (removal or alterations of work done in breach of Building Regulations) in consultation with the Head of Legal Services.</p> <p>To exercise all local authority functions under the currently subsisting Building Act and Building Regulations.</p> <p>To issue Notices requiring advance payment of Private Street Works charges under Section 220 of the Highways Act 1980 and Exemption Notices under Section 219 of the Highways Act 1980.</p>	<p>To reflect the position that Erewash Borough Council currently carry out Building Control functions.</p>
<p>Chapter 3 Part 1 Para 16.15 Page 155</p>	<p>16.15 To authorise suitable bidding requests for grant aid for shop fronts and industrial improvement.</p>	<p>Reflect correct position</p>
<p>Chapter 3 Part 1 Paragraph 18.1 Page 156</p>	<p>To manage the Council's Landlord Functions within the provisions of Housing Act 1985, Housing Act 1996, Anti-Social Behaviour, Crime and Policing Act 2014 and all other relevant legislation. Housing Operations Management -The Council's functions as a housing provider and as regards its housing stock and housing revenue account.</p>	<p>To provide clarity in relation to the role</p>
<p>Chapter 3 Part 1 Paragraph 18.2</p>	<p>To manage the Council's Strategic housing function within the provisions of Part 7 of the Housing Act 1996 and amendments by the Homelessness Reduction Act 2017 and all other relevant legislation. Housing functions as regards homelessness.</p>	<p>To provide clarity in relation to the role</p>

Page 157		
Chapter 3 Part 1 Paragraph 18.3 Page 157	The Council's functions as regards to Housing Strategy.	Incorporated within paragraph 18.4
Chapter 3 Part 1 Paragraph 18.4 Page 157	To perform manage the Council's functions with regard to the Council's housing stock and housing revenue account property within the provisions of Part II Housing Act 1985, Housing Act 1998, Local Government and Housing Act 1989 Local Government Act 2003, Localism Act 2011 and all other relevant legislation. in accordance with all legislation relevant to housing, and including homelessness, anti-social behaviour, repairs and allocations.	To provide clarity in relation to the role
Chapter 3 Part 1 Paragraph 18.5 Page 157	To carry into effect approved capital and revenue programmes and approved policies with regard to the Council's housing stock in consultation with Head of Asset Management and Development	To provide clarity in relation to the role
Chapter 3 Part 1 Paragraph 18.6 Page 157	To approve conditions of sale and administer, in conjunction with the Head of Legal Services, the right to buy, voluntary sales schemes and property purchases	Incorporated within paragraph 18.12
Chapter 3 Part 1 Paragraph 18.8 Page 157	Insert: To determine compensation awards in relation to Stage 1 complaints up to a limit of £500 in consultation with the relevant Director.	Reflect current position
Chapter 3 Part 1	To recover rent and other charges, rates (from the Council's housing	Provide clarity

Paragraph 18.9 Page 157	stock), including the appointment of agents for this purpose and pursuit of Court proceedings.	
Chapter 3 Part 1 Paragraph 18.10 Page 157	To consider and conduct reviews of Council and introductory tenancies	Incorporated in paragraph 18.1
Chapter 3 Part 1 Paragraph 18.11 Page 157	To deal with Housing Repairs and Compliance Matters.	Incorporated in paragraph 18.1
Chapter 3 Part 1 Paragraph 18.12 Page 157	In common with the Head of Legal Services deal with acquisitions, appropriations and disposals (lettings, negotiations and settlement of leases and rents) of Council Houses not exceeding the value currently set out in Financial Regulations and in accordance with relevant Council policies.	Provide clarity
Chapter 3 Part 1 Paragraph 18.13 Page 157	Insert: To deal with Housing disrepair claims under the Pre-Action Protocol for Housing Conditions Claims (England) and Section 9A Landlord and Tenant Act 1985.	Reflect current practice
Chapter 3 Part 1 Paragraph 18.14 Page 157	To consider, negotiate and determine all acquisitions, appropriations and disposals, lettings, negotiations and settlement of leases and rents for Council Houses not exceeding the rental or capital consideration currently set out in Financial Regulations and in accordance with relevant Council policies.	Now dealt with at paragraph 18.12

