

Public Document Pack



**North East
Derbyshire
District Council**

Contact: Nicola Calver
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Email: nicola.calver@ne-derbyshire.gov.uk
Date: Friday, 2 July 2021

To: **All Members of the Council**

You are summoned to attend a meeting of the Council to be held on **Monday, 12 July 2021 at 3.00 pm in the Killamarsh Sports Centre, Stanley Street, Killamarsh S21 1EL.**

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

If you attend this meeting then you will be deemed to have understood and accepted the need to follow the appropriate Social Distancing and Health and Safety measures for the meeting. These will be explained to Members and all others attending the Meeting upon their arrival at Killamarsh Sports Centre.

As part of the Social Distancing and Health and Safety measures, a maximum of **ten** members of the public can attend this meeting at any one time. In order to ensure this, you will be required to register your interest to attend and in particular, if you wish to attend for a specific item. The arrangements for this are explained below.

Yours sincerely

A handwritten signature in black ink, reading "Sarah Steuberg".

Joint Head of Corporate Governance and Monitoring Officer

TO MEMBERS OF THE PUBLIC WISHING TO ATTEND THE MEETING

If you would like to attend this meeting then please contact: Nicola Calver 01246 217553 to register your request.

Health and Safety Measures

- This meeting will be held fully in person, as such the venue has been assessed for capacity in order to arrange safety of all present.
- Social distancing will be observed at all times.
- All members of the Public attending the meeting as asked to wear a face covering (unless exempt) for the duration of the meeting.
- Members of the Council will be permitted to remove masks when seated in order to effectively engage in the meeting.
- Speakers will be permitted to remove masks when addressing the Committee.

- One way systems will be used to assist in social distancing.
- The room will be well ventilated in accordance with risk assessments.
- Hand sanitiser will be available for all to use and the room and equipment will be sanitised between sittings.

Equality and Diversity

- A hearing loop may not be available for this meeting.
- If an elected member, or public attendee requires the team to make reasonable adjustments to enable them to participate/access the meeting, please contact Nicola Calver at least 3 days in advance of the meeting to discuss how we may assist.
- An audio recording of the meeting will be taken and uploaded retrospectively to the Council's website.

A G E N D A

1 Apologies for Absence

2 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.

3 Minutes of Last Meeting (Pages 8 - 22)

To approve as a correct record and the Chair to sign the Minutes of the Annual Council and Business Council meetings held on 26 April 2021.

4 Chair's Announcements (if any)

To receive any announcements that the Chair may wish to make at this meeting and lead the Council in a two minute silence to honour NHS, Social Care and Frontline Workers Day.

5 Leader's Announcements

To receive any announcements the Leader may wish to make at the meeting.

6 Public Participation

In accordance with Council Procedure Rule No 8 to allow members of the public to ask questions about the Council's activities for a period up to fifteen minutes. The replies to any such questions will be given by the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

The following questions had been received from members of the public.

(a) **Question submitted by Becky Turner to Councillor Jeremy Kenyon**

The UK will host a COP26 in Glasgow this November. The conference aims to accelerate action to prevent climate change. The UK government has committed to work with multiple partners to inspire climate action ahead of COP.

What will NEDDC be doing to inspire climate action ahead of COP in our region?

(b) **Question submitted by Mrs Thoday to Councillor Jeremy Kenyon**

I was saddened to hear that on 26th April a motion proposed by Cllr Reader that this Council support the Climate and Ecological Emergency (CEE Bill) was rejected.

Some of the reasons in the debate for rejecting the motion seems to centre around achieving net zero carbon emissions. In actual act the Bill does not specify net zero target dates. What the Bill does is to set out a framework within which policies would be developed to ensure the UK takes responsibility for its fair share of greenhouse gas emissions under current legally binding commitments.

The Government's own Climate Change Committee published two progress reports this month, showing the UK is lagging behind on its key goals. The Chief Executive of the Committee said *"Government strategy on cutting emissions has been late and what has come has almost all been too little"*.

Although many people choose to ignore the facts, we all know the consequences of doing too little are potentially horrifying for all future generations.

Would you be prepared to review the CEE Bill in detail and the Climate Change Committee's report and then to encourage this Council to reconsider a motion to support the CEE Bill?

(c) **Question submitted by Brian Lever to Councillor Jeremy Kenyon**

I appreciate that the District Council is making changes to limit its own carbon emissions. I also appreciate that the environmental impact of District Council's own activities is only a tiny fraction of the total impact of the activities of all the District's residents and businesses.

We all know from personal experience that the biodiversity of our planet is rapidly collapsing, and that if the collapse is not halted this will quickly result in worldwide crop failure and famine. Also, science tells us that without very rapid moves to zero carbon humanity everywhere will "reap the whirlwind of floods, storms and drought" within very few generations. We are on a "war footing" in the battle against extinction.

Does Councillor Kenyon and the Council as a whole therefore appreciate that lifestyles and human behaviour everywhere must change rapidly, and that District Councils everywhere are uniquely

placed to encourage and enable their own constituents to adopt eco-friendly behaviour? If so does he and the Council as a whole also agree that in this battle against climate change and biodiversity loss, greatly increased and frequent consultation with the public is key to achieving agreement on the changes needed.

Will they set up a regularly meeting (preferably monthly, given the urgency of the crisis) NE Derbyshire Citizen's Panel on Climate and Ecology?

7 New Code of Conduct for Councillors (Pages 23 - 47)

Report of the Head of Corporate Governance & Monitoring Officer

8 Political Balance and Amendments to Committees (Pages 48 - 51)

Report of the Head of Corporate Governance and Monitoring Officer

9 Decisions made under Emergency Delegated Powers (Pages 52 - 58)

Report of the Head of Corporate Governance and Monitoring Officer.

10 Scrutiny Committees Annual Report (Pages 59 - 69)

Report of the Chairs of Scrutiny Committees 2020-21

11 Environmental Health & Covid Support Update - TO FOLLOW

Report of Councillor C Cupit, Portfolio Holder for Environmental Services

12 To answer any questions from Members asked under Procedure Rule No 9.2

In accordance with Council Procedure Rule No 9.2 to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

No questions have been submitted under Procedure Rule No 9.2 for this meeting.

13 To consider any Motions from Members under Procedure Rule No 10

In accordance with Council Procedure Rule No 10 to consider Motions on notice from Members. Motions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

The following Motions had been received from Members.

(a) Motion submitted by Councillor R Shipman

Council notes:

- In July 2019, North East Derbyshire District Council declared a

Climate Emergency and adopted its Climate Action Plan.

- The Council is tracking its carbon emissions throughout the organisation.
- The Council aimed to reduce its carbon emissions by 100 tonnes CO2 in 20-21 and 300 tonnes CO2 in 22-23.

Council Resolves:

- To publish on the Council website a method statement on how it's calculating its carbon emissions.
- To publish the total carbon emissions of the organisation on a quarterly basis.

(b) Motion submitted by Councillor N Barker

This Council notes:

- The powerful evidence which demonstrates the link between people's homes and their health, wellbeing and life chances.
- That the COVID-19 emergency has reinforced the need for healthy environments which provide space for recreation, children's play and walkable streets.
- That well-designed homes that meet all our citizens' needs over their lifetimes can radically reduce costs to NHS and social care budgets.
- That people have a basic right to live in environments free from unacceptable pollution.
- That homes must be affordable to heat and built to zero carbon standards.
- That current government policy to deregulate planning is creating thousands of substandard homes through conversion of existing buildings into homes, without planning permission.
- That this council is determined to create the highest quality places for residents which will be a fitting legacy for future generations.

This council agrees to:

1. Adopt the Healthy Homes Principles. That includes ensuring:
 - all new homes must be safe in relation to the risk of fire;
 - all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space;
 - all new homes must secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008; 14 January 2021
 - all new homes must be built to design out crime and be secure;
2. Review all policies, processes and procedures to ensure that new homes meet the requirements of the Healthy Homes Principles. Present an action plan by December 2021 detailing how the council will deliver on the requirements of the principles.
3. Review the corporate plan to ensure the healthy homes principles are a priority.

4. Make the principles an integral part of activity throughout the council, including all decision making on housing and planning.

14 Exclusion of Public

The Chair to move:-

That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 2 & 3, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

15 Kerbside Waste Recycling Service (Pages 70 - 87)

Report of Councillor C Cupit, Portfolio Holder for Environmental Services
(Paragraphs 1, 2 & 3)

16 Housing Strategy & Economic Development Services Restructure (Pages 88 - 94)

Report of Councillor C Renwick, Portfolio Holder for Economic Growth
(Paragraphs 1, 2 & 3)

17 Killamarsh Sports Centre Refurbishment (Pages 95 - 115)

Report of Councillor J Kenyon, Portfolio Holder Leisure, Transformation and Climate Change.
(Paragraph 3)

18 Senior Management Review - TO FOLLOW

Report of Councillor A Dale, Leader of the Council
(Paragraphs 1, 2 & 3)

19 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
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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.

