

# Public Document Pack



**North East  
Derbyshire  
District Council**

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Date: Thursday, 15 April 2021

To: **All Members of the Council**

You are summoned to attend the annual meeting of the Council to be held on **Monday, 26 April 2021 at 3.00 pm.** Access credentials to the meeting will be sent to you under separate cover. The public parts of the meeting will be streamed from the Council's website on its 'You Tube' channel.

Group meetings will be arranged, where necessary, by the Group Leaders.

### Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual. I would encourage you all to attend virtually. Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

### Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V13
- Mill Lane Coronavirus Control Measures V8

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely



**Joint Head of Corporate Governance and Monitoring Officer**

## **A G E N D A**

### **1 Election of Chair of the Council**

To elect the Chair of the Council for the 2021/22 municipal year.

### **2 Address of Gratitude to Members by the Newly Elected Chair of Council**

The newly elected Chair of the Council will thank Members and explain their charitable and other priorities for the municipal year.

### **3 Address of Gratitude to the Outgoing Chair of Council**

Thanks will be given to the outgoing Chair of the Council for her fundraising events during the 2020/21 municipal year.

### **4 Apologies for Absence**

### **5 Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interests, not already on their register of interests, in any items on the agenda and withdraw from the meeting at the appropriate time.

### **6 Minutes of Last Meeting (Pages 4 - 9)**

To approve as a correct record and the Chair to sign the attached Minutes of the Council meeting held on 8 March 2021.

### **7 Election of Vice Chair of the Council**

To appoint the Vice Chair of Council for the 2021/22 municipal year.

### **8 Appointment of Civic Chaplain**

### **9 Appointment of Civic Cadets**

### **10 Appointment of Cabinet - TO FOLLOW**

The Leader will announce Cabinet for the 2021/22 municipal year.

### **11 Appointments to Committees and Advisory Groups/Proportionality - TO FOLLOW**

To decide on the appointment of Members to Committees and Advisory Groups for the 2021/22 municipal year. The attached document sets out the nominations received to-date

**12 Appointments of Chairs and Vice Chairs - TO FOLLOW**

To decide on the appointment of Committee Chairs and Vice-Chairs for the 2021/22 municipal year. The attached document sets out the nominations received to-date.

**13 Scheme of Delegation - TO FOLLOW**

**14 Review of the Council's Constitution - TO FOLLOW**

Report of the Joint Head of Corporate Governance and Monitoring Officer

**15 Appointments to Outside Bodies - TO FOLLOW**

The document identifies those bodies to which the Council may appoint and the number of seats available on each body

**16 Operation of Urgency Rules and Thresholds for Key Decisions (Pages 10 - 14)**

In accordance with the Council Procedure Rules, the Annual Meeting is required to set thresholds for Key Decisions. The attached document sets out the existing arrangements for adoption.

**17 Chair's Urgent Business**

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



***We speak  
your language***

Polish

***Mówimy Twoim językiem***

French

***Nous parlons votre langue***

Spanish

***Hablamos su  
idioma***

Slovak

***Rozprávame Vaším  
jazykom***

Chinese

***我们会说你的语言***

If you require  
this agenda in  
**large print**

or another  
format  
please call  
us on

**01246  
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## COUNCIL

### MINUTES OF MEETING HELD ON MONDAY, 8 MARCH 2021

#### **Present:**

Councillor Pat Antcliff (Chair) (in the Chair)  
Councillor Martin E Thacker MBE JP (Vice-Chair)

Councillor Nigel Barker	Councillor Jayne Barry
Councillor William Armitage	Councillor Joseph Birkin
Councillor Kevin Bone	Councillor Patricia Bone
Councillor Stephen Clough	Councillor Andrew Cooper
Councillor Suzy Cornwell	Councillor Charlotte Cupit
Councillor Alex Dale	Councillor Lilian Deighton
Councillor Peter Elliott	Councillor Michelle Emmens
Councillor Angelique Foster	Councillor Mark Foster
Councillor John Funnell	Councillor Roger Hall
Councillor David Hancock	Councillor Anthony Hutchinson
Councillor Maggie Jones	Councillor Jeremy Kenyon
Councillor Pat Kerry	Councillor Barry Lewis
Councillor Heather Liggett	Councillor Gerry Morley
Councillor Paul Parkin	Councillor Stephen Pickering
Councillor Maureen Potts	Councillor Alan Powell
Councillor Tracy Reader	Councillor Oscar Gomez Reaney
Councillor Carolyn Renwick	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Diana Ruff
Councillor Ross Shipman	Councillor Lee Stone
Councillor Kevin Tait	Councillor Richard Welton
Councillor Nick Whitehead	Councillor Brian Wright
Councillor Philip Wright	