<p>Chapter 3 Part 1 Paragraph 21 Page 158</p>	<p>Delete: Head of Administrative Services</p> <p>Replace with: Head of ICT and Corporate Services</p>	<p>Reflect correct title</p>
<p>Chapter 3 Part 1 Paragraph 21.2 Page 158</p>	<p>Delete: To perform the Council's elections, electoral registration and Local Land Charges functions</p>	<p>Reflect change in role</p>
<p>Chapter 3 Part 1 Paragraph 22 Page 159</p>	<p>Deletion of: Chief Environmental Health Officer</p> <p>Replace with: Head of Environmental Health, Licensing and Private Sector Housing.</p>	<p>Reflect change in role</p>
<p>Chapter 3 Part 1 Paragraph 23.4 Page 159</p>	<p>Insert Liquor (Licensing Act 2003)</p>	<p>Provide clarity</p>
<p>Chapter 3 Part 1 Paragraph 23.</p>	<p>Delete:</p>	<p>Change of role</p>

Page 161	<p>CHIEF COMMUNITIES OFFICER</p> <p>Replace with:</p> <p>HEAD OF COMMUNITIES AND CRIME</p>	
Chapter 3 Part 1 Paragraph 23.2 Page 161	To perform the Council's functions in the role of Independent Chair on an application to review Multi Agency Action in relation to community trigger Anti-Social Behaviour Case Review (community trigger) applications (Anti-Social Behaviour Crime and Policing Act 2014).	Provide clarity
Chapter 3 Part 1 Paragraph 24.12 Page 161	To perform the Council's functions in managing and perform the role of Chair the Anti- Social behaviour and Complex Case Panels.	
Chapter 3 Part 1 Paragraph 23.17 Page 162	<p>Insert:</p> <p>To perform the Council's functions in relation to the PREVENT Duty (The Counter-Terrorism and Security Act 2015).</p>	Provide clarity
Chapter 3 Part 1 Paragraph 23.18 Page 2	<p>Insert:</p> <p>To perform the Council's duties in relation to the Modern Slavery Act 2015</p>	Provide clarity
Chapter 3 Part 1 Schedule of Proper Officer	Under Public Health Act 1936: Sections 79, 8 and 85 (2)	Change in Job title

<p>Functions and Delegations. Page 163</p>	<p>Deletion of Chief Environmental Officer</p> <p>Replace with: Head of Environmental Health, Licensing and Private Sector Housing.</p>	
<p>Chapter 3 Part 1 Schedule of Proper Officer Functions and Delegations Page 169</p>	<p>Under Local Government Act 1972 Schedule 29</p> <p>Delete: Head of Administrative Services</p> <p>Replace with: Head of Legal Services</p>	<p>Change in service area</p>
<p>Chapter 3 Part 1 Schedule of Proper Officer Functions and Delegations Page 166 and 167</p>	<p>Under Representation of the People Act 1983 Sections 8,35,52 (2),67, 131,145,200 and Paragraph,6,8 of Schedule 4</p> <p>Delete: Head of Administrative Services</p> <p>Replace with: Head of Legal Services</p>	<p>Change in service area</p>

<p>Chapter 3 Part 1 Schedule of Proper Officer Functions and Delegations</p> <p>Page 169</p>	<p>Public Health (Control of Disease) Act 1984</p> <p>Sections 60 and 61</p> <p>Delete:</p> <p>Chief Environmental Health Officer</p> <p>Replace with:</p> <p>Head of Environmental Health, Licensing and Private Sector Housing.</p>	<p>Change in job title</p>
<p>Chapter 3 Part 1 Schedule of Proper Officer Functions and Delegations</p> <p>Page 169</p>	<p>Building Act 1984</p> <p>Sections 35A,61 and 78</p> <p>Delete:</p> <p>Chief Environmental Health Officer</p> <p>Replace with:</p> <p>Head of Environmental Health, Licensing and Private Sector Housing.</p>	<p>Change in job title</p>
<p>Chapter 3 Part 1 Schedule of Proper Officer Functions and Delegations</p> <p>Page 170</p>	<p>Nottinghamshire County Council Act 1985</p> <p>Parts II, III and IV</p> <p>Delete:</p> <p>Chief Environmental Health Officer</p>	<p>Change in job title</p>