ANNUAL COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 26 APRIL 2021

Present:

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

Councillor Nigel Barker	Councillor William Armitage
Councillor Joseph Birkin	Councillor Stephen Clough
Councillor Andrew Cooper	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 Lee Hartshorne
Councillor Ann Holmes	Councillor Anthony Hutchinson
Councillor Maggie Jones	Councillor Pat Kerry
Councillor Barry Lewis	Councillor Heather Liggett
Councillor Jeff Lilley	Councillor Paul Parkin
Councillor Stephen Pickering	Councillor Maureen Potts
Councillor Alan Powell	Councillor Tracy Reader
Councillor Oscar Gomez Reaney	Councillor Carolyn Renwick
Councillor Jacqueline Ridgway	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 Pam Windley
Councillor Brian Wright	Councillor Philip Wright

Also Present:

K Apps	Head of Economic Growth, Regeneration & Housing Delivery
M E Derbyshire	Members ICT & Training Officer
N Calver	Governance Manager
J Dethick	Head of Finance and Resources, Section 151 Officer
K Hanson	Joint Director of Environment and Enforcement
L Hickin	Joint Director of Corporate Resources and Head of Paid Service
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
D Stanton	Governance Officer
M Handley	Strategic Sites Project Manager

Council observed a two minute silence in memory of HRH Prince Philip the Duke of Edinburgh, former Consort Stuart Huckerby, and former District Councillor Frank Taylor.

Following the two minute silence, Councillor M E Thacker MBE informed Council of the message he received from North East Derbyshire's twinning partners the Landkreis of Darmstadt-Dieburg who paid tribute to HRH Prince Philip the Duke of Edinburgh. Tributes were also paid to former Councillor Frank Taylor and former Consort Stuart Huckerby

who had both sadly passed away. Council offered its sincere condolences to Councillor Carol Huckerby and family.

COU Election of Chair of the Council

/1/21

-22 One nomination was received for the position of Chair of the Council for the 2021/22 Municipal Year.

Councillor Alex Dale spoke to Council in support of his proposal for Councillor M E Thacker MBE to be duly elected as Chair of the Council for the ensuing Municipal Year. Councillor C Cupit seconded his proposal.

RESOLVED – That Councillor M E Thacker MBE be elected Chair of the Council for the 2021/22 Municipal Year.

COU Address of Gratitude to Members by the Newly Elected Chair of Council

/2/21

-22 Councillor M E Thacker MBE spoke to Council thanking Members and the Leader and Deputy Leader for their kind words and signed the Declaration of Acceptance of Office.

Council heard about the strength of the Office of Council Chairman, and how it had the power to bring communities together. The Chair assured Members that he would carry out the role with diligence.

The Chair informed Council that through his Charity appeal he would be supporting Ashgate Hospicecare. Members heard that Ashgate Hospice provided specialist palliative and end of life care, supporting adults and their families across North East Derbyshire.

Members noted that the Chair would be launching a talent competition with a chance to win a cash prize, trophy and the opportunity to perform at a Chesterfield FC match day at the Technique Stadium. Tickets for a grand prize draw would also be going on sale with a chance to win some unique prizes.

The Chair looked forward to the upcoming Municipal Year and thanked Members for placing their trust in him.

COU Address of Gratitude to the Outgoing Chair of Council

/3/21

-22 The Chair for the previous Municipal Year, Councillor P Antcliff, was presented with a past Chair's badge and an album, recording her year in office.

Councillor M E Thacker MBE thanked Councillor P Antcliff for the grace and dignity she had shown throughout her time as First Citizen of the District, especially given the challenging circumstances of taking office during a Pandemic.

The Leader of the Council, Councillor A Dale, echoed the Chair's words and congratulated Councillor P Antcliff on the money she had raised for her charity appeal.

The Leader of the Opposition, Councillor N Barker, and Councillors H Liggett and D Ruff also thanked the former Chair for her hard work and determination during a difficult year.

Councillor P Antcliff thanked Members for their kind words and explained that although the year had been challenging, it had been a great honour to have been Chair of the Council. Council heard that nearly £4,000 had been raised in support of her charity appeal to benefit Alzheimer's Research and the Deaf Children's Society.

Councillor P Antcliff gave her best wishes to the Chair of Council for the 2021/2022 Municipal Year, Councillor M E Thacker MBE.

COU Apologies for Absence

/4/21

-22 Apologies for absence had been received from Councillors J Barry, S Cornwell, B Hill, C D Huckerby and J Kenyon.

COU Declarations of Interest

/5/21

-22 Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations of interest were made at this meeting.

COU Minutes of Last Meeting

/6/21

-22 RESOLVED - That the Minutes of the meeting of Council held on 8 March 2021 be approved as a correct record and signed by the Chair, subject to a clarification that Councillor J Lilley attended the meeting on 8 March 2021.

COU Election of Vice Chair of the Council

/7/21

-22 Two nominations had been received for the position of Vice Chair of the Council for the 2021-2022 Municipal Year.

Councillor A Dale spoke to Council in support of his nomination for Councillor D Ruff. This was seconded by Councillor C Cupit.

Councillor N Barker also spoke to Council in support of his nomination for Councillor B Hill. This was seconded by Councillor T Reader.

RESOLVED – That Councillor D Ruff be appointed Vice Chair of the Council for the 2021-2022 Municipal Year.

COU **Appointment of Civic Chaplain**

/8/21

-22

Council heard that the traditional role of the Civic Chaplain was to offer spiritual, pastoral, moral support and guidance to the Council Chair, Councillors and employees. In resurrecting the role, the intention was to ask the Chaplain to assist at times of celebration, mourning and local or national reflection.

Reverend Nick Green of St John's Church, Walton spoke to Members about the honour and privilege that had been bestowed upon him as the Council's Civic Chaplain, and signed the declaration of office.

COU **Appointment of Civic Cadets**

/9/21

-22

The Chair informed Members that Cadet Oliver Bates and Cadet 1st Class Lilly Wright, had been appointed as the Council's Civic Cadets for the Municipal Year 2021/22.

COU **Appointment of Cabinet**

/10/2

1-22

The Leader advised Council of the Cabinet Members and their Portfolios for the forthcoming Municipal Year. This was confirmed as:

Councillor A Dale

Leader and Portfolio Holder for Overall Strategic Leadership

Councillor C Cupit

Deputy Leader and Portfolio Holder for Environmental Services

Councillor M Foster

Portfolio Holder for Council Services

Councillor J Kenyon

Portfolio Holder for Leisure, Transformation and Climate Change

Councillor P Parkin

Portfolio Holder for Finance

Councillor A Powell

Portfolio Holder for Housing, Communities and Communications

Councillor C Renwick

Portfolio Holder for Economic Growth

RESOLVED – That Council notes the Cabinet for the 2021/2022 Municipal Year.

COU **Appointments to Committees and Advisory Groups/Proportionality**

/11/2

1-22

A list of appointments to Committee and Advisory Groups had been circulated.

RESOLVED – That the Council approves the appointment of Members to Committee and Advisory Groups for the 2021/2022 Municipal Year.

COU **Appointments of Chairs and Vice Chairs**

/12/2

1-22 A list of appointments of Chairs and Vice Chairs of Committees had been circulated by the Majority Group. Councillor A Dale proposed and Councillor C Cupit seconded the nominations.

Councillor N Barker proposed two amendments to the nominations. This was to appoint Councillor P Kerry as Vice Chair of the Standards Committee and Councillor K Rouse as Vice Chair of Planning Committee. This was seconded by Councillor T Reader.

On being put to a vote, the amendments were defeated.

RESOLVED – That the Chairs and Vice Chairs for Committees as circulated by the Majority Group for the 2021/2022 Municipal Year be approved.

COU **Scheme of Delegation**

/13/2

1-22 Members considered a report of the Joint Head of Corporate Governance and Monitoring Officer, requesting for Council to approve the Scheme of Delegation as outlined in Part 3 of the Council's Constitution.

The Monitoring Officer advised that it was a requirement under Council Procedure Rule 1.1 of the Council's Constitution that the Annual Meeting agreed the Scheme of Delegation. The Scheme also outlined proper officer provisions.

RESOLVED – That Council's Scheme of Delegation as set out in the Council's Constitution be approved.

COU **Review of the Council's Constitution**

/14/2

1-22 Council gave consideration to a report of the Joint Head of Corporate Governance and Monitoring Officer, detailing proposed amendments to the Council's Constitution as part of the annual review for adoption.

The Constitution was the Council's Rule Book, setting out how the Council operated and how it was to make its decisions. Council approved the latest version of the Constitution at the Annual Meeting in May 2020. Further, the Council was required by law to prepare and keep an up-to-date Constitution, and ensure that all procedures to be followed were efficient, transparent and accountable to local people.

