

# Public Document Pack



**North East  
Derbyshire  
District Council**

Contact: Alan Maher  
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Date: Friday, 12 May 2023

To: **All Members of the Council**

## **Annual Meeting of Council**

You are summoned to attend the Annual Meeting of Council, to be held on **Monday, 22 May 2023 at 3.00 pm in the District Council Offices, Mill Lane, Wingerworth, Chesterfield S42 6NG**

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

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

**Assistant Director of Governance and Monitoring Officer**

# **AGENDA**

## **1 Election of the Chair of the Council (Pages 5 - 7)**

Nominations are sought to elect the Chair of the Council for the 2023-24 Municipal Year.

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

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

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

Thanks will be given to the outgoing Chair of the Council, Mrs Diana Ruff, for her service to the Council and the District during the 2022/23 Municipal Year.

## **4 Apologies for Absence**

Council will receive Apologies for Absence

## **5 Declarations of Interest**

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

## **6 Minutes of the Last Meeting (Pages 8 - 16)**

To approve as a correct record and the Chair to sign the attached Minutes of the Council meeting held on 6 March 2023.

## **7 Election of the Vice-Chair of the Council (Pages 17 - 19)**

Nominations are sought to elect the Vice-Chair of the Council for the 2023-24 Municipal Year.

## **8 Election of the Leader of the Council (Pages 20 - 22)**

Nominations are sought to elect the Leader of the Council for the 2023-24 Municipal Year.

## **9 Address of Gratitude to Members by the Newly Elected Leader of the Council**

The newly elected Leader of the Council will thank Members for their election and set out their priorities for the new Municipal Year.

## **10 Composition of the Cabinet (Page 23)**

The Leader of the Council will confirm the appointment of their Deputy Leader

and the Cabinet Portfolio Holders for the 2023-24 Municipal Year.

**11 Review of the Audit Committee Structure and Terms of Reference** (Pages 24 - 30)

Report of the Director of Finance and Resources and Section 151 Officer

**12 Proposals for Scrutiny Committees - NOW PUBLISHED** (Pages 31 - 34)

Report of the Managing Director and Head of the Paid Service

**13 Proportionality of the Council and Appointments to Committees and Advisory Groups - NOW PUBLISHED** (Pages 35 - 42)

Nominations are sought to appoint the Members of Committees and Advisory Group for 2023-24 Municipal Year.

**14 Appointment of Chairs and Vice-Chairs of Committees - NOW PUBLISHED** (Pages 43 - 46)

Nominations are sought to appoint the Committee Chairs and Vice-Chairs for the 2023-24 Municipal Year.

**15 Proposed Interim Schedule of Meetings for the 2023-24 Municipal Year - REVISED REPORT** (Pages 47 - 52)

Report of the Assistant Director of Governance and Monitoring Officer

**16 Appointments to Outside Bodies - NOW PUBLISHED** (Pages 53 - 57)

Nominations are sought to represent the Council on External Organisations (Outside Bodies) for the 2023-24 Municipal Year.

**17 Review of the Council's Constitution** (Pages 58 - 69)

Report of the Assistant Director of Governance and Monitoring Officer.

**18 Scheme of Delegation** (Pages 70 - 72)

Report of the Assistant Director of Governance and Monitoring Officer

**19 Operation of Urgency Rules and Thresholds for Key Decisions** (Pages 73 - 76)

Report of the Leader of the Council.

In accordance with the Council Procedure Rules, Council is required to set thresholds for Key Decisions at its Annual Meeting.

**20 Chair's Urgent Business**

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



**North East  
Derbyshire**  
District Council

### **Access for All statement**

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- **Phone** - [01246 231111](tel:01246231111)
- **Email** - [connectne@ne-derbyshire.gov.uk](mailto:connectne@ne-derbyshire.gov.uk)
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with [Sign Solutions](#) or call into the offices at Wingerworth.
- Call with [Relay UK](#) via textphone or app on [0800 500 888](tel:0800500888)– a free phone service
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

**North East Derbyshire District Council**

**Annual Council**

**22 May 2023**

**ELECTION OF THE CHAIR OF THE COUNCIL**

**Report of the Assistant Director of Governance and Monitoring Officer**

**Classification:** This report is public

**Report By:** Sarah Sternberg, Monitoring Officer

**Contact Officer:** Alan Maher, Governance Manager, 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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**PURPOSE / SUMMARY**

To elect the Chair of the Council

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**RECOMMENDATIONS**

1. That a Chair of the Council be elected.
- 

**IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

Click here to enter text.

On Behalf of the Section 151 Officer

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

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes Group Leaders

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
Good Governance

## REPORT DETAILS

### 1. The Election of the Chair of the Council

- 1.1 Annual Council is asked to elect a Councillor to be the Chair of the Council for the 2023-24 Municipal Year. Nominations to the post will be taken at today's meeting.
- 1.2 Under the Council's Constitution the Chair of the Council and the Vice-Chair will be elected annually by the Council Meeting. The functions of the Chair, and in their absence the Vice-Chair, are:-
- (1) To uphold and promote the purposes of the Constitution;
  - (2) To decide what the Constitution means if there is a dispute;
  - (3) To chair Council Meetings so that decisions can be taken efficiently, with regard to the rights of Councillors and the interests of the community;

- (4) To make sure that Council Meetings are a place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
- (5) To promote public involvement in the Council's activities and in the democratic process;
- (6) To attend those civic and ceremonial functions which they or the Council consider appropriate; and
- (7) To approve as urgent decisions, which will not be subject to Call In, when the Chairman of the relevant Scrutiny Committee is unavailable.

**2 Reasons for Recommendation**

- 2.1 To elect a Chair of the Council, as required by the Council's Constitution.

**3 Alternative Options and Reasons for Rejection**

- 3.1 None

**DOCUMENT INFORMATION**

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

## COUNCIL

### MINUTES OF MEETING HELD ON MONDAY, 6 MARCH 2023

#### **Present:**

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

Councillor Pat Antcliff	Councillor William Armitage
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Joseph Birkin	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Lilian Deighton	Councillor David Drabble
Councillor Peter Elliott	Councillor Michelle Emmens
Councillor Angelique Foster	Councillor Mark Foster
Councillor John Funnell	Councillor Kevin Gillott
Councillor Oscar Gomez Reaney	Councillor Roger Hall
Councillor David Hancock	Councillor Lee Hartshorne
Councillor Maggie Jones	Councillor Jeremy Kenyon
Councillor Pat Kerry	Councillor Tony Lacey
Councillor Barry Lewis	Councillor Heather Liggett
Councillor Jeff Lilley	Councillor Gerry Morley
Councillor Stephen Pickering	Councillor Alex Platts
Councillor Maureen Potts	Councillor Alan Powell
Councillor Carolyn Renwick	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Lee Stone	Councillor Bentley Strafford-Stephenson
Councillor Kevin Tait	Councillor Richard Welton
Councillor Philip Wheelhouse	Councillor Pam Windley
Councillor Philip Wright	

#### **Also Present:**

L Hickin	Managing Director - Head of Paid Service
M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
S Sternberg	Assistant Director of Governance and Monitoring Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Maher	Interim Governance Manager
A Bond	Governance Officer
T Scott	Governance and Scrutiny Officer
M E Derbyshire	Members ICT & Training Officer
J Taylor	Personal Assistant

#### **COU Apologies for Absence**

**177/2**

**2-23** Apologies for absence were received from Councillors B Hill, P Parkin, A Hutchinson, T Reader, J Ridgway and B Wright.



**COU** **Declarations of Interest**

**/78/2**

**2-23** None

**COU** **Minutes of Last Meeting**

**/79/2**

**2-23** **RESOLVED –**

That the Minutes of the meeting held on Monday, 30 January 2023 were approved as a true and accurate record.

**COU** **Chair's Announcements**

**/80/2**

**2-23**

The Chair of the Council, Councillor D Ruff, praised the action which had been taken to remove an illegal encampment within the District. Councillor D Ruff, also thanked those who had attended her Memorial Service for the late Queen, which had been held at All Saints Church in Wingerworth. The Chair of the Council reminded Members of her forthcoming charitable events in support of the Soldiers, Sailors and Airforce Families Association (SSAFA).

Finally, Councillor D Ruff informed Council Members that a series of briefing sessions would be arranged for Candidates and Agents for the Local Government elections, on Thursday 4 May 2023.

**RESOLVED –**

That Council noted the announcements of the Chair of the Council, Councillor D Ruff (by acclamation).

**COU** **Leader's Announcements**

**/81/2**

**2-23**

The Leader of the Council, Councillor A Dale, thanked all Members for their services to local Communities and the District as a whole since the last local government elections, in May 2019. He reflected on the challenges which the Council had faced over these years. They included the Covid 19 Pandemic, addressing locally the Climate Change Emergency and helping the District's residents and businesses with the Cost of Living Crisis. As part of this, the Leader of the Council explained how the Council had supported vulnerable people during the Pandemic lock-downs, took action to increase Re-cycling and reduce the Council's Carbon Footprint, by improving the District's Leisure Centres and providing advice and support to help local people and businesses save on their energy costs.

Members were reminded that significant improvements had been made to the Council's Planning Service during recent years. In particular, the Planning Enforcement Service had more than doubled in size, which meant that it could now take action against those who built developments without planning permission. Councillor A Dale referred to the Clay Cross Town Deal, the Eckington Master Plan and the Council's success in securing £2.5M from the UK Shared Prosperity Fund for improvements to parks, play areas and other initiatives across the District. He also reminded Council of the generous support from the local community for those victims of the war in Ukraine who were now

guests in North East Derbyshire.

**RESOLVED –**

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

**COU Talent Pipeline - Presentation**

**/82/2**

**2-23**

The Council's Managing Director gave a presentation on the 'Talent Pipeline' initiative. He explained how the initiative would enable the Council to carry out workforce planning, in line with its objectives, how it would help existing staff to develop their careers as North East Derbyshire District Council employees and create new employment opportunities in the District.

Council discussed the presentation. As part of this Councillor J Birkin asked for and received clarification of Staff and Trade Union involvement in developing the initiative. Councillor R Hall asked for and received information about staff retention issues within the Council. Councillor D Hancock commented on the format of Talent Pipeline Strategy Document. Councillor J Barry asked for clarification on the use of skills assessments and work experience placements by Council services.

Councillors H Liggett, J Kenyon, C Cupit and D Ruff welcomed the initiative. They emphasised the valuable contribution it would make to Workforce Development across the Council. At the conclusion of the discussion the Chair of the Council thanked to the Managing Director and other officers for their work on developing and implementing the Talent Pipeline.

