

Reference	Subject	Raised by	Proposed change and reason for proposed change. Changes show <u>underlined inclusion or removal scored out.</u>
Section 4.8.20(d)	Members not being heard/ leave the meeting.	MO/ DMO	<p>If a vote has been taken on a Member not being heard under 4.8.20(c) and carried, a motion may be moved that the Member leaves the meeting or that the meeting is adjourned. It is proposed to amend 4.8.20(d) to allow the Council meeting to alternatively continue and to treat/ act as if the Member who has been subject to a vote under 4.8.20(d), who fails to leave the meeting, to be treated as though they have left the meeting (i.e. not to be heard further or for their vote to be counted).</p> <p>Wording of 4.8.20(d) to read: <i>“(d) Member to Leave the Meeting If the Member continues to behave improperly after such a motion not to be heard further is carried, a motion may be moved that either the Member leaves the meeting or that the meeting is adjourned for a specified period. <u>If seconded, the motion will be voted on without debate. If after such a vote to leave or adjourn has been passed and the Member fails to remove him/ herself from the meeting, the Member shall be treated as though s/he has left the meeting (and shall not be heard further or have their vote counted for the remainder of the meeting). <u>If the presence of that member would prejudice the council’s interests the Chairman may suspend the meeting</u>”</u></i></p> <p><u>Reason:</u> This is to cover previous issues that have arisen at Council meetings when a Member refused to leave after an adjournment. There is potential for dealing with this more formally, however, this would appear more appropriate/ less time consuming and hopefully more effective.</p>
New Standing order 4.8.20 (e)	Members with a DPI/ or a Declarable Interest that is so significant that the Member should not participate and should leave the meeting. Introduction of requirement under the Standing Orders/ process to deal with.	MO/DMO	<p>Introduction of new Council procedure rule (Standing Order) requiring Members with a DPI or Declarable Interest not to participate in a meeting:</p> <p>New rule to read: <i>“If a Member attends a Meeting, where any business of the meeting relates to or is likely to affect that Member’s Disclosable Pecuniary Interest * (DPI) or a Declarable Interest which in the latter case is so significant (both as described in the NHDC Code of Conduct), then the Member: (i) must not participate in any discussion on that item of business; (ii) must not vote on that item of business; (iii) must retire from the Meeting, until the discussion and vote on that item</i></p>

			<p><i>of business has taken place.</i> <i>In the event that the Member with an Interest as described does not abide by Rule 4.8.20(e), the Chairman shall follow the procedure under 4.8.20 (c) and (if required) 4.8.20(d).</i></p> <p><i>*without a dispensation from the Monitoring Officer.*</i></p> <p><u>Reason:</u> To marry up the provisions in the Code of Conduct and strengthen the Council/ Chairman’s remit for dealing with conduct that potentially breaches the NHDC Code of Conduct.</p>
4.4.1(v)	To authorise the acquisition of land or buildings where the purchase price, premium or initial rent (after the expiry of any rent free period) exceeds £1,000,000;	HoPS/CFO/ MO	<p>Remit of Council to authorise to be required if £2.5 million/ above.</p> <p><u>Reason:</u> To reflect increase in property values and transactions since this financial remit was last updated in June 2008¹ and to mirror the financial remit for Council for disposals of land or buildings at 4.4.1(u).</p>
4.8.24	To make appropriate amendments to the application of the Council’s standing order application in respect of Employment Panels.	DMO	<p>If 10.3/10.4 below approved to make consequential amendments to the application of the Panel.</p> <p><u>Reason:</u> To ensure appropriate Standing Orders apply to an IP only Panel.</p>
5.6.20	To approve the purchase or appropriation of land and buildings where the sale price, premium or initial rent (after the expiry of any rent free period) exceeds £250,000 and does not exceed £2,500,000.	HoPS/CFO/ MO	<p>Remit of Cabinet to approve increased from £1 million to £2.5 million.</p> <p><u>Reason:</u> As above (save Cabinet financial remit for disposal that is mirrored is at 5.6.21).</p>

¹ Effective from July 2008

<p>Section 7.2, 7.2.1.</p>	<p>Standard Committee composition</p>	<p>Annual Council 19.5.16</p> <p>Leader/ MO</p>	<p>Composition of directly appointed Councillors to be increased to 12 plus a maximum of 2 Parish Councillors. Executive membership under 7.2.1 to increase to from 1 to 4.</p> <p>7.4.1 Quorum shall be four voting Members (previously 3).</p> <p><u>Reasons:</u> Increase in size of Committee: as per Annual Council (19.5.16) Agenda Item 12, 2.3, the composition is to be set out as per the resolution: <i>“That the size of the Standards Committee be increased from 8 to 12 District Council Members (comprising 8 Conservatives, 3 Labour and 1 Liberal Democrat), and that the Democratic Service Manager be instructed to appoint the additional Members of the Committee (3 Conservatives and 1 Labour) following nominations to these positions from the Political Group Leaders.”</i></p> <p>Increased executive membership: there is no longer a legal restriction on the numbers of Executive Members that may sit on the Standards Committee² and increased Executive membership within the 12 members assists with the leadership’s promotion of good standards and the Council’s duty under s27 Localism Act (LA) 2011.</p> <p>Increased quorum to reflect increased size of Committee.</p>
<p>7.5.11</p>	<p>Standards Committee terms of reference</p>	<p>MO/ DMOs/ IP</p>	<p>To include remit to the Committee to amend arrangements.</p> <p>Wording of 7.5.11 to read:</p> <p><i>“to maintain oversight review and approve of the Council’s arrangements for dealing with complaints about Member conduct (subject to: minor amendments delegated to the Monitoring Officer in consultation with the Independent Person);”</i></p>