Under the guidance of the Monitoring Officer, the Standards Committee had undertaken an annual review of the Constitution to ensure that it was up-to-date and in line with legislation. Each of the areas of review had been set out in detail, along with a rationale for the amendments proposed within Appendix 1 to the report and a track changes version of the Constitution detailing all amendments was attached to the report at Appendix 2.

Councillor J Birkin raised concerns in regards to the membership of the Clay Cross Town Board as outlined in the Terms of Reference. Due to the Chair's prior involvement with the Board, it was explained that the membership of the Board was set by National Government.

RESOLVED – That:-

- (1) The amendments to the Constitution detailed at Appendix 1 and set out in Appendix 2 be approved.
- (2) That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.

COU /15/2 **Appointments to Outside Bodies**

1-22

RESOLVED – That the appointments to outside bodies for 2021/2022 be approved.

COU /16/2 **Operation of Urgency Rules and Thresholds for Key Decisions**

1-22

Council considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which advised of Decisions taken under Special Urgency Rules in the past 12 months and the revised financial limits for the Key Decisions.

Council was required under legislation to report instances where Special Urgency Rules had been utilised in respect of Key Decisions. This was where it was impractical to give the requisite notice of Key Decisions before they were made.

Council noted that no decisions had been taken under Special Urgency Rules.

Council also had a constitutional requirement to advise of those occasions when it had taken decisions where call-in provisions had been waived. The Council had not taken any such decisions in the previous 12 months.

Council noted that it was a requirement at its Annual Meeting to review the thresholds for Key Decisions. The current thresholds for Key Decisions were recommended to continue and were as follows:-

- Revenue (income, savings or expenditure) £100,000;
- Capital (income or expenditure) £250,000.

RESOLVED – That Council:-

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

COU Chair's Urgent Business

/17/2

1-22

There was no Chair's urgent business to be considered at this Annual Council meeting.

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 26 APRIL 2021

Present:

Councillor Martin E Thacker MBE JP (Chair)
Councillor Diana Ruff (Vice-Chair)

Councillor Nigel Barker	Councillor Pat Antcliff
Councillor William Armitage	Councillor Joseph Birkin
Councillor Stephen Clough	Councillor Andrew Cooper
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 Lee Hartshorne	Councillor Anthony Hutchinson
Councillor Maggie Jones	Councillor Pat Kerry
Councillor Barry Lewis	Councillor Heather Liggett
Councillor Jeff Lilley	Councillor Paul Parkin
Councillor Stephen Pickering	Councillor Maureen Potts
Councillor Alan Powell	Councillor Tracy Reader
Councillor Oscar Gomez Reaney	Councillor Carolyn Renwick
Councillor Jacqueline Ridgway	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Lee Stone	Councillor Kevin Tait
Councillor Richard Welton	Councillor Nick Whitehead
Councillor Pam Windley	Councillor Brian Wright
Councillor Philip Wright	

Also Present:

K Apps	Head of Economic Growth, Regeneration & Housing Delivery
M E Derbyshire	Members ICT & Training Officer
N Calver	Governance Manager
J Dethick	Head of Finance and Resources, Section 151 Officer
M Handley	Strategic Sites Project Manager
K Hanson	Joint Director of Environment and Enforcement
L Hickin	Joint Director of Corporate Resources and Head of Paid Service
S Sternberg	Joint Head Of Service - Corporate Governance & Monitoring Officer
D Stanton	Governance Officer

COU Apologies for Absence

/18/2

1-22 Apologies for absence had been received from Councillors J Barry, C Cornwell, B Hill, C D Huckerby, P Holmes and J Kenyon.

COU Declarations of Interest

/19/2

1-22 Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No declarations of interest were made at this meeting.

COU Public Participation

/20/2

1-22 In accordance with Council Procedure Rule No 8 members of the public were allowed to ask questions about the Council's activities for a period of up to 15 minutes. The replies to any such questions will be given by the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

No questions from the public had been submitted.

COU Joint Whistleblowing Policy

/21/2

1-22 Council considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which provided an annual update to Members on use of the Joint Whistleblowing Policy.

Members heard that the Whistleblowing Policy had been reviewed in February 2021, and no changes were recommended other than housekeeping amendments which were outlined in Appendix 1. Council noted that no instances of Whistleblowing had been made since the 2020 Annual Review of the Policy.

RESOLVED – That Council:-

- (1) Agrees the current Joint Whistleblowing Policy is fit for purpose; and
- (2) Note that no instances of Whistleblowing have been made since the 2020 Annual Review of the Joint Whistleblowing Policy.
(Monitoring Officer)

COU Growth Strategy

/22/2

1-22 The Portfolio Holder for Economic Growth, Councillor C Renwick, presented a report which outlined the North East Derbyshire Draft Growth Strategy 2021-2024.

Council heard that the strategy recognised the importance of economic growth to the overall wellbeing and prosperity of the District. There were a number of priority areas which included employment and skills, the visitor economy, and town centre regeneration.

Councillor N Barker was supportive of the Strategy, and argued that some of the work had been initiated by the previous administration.

The Leader of the Council, Councillor A Dale congratulated Councillor C Renwick and officers on the Strategy. He stated that it was a comprehensive document that covered all aspects of growth in the District, and that previous Strategies had focused on growth in respect of housing.

Councillor A Hutchinson also thanked the Portfolio Holder for Economic Growth for her work in producing the Strategy, and that it set a prosperous vision for North East Derbyshire and its residents.

Councillor J Birkin enquired about consultancy costs and what could be done to involve local universities.

Councillor J Funnell considered the costs of the Growth Strategy and how funding was going to be delivered.

Councillor R Shipman commented that the Strategy contained little in regards to the environment.

RESOLVED –

- (1) That Council notes the contents of the report.
- (2) That Council note the North East Derbyshire Growth Strategy 2021-2024.
- (3) That Council note that delegated authority has given to the Director of Growth and Economic Development to make none substantive amendments to the documents in consultation with the Portfolio holder for Economic Development subject to approval at Cabinet on the 22nd April 2021.

(Director of Growth and Economic Development)

At this point, Councillor P Elliott left the meeting.

COU Independent Person Recruitment

**/23/2
1-22**

Council considered a report of the Joint Head of Corporate Governance and Monitoring Officer that advised Members of the outcome of the recent recruitment exercise and appoint Amanda Orchard and David Richardson to the position of Independent Persons to assist the Standards process for a period of four years.

Members noted that the Monitoring Officer was of the opinion that an additional two Independent Persons were required, and that the additions would add resilience and flexibility to the Standards process. Council heard that a letter of thanks would be sent to Stuart Hooton who had stated his intention to resign.

RESOLVED – That Council agrees to appoint Amanda Orchard and David Richardson as Independent Persons to assist with the Standards process until the end of May 2024.

(Monitoring Officer)

At this point, Councillor P Elliott returned to the meeting.

COU To answer any questions from Members asked under Procedure Rule No 9.2

/24/2

1-22

In accordance with Council Procedure Rule No 9.2 to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or the appropriate Cabinet Member. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

No questions had been submitted under Procedure Rule No 9.2 for this meeting.

COU To consider any Motions from Members under Procedure Rule No 10

/25/2

1-22

In accordance with Council Procedure Rule No 10 to consider Motions on notice from Members. Motions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

Three motions had been submitted, however motion A had been withdrawn.

Motion submitted by Councillor D Hancock

“Council notes that:

- *According to the Indices of Multiple Deprivation, 30.2% on North East Derbyshire live in some form of poverty;*
- *According to the Office of Budget Responsibility, unemployment has more than tripled during the coronavirus pandemic, with this figure likely to rise;*
- *Results from a Finnish trial of Universal Basic Income (UBI) in 2017-18 showed improvements in employment and wellbeing for the group who participated;*
- *A network of UBI Labs has been set up and works with local authorities across the UK developing UBI proposals to address poverty, inequality, discrimination and environmental damage, long-term and immediately, in relation to coronavirus.*

Council believes that:

- *This year more than any other has shown that when unexpected events take place, the precarious nature of low-paid, insecure employment is a major fault-line in the resilience of our economy;*
- *A UBI could help alleviate poverty, opening the door to opportunities that might otherwise be out of reach, and liberate people from the anxiety of job insecurity through a monthly income regardless of employment status, wealth, or marital status;*
- *A UBI will prevent the need for short term emergency financial supports in moments of crisis, such as a pandemic or financial crash;*
- *There are many potential benefits to a UBI including:-*
 - *More flexible workforce and greater freedom to change jobs;*

- o *Supporting a caring economy to value unpaid work;*
 - o *Removing the negative impacts of means testing, benefit sanctions and conditionality;*
 - o *Enabling greater opportunities for people to work in community and cultural activities or to train or reskill in areas that will be needed to transition to a lower-carbon economy*
- *This is the right time to trial Universal Basic Income.*

Council resolves to:

- *Write to the Secretary of State for Work and Pensions, and the Chancellor of the Exchequer, calling for a fully evaluated and fully-funded trial of basic income in our district, as a result of the effects of the Covid pandemic;*
- *Work with other local authorities to help test UBI in Derbyshire.”*

Members considered the motion submitted by Councillor D Hancock in respect of poverty in the District.