**RESOLVED –**

That Council noted the presentation on the Talent Pipeline (by acclamation).

**COU Level of Council Tax 2023-24**

**/83/2**

**2-23**

The report of the Portfolio Holder for Economy, Transformation and Climate Change reminded Members that under the Localism Act 2011 the Council was responsible for calculating the total Council Tax requirements as a whole for the North East Derbyshire area. These included the requirements of the other participating bodies Members heard that the approved demand on the Collection Fund in respect of this Council is one of £6,659,905. Table 2.5 of the report detailed the Council Tax amounts for the year by area and for the Valuation Bands A to H

Councillor J Kenyon and Councillor A Dale moved and seconded a Motion that Council formally approve the Council Tax for the Financial Year 2023/24, as set out in the report.

The Motion was put to the vote and was agreed. As required by law a recorded vote was taken.

For: 47

Councillors P Wright, P Windley, P Wheelhouse, R Welton, M Thacker MBE JP, K Tait, L Stone, B Strafford-Stephenson, R Shipman, D Ruff, K Rouse, M Roe, C Renwick, A Powell, M Potts, A Platts, S Pickering, G Morely, J Lillely, H Liggett, B Lewis, T Lacey, P R Kerry, J Kenyon, M Jones, L Hartshorne, D Hancock, R Hall, O Gomez Reaney, K Gillott, J Funnell, M Foster, A Foster, M Emmens, P Elliott, D Drabble, L Deighton, A Dale, C Cupit, S Cornwell, A Cooper, S Clough, J Birkin, J Barry, N Barker, W Armitage, P Antcliff

Against: 0

Abstentions: 0

RESOLVED –

That Council formally approved the Council Tax for the Financial Year 2023/24, as set out in the report.

**COU** **Auditors Annual Report 2021-22**

**/84/2**

**2-23**

Council considered the Annual Audit Letter for the 2021/22 Financial Year. The report, which had been prepared by the Council's External Auditors, Mazars LLP summarised the work carried out during the year. This included the audit of the Council's Financial Statements, its Value for Money arrangements and Financial Sustainability.

Councillor J Kenyon and Councillor M E Thacker MBE JP moved and seconded a Motion that Council note the report.

The Motion was put to the vote and was approved by acclamation.

RESOLVED –

That Council noted the Auditors Annual Report for the Financial Year 2022-23, prepared by the Council's External Auditors, Mazars LLP.

**COU** **Pay Policy Statement**

**/85/2**

**2-23**

The Managing Director and Head of the Paid Service presented the Council's Pay policy Statement for 2023-24. Members heard that the Statement set out the Council's policy on pay for Senior Managers and other employees, as required under Section 38 of the Localism Act 2011 and Supplementary Guidance 2013.

Councillor A Dale and Councillor M Foster moved and seconded a Motion to approve the Pay Policy Statement. The motion was put to the vote and approved (by acclamation.)

RESOLVED –

That Council approved the Council's Pay Policy Statement for 2023-24.

**COU** **Members Allowances**

**/86/2**

**2-23**

The report of the Assistant Director of Governance and Monitoring Officer set out the recommendations of the recent Independent Review Panel (IRP) on the Council's Members Allowance Scheme. The report explained that the Scheme provided for an annual increase in Allowances, based on the yearly pay award to employees. However, Council was reminded that as part of the current pay award employee pay had increased by a flat rate of £1925 rather than by a percentage figure. Consequently, it had been necessary for the Panel to recommend to Council how its Allowances should now be increased.

Members discussed the Independent Review Panel recommendations. As part of this Councillor A Dale as Leader of the Conservative Group indicated that his Members would have a free vote on whether or not to accept the Panel's recommendations. In this context, he had agreed to move a Motion to support the recommendations, so that Council could decide if it wished to accept the proposed increase. The Leader of the Council made clear that he would vote against the increase. He explained his reasons for this and in particular, highlighted the financial challenges facing the Council and the District.

Councillor N Barker as Leader of the Labour Group also recognised the difficulty of the decision and indicated that this Group would have a free vote on the recommendations. He made clear that he would support the recommendations and would vote for them because it was important to respect the independence of the Panel.

Councillors R Hall, M E Thacker MBE JP and J Kenyon argued that the Council ought to respect the independence of the Review Panel and accept its recommendations, as it had done on previous occasions. They noted that the proposed increases to Members' Allowances had been bench marked against other local authorities and would help to ensure that the District's Councillors received fair and appropriate allowances.

Councillors D Hancock, R Shipman and D Ruff spoke against the recommendations. They felt that the proposed increase would be inappropriate, given the Cost of Living Crisis facing many people in the District and the financial pressures facing the Council.

At the conclusion of the discussion Councillor A Dale and Councillor C Cupit moved and seconded a motion to approve the Independent Review Panel's recommendations, as set out in the report. The motion was put to the vote, which was taken as a recorded vote. The motion was approved.

For: 34

Councillors P Wheelhouse, R Welton, M Thacker MBE JP, K Tait, L Stone, B Trafford-Stephenson, K Rouse, M Roe, C Renwick, A Powell, M Potts, A Platts, S Pickering, G Morley, H Liggett, B Lewis, P R Kerry, J Kenyon, M Jones, L Hartshorne, R Hall, O Gomez Reaney, K Gillott, J Funnell, M Foster, A Foster, M Emmens, P Elliott, D Drabble, L Deighton, S Cornwell, A Cooper, J Birkin, N Barker, W Armitage

Against: 11

Councillors P Wright, P Windley, R Shipman, D Ruff, D Hancock, M Emmens, A Dale, C Cupit, S Clough, J Barry, P Antcliff

Abstentions: 2

Councillors J Lilley and T Lacey

### RESOLVED –

Council accepted the recommendations of the Independent Review Panel on the Members Allowance Scheme. That following on from this:

1. The Basic Allowance for Members and Special Responsibility Allowances for Members is increased by 4.04%
2. The increase is back dated to 1 April 2022
3. That the Monitoring Officer is authorised to amend the Members' Allowances Scheme to include an alternative mechanism for increasing the allowances of linking the increases to the percentage increase in scale point 43 of the employee pay scales.

#### **COU Public Participation**

**/87/2**

**2-23** There were no questions from the public.

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

**/88/2**

**2-23** No questions were submitted.

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

**/89/2**

**2-23** MOTION 'A'

Members considered a motion submitted by Councillor P Windley, which called on the Council to produce a plan on how to improve and properly resource litter picking. It also called on the Council to campaign against and combat litter across the District. The full text of Councillor P Windley's Motion, set out as Motion 'A', was included on the agenda for the meeting.

The Deputy Leader of the Council and Portfolio Holder for Environmental Services, Councillor C Cupit, responded to the Motion. She praised the work of the Council's Streetscene service and its excellent performance in carrying out Street Cleaning and Litter Picking across the District. The Council had maintained the frequency of this work, not reduced it. The Deputy Leader also highlighted the Council's efforts to discourage littering and the enforcement action which had been against offenders. This included an increase in the fixed penalty amount for littering from £80 to £150.

Councillors H Liggett, A Foster, A Dale and, M Foster supported these views. They praised the work of Streetscene team and welcomed the added support provided by local people who wanted to help keep their communities clean.

Councillors N Barker, A Cooper, M Jones, and D Hancock supported the Motion. They stressed their support for Streetscene service and argued that the Council's litter picking services would need to be properly resourced in order to tackle the ongoing problem.

Councillor P Windley used her right of reply to stress that the motion was not a criticism of Streetscene but emphasised that as littering had increased the problem would need to be properly addressed.

Councillor D Hancock seconded the Motion. He made clear that it was not a criticism of Streetscene, but recognition that more resources would be required in order to tackle the problem.

At the conclusion of the discussion the Motion was put to the vote and defeated.

### MOTION 'B'

Members considered a motion submitted by Councillor D Hancock which called on the Managing Director, the Leader of the Council and other Group Leaders to express the Council's opposition to the introduction of Photo Identification for the Local Elections on Thursday 4 May 2023. The full text of Councillor D Hancock's Motion, set out as Motion 'B', was included on the agenda for the meeting.

Councillor D Hancock moved the Motion. He raised concerns over the inconsistencies over what form of Photo ID could be used and how this might disadvantage younger people. He questioned whether the new rules were required, as most electoral fraud involved postal votes, which would not require Photo ID.

Councillor R Shipman seconded the Motion but reserved his right to speak.

Councillors S Cornwell and N Barker supported the Motion. They expressed their concern that the Photo Identification might make it more difficult for people to vote at polling stations. Concern was also expressed about the impact on polling station staff, if those seeking to vote without the necessary Photo Identification had to be turned away.

The Cabinet Portfolio Holder for Council Services, Councillor M Foster, and the Leader of the Council, Councillor A Dale, made clear that they would not support the Motion. They highlighted the wide variety of easily obtainable forms of Photo Identification that could be used and the extensive national and local communications campaigns to explain the new arrangements. They emphasised that the new rules would help to ensure that the electoral process remained free and fair, by preventing voter fraud at polling stations. Councillor R Hall also indicated that he also would not support the Motion for similar reasons.

Councillor R Shipman reiterated the concerns about the potential impact on staff if they were forced to turn away voters who did not have the correct Photo ID. The Monitoring Officer explained what action would be taken to help manage this.

Councillor D Hancock exercised his right of reply. He contended that there may be fewer Police available to cope with possible disorder. The Chair of the Council, Councillor D Ruff, argued that the Police were aware of the issues and able to respond to them.

At the conclusion of the debate the Motion was put to the vote and was defeated.

### MOTION 'C'

Members considered a motion submitted by Councillor R Shipman which called for the Chairs and Vice Chairs of Council Committees to be appointed on the basis of political proportionality between the different groups and for this requirement to be included in the Constitution of the Council. The full text of Councillor R Shipman's motion, set out as Motion 'C', was included on the agenda for the meeting.

Councillor R Shipman moved the Motion. He informed Members that he wanted to make the system fairer and encourage cross-Party working within Committees. He had worked with the Monitoring Officer to create an example of a proportionate system.

Councillor D Hancock seconded the motion but reserved his right to speak.

Councillors N Barker, R Hall, A Dale, M Foster and K Gillott spoke against the motion. Councillors N Barker, A Dale, M Foster and K Gillott argued that while they had some sympathy for the Motion, it would not be right to restrict the ability of a controlling group to administer the Council. Councillor R Hall raised concerns about whether such changes to the Constitution should be made at a meeting of Council, without first receiving appropriate review and scrutiny. Councillor M Thacker MBE JP contended that although Vice Chairs and Chairs should not necessarily be from the controlling group, the decision on this should not be taken until after the election.