	<p>Replace with:</p> <p>Head of Environmental Health, Licensing and Private Sector Housing.</p>	
<p>Schedule of Proper Officer Functions and Delegations</p> <p>Page 172</p>	<p>Environmental Protection Act 1990</p> <p>Part III and II</p> <p>Delete:</p> <p>Chief Environmental Health Officer</p> <p>Replace with:</p> <p>Head of Environmental Health, Licensing and Private Sector Housing.</p>	<p>Change in job title</p>
<p>Schedule of Proper Officer Functions and Delegations</p> <p>Page 177</p>	<p>LOCAL AUTHORITIES (REFERENDUMS) (PETITION AND DIRECTIONS) (ENGLAND) REGULATIONS 2011 NO. 2914.</p> <p>Regulations 4,7,8,11,13,14 and 19</p> <p>Delete:</p> <p>Head of Administrative Services</p> <p>Replace with:</p> <p>Head of Legal Services</p>	<p>Change in service area</p>

<p>Schedule of Proper Officer Functions and Delegations</p> <p>Page 179</p>	<p>Housing Act 2004</p> <p>Delete:</p> <p>Chief Environmental Health Officer</p> <p>Replace with:</p> <p>Head of Environmental Health, Licensing and Private Sector Housing.</p>	<p>Change in job title</p>
<p>Schedule of Proper Officer Functions and Delegations</p> <p>Page 179</p>	<p>Local Elections (Parishes and Communities) (England and Wales) Rules 2006 NO:</p> <p>Rule 5, Paragraph 50 of Schedule 2</p> <p>Delete:</p> <p>Head of Administrative Services</p> <p>Replace with:</p> <p>Head of Legal Services</p>	<p>Change in service area</p>
<p>Schedule of Proper Officer Functions and Delegations</p> <p>Page 179</p>	<p>Local Authorities (Conduct of Referendums) (England) Regulations 2012 No 323</p> <p>Regulation 4</p> <p>Delete:</p> <p>Head of Administrative Services</p>	<p>Change in service area</p>

	<p>Replace with:</p> <p>Head of Legal Services</p>	
<p>Schedule of Proper Officer Functions and Delegations</p> <p>Page 180</p>	<p>The Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007 No.1024</p> <p>Delete:</p> <p>Head of Administrative Services</p> <p>Replace with:</p> <p>Head of Legal Services</p>	<p>Change in service area</p>
<p>Authentication of Documents</p> <p>Page 181</p>	<p>In substitute box (third row down):</p> <p>Deletion of:</p> <p>Head of Administrative Services</p>	<p>Change in service area</p>
<p>Chapter 5 Part 3 Good Practice Pages 287 and 288</p>	<p>If more than one person wishes to speak in objection to a particular application then, subject to the above discretion, the person living closest, or most likely to be affected by the development, will be allowed to speak. Head of Planning and Economic Development and the Head of Legal Monitoring Officer will make that decision. Other people may be put in touch with the chosen person in order that they may co-ordinate the views of others.</p> <p>The applicant or a supporter will only be permitted to speak on the application if either there is to be an objecting speaker or if the Officer recommendation is to refuse the application. A supporter may only</p>	<p>To reflect current practice</p> <p>To allow applicant to speak without</p>