Council had a wide ranging debate on the motion, in particular, the merits of a Universal Basic Income (UBI) trial in North East Derbyshire.

The Leader of the Council, Councillor A Dale, spoke against the motion and argued that the concept of UBI was imbalanced as public money should be reserved for those who need it most, not provided irrespective of wealth. Council heard that the scheme would be costly and add to the national debt at a time when public finances were under significant strain. Councillor A Dale argued that the Government had offered generous support to people and their families during the Pandemic. The Leader of the Council also questioned the effectiveness of UBI, referring to a number of trials that had found it to be of little benefit.

Councillor N Barker supported the motion, the principle of a Universal Basic Income, and considered that a trial would be worthwhile.

Councillor R Shipman reiterated that it would be a trial and would benefit the poorest whilst driving economic growth.

Councillors B Lewis and C Renwick also spoke against the motion, arguing that it would fail to help the poorest and be unaffordable in Derbyshire especially given the impact of the Pandemic on the economy. Council heard that the Government had provided a crucial safety net through financial support and Universal Credit.

Councillor R Shipman seconded the motion.

On being put to a vote, the motion was defeated.

Motion submitted by T Reader

“Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1 degree Celsius from pre-industrial levels. Atmospheric CO2 levels are above 400 parts per million (ppm) and continue to rise. This far exceeds the 350 ppm deemed to be a safe level for humanity.

Without more significant and sustained action, the world is set to exceed the Paris Agreement's 1.5°C limit between 2030 and 2040. Therefore the current UK target of net zero by 2050 is not satisfactory. It is too little too late.

The increase in harm caused by a rise of 2°C rather than 1.5°C is significant. This is described by the Intergovernmental Panel on Climate Change's Special Report on Global Warming of 1.5°C published in October 2018. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities. The costs of failing to address this crisis will far outstrip the investments required to prevent it. Investing now will bring many benefits in the form of good jobs, breathable cities and thriving communities.

Council notes that:

- *This Council has declared a climate and ecological emergency;*
- *There is a Bill before Parliament—the Climate and Ecological Emergency Bill (published as the “Climate and Ecology Bill”)—according to which the Government must develop an emergency strategy that:*
 - a. *requires that the UK plays its fair and proper role in reducing greenhouse gas emissions consistent with limiting global temperature increase to 1.5 degrees C above pre-industrial temperatures;*
 - b. *ensures that all the UK's consumption emissions are accounted for;*
 - c. *includes emissions from aviation and shipping;*
 - d. *protects and restores biodiverse habitats along overseas supply chains;*
 - e. *restores and regenerates the UK's depleted soils, wildlife habitats and species populations to healthy and robust states, maximising their capacity to absorb CO2 and their resistance to climate heating;*
 - f. *sets up an independent Citizens' Assembly, representative of the UK's population, to engage with Parliament and Government and help develop the emergency strategy.*

Council therefore resolves to:

- *Support the Climate and Ecological Emergency Bill;*
- *Inform the local media of this decision;*
- *Write to local MPs, asking them to support the Bill.”*

Members considered the motion submitted by Councillor T Reader in regards to climate change.

Council discussed the impacts of climate change, and the carbon reduction targets set by Government. Councillor S Pickering spoke in support of the motion, urging the Council to pressure Government to move more quickly. Councillor R Shipman urged the Council to listen and consult with residents on their views to the climate emergency that had previously been declared by Council.

At this point, Councillor N Whitehead left the meeting.

Councillor B Lewis spoke against the motion arguing that the Government's targets were based on robust evidence.

Councillor O Gomez Reaney encouraged Council to vote against the motion and to instead engage and support local actions that would reduce the District's carbon footprint.

Councillor M Jones seconded the motion.

Councillors T Reader, S Pickering and N Barker requested a recorded vote.

On being put to a vote, the motion was defeated.

For – (16)

Councillors N Barker, A Cooper, J Funnell, D Hancock, L Hartshorne, M Jones, P Kerry, J Lilley, S Pickering, T Reader, J Ridgway, R Shipman, L Stone, P Windley, B Wright.

Against – (26)

P Antcliff, W Armitage, S Clough, C Cupit, A Dale, L Deighton, P Elliott, M Emmens, A Foster, M Foster, O Gomez Reaney, R Hall, A Hutchinson, B Lewis, H Liggett, P Parkin, M Potts, A Powell, C Renwick, M Roe, K Rouse, D Ruff, K Tait, M E Thacker MBE, R Welton, P Wright.

COU Exclusion of Public

/26/2

1-22 The Chair to move:-

That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 2 & 3, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006). [The category of exempt information is stated after each item].

COU Councillor Dispensation

/27/2

1-22 Council passed on its best wishes and support to Councillor C Huckerby and her family.

RESOLVED – That:-

- (1) Councillor Carol Huckerby is granted a six month dispensation, commencing on Monday 26 April 2021 and expiring on Tuesday 26 October 2021; and
- (2) Council requests for Councillor Huckerby to be informed of Council's decision on this matter.

(Paragraphs 1, 2 & 3)
(Monitoring Officer)

COU Senior Management Review - To Follow

/28/2

1-22 Council was updated on the Senior Management Review and that the Review was still in progress following a period of consultation. Cabinet at North East

Derbyshire District Council and Executive at Bolsover District Council were due to consider the response of the consultation. A further update would be provided to Council in due course.

RESOLVED – That the update be noted.

(Paragraph 2)
(Leader of the Council)

COU Chair's Urgent Business

/29/2

1-22 There was no urgent business discussed at this meeting of Council.

North East Derbyshire District Council

Council

12 July 2021

New Code of Conduct for Councillors

Report of the Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Sarah Sternberg, Monitoring Officer
01246 242414, sarah.sternberg@bolsover.gov.uk

PURPOSE / SUMMARY

To present for approval a new Code of Conduct for Councillors based on the new Local Government Association Model Code as recommended for adoption by the Standards Committee.

RECOMMENDATIONS

1. That the Council consider and adopt the new Code of Conduct for Councillors as recommended by the Standards Committee;
 2. That Members note that a presentation will be given at the next available meeting of Council detailing the Code to offer all attendees essential training and awareness of the content therein; and
 3. That Members note Standards Committee's request that all Parish and Town Councils be contacted recommending that they adopt the Local Government Association Model Code of Conduct for Councillors.
-

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

There are no financial consequences of adopting a new Code of Conduct for Councillors

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

The Council is required to have a Code of Conduct for Councillors by the Localism Act 2011. The Local Government Association has produced a model Code following the recommendations of the Committee for Standards in public life. The Council must therefore consider the model and it is good practice to adopt the model as amended to meet the council's circumstances. The model does not introduce any areas that are not currently part of the Code of Conduct either explicitly or implicitly. Rather it clarifies the expectations in relation to the conduct of Councillors in carrying out their role.

On Behalf of the Solicitor to the Council

Staffing:

Yes ☐

No ☒

Details:

There are no additional staffing issues resulting from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	N/A
District Wards Significantly Affected	All indirectly through the behaviour of Councillors representing them.
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	All Members will be consulted at Council when the draft Code is presented following Standards Committee

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
This is an ethics issue covering the behaviour of all Councillors.

REPORT DETAILS

1 Background

- 1.1 As Members may be aware, following the recommendations of the Committee for Standards in Public Life, the Local Government Association has produced a model Code of Conduct for Councillors.
- 1.2 The model code has been considered in detail by the Standards Committee and a new draft Code for North East Derbyshire Councillors, was considered by the NEDDC Standards Committee at its meeting on 30 June 2021.

- 1.3 At that meeting, the Standards Committee made a recommendation to Council to adopt the draft Code. The Committee also considered that training should be undertaken on the new Code of Conduct for Councillors at a meeting of Council. It is suggested that, due to the limitations of the venue for the meeting of Council on 12th July, this would take place at a future meeting.
- 1.4 The Monitoring Officer, and the Standards Committee, are obligated to publicise the adoption of a new Code to the Parish and Town Councils in the North East Derbyshire Council area and recommend it to each for adoption.

2. Details of Proposal or Information

- 2.1 Members are invited to consider and, if appropriate, approve the Code, which will be published within the 2021 Constitution.
- 2.2 In considering the draft Code for your approval, Members should be aware that in its current form which follows the LGA model:

- There is no provision for the declaration of an interest that is not significant. The interest is declarable or it is not. If it is declarable the Councillor must leave the meeting following declaration.