Councillor D Hancock argued that it was important that appointments to Chairs and Vice Chairs of the Council's Committees be made on a politically proportional basis and that this principle should be set out in the Constitution.

Councillor R Shipman used his right of reply to reiterate that this would be a fair approach for all groups which should be adopted as part of the Constitution.

At the conclusion of the debate the Motion was put to the vote and was defeated.

### **COU Chair's Urgent Business (Public)**

**/90/2**

**2-23**

There was no urgent business.

### **COU Exclusion of the Public**

**/91/2**

**2-23**

**RESOLVED –**

That the public be excluded from the meeting during the discussion of the following item(s) of business to avoid the disclosure to them of exempt

information as defined in Paragraphs 1 and 2, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**COU** **Councillor Dispensation**

**/92/2**

**2-23**

Members gave consideration to an application by a Member of North East Derbyshire District Council for an extension of the dispensation from the 'six month rule' requiring them to attend meetings.

**RESOLVED –**

Council:

1. Determined that Councillor Bette Hill be granted an extension to the previously granted dispensation from attending meetings of the Council and its Committees under Section 85 of the Local government Act 1972.
2. That the dispensation granted to Councillor B Hill run for 6 months, commencing on Friday 10 March 2023 and expiring 9 May 2023.
3. That Councillor B Hill be informed of the Council's decision on this matter (by acclamation).

**COU** **Chair's Urgent Business (Private)**

**/93/2**

**2-23**

There was no urgent business.



**North East Derbyshire District Council**

**Annual Council**

**22 May 2023**

**ELECTION OF THE VICE - CHAIR OF THE COUNCIL**

**Report of the Assistant Director of Governance and Monitoring Officer**

**Classification:** This report is public

**Report By:** Sarah Sternberg, Monitoring Officer

**Contact Officer:** Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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**PURPOSE / SUMMARY**

To elect the Vice-Chair of the Council

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**RECOMMENDATIONS**

1. That a Vice-Chair of the Council be elected

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**IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes Group Leaders

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
Good Governance

## REPORT DETAILS

### 1 The Election of a Vice-Chair

- 1.1 Annual Council is asked to elect a Councillor to be the Vice-Chair of the Council for the 2023-24 Municipal Year. Nominations to the post will be taken at the meeting.
- 1.2 Under the Council's Constitution the Chairman of the Council and the Vice-Chair will be elected annually by the Council Meeting. The functions of the Vice-Chair are in the absence of the Chair:-
- (i) To uphold and promote the purposes of the Constitution;
  - (ii) To decide what the Constitution means if there is a dispute;
  - (iii) To chair Council Meetings so that decisions can be taken efficiently, with regard to the rights of Councillors and the interests of the community;

- (iv) To make sure that Council Meetings are a place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
- (v) To promote public involvement in the Council's activities and in the democratic process;
- (vi) To attend those civic and ceremonial functions which they or the Council consider appropriate; and
- (vii) To approve as urgent decisions, which will not be subject to Call In, when the Chairman of the relevant Scrutiny Committee is unavailable.

**2 Reasons for Recommendation**

2.1 To elect a Vice-Chair of the Council.

**3 Alternative Options and Reasons for Rejection**

3.1 None

**DOCUMENT INFORMATION**

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

## North East Derbyshire District Council

### Annual Council

22 May 2023

### ELECTION OF THE LEADER OF THE COUNCIL

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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#### **PURPOSE / SUMMARY**

To elect the Leader of the Council

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#### **RECOMMENDATIONS**

1. That a Leader of the Council be elected
- 

#### **IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes Group Leaders

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
Good Governance

## REPORT DETAILS

### 1 The Election of the Leader of the Council

- 1.1 Annual Council is asked to elect a Councillor to be the Leader of the Council for a four year term. Nominations to the post will be taken at the meeting.
- 1.2 Under the Council's Constitution the Leader of the Council will normally chair meetings of the Cabinet, lead in the formulation, co-ordination and presentation of the Cabinet's policies and liaise with the Council's Management Team on the carrying out of policies by the Council.
- 1.3 The Leader of the Council will stay as the Leader of the Council until:
- (i) They resign from office;
  - (ii) They are suspended from being a Councillor although they may resume office at the end of the period of suspension;
  - (iii) They are no longer a Councillor; or

(iv) They are removed from office by resolution of the Council Meeting.

- 1.4 Within the legislation there is a requirement for the Leader to nominate a Deputy Leader and provisions for the Deputy Leader to act in the intervening period until Council appoints a replacement Leader if the Leader is unable to do so or the post of Leader becomes vacant.

## **2 Reasons for Recommendation**

- 2.1 To elect a Leader of the Council.

## **3 Alternative Options and Reasons for Rejection**

- 3.1 None

### **DOCUMENT INFORMATION**

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

## NORTH EAST DERBYSHIRE DISTRICT COUNCIL

### CABINET POSITIONS

<b>Name</b>	<b>Portfolio</b>	<b>Responsibilities</b>
<p>Councillor Nigel Barker – Leader</p> <p>Councillor Pat Kerry – Deputy Leader</p>	Strategic Leadership & Finance	<ul style="list-style-type: none"> <li>• Strategic Leadership</li> <li>• Finance</li> <li>• Strategic Housing</li> <li>• Homelessness</li> <li>• RHL Client Role</li> <li>• Risk Management</li> <li>• Safeguarding</li> <li>• Emergency Planning</li> <li>• Community Safety</li> <li>• Communications, Marketing and Design</li> </ul>
Councillor Joe Birkin	Council Services	<ul style="list-style-type: none"> <li>• HR</li> <li>• Democratic Services</li> <li>• Governance</li> <li>• Legal</li> <li>• ICT</li> <li>• Customer Services</li> <li>• Revenues and Benefits</li> </ul>
Councillor Jayne Barry	Growth and Assets	<ul style="list-style-type: none"> <li>• Regeneration</li> <li>• Property and Estates</li> <li>• Clay Cross Town Board</li> <li>• Programmes and Performance</li> </ul>
Councillor Steve Pickering	Environment and Place	<ul style="list-style-type: none"> <li>• Street-scene</li> <li>• Environmental Health &amp; Licensing</li> <li>• Planning</li> <li>• Climate Change</li> </ul>
Councillor Kathy Rouse	Health and Leisure	<ul style="list-style-type: none"> <li>• Leisure Services</li> <li>• Health Partnerships</li> </ul>

## North East Derbyshire District Council

### Council

22 May 2023

#### **Review of the Audit Committee Structure and Terms of Reference**

#### **Report of the Director of Finance & Resources (S151 Officer)**

Report By: Jayne Dethick, Director of Finance and Resources (S151 Officer)

Contact Officer: Jayne Dethick

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#### **PURPOSE/SUMMARY**

1. For Council to consider CIPFA's updated Position Statement on Audit Committees in Local Authorities and Police and recommendations in the report which if approved will demonstrate that best efforts have been made to meet the principles in CIPFA's position statement.
- 

#### **RECOMMENDATIONS**

1. That Council consider CIPFA's expectations in their position statement on Audit Committees as detailed in the report and approve:
    - o The separation of the audit and scrutiny functions;
    - o A refresh of the terms of reference for the Audit Committee in the Constitution;
    - o Recruitment of co-opted independants as required, taking account of the overall knowledge and expertise of the existing membership.
  2. That the Assistant Director of Governance is given delegated power in consultation with the Chair of Audit Committee to amend the Schedule of Meeting Dates to provide for appropriate dates for the new Audit Committee to meet over the 23/24 Corporate year.
  3. That the Director of Finance & Resources (S151 Officer) is given delegated power in consultation with the Chair of Audit Committee to run the recruitment process for the co-opted independants, for Council to then make the decision on their appointment.
- 

#### **IMPLICATIONS**

##### **Finance and Risk**

**Yes**

**No ✓**

There are no additional financial implications arising from this report

On Behalf of the Section 151 Officer



**Legal including Data Protection****Yes****No ✓**

There are no legal implications directly arising from this report.

On Behalf of the Solicitor to the Council

**Staffing****Yes****No ✓**

There are no staffing issues arising directly from this report.

On Behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	N/A
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	N/A
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input checked="" type="checkbox"/></b> <b>SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details:

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
All

**REPORT DETAILS****1 Audit Committees**

- 1.1 Audit Committees are a key component of a local authority's governance framework. Their purpose is to provide an independent and high level focus on the adequacy of governance, risk and control across the Council.

- 1.2 In late 2022, CIPFA issued an updated *Position Statement on Audit Committees in Local Authorities and Police* setting out the purpose, model, core functions and membership of audit committees. The position statement sets out CIPFA's view on the audit committee practice and principles which local government bodies in the UK should adopt. The Department for Levelling Up, Housing and Communities (DLUHC) and the Home Office support this position statement.
- 1.3 CIPFA expects that all local government bodies should make their best efforts to adopt the principles in their position statement, enabling such bodies to meet their statutory responsibilities for effective governance and internal control arrangements.
- 1.4 This report sets out CIPFA's expectations, highlights where the Council currently doesn't meet them and the measures required to do so.

## **2. An Independent and Effective Model for the Audit Committee**

- 2.1 The audit committee should be established so that it is independent of executive decision making and able to provide objective oversight. The committee should:
  - Be directly accountable to the governing body (ie Full Council)
  - In local authorities, be independent of the scrutiny function
  - Be of an appropriate size to operate with experienced, trained members. Large committees should be avoided
  - Should include at least two co – opted independents to provide appropriate technical expertise.
- 2.2 Currently the Council has a combined audit and scrutiny function so in order to comply with the expectations of CIPFA's position statement the two functions should be separated. The core functions of a dedicated audit committee are discussed at 3.1 below. The remaining functions would be incorporated into the Council's scrutiny function.

## **3. Core Functions of the Audit Committee**

- 3.1 CIPFA's position statement also provides an analysis of the the core functions of the audit committee. The primary role is to provide oversight of a range of core governance and accountability arrangements and ensure robust arrangements are maintained. The specific responsibilities of the audit committee are:
  - Support a comprehensive understanding of governance across the Council and among those charged with governance, fulfilling the principles of good governance.
  - Consider the effectiveness of the Council's risk management arrangements. The committee should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk related issues, for both the Council and its collaborators/partners. This

will include monitoring and reviewing of the Council's treasury management arrangements.