#### **Also Present:**

G Callingham	Director of Growth and Economic Development
K Hanson	Joint Director of Environment and Enforcement
L Hickin	Joint Director of Corporate Resources and Head of Paid Service
J Dethick	Head of Finance and Resources, Section 151 Officer
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
S Gordon	HR & OD Manager
N Calver	Governance Manager
M E Derbyshire	Members ICT & Training Officer
A Maher	Senior Governance Officer
A Bond	Governance Officer

#### **COU/102 Apologies for Absence /20-21**

Apologies for absence had been received from Councillors L Hartshorne, E Hill, P Holmes, C Huckerby, J Ridgway and P Windley.

**COU/103** **Declarations of Interest**  
**/20-21**

Councillor H Liggett declared an interest in Item 8, Annual Pay Policy Statement 2021-22, as the spouse of a Council employee. She intended to remain in the meeting during Council's consideration and determination on this matter.

**COU/104** **Minutes of Last Meeting**  
**/20-21**

RESOLVED – That the minutes of the Council meeting, held on 11 February 2021, be approved as a true record, subject to clarification on Minute: **COU/100/20-21**. Council had agreed that a letter be sent to former Councillor Clive Hunt, thanking him for the valuable contribution which he had made to the Council and wishing him well for the future (by acclamation).

**COU/105** **Chair's Announcements (if any)**  
**/20-21**

The Chair of the Council made no announcements.

**COU/106** **Leader's Announcements**  
**/20-21**

The Leader of the Council, Councillor A Dale, expressed his thanks to all those who had helped reduce the spread of the Coronavirus (Covid-19) in the District, by observing social distancing guidance and the lockdown restrictions. He explained that as a consequence of this effort, North East Derbyshire now had one of the lowest infection rates in the County and was significantly below the national average. He urged everyone to continue to play their part in preventing the spread of the virus, so that infection rates could be reduced still further.

Councillor A Dale highlighted the ongoing support which the Council had given to the NHS during the Coronavirus (Covid-19) outbreak. He praised the work of the Sharley Park and other vaccination centres in the District, highlighting the positive reaction which they had received from local communities and their success in vaccinating so many people. In this context, Council was informed that more than 350,000 people across Derbyshire had now received their first vaccination treatment. Council welcomed this.

The Leader of the Council offered his thanks and congratulations to the Clay Cross Town Board, and those officers supporting it, for their successful application to the Government's Town Fund programme. Council heard that they had been awarded more than £24M from the programme. This funding would now be used to help implement the 'Clay Cross Town Investment Plan'. He believed that such substantial grant aid would benefit local communities and businesses in Clay Cross and also North East Derbyshire as a whole.

Council A Dale praised the action taken by the Council to ensure that the household waste recycling service in the District continued to operate, with minimal disruption, after the former contractor went into administration. He emphasised that by taking this action the Council had not only protected the service, but also the jobs of those who delivered it.

The Leader of the Council explained that additional funding had been secured from the Green Homes Scheme. This would contribute to the extensive

improvements planned for 320 Council properties in the District. These improvements would benefit tenants, reduce carbon emissions and help to tackle locally the Climate Emergency.

Finally, the Leader of the Council thanked Members and officers for their support to the Chair of the Council and especially their support for her charitable appeals, Alzheimer's Research UK and the National Deaf Children's Society.

RESOLVED – That Council noted the announcements of the Leader of the Council, Councillor A Dale (by acclamation).

**COU/107** **Public Participation**  
**/20-21**

No questions had been submitted by the public.

**COU/108** **Level of Council Tax 2021/22**  
**/20-21**

The Portfolio Holder for Finance, Councillor P Parkin, reminded Members that under the Localism Act 2011 the Council was responsible for calculating the total Council Tax requirement for the North East Derbyshire area. This calculation included the requirements of the other preceptors as well as those of the Council. The other preceptors were Derbyshire County Council, the Derbyshire Police Authority, the Derbyshire Fire Authority and the Parish Councils within the District.

Members discussed the report. They heard about the way in which the Council Tax requirement had been calculated. They were also informed about the Council Tax collection rates during the current financial year and how, despite the impact of the Coronavirus (Covid-19) outbreak, these had remained high.