This is different from the current Code which splits the non-statutory interests into “Other Interests” where the Councillor can declare stay speak and vote and “Significant Other Interests” where the Councillor would declare and leave the meeting. This allows Councillors to make colleagues and the public aware of a connection which doesn’t amount to a conflict of interest meaning that the Councillor should not take part and should leave the meeting. This aids the transparency of Councillors’ interests and enables Councillors to tell the public and have it recorded that there is a connection which doesn’t amount to a conflict of interest.

Members should consider whether they wish this to be reinstated in the new Code.

- Provision will need to be made for the granting of dispensations. This is included in the current Code and has therefore been added to the draft.
- The current Code includes reference to Councillors’ obligation to attend Essential Training which is missing from the LGA model. The current Code includes a requirement to attend essential training as listed in an appendix to the code. This has been included in the draft.

Members need to confirm if they are happy with this.

- The Current Code contains an explanation of Predetermination or Bias. This has also been included in the Code.
- Members of the Standards Committee were asked to identify any other matters which they feel should be included in the Code.

- 2.3 The Local Government Association (LGA) will undertake an annual review of their model Code to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the

application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

- 2.4 In relation to training, a session has been run recently in relation to the current Code of Conduct. This was reasonably well attended. However it is important that all District Councillors are informed of the contents of the new Code of Conduct for Councillors and are able to ask questions on its contents. One way of doing this is by doing a presentation to Council on the contents and it is recommended that this take place at a future meeting.
- 2.5 In relation to the Parish and Town Councils, it is suggested that the Chair of Standards Committee and the Monitoring Officer write to the Chairs of the Parish and Town Councils following adoption by the Council and recommend adoption of the North East Derbyshire District Council Code of Conduct for Councillors. This is particularly relevant where some Parish Councils have a code, the contents of which are solely the Nolan principles.

3 Reasons for Recommendation

- 3.1 To ensure that the District Council and Parish and Town Councils have a Code of Conduct for Councillors which follows best practice and that the Councils' ethics are beyond reproach.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternatives.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft North East Derbyshire District Council Code of Conduct for Councillors
Background Papers (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	

North East Derbyshire District Council

Code of Conduct for Councillors

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviours and responsibilities associated with the role. Each councillor's individual conduct affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed a Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance.

All councils are required to have a local Councillor Code of Conduct. This is North East Derbyshire's Code of Conduct for Councillors which is based on the LGA Model Councillor Code of Conduct. North East Derbyshire District Council will be referred to as "the District Council" throughout.

Definitions

For the purposes of this Code of Conduct, a "Councillor" means a member or co-opted member of North East Derbyshire District Council. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, North East Derbyshire District Council officers and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The use of support, training and mediation from the Monitoring Officer, the LGA and elsewhere is encouraged prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles. These are in Appendix A to this Code. This Code should be read in conjunction with these principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- You misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of Councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made to the Monitoring Officer against you. This may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat District Council employees, employees and representatives of partner organisations and those volunteering for the District Council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening, you are entitled to stop any conversation or interaction in person or online and report them to the District Council, the relevant social media provider or the Police. This also applies to fellow Councillors, where action could then be taken under the Councillor Code of Conduct, and District Council employees, where concerns should be raised in line with the District Council's Head of Paid Service in line with the District Council's Protocol for Councillor – officer relations which is in the District Council's Constitution and other employee policies.

2. Bullying, harassment and discrimination

As a Councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully

against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the District Council's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the District Council

As a Councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the District Council.

Officers work for the District Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a Councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice**

- provided that the third party agrees not to disclose the information to any other person; or**
- iv. the disclosure is:**
- 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the District Council; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities including the District Council must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. Councillors should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the District Council must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or the District Council into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other Councillors and/or the District Council and may lower the public's confidence in your or the District Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring the District Council into disrepute.

You are able to hold the District Council and fellow Councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the District Council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a Councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the District Council provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these

opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of District Council's resources and facilities

As a councillor:

7.1 I do not misuse District Council resources.

7.2 I will, when using the resources of the District Council or authorising their use by others:

- a. act in accordance with the District Council's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the District Council or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the District Council to assist you in carrying out your duties as a councillor.

Examples include:

- Office support
- Laptop and/or Ipad or other technology
- Stationery
- Transport
- Access to and use of District Council buildings and rooms.

These are given to you to help you carry out your role as a Councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the District Council's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by the District Council.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a Councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the District Council or its governance. If you do not understand or are concerned about the District Council's processes in handling a complaint you should raise this with the Monitoring Officer.

Protecting your reputation and the reputation of the District Council

9. Interests

As a Councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the District Council.

You need to register your interests so that the public, District Council employees and fellow Councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other Councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest (dpi) as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a Councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the District Council or from persons who may apply to the District Council for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 and where appropriate any with a value less than £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the District Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a Councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality

associated with your duties as a Councillor. If you are unsure, contact your Monitoring Officer for guidance.

11 Training

You must attend the essential training set out in **Appendix C** and any other training the Council may deem is required from time to time.

You must attend the training detailed above as soon as reasonably practicable:

- (a) after your election; and
- (b) after your re-election;
- (c) after your appointment to a relevant Committee or Sub-Committee; and (
- d) as required after changes in legislation, policy or procedure affecting the relevant Committee or Sub-Committee outlined above; and/or (
- e) as frequently as set out in Appendix C

You must attend training if you are instructed to do so by a Standards Hearing Sub-Committee. If you fail to do so after 3 months or having been offered training on two occasions the fact of your failure will be reported to the Committee.

12 Dispensations

The District Council may grant you a dispensation to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.

Requests for dispensation must be made, in writing to the Monitoring Officer, on one of the following grounds:

- 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.
- 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.
- That the District Council considers that the dispensation is in the interests of persons living in the Authority's area;
- That, without a dispensation, no member of the Cabinet would be able to participate in the matter; or
- That the District Council considers that it is otherwise appropriate to grant dispensation.

13 Pre determination or bias

Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life you should not be prohibited from participating in a decision in your political role as Member. However **do not** place yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When making a decision, **do** consider the matter with an open mind and on the contents before the meeting at which the decision is to be taken. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:

(a) the Head of Paid Service

(b) the Chief Finance Officer; or

(c) the Monitoring Officer,

where that officer is acting pursuant to his or her statutory duties. Members
Interests As a public figure, your pub

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office as a District Councillor you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in “The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012”. You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

“Disclosable Pecuniary Interest” (DPI) means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A ‘sensitive interest’ is an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
3. Where you have a ‘sensitive interest’ you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees, they will withhold the interest from the public register.

Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the Chamber or room where the meeting is being held unless you have been granted a dispensation. If it is a ‘sensitive interest’, you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a Disclosable Pecuniary Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if

members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative or close associate; or
 - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. [Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it]

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the

[Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012.](#)

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with
	councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council — (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.

Land and Property	Any beneficial interest in land which is within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer
Corporate tenancies	Any tenancy where (to the councillor's knowledge)— (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either— (i)) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were

* 'director' includes a member of the committee of management of an

industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Appendix C

Essential training

Training	Scope	Frequency
Planning Committee	<p>Planning legislation and case law. Local Plan policies. Procedures. Role on Planning Committee.</p> <p>Role of a Member of Local Planning Authority</p> <p>Planning Code of Good Practice</p> <p>Relationship to Members' Code of Conduct</p> <p>Development proposals and Interests under Members' Code of Conduct</p> <p>Fettering Discretion in the Planning Process</p> <p>Lobbying of and by Councillors</p> <p>Contact with applicants, developers and objectors</p> <p>Role of Officers</p> <p>Decision Making</p> <p>Public Speaking at Meetings</p> <p>Site Visits</p> <p>How to determine Planning Applications</p>	<p>Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.</p>
Licensing Committee and its Sub-Committees	<p>Licensing legislation, policies and procedures relevant to the remit of the Committee and its Sub-Committees.</p> <p>General Principles of each Act</p> <p>Role of Members</p> <p>Ward Member Role</p> <p>Licensing Objectives</p> <p>Determining Licensing Applications</p>	<p>Prior to sitting on the Committee or its Sub-Committees minimum of every 12 months.</p>
<p>Joint Employment and Appeals Committee and its Sub-Committees</p> <p>Employee Appeals Committee</p>	<p>Recruitment and selection.</p> <p>HR Legislation, policies and practice within the remit of the Committee and its Sub-Committee</p>	<p>Prior to sitting on the Committee or its Sub-Committee occasional refresher training may be given.</p>

Standards And its Sub-Committees	Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees	Prior to sitting on the Committee or its Sub-Committees minimum of every four years.
Code of Conduct / Ethical Governance	<p>Understanding of the Members' Code of Conduct and the governance of the Council.</p> <p>Responsibilities and role as a Councillor.</p> <p>Outline of Constitution</p> <p>Promoting and maintaining high standards of conduct by Members</p> <p>Code of Conduct (including Gifts and Hospitality)</p> <p>The Register of Interests</p> <p>Protocols</p> <p>Guidance</p> <p>Dispensations</p> <p>Political Publicity – rules</p> <p>Data Protection</p> <p>Freedom of Information</p>	At the point of election and on subsequent re-election(s)
Equalities and Diversity	To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.	After each election
Safeguarding	<p>To provide guidance and advice to elected Members on;</p> <ul style="list-style-type: none"> • roles and responsibilities in relation to safeguarding children and vulnerable adults and • how Members should raise any concerns and receive assurance about children and adults who may be at risk 	Every 2 years.