- Monitor the effectiveness of the system of internal control, including arrangements for value for money, supporting standards and ethics and managing the Council's exposure to the risks of fraud and corruption.
- Be satisfied that the Council's statutory statements of account and any reports that accompany them, including the Annual Governance Statement, properly reflect the risk environment, and any actions required to improve it.
- Consider the audit arrangements in place to secure adequate assurance across all operations and where appropriate partners and collaborators.
- Oversee the independence, objectivity, performance and conformance to professions standards of the internal audit function.
- Support effective arrangements for internal audit
- Promote the effective use of internal audit within the assurance framework
- Consider the opinion, reports and recommendations of external audit and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements supporting the independence of auditors and promoting audit quality
- Support effective relationships between all providers of assurance, audits and inspections and the Council, encouraging openness to challenge, review and accountability.

3.2 To discharge its responsibilities effectively, the audit committee should:

- Meet regularly, four times a year is recommended
- Be able to, as required, meet privately and separately with the external auditor and head of internal audit.
- Include, as regular attendees, the chief financial officer, the chief executive, the head of internal audit and the appointed external auditor. These officers should also be able to access the committee members and the chair as required.
- Report annually on how the committee has complied with the CIPFA position statement, discharged its responsibilities and include an assessment of its performance. This report should be presented to Full Council and be available to the public.

3.3 Currently, the terms of reference for the Audit Committee in the Council's Constitution reflect the combined role of audit and scrutiny. Also they reflect best practice on Audit Committees prior to the refresh CIPFA's position. The Terms of Reference therefore need refreshing to reflect the change to the committee structure, should Council approve, and current best practice as reflected in CIPFA's updated position statement. Draft Terms of Reference for the Audit Committee can be found at Appendix 1 for members consideration.

**4. Audit Committee Membership**

4.1 CIPFA’s position statement also provides guidance to local authorities on membership to the Audit Committee. Their guidance states that in order to provide the level of expertise and understanding required of the committee, and to have an appropriate level of influence within the Council, the members of the committee need the relevant knowledge, skills and experience. They recommend key characteristics for audit committee membership:

- Trained to fulfil their role, be objective and have an inquiring and independent approach.
- Promote the good governance principles
- A strong independently minded chair, displaying a depth of knowledge, skills and interest in both the Council’s governance and best practice.
- Willingness to operate in an apolitical manner
- Unbiased attitudes treating auditors, officers and decision makers fairly
- The ability to challenge decision makers
- Knowledge, expertise and interest in the work of the committee

4.2 The appointment of co-opted independents on the committee is also recommended by CIPFA. Appointments should take account of the overall knowledge and expertise of the existing membership.

4.3 Currently the Audit Committee does not have co-opted independents. In order to meet best practice members may wish to consider recruitment of 1 or 2 co-opted independents to the Committee. Co-opted members are non-councillor members, appointed where specialist input is required or where an outside view of the council can be useful in guiding councillors’ deliberations.

**5 Reasons for Recommendation**

5.1 To demonstrate that the Council meets CIPFA’s expectation that best efforts to adopt the principles in their position statement have been made, providing assurance that it is meeting its statutory responsibilities for effective governance and internal control arrangements.

**6 Alternative Options and Reasons for Rejection**

6.1 To continue with the current structure and terms of reference. Not recommended as this does not reflect the requirements of CIPFA’s updated position statement on Audit Committees for local authorities.

**DOCUMENT INFORMATION**

Appendix No	Title
1	Draft Terms of Reference for the Audit Committee
<b>Background Papers</b>	

## **Draft Terms of Reference for the Audit Committee in the Council's Constitution**

The primary role of the Audit Committee is to provide oversight of a range of core governance and accountability arrangements and ensure robust arrangements are maintained. The specific responsibilities of the audit committee are:

- Support a comprehensive understanding of governance across the Council and among those charged with governance, fulfilling the principles of good governance.
- Consider the effectiveness of the Council's risk management arrangements. The committee should understand the risk profile of the organisation and seek assurances that active arrangements are in place on risk related issues, for both the Council and its collaborators/partners. This will include monitoring and reviewing of the Council's treasury management arrangements.
- Monitor the effectiveness of the system of internal control, including arrangements for value for money, supporting standards and ethics and managing the Council's exposure to the risks of fraud and corruption.
- Be satisfied that the Council's statutory statements of account and any reports that accompany them, including the Annual Governance Statement, properly reflect the risk environment, and any actions required to improve it.
- Consider the audit arrangements in place to secure adequate assurance across all operations and where appropriate partners and collaborators.
- Oversee the independence, objectivity, performance and conformance to professions standards of the internal audit function.
- Support effective arrangements for internal audit
- Promote the effective use of internal audit within the assurance framework
- Consider the opinion, reports and recommendations of external audit and their implications for governance, risk management or control, and monitor management action in response to the issues raised by external audit.
- Contribute to the operation of efficient and effective external audit arrangements supporting the independence of auditors and promoting audit quality
- Support effective relationships between all providers of assurance, audits and inspections and the Council, encouraging openness to challenge, review and accountability.

To discharge its responsibilities effectively, the Audit Committee should:

- Meet regularly, four times a year is recommended
- Be able to, as required, meet privately and separately with the external auditor and head of internal audit.
- Include, as regular attendees, the chief financial officer, the chief executive, the head of internal audit and the appointed external auditor. These officers should also be able to access the committee members and the chair as required.

- Report annually on how the committee has complied with the CIPFA position statement, discharged its responsibilities and include an assessment of its performance. This report should be presented to Full Council and be available to the public.
- Include co-opted independents as required taking account of overall knowledge and expertise of the existing membership. Co-opted members are non-councillor members, appointed where specialist input is required or where an outside view of the council can be useful in guiding councillors' deliberations

The key characteristics for audit committee membership:

- Trained to fulfil their role, be objective and have an inquiring and independent approach.
- Promote the good governance principles
- A strong independently minded chair, displaying a depth of knowledge, skills and interest in both the Council's governance and best practice.
- Willingness to operate in an apolitical manner
- Unbiased attitudes treating auditors, officers and decision makers fairly
- The ability to challenge decision makers
- Knowledge, expertise and interest in the work of the committee

## North East Derbyshire District Council

### Council

22 May 2023

#### **Proposals for Scrutiny Committees**

#### **Report of the Managing Director and Head of Paid Service**

Report By: Lee Hickin – Managing Director

Contact Officer: Lee Hickin – Managing Director

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#### **PURPOSE/SUMMARY**

- For Council to consider proposals for Scrutiny Committees.
- 

#### **RECOMMENDATIONS**

1. That Council agree to the following Scrutiny Committees being established (with nine Councillors on each Committee):
    - (i) **Communities Scrutiny Committee**
    - (ii) **Business Scrutiny Committee**
    - (iii) **Environment Scrutiny Committee**
    - (iv) **Services Scrutiny Committee**
  2. Delegated authority is given to the Assistant Director of Governance and Monitoring Officer to appoint the Members to the four Scrutiny Committees in accordance with the proportionality rules and in consultation with the relevant group Leader and to appoint Members who are not in political groups.
- 

#### **IMPLICATIONS**

##### **Finance and Risk**

**Yes**

**No ✓**

There are no additional financial implications arising from this report

On Behalf of the Section 151 Officer

##### **Legal including Data Protection**

**Yes**

**No ✓**

There are no legal implications directly arising from this report.

On Behalf of the Solicitor to the Council

## Staffing

Yes

No ✓

There are no staffing issues arising directly from this report.

On Behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	N/A
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	N/A
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input checked="" type="checkbox"/> <b>SMT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input checked="" type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details:

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
All

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## REPORT DETAILS

### **1 Background**

- 1.1 The proposals contained within this report align to the need to consider the Chartered Institute of Public Finance and Accountability (CIPFA) updated Position Statement on Audit Committees in Local Authorities and the need to demonstrate that best efforts have been made to meet the principles in CIPFA's position statement including the separation of the audit and scrutiny functions.
- 1.2 Along with this change, the Council is in the process of developing its Council Plan 2023-27. The Plan is effectively the Business Plan of the Council for the



coming term, changes to Scrutiny should be cognisant of and aligned with the Plan.

## **2. Proposed Scrutiny Committee Structure**

2.1 Scrutiny Committees will provide 'checks and balances' on the effective delivery of the Council Plan, undertake reviews where necessary and be involved in the policy making process. For this to best be achieved and in order to provide a clear 'focus' for Scrutiny Committees, alignment with the new Council Plan is appropriate.

2.3 Whilst many responsibilities will be similar to the previous Scrutiny Committees, the proposed Committees do take account of the 'emerging' priorities and the primary Objectives of the 'developing' Council Plan. The alignment of the Scrutiny Committees to these will help to ensure the Council is best placed to collectively address the current challenges, maximise the current opportunities and ultimately successfully deliver the new Plan.

2.3 The following Scrutiny Committees are proposed (with nine Councillors on each Committee):

**(v) Communities Scrutiny Committee** (similar responsibilities to that of the previous Communities Scrutiny Committee)

**(vi) Business Scrutiny Committee** (similar responsibilities to that of the previous Growth Scrutiny Committee)

**(vii) Environment Scrutiny Committee** (responsibilities focussed upon our environmental improvement and tackling climate change)

**(viii) Services Scrutiny Committee** (similar responsibilities to that of the previous Organisation Scrutiny Committee)

2.4 In addition the Chairs and Vice Chairs of these Committees will meet informally and ad hoc as required. Their first meeting in the Corporate Year will be to agree the work plans for each of the Scrutiny Committees and to deal with any reviews which overlap the terms of reference of two or more Scrutiny Committees. A note of the outcomes of their meeting will be forwarded to all Scrutiny Members.

2.5 The Scrutiny Committees will follow the Scrutiny Rules. Within their themed areas, all Scrutiny Committees will:-

(i) Review decisions made by and the performance of the Cabinet, Committees and Officers both in relation to individual decisions and over time (but not including Regulatory Decisions)

(ii) Review the performance of the Council in relation to its policy objectives, strategies and tactics as shown in the Council Plan and/or particular service areas.

(iii) Contribute to the formulation and review of Council policies.

(iv) Question members of the Cabinet and Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions (but not including Regulatory Decisions)

(v) Make recommendations to the Council and/or Cabinet arising from work undertaken by a Scrutiny Committee

- (vi) Review the performance of other public bodies in the area and invite reports from them by asking them to address the Scrutiny Committee about their activities and performance
- (vii) Question and gather evidence from any person with their consent
- (viii) Collaborate with other Scrutiny Committees and other bodies carrying out similar functions outside the Council
- (ix) Report to the Council annually on the scrutiny function and their work
- (x) Exercise functions relating to Call in and Councillor Call for Action.

2.6 Any Committee may consider matters that are important to the Health and Well Being of residents within North East Derbyshire. Where a particular issue could fall within the functions of two or more Scrutiny Committees the Chairs of the relevant Scrutiny Committees, following consultation with the Senior Scrutiny Officer, will agree which Scrutiny Committee will consider the matter.