	<p>Speak if the applicant chooses not to. Following the registration deadline, the people selected to speak will be notified by Democratic Services.</p> <p>In the case of exceptional applications then the Head of Planning and Economic Development and Monitoring Officer Head of Legal may decide to vary these provisions to allow additional speakers to address the meeting.</p>	<p>restriction. This is to ensure fairness and transparency in the process.</p> <p>To reflect current practice.</p>
<p>Chapter 5 Part 3 Good Practice Page 288</p>	<p>The Such a Member may speak but not vote on the application, unless they are a Member of the Committee</p>	<p>Grammatical error</p>
<p>Chapter 5 Part 3 Good Practice Pages 287 and 288</p>	<p>If more than one person wishes to speak in objection to a particular application then, subject to the above discretion, the person living closest, or most likely to be affected by the development, will be allowed to speak. Head of Planning and Economic Development and the Head of Legal Monitoring Officer will make that decision. Other people may be put in touch with the chosen person in order that they may co-ordinate the views of others.</p> <p>The applicant or a supporter will only be permitted to speak on the application if either there is to be an objecting speaker or if the Officer recommendation is to refuse the application. A supporter may only speak if the applicant chooses not to. Following the registration deadline, the people selected to speak will be notified by Democratic Services.</p> <p>In the case of exceptional applications then the Head of Planning and Economic Development and Monitoring Officer Head of Legal may decide to vary these provisions to allow additional speakers to address the meeting.</p>	<p>To reflect current practice</p> <p>To allow applicant to speak without restriction. This is to ensure fairness and transparency in the process.</p> <p>To reflect current practice.</p>

Chapter 6 Appendix 7	Council Hearing Procedure Rules added to appendices. Reference to Licencing and Appeals Committee and Chief Officer Employment Committee	For clarity
Chapter 4 Part 2 Waiver to the rules Paragraph 48.5 Page 228	<p>48.5 Waivers may be considered in, but not limited to, the following circumstances:</p> <p>48.5.1 where the purchase of supplies or the execution of works or services involve specialist or unique skills, character or knowledge, or are patented which cannot be obtained from other providers in spite of advertising;</p> <p>48.5.2 where the Council require upgrades to existing software packages or require repairs to, or parts for, existing machinery or equipment that are specific to that machinery or equipment;</p> <p>48.5.3 if the Council has already engaged in a contract with an organisation for a similar and related procurement, provided that the Council will not be exposed to unacceptable risk, the original contract was procured through a best value exercise, allows an extension, and there is significant benefit to extending the scope of the contract to cover this additional requirement;</p> <p>48.5.4 where, after advertising in accordance with these rules, it has not been possible to obtain competitive prices for works, supplies or services;</p> <p>48.5.5 in relation to time limited grant funding from where a suitably qualified expert has provided an independent opinion as to</p>	To allow slightly more flexibility when dealing with waivers in procurement.

	<p>the proposed course of action being value for money an external body, and where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;</p> <p>48.5.6 if works, supplies or services are urgently needed for the immediate protection of life or property or to maintain the immediate functioning of a public service that the Council is responsible for, on the basis of an unforeseeable emergency.</p> <p>48.5.7 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement.</p>	
<p>Chapter 5 Part 3 Good Practice Page 288</p>	<p>The Such a Member may speak but not vote on the application, unless they are a Member of the Committee</p>	<p>Grammatical error</p>
<p>Chapter 5 Part 3 Good Practice Pages 287 and 288</p>	<p>If more than one person wishes to speak in objection to a particular application then, subject to the above discretion, the person living closest, or most likely to be affected by the development, will be allowed to speak. Head of Planning and Economic Development and the Head of Legal Monitoring Officer will make that decision. Other people may be put in touch with the chosen person in order that they may co-ordinate the views of others.</p> <p>The applicant or a supporter will only be permitted to speak on the application if either there is to be an objecting speaker or if the Officer recommendation is to refuse the application. A supporter may only speak if the applicant chooses not to. Following the registration deadline, the people selected to speak will be notified by Democratic Services.</p>	<p>To reflect current practice</p> <p>To allow applicant to speak without restriction. This is to ensure fairness and transparency in the process.</p>