Councillor P Parkin and Councillor W Armitage moved and seconded the recommendation as set out in the report. As required by law the motion was put to a recorded vote and was carried

For the motion (45):

Councillors P Wright, B Wright, N Whitehead, R Welton, M Thacker, K Tait, L Stone, R Shipman, D Ruff, K Rouse, M Roe, C Renwick, T Reader, A Powell, M Potts, S Pickering, P Parkin, G Morley, H Liggett, B Lewis, P Kerry, J Kenyon, M Jones, A Hutchinson, D Hancock, R Hall, O Gomez Reaney, J Funnell, M Foster, A Foster, M Emmens, P Elliot, L Deighton, A Dale, C Cupit, S Cornwell, A Cooper, S Clough, P Bone, K Bone, J Birkin, J Barry, N Barker, W Armitage and P Antcliff

No Members voted against the Motion and no Members abstained.

RESOLVED

That Council formally approved the Council Tax for the Financial Year 2021/22, as set out in the report.

**COU/109** **Annual Pay Policy Statement 2021-22**  
**/20-21**

The Portfolio Holder for Finance, Councillor P Parkin, reminded Council of its obligation under the Localism Act 2011 to publish annually a Pay Policy Statement, setting out its policy for both senior managers and other employees. Members heard how this annual statement also included a range of specific organisational information, which the Council was required to publish under the Local Government Transparency Code 2015. This organisational information included service organisation structures, the grading of senior staff, and the salary ratio between the highest paid employees and the median (average) pay.

Members discussed the Pay Policy Statement. They reflected on the restructure of the Council's Senior Management, which had taken place in 2020. They noted the significant savings which the Senior Management restructure had achieved and how these savings continued to be monitored.

Councillor M Foster and Councillor A Dale moved and seconded the recommendation as set out in the report. The motion was put to the vote and was carried.

RESOLVED - That Council supported the Annual Pay Policy Statement 2021/22.

**COU/110** **Agile Working Policy**  
**/20-21**

The report to Council asked Members to support the Agile Working Policy. This had been developed in conjunction with service managers and Trade Unions. In this context, the Council Joint Consultative Group (CJCG) had endorsed the Agile Working Policy and agreed that it be recommended to Council for approval.

Councillor M Foster and Councillor A Dale moved and seconded the recommendation as set out in the report.

Members were reminded by the Portfolio Holder for Council Services, Councillor M Foster, of how Services had made widespread use of Agile Working during the Coronavirus (Covid-19) outbreak. This was partially a response to the social distancing rules which had been put in place, but also because Agile Working had enabled the Council to meet the needs of local communities in difficult, circumstances. He explained that by adopting the Policy, Council would be able to build on what had already been achieved through Agile Working, so that it could continue to successfully adapt and meet the challenges facing it.

Council discussed the Policy. Cllr D Hancock felt that it ought to be amended. He argued that following consultation by management about Agile Working proposals, employees should be able to decide if they did not want to work from home. He highlighted the possible personal, financial and health reasons why they might not want to do this.

In response, the Portfolio Holder stressed that this provision would be implemented in line with the supportive approach to staff, which characterised the Policy as a whole. Councillor M Foster, reiterated his belief that the Policy, as proposed, would enable the Council to work in new and more flexible ways

through the sensitive use of Agile Working and so should be supported.

During the discussion, Councillor N Barker suggested that the Agile Working Policy be reviewed annually. He believed that an annual review would make it easier to assess the impact of the Policy on staff. He also asked that the aims of the Policy be clarified, to emphasise that in promoting a culture of agile working, the Council supported fully employee wellbeing. Both of these suggestions were agreed. The Organisation and Development Manager was asked to make the necessary changes to the Policy text.

Councillor D Hancock and Councillor R Shipman moved and seconded an amendment to the motion supporting the Policy, subject to a revision that would allow employees to decline home working, if they so wished.

The amendment was put to the vote and was defeated.

The substantive motion, as moved and seconded by Councillor M Foster and Councillor A Dale, was then put to the vote and was approved.

RESOLVED – That Council supported the implementation of the Agile Working Policy.

**COU/111 /20-21 Calendar of Meetings 2021/22**

Council considered the proposed calendar of meetings for the 2021-22 municipal year. Members heard that changes might be required to the suggested dates for some meetings. Members also heard about the ongoing impact of the Coronavirus (Covid 19) outbreak. They noted that any alterations to scheduled meetings, as a result of legislation relating to the virus outbreak, would be made by the Governance Manager. She would make these changes in consultation with the relevant Chairs.