2.7 The Council is also part of the Shared Services Joint Scrutiny Committee with Bolsover District and Chesterfield Borough Councils which scrutinises the joint working arrangements across the three Councils.

### **3 Reasons for Recommendation**

3.1 To provide focus and a 'connecting thread' from Scrutiny Committees throughout the organisation in support of the effective delivery of the Council Plan.

### **4 Alternative Options and Reasons for Rejection**

4.1 To continue with the current structure or other alternative. Not recommended as the proposed Committees are purposely designed to both reflect reflect the requirements of CIPFA's updated position statement and in support of the effective delivery of the Council Plan.

## **DOCUMENT INFORMATION**

Appendix No	Title
<b>Background Papers</b>	

## North East Derbyshire District Council

### Annual Council

22 May 2023

### PROPORTIONALITY OF THE COUNCIL AND APPOINTMENTS TO COMMITTEES AND ADVISORY GROUPS

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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#### **PURPOSE / SUMMARY**

To appoint Elected Members to the Council's Committees and Advisory Groups for the 2022/23 Municipal Year

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#### **RECOMMENDATIONS**

1. That the proposed Committees of Council and Advisory Group be established for the 2023-24 Municipal Year.
2. That the size of the Committees and Working Groups as set out in Appendix 1 to the report be agreed for the 2023-24 Municipal year, in accordance with the Council Procedure Rules.
3. That the proposed appointment to Committees and Advisory Groups, as set out in Appendix 2 to the report and updated at the meeting be agreed.

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#### **IMPLICATIONS**

Finance and Risk: Yes  No

Details:

On Behalf of the Section 151 Officer

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Legal (including Data Protection): Yes  No

Details:

The Council is required to allocate seats to political groups in accordance with the Political Balance requirements of section 15 of the Local Government and Housing Act 1989. The criteria are listed in paragraph 1.2 in the order in which they must be applied. If Members wish to agree an alternative to the figures applying under the proportionality rules, this would have to be by a unanimous vote for the alternative at the meeting considering the alternative arrangements. This unanimous vote is required by the legislation and is not optional. An alternative proposal would have to be presented to Members to ensure all Members are aware of the proposed different allocations before voting.

On Behalf of the Solicitor to the Council

**Staffing:**    Yes             No   
**Details:**

On behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Group Leaders

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
Good Governance

## REPORT DETAILS

### 1 Background

- 1.1 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 introduced statutory requirements that, where a relevant authority has a membership divided into different political groups, it must ensure that appointments reflect the overall proportion as that in which the Council as a whole is divided.
- 1.2 The legislation also requires that in appointing members on a politically proportional basis, the Authority should conform with the following principles:
  - (a) That not all seats on the body are allocated to the same political group
  - (b) That a political group with an overall majority of the seats on the Council gets a majority of seats allocated on all Committees and Advisory Groups subject to the proportionality rules.
  - (c) Subject to (a) and (b) that the total number of seats each political group has on all Committees and Advisory Groups is in proportion to that group's share of the total Council elected membership
  - (d) Subject to (a) and (c) that each political group has the same proportion of seats as it holds on the Council as a whole.
- 1.3 In line with the provisions of the Constitution, the Council will comply with the Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 by:
  - Deciding the allocation of seats to political groups in accordance with the Political Balance rules;
  - Receiving nominations of councillors to serve on each Committee and Advisory Group and make the associated appointments.
- 1.4 Under the Council's constitution, the Annual Meeting of Council is required to:
  - Appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matter which are neither reserved to the Council Meeting nor are Executive Functions;
  - Decide the size and terms of reference for those committees;
  - Decide the allocation of seats to political groups in accordance with the Political Balance rules.
- 1.5 The terms of reference for each Committee have been presented to this meeting of Council; as part of the Review of the Constitution.

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

- 2.1 Following on from the Local Government Elections on Thursday 4 May 2023 the political balance for the Council as a whole and the specific bodies covered by the political balance requirements are set out in **Appendix 1**
- 2.2 Political Group Leaders were requested to nominate Members to serve on Committees and Advisory Groups with effect from 22 May 2023 for the 2023/24 Municipal year.
- 2.3 The nominations received from the Majority Group are set out at **Appendix 2**. They will be updated as necessary at the meeting.

## **3 Reasons for Recommendation**

- 3.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of Section 15 of the Local Government and Housing Act a far as reasonable practicable.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 The Council is required by the provisions within its Constitution to establish and appoint to Committees and Advisory Groups at the Annual meeting.

### **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Council Proportionality
2	Majority Group Nominations to Committees and Working Groups
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

OFFICIAL-[SENSITIVE]

		Labour	Conservatives	LibDems	Independents	Green
Ordinary Committees	Size of Committee					
Licensing Act Committee	7	4	3	0	0	0
Licensing General Committee	7	4	3	0	0	0
Planning	11	6	3	1	1	0
Audit	5	3	2	0	0	0
Standards	7	4	2	0	1	0
Environment Scrutiny	9	5	3	0	0	1
Communities Scrutiny	9	5	3	1	0	0
Services Scrutiny	9	5	3	1	0	0
Business Scrutiny	9	5	3	1	0	0
Total	73	41	25	4	2	1

Party	% on Council	Number of seats on Committees	% of seats on Committees
Labour	52.8	41	56.2
Conservatives	35.8	25	34.2
LibDems	5.7	4	5.5
Independents	3.8	2	2.7
Green*	1.9	1	1.4
Total	100	73	100

- A single Member not part of a political groups

		Labour	Conservatives	LibDems	Independents	Green
Joint Committees	Size of Committee					
Joint ICT Committee	3 NEDDC seats	2	1			
Joint Crematorium Committee	4 NEDDC Cabinet Members	4				

## NORTH EAST DERBYSHIRE DISTRICT COUNCIL

22 May 2023

### APPOINTMENT TO COMMITTEES

#### COMMITTEES

<b>COMMITTEE</b>	<b>LABOUR GROUP</b>	<b>CONSERVATIVE GROUP</b>	<b>LIBERAL DEMOCRAT GROUP</b>	<b>INDEPENDENT GROUP</b>	<b>GREEN</b>	<b>TOTAL SEATS</b>
<b>Audit Committee</b>	Christine Smith, David Cheetham, Gerry Morley	Martin Thacker, Alex Dale				<b>5</b>
<b>Communities Scrutiny Committee</b>	Stuart Fawcett, Michael Durrant, Nicki Morley, Graham Baxter, Richard Beech	Kevin Tait, Carolyn Renwick, Pam Jones	Pam Windley			
<b>Business Scrutiny Committee</b>	Suzy Cornwell, Lee Hartshorne, Lee Stone, Martin Fletcher, Christine Gare	Steve Clough, Richard Spooner, Stephen Reed	David Hancock			
<b>General Licensing Committee</b>	Carol Lacey, Dan Higgon, Martin Fletcher, Fran Petersen	Martin Thacker, Richard Welton, Mike Roe				
<b>Licensing &amp; Gambling Acts Committee</b>	Carol Lacey, Dan Higgon, Martin Fletcher, Fran Petersen	Martin Thacker, Richard Welton, Mike Roe				
<b>Environment Scrutiny Committee</b>	Caroline Smith, Fran Petersen, Graham Baxter, Richard Beech, Tony Lacey	William Jones, Lillian Deighton, Neil Baker			Frank Adlington - Stringer	



COMMITTEE	LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRAT GROUP	INDEPENDENT GROUP	GREEN	TOTAL SEATS
<b>Planning Committee</b>	Lee Hartshorne, Tony Lacey, Nicki Morley, Kathy Rouse, Stuart Fawcett, David Cheetham (Subs: Christine Gare, Michael Durrant, Dennis Skinner)	Mark Foster, Heather Liggett, Peter Elliot (Subs: Pat Antcliff, Neil Baker, William Jones, Richard Welton)	David Hancock (Sub: Pam Windley)	Andrew Cooper		
<b>Services Scrutiny Committee</b>	Mick Smith, Derrick Skinner, Christine Smith, Kathy Clegg, Carol Lacey	Heather Liggett, Michelle Emmens, Mark Foster	Ross Shipman			
<b>Standards Committee</b>	Kevin Gillott, Fran Petersen, Pat Kerry, Kathy Rouse	Pat Antcliff, Charlotte Cupit		Helen Wetherall		

### JOINT COMMITTEES

COMMITTEE	LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRAT GROUP	INDEPENDENT GROUP	GREEN	TOTAL SEATS
<b>Joint Crematorium Committee</b>	Nigel Barker, Pat Kerry, Steve Pickering, Jayne Barry					
<b>Joint ICT Committee</b>	Joe Birkin, Jayne Barry	Stephen Reeder				
<b>Employment &amp; Appeals Committee</b>	Nigel Barker, Pat Kerry Appropriate Cabinet Portfolio Holder	Alex Dale				

## ADVISORY GROUPS

COMMITTEE	LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRAT GROUP	INDEPENDENT GROUP	GREEN	TOTAL SEATS
<b>Council Joint Consultative Group (plus named substitutes)</b>	Nigel Barker, Pat Kerry, Joe Birkin					

## North East Derbyshire District Council

### Annual Council

22 May 2023

## NOMINATIONS TO THE CHAIRS AND VICE CHAIRS OF THE COUNCIL'S COMMITTEES

### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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### **PURPOSE / SUMMARY**

To appoint elected Members to serve as the Chairs and Vice Chairs of the Council's Committees and Advisory Groups for the 2023/24 Municipal Year

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### **RECOMMENDATIONS**

1. That Council appoint elected Members to serve as the Chair and Vice Chairs of the specified Council's Committees and Advisory Groups.
- 

### **IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:**

The Council is not required by law to appoint the Chairs and Vice Chairs of its Committees and Working Groups on the basis of political proportionality. As in previous years, Council can determine these appointments on the basis of a simple majority at the meeting.

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Group Leaders

**Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.**

Good Governance

## REPORT DETAILS

### 1 Background

1.1 To appoint the Chairs and Vice Chairs of the Council's Committees

### 2. Details of Proposal or Information

2.1 Following the 4 May 2023 elections, the Majority Group has nominated the following elected Members to serve as Chairs or Vice Chairs of the Council's Committees.