	<p>In the case of exceptional applications then the Head of Planning and Economic Development and Monitoring Officer Head of Legal may decide to vary these provisions to allow additional speakers to address the meeting.</p>	<p>To reflect current practice.</p>
<p>Chapter 4 Part 2 Waiver to the rules Paragraph 48.5 Page 228</p>	<p>48.6 Waivers may be considered in, but not limited to, the following circumstances:</p> <p>48.6.1 where the purchase of supplies or the execution of works or services involve specialist or unique skills, character or knowledge, or are patented which cannot be obtained from other providers in spite of advertising;</p> <p>48.6.2 where the Council require upgrades to existing software packages or require repairs to, or parts for, existing machinery or equipment that are specific to that machinery or equipment;</p> <p>48.6.3 if the Council has already engaged in a contract with an organisation for a similar and related procurement, provided that the Council will not be exposed to unacceptable risk, the original contract was procured through a best value exercise, allows an extension, and there is significant benefit to extending the scope of the contract to cover this additional requirement;</p> <p>48.6.4 where, after advertising in accordance with these rules, it has not been possible to obtain competitive prices for works, supplies or services;</p> <p>48.6.5 in relation to time limited grant funding from where a suitably qualified expert has provided an independent opinion as to</p>	<p>To allow slightly more flexibility when dealing with waivers in procurement.</p>

	<p>the proposed course of action being value for money an external body, and where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;</p> <p>48.6.6 if works, supplies or services are urgently needed for the immediate protection of life or property or to maintain the immediate functioning of a public service that the Council is responsible for, on the basis of an unforeseeable emergency.</p> <p>48.6.7 for the purchase of a work of art or museum specimen, or to meet the specific requirements of an arts or cultural event which cannot be procured competitively due to the nature of the requirement.</p>	
<p>Chapter 5 Part 1 Page 242 Member Code of Conduct</p>	<p>12. Dispensations</p> <p>12.1 You may request a dispensation from the Monitoring Officer for one meeting only.</p> <p>12.2 You must make the request in writing detailing what my interest is, why the dispensation is required and for what meeting or period of time using the dispensation request form.</p> <p>12.3 You must make any request 5 days prior to the meeting at which the Dispensation is required.</p> <p>12.4 You must make any further requests for dispensation to the Standards Hearing Subcommittee.</p> <p>12.54 You will only be granted a dispensation where there are reasonable grounds for doing so and where such grounds are in the public interest.</p>	<p>To align with legislation which enables the proper officer to grant these dispensations and for a period of up to four years. To also align with the already adopted Member Code of Conduct.</p>
<p>Chapter 6 Appendix 7</p>	<p><u>Part 6 Appendix 7:</u></p>	<p>To align with legislation which</p>

Procedure for dealing with dispensation requests:

Introduction

1. Section 33 of the Localism Act 2011, in force on 1 July 2012, permits a council to grant a dispensation to a Councillor to allow him/her to participate in a discussion or vote on a matter in which he/she has a disclosable pecuniary interest.
2. The Council has also adopted the Code of Conduct which has extended the granting of a dispensation to a Councillor to allow him/her to participate in a discussion or vote on a matter in which he/she has another registerable interest and/or non-registerable interest.

Purpose and effect of a dispensation

3. A dispensation allows a Councillor to take part in council business when they have a disclosable pecuniary interest.
4. 3. Section 31(4) of the Localism Act 2011 states that a dispensation may allow a Councillor to:
 - a. participate, or participate further, in any discussion of the matter at the meeting(s) and/or
 - b. participate in any vote, or further vote, taken on the matter at the meeting(s).
5. If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is taking place and if the dispensation allows, they may also vote.

Who can grant a dispensation?

6. The Monitoring Officer as the proper officer would take on responsibility for granting dispensations.

enables the proper officer to grant these dispensations and for a period of up to four years. To also align with the already adopted Member Code of Conduct.

Circumstances in which the Monitoring Officer can grant a dispensation

7. The following are the circumstances in which the Monitoring Officer can grant a dispensation:

a. That so many members of the decision making body have disclosable pecuniary interests in a matter that it would “impede the transaction of the business”.

b. That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the likely outcome of any vote on the matter;

c. That the authority considers the dispensation is in the interests of persons living in the authority’s area;

d. That, without the dispensation, no member of the Cabinet would be able to

participate on this matter; or

e. That the authority considers that it is otherwise appropriate to grant a dispensation.

Process for applying for a dispensation

8. A Councillor must submit a written request using the dispensation request form, to request a dispensation to the Monitoring.

9. The dispensation request form must be sent to the Monitoring Officer 5 days prior to the meeting at which the dispensation is required, setting out the Councillors reasons for applying for a dispensation.