Lone Worker	Ensuring Members keep themselves safe	After election or re-election. Refresher (online) annually.
Fraud Awareness	To raise awareness of where fraud may occur in District Councils and what actions should be taken.	After each election and bi-annually thereafter
Chairperson (if appointed as a Chair)	To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.	Following initial appointment to position and subject to previous training or experience.
Audit Committee / Budget Scrutiny Committee	Understanding of Local Government Finances Legislation, case law, policies and procedures relevant to the remit of the Committee and its Sub-Committees	Prior to sitting on the Committee or its Sub-Committees minimum of every four years.

North East Derbyshire District Council

Council

12 July 2021

Appointments to Committees and Advisory Groups

Report of the Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Nicola Calver, Governance Manager 01246 127753
nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

- To make amendments to the appointment of Members to the Council's Committees and Advisory Groups for the 2021/22 Municipal Year following a change to the Council's political groups affecting proportionality (by-election).
-

RECOMMENDATIONS

1. That the Council agrees the allocation of seats of Committees as detailed in Appendix 1 is in accordance with the political balance rules following the outcome of the By-Election on 6th May 2021;
2. That the appointment to Committees be agreed as set out in Appendix 2 and verbally updated in the meeting.

Approved by the Leader of the Council

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

The Council is required to decide the allocation of seats to political groups in accordance with the Political Balance requirements of section 15 of the Local Government and Housing Act 1989.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐

No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Group Leaders

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

Good Governance

REPORT DETAILS

1 Background

- 1.1 In line with the provisions within the Council's constitution, the Annual Meeting of Council is required to:
 - Decide the allocation of seats to political groups in accordance with the Political Balance rules.
- 1.2 The Annual Council meeting for 2021 was brought forward to enable virtual attendance during the coronavirus pandemic and was held in advance of the May 2021 by-elections. Three district council seats were being contested.
- 1.3 The political balance was agreed at the meeting of Council on 16th November 2020 and reaffirmed at the Annual Meeting on 26th April 2021, with the caveat that this was reviewed at the next available Council meeting after the by-election.

2. Details of Proposal or Information

- 2.1 Political Groups are requested to nominate Members to serve on Committees and Advisory Groups (as set out in **Appendix 2**) with effect from 12 July 2021 for the 2021/22 Council year.
- 2.2 The Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. The Advisory Groups are not subject to the political balance requirements.

3 Reasons for Recommendation

- 3.1 The report recommends that the allocation of Committee seats as set out in **Appendix 1** best meets the requirements of Section 15 of the Local Government and Housing Act as far as reasonable practicable.
- 3.2 Nominations received in advance of the meeting from Political Groups are detailed in **Appendix 2**.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council may make amendments to the nominations to committees within the proportionality agreed before and up to the discussion of this matter at the meeting.

DOCUMENT INFORMATION

Appendix No	Title
1	Proportionality on Committees (following the by-election) - TO FOLLOW
2	Appointments to Committee (as received at the date of publication) TO FOLLOW
Background Papers (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	

North East Derbyshire District Council

Council

12 July 2021

Decisions made under Emergency Delegated Powers

Report of the Head of Corporate Governance & Monitoring Officer

Classification: This report is public

Report By: Jayne Dethick, Head of Finance and Resources

Contact Officer: Jayne Dethick – 01246 217078
jayne.dethick@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To inform the Council of decisions that have been made under the Delegated Power to act in an emergency

RECOMMENDATIONS

- 1 That Council note the decisions made under emergency delegated powers
-

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input checked="" type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Click here to enter text. Details: Click here to enter text.

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
None directly

REPORT DETAILS

1 Background

- 1.1 The Council's Delegation Scheme grants the following power to the Head of Corporate Resources & Head of Paid Services:

To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will allow and, where applicable, inform the relevant Portfolio Holder. Any decisions taken under this paragraph shall be reported by the Director of Corporate Resources to the next meeting of Council explaining the reasons for the decision.

- 1.2 Section 47 of the Local Government and Finance Act 1988 provides local authorities to use their discretionary powers to provide grant relief. Therefore in order to deliver business restart grants provided by the Government a local scheme is required. The scheme directly reflects the government guidance issued in relation to restart grants. The delegated power was utilised to ensure that grants could be distributed to businesses in the district as quickly as possible to allow them to open safely in line with government guidelines. This was recorded in delegated decision DD-024-21-JD, a copy of which can be found at **Appendix 1**
- 1.3 An amendment to the policy for business rates retail discounts was also required to be able to apply the discounts to the 2021/22 bills. The delegated power was utilised to ensure that business rates bills for 2021/22 were issued in a timely manner with the discount included. This was recorded in delegated decision DD-025-21-JD, a copy of which can be found at **Appendix 2.**

2 Reasons for Recommendation

- 2.1 This report is for information

3. Alternative Options and Reasons for Rejection

- 3.1 There are no alternative options as the report is for the Committee's information only.

DOCUMENT INFORMATION

Appendix No	Title
1	Emergency Delegated Decision – Scheme for Business Restart grants in response to Coronavirus Government Guidance
2.	Emergency Delegated Decision – Amendment to Business Rates Discount scheme in response to Coronavirus Government Guidance
Background Papers (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)	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

RECORD OF DECISION TAKEN BY THE HEAD OF PAID SERVICE


07 April 2021

**Discretionary Reopening and Business Restart grants in response to Coronavirus
Government Guidance**

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Director of Corporate Resources and Head of Paid Service delegation:</p> <p>10.4 To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will. Any decisions taken under this paragraph shall be reported by the Director of Corporate Resources and Head of Paid Service to the next meeting of Council explaining the reasons for the decision.</p>	<p>To create a policy for:</p> <p><i>Discretionary Reopening Grant</i></p> <p><i>Business Restart Grant</i></p> <p>The schemes have been created in response to the government guidance issued</p> <p>The local schemes adopted in these policies directly reflects this.</p>	<p>Section 47 of the Local Government and Finance Act 1988 provides local authorities to use their discretionary powers to provide grant relief.</p> <p>A local scheme is therefore required to do so.</p>	<p>None. These policies have to be approved to be able to apply the Government's guidance in response to the latest round of Business Grants</p>	<p>None</p>

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature:  ...

Job title: .Head of Paid Service.....

Unique Reference Number: ..DD/024/21/JD.....

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

Circulation to:

Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

RECORD OF DECISION TAKEN BY THE HEAD OF PAID SERVICE


31 March 2021

Amendment to Retail Discount Policy in response to Coronavirus Government Guidance

Authority for decision	Decision	Reasons	Alternative options considered and rejected	Conflicts of interest and any dispensation
<p>Director of Corporate Resources and Head of Paid Service:</p> <p>10.4 To take such action as he/she considers appropriate in an emergency following consultation with the Leader and/or Deputy Leader as he/she considers the circumstances will. Any decisions taken under this paragraph shall be reported by the Director of Corporate Resources and Head of Paid Service to the next meeting of Council explaining the reasons for the decision.</p>	<p>To amend the current policy for retail discount as approved by Cabinet in March 2019 and amended March 2020.</p> <p>The scheme has been revised in response to government guidance issued on 3 March 2021.</p> <p>The local scheme adopted in this policy directly reflects this.</p>	<p>Section 47 of the Local Government and Finance Act 1988 provides local authorities to use their discretionary powers to provide grant relief.</p> <p>A local scheme is therefore required to do so.</p>	<p>None. This policy has to be approved to be able to apply the government's guidance in response to CV-19 Expanded Retail Discount</p>	<p>None</p>

Please complete the following where relevant:

Key Decision?	Confidential/ Exempt (if yes, please state paragraph)?	Do General Exception or Special Urgency Rules apply to this decision?	Consultation has taken place with the Section 151 & Monitoring Officer?	The Leader, Deputy Leader or relevant Portfolio Member have been consulted?
No	No	No	Yes	Yes

Authorising Signature: .  ..

Job title: Head of Paid Service.....

Unique Reference Number: ...DD/025/21/JD.....