3

**MAJORITY (LABOUR) GROUP NOMINATIONS FOR CHAIRS AND VICE-CHAIRS  
OF COMMITTEES 2023-24**

**Audit Committee**

Chair: Christine Smith

Vice Chair: David Cheetham

**Communities Scrutiny Committee**

Chair: Stuart Fawcett

Vice Chair: Michael Durrant

**Business Scrutiny Committee**

Chair: Suzy Cornwell

Vice Chair: Steve Clough

**Environment Scrutiny Committee**

Chair: Caroline Smith

Vice Chair: Frank Adlington-Stringer

**General Licensing Committee**

Chair: Carol Lacey

Vice Chair: Dan Higgon

**Licensing and Gambling Acts Committee**

Chair: Carol Lacey

Vice Chair: Dan Higgon

**Services Scrutiny Committee**

Chair: Mick Smith

Vice Chair: Heather Liggett

**Planning Committee**

Chair: Lee Hartshorne

Vice Chair: Tony Lacey

**Standards Committee**

Chair: Kevin Gillott

Vice Chair: Helen Wetherall

**3 Reasons for Recommendation**

3.1 To appoint Chair's to the Council's Committees for the Municipal Year in line with the requirements of the Constitution.

**4 Alternative Options and Reasons for Rejection**

4.1 None

**DOCUMENT INFORMATION**

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

## North East Derbyshire District Council

### Annual Council

22 May 2023

## PROPOSED INTERIM SCHEDULE OF MEETINGS FOR THE 2023-24 MUNICIPAL YEAR

### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

---

### **PURPOSE / SUMMARY**

To set out the proposed Interim Schedule of Meetings for May-July 2023.

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### **RECOMMENDATIONS**

1. That Council approves the proposed Interim Schedule of Meetings for May-July 2023
2. That the finalised Schedule of Meetings for the whole 2023-24 Municipal Year be submitted to the July meeting of Council for approval.

---

### **IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

[Click here to enter text.](#)

On Behalf of the Section 151 Officer

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

**Details:**

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes Group Leaders

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
Good Governance

## REPORT DETAILS

### 1 Proposed Schedule of Meetings

- 1.1 With the agreement of Standards Committee, the Council's different political groups were consulted on the draft Schedule of Meetings for the 2023-24 Municipal Year. This consultation was intended to reduce as far as possible the need for subsequent changes to meeting dates
- 1.2 The proposed Schedule of Meetings was developed and circulated as part of the first iteration of the report. However, since then it has become clear that significant changes will be required to the schedule in order to accommodate the various changes to the Council's Scrutiny and other Member decision making arrangements.



1.3 For this reason it is now proposed that Council agree an Interim Schedule of Meetings for the May to July 2023 period and that a fully revised Schedule then be prepared and submitted to Council for approval at its meeting on 31 July 2023. The proposed Interim Schedule of Meetings for the May to July 2023 period is attached at Appendix 1.

**2 Reasons for Recommendation**

2.1 To agree an Interim Schedule of Meetings for the first part of the 2023-24 Municipal Year.

**3 Alternative Options and Reasons for Rejection**

3.1 None

**DOCUMENT INFORMATION**

Appendix No	Title
1	Proposed Interim Schedule of Meetings: May to July 2023.
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

**NORTH EAST DERBYSHIRE DISTRICT COUNCIL**

**INTERIM SCHEDULE OF COUNCIL MEETINGS – MAY TO JULY 2023**

<b><u>W/C: 22 MAY 2023</u></b>				
<b>Monday – 22 May</b>	<b>Tuesday – 23 May</b>	<b>Wednesday – 24 May</b>	<b>Thursday – 25 May</b>	<b>Friday – 26 May</b>
3pm - Annual Council				
<b><u>W/C: 29 MAY 2023</u></b>				
<b>Monday – 29 May</b>	<b>Tuesday – 30 May</b>	<b>Wednesday – 31 May</b>	<b>Thursday – 1 June</b>	<b>Friday – 2 June</b>
<b><u>W/C: 5 JUNE 2023</u></b>				
<b>Monday – 5 June</b>	<b>Tuesday – 6 June</b>	<b>Wednesday – 7 June</b>	<b>Thursday – 8 June</b>	<b>Friday – 9 June</b>
10am – Planning Site Visits 1pm – Chesterfield & District Joint Crematorium Committee	10am - Licensing Sub- Committees 2pm – Planning Committee			

**W/C: 12 JUNE 2023****Monday – 12 June****Tuesday – 13 June****Wednesday – 14 June****Thursday – 15 June****Friday – 16 June****W/C: 19 JUNE 2023****Monday – 19 June****Tuesday – 20 June****Wednesday – 21 June****Thursday – 22 June****Friday – 23 June****W/C: 26 JUNE 2023****Monday – 26 June****Tuesday – 27 June****Wednesday – 28 June****Thursday – 29 June****Friday – 30 June****2pm – Joint ICT Committee****4.00pm – Cabinet****W/C: 3 JULY 2023****Monday – 3 July****Tuesday – 4 July****Wednesday – 5 July****Thursday – 6 July****Friday – 7 July****3pm – Audit Committee****10am - Licensing Sub  
Committees (if  
required)****2pm - Licensing Committees**

**W/C: 10 JULY 2023**

<b>Monday – 10 July</b>	<b>Tuesday – 11 July</b>	<b>Wednesday – 12 July</b>	<b>Thursday – 13 July</b>	<b>Friday – 14 July</b>
<b>1pm – Business Scrutiny Committee</b>	<b>10am – Services Scrutiny Committee</b>	<b>2pm - Standards Committee</b>	<b>4pm - District Parish Liaison Group</b>	<b>1.30pm - Communities Scrutiny Committee</b>

**W/C: 17 JULY 2023**

<b>Monday – 17 July</b>	<b>Tuesday – 18 July</b>	<b>Wednesday – 19 July</b>	<b>Thursday – 20 July</b>	<b>Friday – 21 July</b>
<b>3.30pm – Environment Scrutiny Committee</b>				

**W/C: 24 JULY 2023**

<b>Monday – 24 July</b>	<b>Tuesday – 25 July</b>	<b>Wednesday – 26 July</b>	<b>Thursday – 27 July</b>	<b>Friday – 28 July</b>
<b>10am – Planning Site Visits</b>	<b>2pm – Planning Committee</b>		<b>4.00pm - Cabinet</b>	<b>2pm - Council Joint Consultative Group</b>

**W/C: 31 JULY 2023**

<b>Monday – 31 July</b>	<b>Tuesday – 1 August</b>	<b>Wednesday – 2 August</b>	<b>Thursday – 3 August</b>	<b>Friday – 4 August</b>
<b>2pm – Council</b>	<b><u>RECESS</u></b>	<b><u>RECESS</u></b>	<b><u>RECESS</u></b>	<b><u>RECESS</u></b>

## North East Derbyshire District Council

### Annual Council

22 May 2023

### APPOINTMENT OF THE COUNCIL'S REPRESENTATIVES TO SERVE ON OTHER ORGANISATIONS (OUTSIDE BODIES) FOR THE 2023-24 MUNICIPAL YEAR

#### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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#### **PURPOSE / SUMMARY**

To appoint elected Members to serve as the Council's representatives on other organisations (Outside Bodies) for the 2023/24 Municipal Year

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#### **RECOMMENDATIONS**

1. That Council appoint elected Members to serve as its representatives on other organisations for the 2023-24 Municipal Year.
- 

#### **IMPLICATIONS**

Finance and Risk: Yes  No

Details:

On Behalf of the Section 151 Officer

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Legal (including Data Protection): Yes  No

Details:

The Council is not required by law to appoint representatives on Outside Bodies. A Code for Councillors representing the Council these bodies is set out in the Constitution and is appended to this report. Under it those appointed are required to: act according to the rules and constitution and framework set by the outside body; make independent and personal judgements in line with the Members' duty of care to

the outside body; behave ethically and following as far as is applicable in accordance with the Council Code of Conduct and other codes and protocols.

On Behalf of the Solicitor to the Council

**Staffing:** Yes  No   
**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

Decision Information	
<p><b>Is the decision a Key Decision?</b>            A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>NEDDC:</b>  <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>            (Only Key Decisions are subject to Call-In)</p>	No
<p><b>District Wards Significantly Affected</b></p>	All
<p><b>Consultation:</b>  <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet</b> <input type="checkbox"/>  <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/>  <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/></p>	Yes  Details: Group Leaders

### Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.

Good Governance

## 1. REPORT DETAILS

- 1.1 Following the local elections on 4 May 2023 the Political Group Leaders were asked to nominate elected Members to serve as the Council's representatives on other organisations. These nominations were received. Copies of these have been circulated and have been added to the Agenda.

**2 Reasons for Recommendation**

2.1 To ensure the effective operation of the Council’s Committees

**3 Alternative Options and Reasons for Rejection**

3.1 None

**DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Code for Councillors representing the Council on Outside Bodies
2	Nominations to serve on Outside Bodies – To Follow
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

### Appointments to be made to Outside Bodies for the 2023-24 Municipal Year

Outside Body	No. of Positions	Council Representative
APSE	1	Jayne Barry
Chesterfield Canal Partnership	1	Richard Beech
Clay Cross One Public Estate Project Control Board	1	Jayne Barry
Coal Aston Public Playing Fields & Village Hall	1	David Cheetham
Community Safety Partnership  (Formerly known as the Safer Neighbourhoods Crime and Disorder Partnership)	1	Pat Kerry
D2/N2 Joint Committee	1 (plus sub)	Nigel Barker (Pat Kerry)
Danesmoor Darby & Joan Club	3	Brian Wright, Maggie JKones, Fran Petersen
Derbyshire and Nottinghamshire Chamber of Commerce	1	Jayne Barry
Derbyshire Law Centre	1	Kathy Rouse
Derbyshire Police and Crime Panel	1	Kevin Gillott
East Midlands Councils	1	Nigel Barker
EMC Regional Employers Board	1	Nigel Barker
Holmgate Community Centre Management Committee	2	Kathy Rouse, Geoff Morley
Holmgate Darby & Joan Club	3	Kathy Rouse, Geoff Morley
Joint Board with BDC, CBC and NEDDC	1 (plus sub)	Nigel Barker (Pat Kerry sub)



Outside Body	No. of Positions	Council Representative
LGA Derbyshire	3	Nigel Barker, Pat Kerry, Kathy Rouse
LGA General Assembly and Related	1	Nigel Barker
Marketing Peak District & Derbyshire – Local Authority Investor Group	1	Jayne Barry
Marsh Lane, Old People's Welfare Association	1	Steve Pickering
Peak District National Park Authority	1	Lee Hartshorne
Ridgeway Sports & Social Club	2	Christine Gare
Sheffield City Region Combined Authority	1 (plus sub)	Nigel Barker (Pat Kerry sub)
Stonebroom Community Association	1	Janice Cann

## North East Derbyshire District Council

### Annual Council

22 May 2023

## REVIEW OF THE COUNCIL'S CONSTITUTION

### Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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### **PURPOSE / SUMMARY**

To set out and seek Council's approval of the proposed Constitution of the Council for the 2023-24 Municipal Year.