10. Only the Councillor can submit the request, they should not ask somebody else to do it on their behalf.

Procedures for granting a dispensation

11. The Monitoring Officer will consider a request.

Period of the dispensation

12. A dispensation, when granted, must specify the period for which it has effect, and the period specified may not exceed four years and may not extend beyond the Councillor's term of office. It will often be appropriate for a dispensation to expire with the Councillor's current term of office.

Issues to consider before deciding to grant a dispensation

13. In reaching a decision on whether to grant a dispensation the Monitoring Officer will take into account:

- a. The nature of the Councillor's pecuniary interest, other registerable interest and non-registerable interest;
- b. The need to maintain public confidence in the conduct of the council's business;
- c. The possible outcome of the proposed vote;
- d. The need for efficient and effective conduct of the council's business;
- e. Any other relevant circumstances.

14. The following are some examples that should be considered before deciding to grant a dispensation.

Is the nature of the Councillor's interest such that allowing them to participate would damage public confidence in the conduct of the council's business?

15. For instance, it is unlikely that it would be appropriate to grant a dispensation to a councillor who has a disclosable pecuniary interest arising as a result of an effect on their personal financial position, for example through their employment.

16. The adverse public perception of the personal benefit to the councillor would probably outweigh any public interest in maintaining the political balance of the

	<p>committee making the decision. This is especially true where a council has well established processes for members on committees to be substituted by members from the same political party.</p> <p>Is the participation of the Councillor in the business that the interest relates to justified by the member's particular role or expertise?</p> <p>18. For instance, a Councillor might have a contract with the authority and have particular expertise that the council would benefit from in making its decision.</p> <p>19. Therefore it may be appropriate for that Councillor to address the decision-making body before leaving the room whilst the debate and voting take place. This would mean that the body would have the benefit of the member's expertise before making a decision which would benefit it financially.</p> <p>After the decision has been made</p> <p>20. The Monitoring Officer will retain a copy of the decision with the Councillor's register of interests.</p>									
<p>Chapter 6 Appendix 7a</p>	<table border="1"> <tr> <td data-bbox="432 1081 1010 1122">Your name</td> <td data-bbox="1010 1081 1551 1122"></td> </tr> <tr> <td data-bbox="432 1122 1010 1232">The business for which you require a dispensation (refer to agenda item number if known)</td> <td data-bbox="1010 1122 1551 1232"></td> </tr> <tr> <td data-bbox="432 1232 1010 1343">Details of your interest in that business (continue on a separate sheet if necessary)</td> <td data-bbox="1010 1232 1551 1343"></td> </tr> <tr> <td data-bbox="432 1343 1010 1421">Date of meeting or time period for which you are seeking a Dispensation</td> <td data-bbox="1010 1343 1551 1421"></td> </tr> </table>	Your name		The business for which you require a dispensation (refer to agenda item number if known)		Details of your interest in that business (continue on a separate sheet if necessary)		Date of meeting or time period for which you are seeking a Dispensation		<p>To provide a form to make dispensation requests</p>
Your name										
The business for which you require a dispensation (refer to agenda item number if known)										
Details of your interest in that business (continue on a separate sheet if necessary)										
Date of meeting or time period for which you are seeking a Dispensation										

Tick one of the following:

- One meeting only
- Dates of relevant meetings
- Up to four years (A dispensation cannot extend beyond the term of your office)

Tick one of the following:

- I require a dispensation to participate, or participate further, in any discussion of the business, or

- I require a dispensation to participate in any vote, or further vote, taken on that business

Reason(s) for requiring a dispensation

Tick one or more of the following boxes relating to paragraphs from S.33 of the Localism Act:

- 33a) without the dispensation the number of persons unable to participate in the transaction of business would be so great as to impede the transaction of the business;
- 33b) without the dispensation the representation of different political groups would be affected so as to alter the likely outcome of any vote;
- 33c) the dispensation is in the interests of persons living in the authority's area;
- 33d) that, without the dispensation, no member of the Cabinet would be able to participate on the matter;
- 33e) that it is otherwise appropriate to grant a dispensation.

Reason:

Part 6 Appendix 7a:

DISPENSATION REQUEST FORM

	Signed: _____ Date: _____	
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