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

Circulation to:

Head of Paid Service
Monitoring Officer
Section 151 Officer
Scrutiny Officer
Internal Audit

ANNUAL REPORT

OVERVIEW AND SCRUTINY

2020/21

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Chairs and Vice Chairs of Scrutiny Committees 2020/21

Audit and Corporate Governance

Chair - Councillor M E Thacker
Vice Chair - Councillor S Clough

Communities

Chair - Councillor K Tait
Vice Chair - Councillor O Gomez Reaney

Growth

Chair - Councillor A Hutchinson
Vice Chair - Councillor M Emmens

Organisation

Chair - Councillor A Foster
Vice Chair - Councillor M Potts

1. A Summary of the Work Undertaken during 20/21

- 1.1 Each of the Committees has completed its Work Programme with the time available shared between Scrutiny review work, consideration of key strategies and policies of the Council and performance monitoring. They have also discussed the impacts of the Pandemic on their areas.
- 1.2 The Committees have also been monitoring the delivery of action plans from a number of previous scrutiny reviews. Progress against the action plans for Scrutiny Reviews on Domestic Abuse and Homelessness had been satisfactory and they had been signed off as complete.

2 Current Scrutiny Reviews

- 2.1 Three Scrutiny Reviews were undertaken this year and a number of recommendations were made for improvement. These will be considered by Cabinet and if the recommendations are accepted they will be translated into action plans for delivery. Full copies of the reports and all previous reports can be viewed on the Council's intranet or by contacting the Overview and Scrutiny Manager.

2.2 Obesity in Younger Residents

The Communities Scrutiny Committee decided to review Obesity in Younger Residents this year to ensure the Council was taking effective action to tackle childhood obesity in the District.

A number of documents and evidence were considered by the Committee to help inform the review. The Head of Partnerships and Transformation provided a briefing presentation that set the scene for Obesity in Younger Residents and the actions the Council was taking to tackle this issue. The Leisure Operations Manager provided further information on the work of Leisure Services in the District including community based and partnership work the service was engaging with. This was supported by a briefing paper from the Healthy Lifestyles Team on Obesity in Younger Residents (Primary School). Additionally the Sharley Park School Obesity action plan and the Physical Activity and Lifestyle Support – A Behaviour Change Plan were reviewed.

The Public Health Lead from Derbyshire County Council also gave evidence to the review panel regarding the Healthy North East Derbyshire Action plan which had a focus on tackling obesity and mental health issues in North East Derbyshire.

Other information considered was a database and associated documents presented by the Head of Street scene and the Waste and Street scene Manager on the provision of parks, open spaces and sports and recreations sites in the District which support exercise and healthy lifestyles.

The review panel concluded that a number of measures were being undertaken by various sections of the Council and partners to support this area. However, five recommendations for improvement were made focused around timely data, funding of parks and a strategy to ensure people use them.

2.3 Tourism – Business and Non Business

The Growth Scrutiny Committee chose to undertake a review of Tourism – Business and Non Business. It was considered timely to review this area because of the significant potential benefits it could provide economically to the District.

The review panel considered a number of documents including the new Visitor Economy Strategy and the Growth Strategy. They considered a scene setting presentation from the Director of Growth and Economic Development which set out the current provision and provided background information on Tourism within the District.

Discussions were also held with the Housing Strategy and Growth Manager, the Portfolio holder for Economic Growth and the Bolsover Countryside Partnership Manager.

The review process identified a number of measures the Council was taking to support local businesses within the District and promote economic growth in support of tourism. However, some areas for improvement which would enhance the current provision were identified around establishing a clear band for the area, better promotion of the Districts tourism attractions and improved connectivity.

2.4 Health and Wellbeing -Working from Home during the Pandemic

The Organisation Scrutiny Committee agreed to undertake a review of Health and Wellbeing – Working from Home during the Pandemic. The Committee felt it was important to review this area to ensure the Councils staff were supported effectively whilst they were working from home as a result of the Pandemic.

The Committee considered a number of documents which included a presentation by the Human Resources Manager, the current Working from Home Policy and the draft Agile Working Policy. Further specific information produced as a result of the Pandemic was also considered including Health and Safety Briefings, Temporary Working Arrangements Guidance and a selection of Staff Bulletins offering support and advice on Health and Wellbeing. The results of a Survey of staff working from home was also reviewed.

Interviews were held with the Head of Transformation and Partnership, the Director of Environment and Enforcement, the Director of Corporate Services, the Health and Safety Co-Ordinator and the Leader of the Council. Discussion groups were also held with a selection of Managers and Staff.

The review panel heard views from a wide range of stakeholders during the review process. A number of measures that were supporting staff during the Pandemic were identified. However, some suggested areas for consideration were identified around any planned implementation of the Agile Working Policy and learning lessons from the experience of staff working from home during the Pandemic

3 Scrutiny Committees

3.1 Audit and Corporate Governance

During the year the year the Committee met on six occasions. It considered a number of key governance and financial documents of the Council which included the Medium Term Financial Plan, Budget Monitoring, Annual Governance Statement and the Statement of Accounts. Is also continued to monitor and keep under review Risk Management and Partnership Working Arrangements. Additionally it reviewed Corporate Debt, Treasury Management, the Money Laundering Policy and Quarterly Performance Management reports.

The Committee is the body to which both the Council's external and internal auditors report. Key reports from internal Audit included the Annual Report of the Audit Consortium, Summary of Progress on the Annual Internal Audit Plan, the Annual Review of Adequacy of Internal Audit and various internal Audit reports on individual services.

It received a presentation from Mazars, on the audit completion report in respect of the 2019/20 financial year and it was expected that an unqualified opinion on the financial statements would be issued and with regards to Value for Money they anticipated concluding that the Council had proper arrangements in place to secure economy, efficiency and effectiveness in its use of resources. In response to queries from the Committee regarding considerations about Covid-19 and Brexit, M Norman stated that this audit report for 2019/20 was the final one under the current code of practice which was updated every five years. The National Audit Office had been clear that they expected the focus on financial standing, resilience and medium to long term implications of Brexit and Covid-19 to form part of the 2020/21 Value for Money consideration.

A report was presented to the Committee for them to consider their Scrutiny role. The Committee had statutory functions, such as signing off the annual accounts, as well as undertaking the role of scrutiny. It was highlighted that the Committee should have the opportunity to scrutinise reports that lie within the Committees remit before they were considered by Cabinet. This allowed for any comments or observations of the Committee to form part of the Cabinets consideration. The Chair of the Committee requested that a new framework of Committee meeting dates and a revised Work Plan be drafted and submitted to the Committee. The Work Plan was to include implications of Covid-19, implications of Brexit including a no-deal Brexit, cost of leisure services, financial benchmarking, and risks regarding pensions. Two subsequent reports considered were the financial impact of Covid-19 on the Council including benchmarking information from other local authorities and a report which outlined the Councils Coronavirus Recovery plans.

The Internal Audit Consortium Manager presented a report which set out the results of a review of the Internal Audit Charter. The Public Sector Audit Standards (PSIAS) required the Head of Internal Audit to periodically review the Internal Audit Charter and present it to the Committee for approval. The report stated that the current Internal Audit Charter had been reviewed and it was felt that it was still fit for purpose and that the only update required was in respect of job titles. Previously the Charter

had been reviewed every two years however, the Chartered Institute of Public Finance and Accountancy (CIPFA) were now recommending that the Charter be reviewed annually, so the next review would take place in summer 2021.

The Head of Finance and Resources and Section 151 Officer presented a report which requested approval by the Audit and Corporate Governance Scrutiny Committee of the accounting policies that it is proposed to adopt for the current financial year in the preparation of the Statement of Accounts 2020/21.

3.2 Communities Scrutiny Committee

During the year the Committee met on seven occasions. |A large piece of recent work for the Committee was CCTV in Taxis. Members had considered a number of documents over a period of time in connection with Taxi Licensing and had been clear that they would like to see mandatory CCTV in NEDDC licenced taxis. This evidence included the statutory guidance issued by Government, a data protection assessment and the Council's Vehicles and Drivers Policy. A number of proposed changes had been suggested and it was agreed that they would be incorporated into the Policy to be considered by the General Licensing Committee.

The Council's Partnership Officer attended the Committee to update on the progress of the Healthy North East Derbyshire Partnership in the last year. The Partnership was established in 2015 and was chaired by the Public Health Localities Lead for North East Derbyshire and Bolsover at Derbyshire County Council. The NEDDC Partnership Team was responsible for managing the funding and commissioning the projects of the HNED Partnership. Members heard that there were a number of priorities in the Plan including building healthy communities, promoting healthy lifestyles, and supporting access to effective health and social care. The Committee was also updated on the progress of a number of projects including the Clay Cross Obesity Group and the NEDDC Older People' Strategy. Members discussed the projects that the HNED Partnership were delivering and enquired about 'Vision Derbyshire' and the Partnership's plans for the future. The Partnership Officer also advised that Public Health England had moved to a local approach and that the HNED Partnership was part of a partnership between local health authorities.