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### **RECOMMENDATIONS**

1. That following on from the extensive review carried out by Standards Committee Council approves the proposed Constitution for the 2023-24 Municipal Year
2. The Standards Committee be asked to undertake a further review of the Constitution, as part of its annual work programme for the 2023-24 municipal year and to make any necessary recommendations for change to Council, as appropriate.
3. 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 during the course of the Municipal Year

Approved by the Chair of the Standards Committee 2022-23: Cllr William Armitage

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### **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 under the Localism Act 2011 to prepare and keep up-to-date a constitution that contains its standing orders, code of conduct, such other information that the Secretary of State may direct, and such other information that the Authority considers appropriate.

On Behalf of the Solicitor to the Council

**Staffing:** Yes

No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

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

Demonstrating Good Governance.

## 1. REPORT DETAILS

- 1.1 The Council is required by law to prepare and keep up to date a Constitution. This needs to explain explain how the Council operates, how decisions are made, and the procedures which are to be followed to ensure that these procedures are efficient, transparent and accountable to local people.
- 1.2 One of the main functions of the Standards Committee is to undertake an annual review of the Council's Constitution. The purpose of these reviews is to make sure that the Constitution is up to date, that it is in line with current legislation and that it provides the appropriate rules and framework to ensure the good governance of the Council and how it co-operates with others.
- 1.3 As part of the review process, Standards Committee is then responsible for highlighting any areas of concern and agreeing specific changes to Annual Council for adoption.
- 1.4 In practice, the Committee has usually discharged this responsibility by considering sequentially detailed changes required to different parts of the Constitution and the rationale for these changes, This approach has helped to focus attention on specific and practical issues, which need to be addressed.
- 1.5 However, this approach has not always allowed for the Committee to consider the Constitution as a whole and, in particular, whether it is still providing the relevant rules and governance framework for how the Council works and how it co-operates with others.
- 1.6 In order to address this and to carry out a more holistic assessment of the Constitution Standards Committee agreed to a three stage review.
- 1.7 During **Stage One** officers sought to identify and then rectify any essentially factual and typographical errors in the document, such as the continued inclusion of expired powers and regulations etc. During **Stage Two** of the review, Standards Committee considered how the Constitution should cover Councillor roles and responsibilities, the Code of Conduct and Acceptable Standards of Behaviour. Finally, during **Stage Three** Committee considered the operation of the Council's Member and Officer decision making arrangements.
- 1.8 Although the Committee was able to reach a consensus on most of the required amendments, there were some issues were this was not possible, such as whether policy decisions should go directly to Council. It is recommended that Standards Committee be asked to consider these issues further during the course of the new municipal year and that following on from this, determine whether Council should be advised to make any additional changes to the Constitution.
- 1.9 The proposed Constitution of the Council has now been revised to both reflect the views of Standards Committee and to ensure its accuracy. The way in which the document is organised has been simplified. For the most part it now consists of specific 'Sections'.

1.10 The issues considered by Standards Committee on Councillor Roles and Responsibilities and on Member-officer decision making arrangements in Appendix One. The draft Constitution has been published on Modern.gov. The link to it is set out in Appendix 3. Copies of the document will be provided for all Members at the meeting. The previous Constitution have been placed in the documents library: [Constitutions of the Council - Archive](#)

**2 Reasons for Recommendation**

2.1 To comply with the Council’s legal duty to adopt and keep up to date its Constitution.

**3 Alternative Options and Reasons for Rejection**

3.1 None.

**DOCUMENT INFORMATION**

Appendix No	Title
Appendix One	Issues considered by Standards Committee: Councillor roles and responsibilities. Issues considered by Standards Committee: Member-officer decision making arrangements.
Appendix Two	The Proposed Constitution of the Council: 22 May 2023 ( <a href="#">Draft Constitution</a> )
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers	
None.	

Proposed Changes to the Constitution

Session 2 – ethical framework:

Change proposed	Comment
<p>Briefing on private life actions reflecting on the Council.</p> <p>Add in the following to the Code of Conduct as the penultimate paragraph under “Application of the Code of Conduct”</p> <p>Although the Code applies to you only when you are acting as a Councillor, you should be aware that your actions can reflect on and damage the reputation of the Council even when you are acting in a private capacity. You should remember this in whatever you do and particularly on social media. Those who know you are a Councillor will assume that you are posting on social media or saying things as a Councillor and not as a private individual.</p>	
<p>Twin hatters and DPIs – planning training plus the Code?</p> <p>Add to the Code of Conduct as paragraph 14:</p> <p><b>14 Dual hatters</b></p> <p>If you are a Councillor at the District Council and at another Council and the second Council pays you allowances you will have a Disclosable Pecuniary Interest in relation to the second Council. This is most common where a Councillor is a County Councillor as well as a District Council. The County Council pay Members’ Allowances and therefore under the Regulations this qualifies as a Disclosable Pecuniary Interest.</p> <p>Where there is a matter that concerns the other Council you should seek advice on your position and the need to declare the interest.</p> <p>Parish Councils generally do not pay Members’ Allowances and so the issue is one of “another interest” rather than a Disclosable Pecuniary Interest.</p>	
<p>Members wished Officers to check where a planning application is in a Member’s own ward, is that Member excluded from the Planning Committee decision process making process.</p> <p>The answer is yes.</p> <p>This is in the published Constitution at Paragraph 2.5 of the Protocol on planning (Now Planning Rules) page 188 of the 2022 Constitution. So the Council has accepted this. The Councillor is allowed to speak for or against an application as</p>	

<p>[art of the public speaking. This provision expressly states that a Member should not vote on an application in their ward.</p>	
<p>Appointments to Outside Bodies by the Council. Are two sets of guidance required? One for larger more formal bodies such as the Council Companies. However Members work with a lot of small local groups as well. Which rules/Code of Conduct should be followed?</p> <p>If a Councillor is appointed by the Council as a Director of a Council Company, they will be expected to follow the Company's Code of Conduct and rules. The relationship between the Council and the Company (including the Directors) will be covered by the legal agreements between the Company and the Council.</p> <p>In relation to smaller more local bodies, these may not be incorporated and may not have their own Code of Conduct to follow. In these circumstances appointee Councillors should follow the District Council's Code of Conduct.</p> <p>If not incorporated, are Members covered by the Council's indemnity?</p> <p>All members are covered for work on outside bodies as long as they are representing the Council in an official capacity.</p> <p>The members who are on RHL and Northwood boards are covered by the relevant company's own insurance.</p>	
<p>Need to know v FOI. Is more guidance needed?</p> <p>Add as 6.12 in the Protocol for Councillor - Officer Relations:</p> <p>6.12 The "Need to Know" principle is applicable to Councillors only. The Freedom of Information legislation (FOIA) is separate from the "Need to Know Principle" and is for the public generally. In the right circumstances, the FOIA can be used by any member of the public (including Members), to ask for information from a public body. Thus Councillors can use both the "need to Know" principle and FOI in appropriate circumstances to find out information from the District Council.</p> <p>Member Officer Protocol – reference should be made to the 3 statutory officers at the end of the section.</p> <p>Add after the Head of Paid Service:</p> <p><b>11 SECTION 151 OFFICER</b></p> <p>The Section 151 Officer has a specific statutory function in relation to the management of the financial affairs of the Council and ensuring that they comply with legislation and the Council's own financial rules.</p> <p><b>12 MONITORING OFFICER</b></p>	

<p>The Monitoring Officer has a specific statutory function in relation to ensuring that the Council's actions are within the Council's powers, in relation to being the guardian of the Council's Constitution and in relation to assisting the Standards Committee in terms of dealing with complaints that District or Parish Councillors have breached the relevant Council's Code of Conduct.</p>	
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Session 3 – Procedure Rules

Change proposed	Comment
Removal of Articles as largely duplicate the rest of the Constitution and can cause confusion as to which part of the Constitution is applicable.	Any part of the Articles not covered elsewhere will be included in the rest of the Constitution.
Article 4, 4.3 Chairman of the Council, in 4.3 delete 4.3 (b) (vi) to be the conscience of the Council	
Article 5 – the Leader of the Council and the Cabinet  In 5.2 The Cabinet add the Deputy Leader to (b) Membership	
Article 7 officers of the Council  In 7.5 replace JAC with EAC in the heading  In 7.5 (c) delete which includes the Statutory Officers and add at the end and make a recommendation to Council with regard to the Statutory Officers appointment.	
The Functions Scheme on page 32 under Training heading, change required to expected.	
General Directors and Assistant Directors delegations states in relation to land: <i>9.14 To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.</i>  <i>Executive Functions (Page 34) should be changed as follows to agree with the delegation above – (y) be able to approve the purchase, sale or appropriation of land and buildings <del>where the market value of the transaction is over £50,000 and to approve the leasing (or otherwise) of property where for the length of the lease the annual rental will be over £50,000.</del></i>	The 2 should match so that such matters can be dealt with either by officer delegation or by Cabinet.
Planning Protocol to become Members Planning Rules	To be consistent across the Constitution.
Members Planning Rules at page 192 – 12.1 refers to planning applications from any Member, Planning Officer, Senior Officer or Senior Manager of the Council and the removal of the Member or Officer from the processing or determination of the application.  12.2 refers applications from a Member of the Authority or an officer to Planning Committee. This should be amended to also refer to applications from any Member, Planning Officer, Senior	For consistency of approach and to ensure transparency.