Councillor A Dale and W Armitage moved and seconded the recommendations as set out in the report. The motion was put to the vote and was carried.

RESOLVED –

- (1) That Council noted the Calendar of Meetings for the 2021-22 municipal year, as appended to the report;
- (2) That Council delegated authority to the Governance Manager, following consultation with the Chairs of the relevant Committees / Working Groups to amend the Calendar of Meetings 2021/22 as and when required, in accordance with the regulations of the Coronavirus Act 2020 or any subsequent applicable legislation.

**COU/112 /20-21 To answer any questions from Members asked under Procedure Rule No 9.2**

No questions had been submitted by Members.

**COU/113** **To consider any Motions from Members under Procedure Rule No 10**  
**/20-21**

No Motions had been submitted by Members.

**COU/114** **Chair's Urgent Business**  
**/20-21**

There was no urgent business.

## North East Derbyshire District Council

### Annual Council

26 April 2020

#### **Operation of Urgency Rules and Thresholds for Key Decisions**

#### **Report of the Joint Head of Corporate Governance & Monitoring Officer**

Classification: This report is public

Report By: Sarah Sternberg

Contact Officer: Nicola Calver

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#### **PURPOSE / SUMMARY**

- The purpose of this report is to:
    - (a) Advise of Key Decisions taken under statutory Special Urgency Rules in the past 12 months.
    - (b) Advise of decisions taken under Urgency Rules within the Council's Scrutiny Rules (this is where call in provisions are waived as the decision is urgent and cannot be reasonably deferred).
    - (c) Set the Key Decisions threshold for the forthcoming year in line with the constitutional requirement at Annual Council Meetings.
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#### **RECOMMENDATIONS**

That Council:

- (a) Notes that no decisions have been taken over the past 12 months under Special Urgency rules
- (b) Notes the no decisions taken over the past 12 months under Urgency provisions in the Council's Scrutiny Rules.
- (c) Agrees that the financial thresholds for Key Decisions be maintained at £100,000 (Revenue) and £250,000 (Capital).

Approved by the Portfolio Holder - Yes

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## IMPLICATIONS

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**Finance and Risk:**      Yes       No

**Details:**

[Click here to enter text.](#)

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**      Yes       No

**Details:**

[Click here to enter text.](#)

On Behalf of the Solicitor to the Council

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**Staffing:**      Yes       No

**Details:**

[Click here to enter text.](#)

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>BDC:</b> <b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet / Executive</b> <input type="checkbox"/> <b>SAMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input checked="" type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Ward Members

<b>Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>
All

## REPORT DETAILS

### 1 **Background** *(reasons for bringing the report)*

1.1 A Key Decision is an executive (i.e. Cabinet or officer) decision which is likely to:

- Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Be significant in terms of its effects on communities living or working in an area comprising two or more wards within the District.

In determining the meaning of "significant" the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council has decided that income or expenditure of £100,000 or more and Capital expenditure of £250,000 or more is significant.

- 1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that all Key Decisions must be published at least 28 days prior to being made. Where this is not possible the decision may still be made so long as there is compliance with General Exception provisions. This involves informing the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) and publishing a notice five days prior to making the decision outlining the reasons why compliance with the requirements is not possible.
- 1.3 Where it is impractical to comply with the General Exception rules, a Key Decision may only be taken in cases of Special Urgency. This is where the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) agrees that the decision is urgent and cannot be reasonably deferred. Again, the Council must publish a notice setting out the reasons why the decision is urgent and cannot be reasonably deferred.
- 1.4 The Leader is required to submit, at least on an annual basis, a report setting out those decisions where Special Urgency rules have been used. The report must cover the period since the last report was issued and contain details of the decisions that were made. Since the last such report to Council, no Key Decisions have been taken using Special Urgency rules.
- 1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months, no decisions have been taken using urgency provisions to waive Call In.
- 1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The current thresholds for key decisions, which are recommended to continue, are as follows:
  - Revenue Income, Savings or Expenditure - £100,000
  - Capital Income or Expenditure - £250,000

## **2. Details of Proposal or Information**

- 2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and set the Key Decision financial thresholds.

**3 Reasons for Recommendation**

2.1 To fulfil a statutory duty to report Key Decisions taken under Special Urgency rules and separate constitutional duties to report decisions where call-in has been waived and set the Key Decision financial thresholds.

**4 Alternative Options and Reasons for Rejection**

4.1 None.

**DOCUMENT INFORMATION**

Appendix No	Title
None	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None	