The Environmental Health Manager and the Environmental Enforcement Team Leader briefed the Committee on a review that was being undertaking on Pest Control Services. The service had committed to a fundamental review of Pest Control in 2018 following an Audit Review. The Committee was being consulted for initial comments and to provide some direction for the Review. A number of issues were highlighted including the Council's role in public health, costs to the Authority and efficiencies. There had been a significant increase in demand for Authorities that had not introduced fees in comparison to those that had. The Council offered a reduced charge for those on income related benefits. The Committee requested that a fees comparison exercise be undertaken compared with other neighbouring local authorities. The service was not a statutory service but the Authority did need to take reasonable measures to keep the District free from mice and rats. It was advised that the service centred on dealing with the

pests that were a threat to public health. Agile working solutions and enforcement were other areas considered.

The Committee is statutorily required to review the Councils Community Safety Partnership under the Police and Crime Act. The Community Safety Partnership Manager outlined for the Committee the performance of the Community safety Partnership during 2020/21.

The Committee heard that Crime was on the increase, with a 13% increase from last year which equated to an extra 605 crimes. Violence (without injury) had seen the most significant increase of 45.6%. Members noted that this had been attributed largely to a rise in domestic abuse. The officer also updated Members on what the Community Safety Partnership was doing to tackle anti-social behaviour as well as how Covid-19 had impacted crime. It was stated that due to the public staying at home there had been an increase in domestic violence and neighbour disputes. Members noted that there had been a number of ASB interventions to deal with persistent offenders which included ABC's (Acceptable Behaviour Contracts), Community Protection Warnings and Notices, and Fixed Penalty Notices. The Committee was also updated on the work being done to tackle a number of crimes in the District such as Domestic Abuse/Violence, Hate Crime and Drug/Alcohol and Violence. Members commented that for future updates it would be useful if the crime statistics were presented in a graph so that the Committee could make year on year comparisons.

The Community Safety Manager also provided details and commented on her planning for 2021/22, including issues that needed to be considered. This included:

- Slightly harder to plan events until we are fully out of lockdown.
- Picking up and reacting to issues brought about by Covid19 and "business as usual"
- Extreme Outreach moving back to Extreme Wheels.
- Target Hardening and CCTV for those who are on waiting list.
- Police and Crime Commissioner Elections planned for 2021 – has had an impact on CSP funding this current financial year.

The Committee then received a presentation from the Outdoor Recreation Officer (Bolsover District Council) in regards to 'Extreme Wheels'. Members heard that the service started in 2001, and its concept was to engage with young people in Derbyshire's communities. The officer stated that the service was a lifestyles activity provider that based activities on the response of young people. Members noted that some of the events that had been held included skate parks and discos. The Committee heard that engagement was based around health and wellbeing matters such as mental health, holiday hunger, and vulnerability and Covid-19 advice. Extreme Wheels also provided soft intelligence and liaised with the Community Safety Partnership and Police. It was stated that different areas in the District such as Clay Cross, Holmewood, North Wingfield and Dronfield had received regular visits throughout the week.

The Joint Head of Street scene attended the Committee and provided an update on the service performance of Street scene. Members heard that Street scene was responsible for a number of services including waste and recycling, street cleaning, grounds maintenance and fleet management. An estimated 3.4 million household property bins were emptied per week and the District had a combined recycling rate of approximately 40%. The Committee was informed that kerbside burgundy bins recycling had been brought in house and as a result the service was running more effectively and efficiently. The service was also waiting on advice from Government on the outcome the Extended Producer Responsibility Deposit Return Scheme which could affect the future of the waste recycling service.

Street scene also were responsible for grounds maintenance which included the Council's parks and green spaces, maintenance on behalf of Parish Councils, environmental maintenance arrangements on highways, street cleansing, and trees and grass cutting. The Committee noted that that Street scene held 160 fleet vehicles and used approximately 300,000 litres of vehicle fuel per annum. It was stated that the Authority was looking at green alternatives such as hydrogenated vegetable oil. Discussion was also undertaken on the impacts of the Pandemic on essential services provided by Street scene and heard how the service had been maintained.

3.3 Growth Scrutiny Committee

During the year the Committee met on seven occasions. As usual it continued to monitor the Growth Summary reports for the year end. The Performance Officer briefed the Committee on the Growth Performance Indicators for 2019/20. The majority of indicators were shown to be on target or above target. Four indicators were not on track and explanations were provided on the reasons behind these exceptions and the steps being taken to improve this performance where appropriate.

The Committee reviewed the work of the Partnership Team in support of growth. The Strategic Partnership Co-Ordinator outlined the Partnerships Team's contribution to the growth agenda. The Committee heard about a number of programmes and initiatives including the 2014-2020 BNED LEADER programme, Covid-19 Business Grants, NED Business Growth Fund, and indirect growth activity.

The Director of Growth and Economic Development and the Housing Strategy and Growth Manager attended the Committee on a couple of occasions to discuss the new emerging Growth Strategy. It was based around the economic recovery post Covid 19 and what could be done to support the District's economy in the future. Members discussed the importance of the Strategy for delivering investments and jobs for residents in North East Derbyshire, especially the economic impacts of the Pandemic. It was aligned with the D2N2 Local Enterprise partnership priorities which included the Green Agenda, IT and Broadband. The hope was this would maximise funding opportunities. Key priority areas were skills, town centre regeneration, the visitor economy and business engagement and support. Town centre regeneration projects such as the One Public Estate reviews at Eckington and Killamarsh, the progress of the Clay Cross Town Board and the Investment

plan were considered. The Committee noted that around forty projects formed the basis of the Council's Growth Strategy.

The Committee also reviewed the draft Visitor Economy Strategy 2021-24. The Portfolio Holder for Economic Growth gave a presentation outlining the Council's vision for tourism within the District. This Strategy linked in to the Committee's Scrutiny Review this year. Members heard that the District is geographically well placed and attracted approximately three million visitors in 2017. This generated 1,949 jobs accounting for the sector being worth £147 million that year. In April 2020 there were approximately 360 businesses in the tourism sector. The impact of the Pandemic on the tourism industry and potential opportunities for the sector once national restrictions were relaxed were discussed. Closer partnership work to grow the District's tourism and visitor economy was being undertaken with partners such as Marketing Peak District, Derbyshire Tourism Board, Derbyshire County Council and D2N2. Priorities included creating a year round visitor economy in the District, developing the visitor offer, developing and promoting the cultural and natural heritage of the area and improving the skills of local businesses.

3.4 Organisation Scrutiny Committee

During the year the committee met on seven occasions. Members considered the previous Scrutiny Review interim report on health and wellbeing of staff. Due to the pandemic the Committee had been unable to triangulate the evidence collated during the last municipal year. It was therefore proposed that the interim report would be sent to Cabinet to make them aware of the work undertaken and the evidence submitted by staff.

The Annual Report of Human Resources and Organisational Development was also considered by the Committee. This report outlined a range of employee related issues during 2019/20 which covered areas of recruitment and selection, employee health and wellbeing, health and wellbeing initiatives, organisation development and apprenticeships. Enquiries were made about the number of employees currently working for the council compared to other District Councils, the number of resignations during the year and the disparities in staff turnover between different services. Sick leave and the target set by the Council were also discussed. There was a consensus that the authority provided good support to employees, which included an occupational health provider and physiotherapy. A request was made for a copy of the Gender Pay Gap Report so the Committee could review this. They also asked the Manager to return later in the year to provide more information on the impact of the pandemic.

The Committee reviewed progress on the Transformation Programme. The Director of Corporate Resources and Head of Paid Service highlighted the main areas that had moved forward and additionally the impact of the Covid pandemic on the following transformation streams: service transformation, transforming finances, digital organisation, organisational transformation and environmental transformation. A discussion on savings targets and headline projects to deliver these was informative. The Committee thanked the staff for the work they had done in transforming the Council and recognised that the programme had been pushed

forward very quickly due to the impacts of the pandemic. The Committee agreed that there should be a focus on how agile working and transformation will fit together.

The Human Resources and Organisation Development Manager discussed the impact of the pandemic on the Councils staff in September 2020. At the time of the report to the Committee no staff had tested positive for Covid 19 but 96 had self-isolated and 27 employees had shielded up to 1st August. They heard that the majority of staff were still working from home but some staff had returned to the office on hybrid arrangements. The Committee discussed the existing working from home arrangements prior to the pandemic. They welcomed that a home working group had been established by the Senior Management Team to keep this matter under review.

4 The Year Ahead 2020/21

After the appointment of members to the Scrutiny Committees at Council on 26th April, 2021, work programmes for 2021/22 will be discussed and developed. Suggestions for Scrutiny review topics will be invited from stakeholders. These will be discussed at the first scrutiny meeting of the new municipal year to prioritise which subjects should be reviewed.

Agenda Item 15

By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Agenda Item 16

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Agenda Item 17

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