<p>Officer or Senior Manager of the Council or the Partner or Relative of the same being referred to Planning Committee.</p> <p>Planning Committee Terms of Reference page 39 at 2 (e) refers applications from Members and NEDDC officers who have an involvement in the determinations of or advising on planning matters to the Planning Committee. This should be amended to include reference to applications from any Member, Planning Officer, Senior Officer or Senior Manager of the Council or the Partner or Relative of the same being referred to Planning Committee.</p> <p>Reference to the Development Plan should be deleted as this is about transparency and the public having confidence in how matters are dealt with not compliance with the Development Plan which comes at Planning Committee.</p> <p>2 (e) would then read:</p> <p style="padding-left: 40px;">A serving Councillor, Senior Officer or Senior Manager of the Council (Team Manager and above), Planning Officer or other Planning Team Member advising or determining on planning applications, who submits an application to the Authority for himself/herself or on behalf of any other person or the Partner or Relative of the same who submits their own application.</p>	
<p>Members Planning Rules at page 194 - 16 Public Participation at Committee meetings</p> <p>Add to 16.1:</p> <p>The number of speakers in relation to one application is limited to 5 in support of the application (including the applicant and their representative) and 5 against the application.</p>	
<p>Procurement Rules</p> <p>Page 150 5.3 Contracts £1 to £1000 delete oral and change to written or email quotations.</p> <p>Page 151 5.4 Contracts £1001 to £5000 add written or email quotations</p> <p>Page 151 5.5 Contracts £5001 to £25000 add written or email quotations</p> <p>Page 151 5.6 Contracts £25001 to £75000 add written or email quotations</p> <p>Page 157 Appendix A Financial Thresholds and Aggregation Rule</p>	<p>A full review is needed and will be carried out in the new corporate year. Changes here represent the minimum needed to include email quotes and Purchase Orders.</p>

<p>For contract from £0 to £1000 replace Oral quotation with one email or written quotation or a Purchase Order.</p> <p>For contract from £1001 to replace written quotation with written or emailed quotations or a Purchase Order.</p> <p>From £5001 to £25000 replace 3 written quotations with 3 written or emailed quotations or a Purchase Order.</p> <p>From £25001 to £75000 replace 3 written quotations with 3 written or emailed quotations.</p>	
<p>Politically restricted posts</p> <p>Section 3 etc. LGHA 1989 – it is now the province of the Head of Paid Service to grant exemptions and declarations in relation to politically restricted posts. It was previously Standards Committee. This should be amended in the Proper Officer list.</p>	<p>To reflect legislative change.</p>
<p>Any changes needed to delegations and proper officers and Standards Committee Terms of reference?</p>	
<p>Protocol for changing Constitution – to be added to the Council Procedure Rules.</p> <p>Add the following at 10.3:</p> <p>10.3 Changes to the Constitution</p> <p>(a) No motions to change any part or parts of the Constitution can be accepted for debate at a Council meeting until they have been considered by Standards Committee. Such a motion will stand deferred until Standards Committee has considered it. If no Standards Committee is due to meet within 30 days, an extraordinary Standards Committee will be called within 30 days of the motion being submitted.</p> <p>(b) No changes can be made to the Constitution as part of a Council debate on any motion. Such a motion or part motion will be referred to the Standards Committee in accordance with 10.3 (a).</p> <p>Alternatively:</p> <p>10.3 Changes to the Constitution can only be approved by the Council after consideration of the proposal by the Standards Committee.</p>	<p>To ensure the Constitution is amended following due consideration and not in an ad hoc way.</p>
<p>Protocol for changing Policy – to be added to the Council Procedure Rules:</p>	<p>To ensure that Council</p>

<p>10.4 Change in Policy</p> <p>(a) No motions to change Council Policy can be accepted for debate at a Council meeting until they have been considered by the relevant Scrutiny Committee and Cabinet or if the Policy is a regulatory one such as a Planning or Licensing policy, the change has been considered first by the relevant regulatory committee.</p> <p>(b) No changes can be made to Council Policy as part of a debate until the Policy and proposed change has first been considered by the relevant Scrutiny Committee and Cabinet or the relevant Regulatory Committee.</p>	<p>Policy is amended following due consideration and not in an ad hoc way.</p>
<p>Propose amending the time of Council start to 2 pm.</p>	
<p><b>Planning Committee Terms of Reference:</b> – amend “planning grounds” in paragraph (c) and “Planning reasons” in (d) to say “planning issue fully explained by the Member calling it in”</p>	
<p><b>Planning Committee Terms of Reference:</b> - in (e) delete final sentence and replace with “(immediate family means a relative or close associate)”</p>	
<p><b>Licensing and Gambling Acts Committee Terms of Reference:</b> – change description of number of Members to “up to 15 Members”</p>	
<p><b>General Licensing Sub Committee</b> Membership is 3 Members</p>	<p>Change from 5.</p>
<p><b>Standards Committee Terms of Reference:</b> propose removing the 2 Parish Council Members from the Standards Committee membership. This was not agreed. Members asked that the parish members should represent different parishes.</p>	
<p><b>Standards Committee Terms of Reference:</b> change “Promote and maintain high standards of conduct within Town/Parish Councils and to assist them in following their own Codes of Conduct or adopt the North East Derbyshire Code of Conduct” to “Proactively engage with Town/Parish Councils to promote and maintain high standards of conduct within Town/Parish Councils and to assist them in following their own Codes of Conduct or adopt the North East Derbyshire Code of Conduct”</p>	
<p><b>Standards Committee Terms of Reference:</b> remove “Review Members’ attendance at meetings on a bi-annual basis</p>	
<p><b>Employment and Appeals Committee Terms of Reference:</b> - add the word “Senior” before Management Team in the second function in the functions table.</p>	
<p>Add to the Access to Information Rules at paragraph 4.2 (b) before or “such judgement being made if and so long, as in all the circumstances of the case, the public interest in maintaining</p>	<p>To add in reference to the public interest test in</p>

the exemption outweighs the public interest in disclosing the information.”	accordance with the legislation.
Planning Protocol paragraph 19 Gifts and Hospitality at 19.1 – change from £25 to £50.	
Delete Role Profiles of roles of Members.	

**North East Derbyshire District Council**

**Annual Council**

**22 May 2023**

**SCHEME OF DELEGATION**

**Report of the Assistant Director of Governance and Monitoring Officer**

**Classification:** This report is public

**Report By:** Sarah Sternberg. Monitoring Officer

**Contact Officer:** Alan Maher, Governance Manager 01246 217391  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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**PURPOSE / SUMMARY**

For Council to approve the Scheme of Delegation as outlined in Section 22 of the Council's Constitution Scheme of Delegation

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**RECOMMENDATIONS**

It is recommended that Council approves the Scheme of Delegation as set out in the Council's Constitution

Approved by the Portfolio Holder – Council Services

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**IMPLICATIONS**

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**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer

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

**Details:**

It is a requirement under Council Procedure Rule 1.1 (o) of the Council's Constitution, that Annual Council Meeting agrees the Scheme of Delegation as set out in Section 22 of the Constitution.

On Behalf of the Solicitor to the Council

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**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

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## DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	All
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input type="checkbox"/> <b>Cabinet / Executive</b> <input type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	No  Details: <a href="#">Click here to enter text.</a>

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
None

## REPORT DETAILS

### 1 Background

1.1 It is a requirement under Council Procedure Rule 1.1(o) of the Council's Constitution that the Annual Council Meeting agrees the Scheme of Delegation as set out in Section 22 of the Constitution.

1.2 The Scheme of Delegation outlines the specific delegation of Council and Executive Functions to officers. In Particular;

- Managing Director and Head of Paid Service
- Director or Growth and Assets
- Director of Finance and Resources
- Assistant Director of Governance and Monitoring Officer.

1.3 The Scheme also outlines Proper Officer Provisions.

## 2. Details of Proposal or Information

2.1 A electronic link to the Scheme of Delegation is set out at Appendix 1.

## 3 Reasons for Recommendation

3.1 This report fulfils the Constitutional requirements for agreement of the scheme at the Annual Meeting of Council.

3.2 The framework outlines the specific delegation of Council and Executive Functions to officers, in order for them to do their paid work as officers of the Council taking into account the current Management Structure.

## 4 Alternative Options and Reasons for Rejection

4.1 It is a requirement of the Council Procedure Rules that the Scheme of Delegation is approved at Annual Council.

### DOCUMENT INFORMATION

Appendix No	Title
1	Proposed Delegation Scheme 2023-24 – Section 22 of the Proposed Constitution. <a href="#">Constitution of the Council – Section 22</a> )
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet then you must provide copies of the background papers)	
None	



## North East Derbyshire District Council

### Annual Council

22 May 2023

## OPERATION OF URGENCY RULES AND THRESHOLDS FOR KEY DECISIONS

### Report of the Leader of the Council

Classification: This report is public

Report By: Sarah Sternberg, Assistant Director of Governance & Monitoring Officer – [sarah.sternberg@ne-derbyshire.gov.uk](mailto:sarah.sternberg@ne-derbyshire.gov.uk)

Contact Officer: Alan Maher, Interim Governance Manager  
[alan.maher@ne-derbyshire.gov.uk](mailto:alan.maher@ne-derbyshire.gov.uk)

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### **PURPOSE / SUMMARY**

The purpose of this report is to:

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

### **RECOMMENDATIONS**

That Council:

- 1.1 Notes that no decisions have been taken over the past 12 months under Special Urgency rules in the Council's Access to Information Rules.
- 1.2 Notes the no decisions taken over the past 12 months under the urgency provisions (called General Exception) in the Council's Access to Information Rules.
- 1.3 Agrees that the financial thresholds for Key Decisions be maintained at £100,000 (Revenue) and £250,000 (Capital).

Approved by the Portfolio Holder – Yes

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## IMPLICATIONS

**Finance and Risk:** Yes  No

Details:

On Behalf of the Section 151 Officer

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

Details:

This report is submitted in accordance with Rule 19 of the Access to Information Rules in the Council's Constitution. This Rule requires a report to be submitted at least once a year outlining whether the urgency rules in the Constitution have been complied with.

On Behalf of the Solicitor to the Council

**Staffing:** Yes  No

Details:

On behalf of the Head of Paid Service

## DECISION INFORMATION

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

<b>Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
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All
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## REPORT DETAILS

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

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

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

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

1.2 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require that all Key Decisions must be published at least 28 days prior to being made. Where this is not possible the decision may still be made so long as there is compliance with General Exception provisions in Rule 10 of the Access to Information Rules. This involves informing the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) and publishing a notice five days prior to making the decision outlining the reasons why compliance with the requirements is not possible.

1.3 Where it is impractical to comply with the General Exception rules, a Key Decision may only be taken in cases of Special Urgency which is Rule 11 of the Access to Information Rules. This is where the Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) agrees that the decision is urgent and cannot be reasonably deferred. Again, the Council must publish a notice setting out the reasons why the decision is urgent and cannot be reasonably deferred.

1.4 The Leader is required to submit, at least on an annual basis, a report setting out those decisions where Special Urgency rules have been used. The report must cover the period since the last report was issued and contain details of the decisions that were made. Since the last such report to Council, no Key Decisions have been taken using the General exception or Special Urgency rules.

- 1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months, no decisions have been taken using urgency provisions to waive Call In.
- 1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The current thresholds for key decisions, which are recommended to continue, are as follows:

- Revenue Income, Savings or Expenditure - £100,000
- Capital Income or Expenditure - £250,000

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

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

## **3 Reasons for Recommendation**

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

## **4 Alternative Options and Reasons for Rejection**

- 4.1 None.

### **DOCUMENT INFORMATION**

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