² The original restrictions were under s53 LGA 2000 & Regulations 2008 No. 1085. The 2008 Regulations provided specific detail on the composition of the Standards Committee. PART 2, Regulation 4 (1) stipulated that “An authority must ensure that—(b) where it is operating executive arrangements under Part 2 of the Act, only one member of its standards committee is a member of the executive.” The LA 2011 removed the requirement for a “Standards Committee” as named - so long as a Committee had these functions this meets the requirements. The restrictions on executive membership of such a Committee under s53 LGA 2000 were revoked by the LA 2011 Sch 25(5) para 1; and the 2008/ 1085 Regulations were repealed in November 2012 – so these no longer apply.

			<p><u>Reason:</u> It has now been 5 years since the new regime has been in place and the (newly enlarged) Standards Committee is the appropriate forum to debate and approve changes to the complaints arrangements. Delegation from previous Council resolution now also included (from Full Council 12.7.12).</p>
<p>10.3 & 10.4</p>	<p>Amending Employment Committee membership</p>	<p>LGA</p>	<p>To amend the Employment Committee terms of Membership and remit to reflect the legislative requirements and now the LGA JNC recommendations as set / or to be set out in the Chief Executives Handbook.</p> <p>Delete 10.3.1(b) and make this a new s102(4) “committee”/ Panel.</p> <p>Amend 10.3.4 (d) to read: <i>“(d) To consider any alleged misconduct and take any necessary disciplinary action against the Chief Executive, the Monitoring Officer, the Chief Finance Officer or the Strategic Directors in accordance with the Officer Employment Procedure Rules (as applicable to the Officers concerned). If following consideration of the matter the Committee concludes that a ‘relevant officer’ should be dismissed then this will be referred to the Employment Panel for consideration and potential recommendation of dismissal to Full Council. When considering whether to recommend to Council the dismissal of a relevant officer, 10.2.1(a) and (b) shall apply. The remit of that meeting this Committee will include whether to recommend issuing a notice of dismissal of a ‘relevant officer’ for disciplinary reasons to the Employment Panel or deciding whether to impose all other disciplinary action including except dismissal (unless reserved to Full Council).</i></p> <p>10.3.5 By recommendation to Council: <i>(a) The appointment and dismissal of the Head of Paid Service (Chief Executive), Chief Finance Officer or Monitoring Officer prior to any offer or notice notice being issued.</i></p> <p><i>(b) <u>The dismissal of the Head of Paid Service (Chief Executive), Chief Finance Officer or Monitoring Officer prior to any notice being issued (for all non-disciplinary reasons).</u></i>”</p> <p>10.4 changed from Joint Staff Consultative Committee (this to become 10.5). Amended wording for IP Employment Panel proposed below:</p>

			<p>“10.4 Employment Panel:</p> <p><i>10.4.1 Membership Two Independent Persons, comprising of the appointed Independent Person and Reserve Independent Person.</i></p> <p><i>10.4.2 Quorum The quorum for a meeting of the Committee shall be two (2).</i></p> <p><i>10.4.3 Meetings As called for by the Proper Officer, convened to consider whether to recommend to Council the dismissal of a ‘relevant officer’ as per 12.8.7 – 12.8.14 of the Officer Employment Procedure Rules. When sitting for this purpose the Committee shall be considered a Panel as defined by The Local Authorities (Standing Orders) (England)(Amendment) Regulations 2015.</i></p> <p><i>10.4.4 Terms of reference: (a) To consider any alleged misconduct and recommendation for dismissal from the Employment Committee against a ‘relevant officer’ in accordance with the Officer Employment Procedure Rules. The remit of that meeting will include whether to agree with any prior recommendation to dismiss and recommend issuing a notice of dismissal of that ‘relevant officer’ to Full Council.”</i></p> <p>*12.8.7 to amend reference from Employment Committee to “Employment Panel”</p> <p><u>Reasons:</u> Joint Negotiating Committee for Chief Executives of Local Authorities – Circular 5 May 2016 (The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 - Panel should be a committee of the Council, appointed under section 102(4) of the Local Government Act 1972 and under LGA JNC circular is not to include elected Members. National application. To allow for greater independence of decision for IPs and meet anticipated contractual terms and conditions for relevant officers’ disciplinary action (where there is a proposal of dismissal following investigation).</p>
12.8.7	As above *		

<p>14.6.5(a) (viii):</p>	<p>Delegated authority in respect of documentation.</p>	<p>HoPS/ MO</p>	<p>Wording of 14.6.5(a) to read: <i>(viii) To decide, in consultation with the Monitoring Officer, upon Members' "need to know" and provide for access to information documents and to decline access where information a document is subject to legal privilege would be considered exempt (as defined under section 15.10.4)."</i></p> <p><u>Reason:</u> To reflect the overall categories of exempt information as defined by the Local Government Act 1972.</p>
<p>14.6.5(a) (xxi)</p>	<p>Delegated authority in respect of commercial activities.</p>	<p>MO</p>	<p>For the Chief Executive to have remit for overview of commercial activities/ ventures.</p> <p>New 14.6.5(a) (xxi) wording to include: <i>"To maintain an overview of the Council's commercial activities/ ventures."</i></p> <p><u>Reason:</u> To reflect the Council's commercialisation activities and future developments.</p>
<p>14.6.9</p>	<p>(c) (d) amendment to MO delegated authority</p>	<p>HoPS/ CFO/ MO</p>	<p>Amend (c)(d) as unclear duplication and include in (c) delegated authority to undertake minor amendments to Governance Policies/ Protocols/ Codes, that fall within the remit of the Monitoring Officer and/ or Legal Services (and are not already covered in the Constitutional amendments delegation).</p> <p>14.6.9 (c) to read: <i>"To authorise changes to the <u>Governance related Policies/ Protocols/ Codes or Guidance (as the case may be) Constitution that fall within the remit of the Monitoring Officer and/ or Legal Services (and are not already delegated by 14.6.9(d)) to reflect decisions of the Council / Committees and the Cabinet, or minor ones relating to changes of fact and law, or if required for practical purposes, in order to ensure the proper administration of the Council, subject to regular notification to all members of such changes."</u></i></p> <p>(d) delete "consequential" & change "Executive" to "Cabinet"</p> <p><u>Reasons:</u> (c) To provide a clearer remit on delegated authority of the MO/ CLM. (d) Unnecessary & to marry up Cabinet reference.</p>

Contract Procurement Rules Part B,	Index numbers and headings.	DMO	Indexation should reflect updated CPR. Was missing 32/33.
Contract Procurement Rules Part B, Part J, 34 Glossary of Terms	Glossary of Terms to clarify price or value remit.	CFO	<p>Glossary to include a definition of price or value.</p> <p>Definition to state: <i>“Price or value is the total cost or value of a contract, or transaction net of any tax or incidental fees. Note: a decision can be made up to the price or value as set out in the constitution (Parts A & B), notwithstanding that additional tax (for example VAT/ SDLT)/ or fees (for example land registration) may then apply.”</i></p> <p><u>Reason:</u> To ensure it is clear that such financial decisions are exclusive of tax/ or incidental fees, which would ordinarily be dealt with by legal as part of the transaction (or post contract purchase) in any event.</p>
Contract Procurement Rules Part B, Part 35	Part 35- Key Contacts details.	DMO	<p>To be updated to reflect staff changes.</p> <p><u>Reason:</u> Due to staff changes in procurement and legal.</p>
Financial Regulations Part B Section 20 8.6.3(i) (b)	Virements between budget heads	HoFPAM	<p>8.6.3(i)(b) to read: <i>“All repairs & maintenance budget expenditure <u>for land and buildings</u> should either be managed by Property Services or agreed-confirmed with Property Services. <u>Relevant works to “land” under this heading refers to works affecting mechanical and electrical services or utilities.</u>”</i></p> <p><u>Reason:</u> Undertaken under delegated authority of the Strategic Director of Finance, Policy and Governance 3 December 2015 under 16.6.7 a(vi).</p>

<p>Financial Regulations Part B Section C, paragraphs 3.4, 3.4.1, 4.1.1, 4.1.2, 4.2, 4.2.1, 4.2.4, 4.3.1, 4.3.2, 4.3.3, 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.7 (2 references), Appendix 1.10.</p>	<p>Performance and Risk Manager</p>	<p>HoFPAM</p>	<p>To remove reference to the Performance and Risk Manager, and change reference to Head of Finance, Performance & Asset Management.</p> <p><u>Reason:</u> The Council no longer has a Performance and Risk Manager. The references change to the Head, and this will be sub delegated in due course as per the internal scheme of delegation within the service area by the Head under section 14.6.2(c).</p>
<p>Financial Regulations Part B Section A, 4, 6.3</p>		<p>DMO</p>	<p>Delete from third bullet point: <i>“The full council is responsible for approving the annual statement of accounts.”</i></p> <p><u>Reason:</u> The Finance, Audit & Risk Committee can legally and has delegated authority to approve the statement of accounts.</p>

Key:

- HoPS – Head of Paid Service (Chief Executive)
- CFO – Chief Finance officer (Strategic Director of Finance, Policy & Governance)
- MO – Monitoring Officer
- CLM – Corporate Legal Manager
- DMO – Deputy MO (Senior Lawyer)
- HoFPAM – Head of Finance, Performance & Asset Management
- IP – The Independent Person / Deputy Independent Person appointed under s28(7) Localism Act 2011.
- LGA - Local Government Association