

Public Document Pack



**North East
Derbyshire
District Council**

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Date: Friday, 23 February 2024

To: **All Members of the Council**

You are summoned to attend a meeting of the Council to be held on **Monday, 4 March 2024 at 2.00 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 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of the Last Meeting (Pages 7 - 22)

To approve as a correct record and the Chair to sign the attached Minutes of the Council meeting held on 29 January 2024.

4 Chairman of the Council's Announcements

5 Leader of the Council's Announcements

6 Public Participation

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

No questions have been submitted under Procedure Rule No 8 for this meeting.

7 Level of Council Tax 2024/25 (Pages 23 - 30)

Report of Councillor P R Kerry, Deputy Leader of the Council and Portfolio Holder for Strategic Leadership & Finance.

**8 North East Derbyshire District Council: Pay Policy Statement 2024-25
(Pages 31 - 41)**

Report of the Managing Director and Head of the Paid Service

**9 Implementation of a Council Tax Premium Policy for Empty Homes -
UPDATED REPORT NOW PUBLISHED (Pages 42 - 55)**

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership & Finance.

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

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

Officer by 12pm (Noon) twelve clear working days before the meeting.

The following question(s) have been submitted:

Question 'A' - Councillor Mike Roe to Councillor S Pickering, Portfolio Holder for Environment and Place

I would like to ask how the Council intends to deal with the ever increasing amounts of dog fouling. This is about the District in general, but in particular I'm speaking on behalf of the South of the District and the state of our Shirland and Higham.

Question 'B' – Councillor S Cornwell to Councillor S Pickering, Portfolio Holder for Environment & Place

On the 20 July 2021 this Council granted a planning application permitting the building of a large industrial cold store building on the Holmewood Industrial Estate.

Whilst the jobs this unit creates are welcome, when granting that application the Council failed to include an appropriate planning conditions limiting the hours of work during the construction phase of the development.

As a result building work has been taking place at all times of the day, including the early hours of the morning, continuing until 4am recently.

What, if anything can be done to prevent residents of Holmewood from having to endure further disruption due to this omission by the Council to include appropriate restrictions in the original planning consent?

Question 'C' – Councillor A Dale to Councillor J Birkin, Portfolio Holder for Council Services

Can the Portfolio Holder please confirm the cost of the recent refurbishment of the Council Chamber (including the new furniture and audio-visual equipment)?

Question 'D' - Councillor W Jones to Councillor N Barker, Leader of the Council

How does the Council intend to respond to the Government's consultation on reforms to social housing allocations and how does it intend to respond to the new requirements should the proposals be adopted?

Question 'E' – Councillor C Cupit to Councillor S Pickering, Portfolio Holder for Environment and Place

Given the concerns raised by many residents following recent changes to garden waste collections in neighbouring Chesterfield, could the Cabinet Member confirm that NEDDC will commit to not charging for garden waste or any residential waste collections?

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

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

The following motions(s) have been submitted:-

Motion 'A' – Proposed by Councillor P Windley

Council notes:

- The increasing financial pressures on Rykneld and the HRA owing to mould and disrepair issues
- The casework issues ward councillors have experienced in terms of multiple mould cleans being necessitated while remedial works are pending
- The impact on tenants physical and mental health caused by recurring outbreaks of mould
- The cost of treating recurring mould issues

With thanks, the hard work of colleagues in treating these issues Council calls for the Portfolio Holders for Strategic Leadership and Finance to work more closely with Rykneld to address the root cause issues of mould in council owned properties more swiftly, to reduce both the financial cost and health impacts of mould recurring where there is an identified structural cause.

Motion 'B' – Proposed by Councillor D Hancock

Council notes:

- Rykneld Homes permits its tenants to create off street parking on their properties at their own expense.
- Rykneld Homes follows the policy of North East Derbyshire District Council on what materials and solutions can be used to construct the off street parking.
- Technology and materials available will inevitably change as time moves forward.
- New solutions are available which are more cost effective and better for the environment to support the Council's environmental strategy.

Council resolves:

To undertake a review into the materials and solutions that are permitted under the policy of creating off street parking on Rykneld properties with a view to increasing the options for residents.

Motion 'C' – Proposed by Councillor R Shipman

Council notes:

In 2023, 94% of residents use a smart phone device in North East Derbyshire. Digital experts eMarketer say “an app provides a direct access point from the Home Screen of a mobile device, and a native app experience is typically slicker and faster than a capitals web experience.”

Overwhelming consensus from digital marketing companies say an app is much better than a website across all factors from engagement, user experience, and communication with its users.

Council believes:

Developing an app for smart devices would provide a line of communication and information delivery to residents who would otherwise not engage directly with council resources on the website.

The digital boom is an opportunity to make better use of its resources and engage with residents and provide a more efficient way of sending urgent messages, allow residents to manage their council tax payments or planning applications and allows them to receive and submit reports on a variety of district council services such as their bin collections, environmental health, anti social behaviour and dog fouling.

Council resolves:

To start a working group with a mixture of staff, residents and councillors to scope what sort of services and resources the app will need to include, then gather costings for various suppliers for cabinet to review.

12 Chairman's Urgent Business

To consider any other matter which the Chairman 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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COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 29 JANUARY 2024

Present:

Councillor Martin E Thacker MBE JP (Chair) (in the Chair)

Councillor Gerry Morley (Vice-Chair)

Councillor Frank Adlington-Stringer	Councillor Neil Baker
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Graham Baxter MBE	Councillor Richard Beech
Councillor Joseph Birkin	Councillor David Cheetham
Councillor Kathy Clegg	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Lilian Deighton	Councillor Michael Durrant
Councillor Peter Elliott	Councillor Clive Fletcher
Councillor Mark Foster	Councillor Christine Gare
Councillor Kevin Gillott	Councillor David Hancock
Councillor Lee Hartshorne	Councillor Daniel Higgon
Councillor Pam Jones	Councillor William Jones
Councillor Pat Kerry	Councillor Carol Lacey
Councillor Tony Lacey	Councillor Heather Liggett
Councillor Nicki Morley	Councillor Fran Petersen
Councillor Stephen Pickering	Councillor Stephen Reed
Councillor Michael Roe	Councillor Kathy Rouse
Councillor Ross Shipman	Councillor Derrick Skinner
Councillor Caroline Smith	Councillor Christine Smith
Councillor Mick Smith	Councillor Richard Spooner
Councillor Lee Stone	Councillor Kevin Tait
Councillor Richard Welton	Councillor Helen Wetherall
Councillor Pam Windley	

Also Present:

A Bond	Governance Officer
M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
L Hickin	Managing Director - Head of Paid Service
A Maher	Governance Manager
S Sternberg	Assistant Director of Governance and Monitoring Officer
M E Derbyshire	Members ICT & Training Officer

COU Apologies for Absence

/64/2

3-24 Apologies for absence were received from Councillors S Fawcett, M Emmens, C Renwick and P Antcliff.

COU Declarations of Interest

/65/2

3-24 Councillors M E Thacker MBE, K Clegg, K Gillott and G Morley declared an

interest in Item 7: Medium Term Financial Plan 2023-24 – 2027/28 as Members of the Rykneld Homes Ltd Board. They indicated that they would leave the meeting during the discussion and would not participate in Council’s consideration or determination on this aspect of the Item.

Councillors S Pickering, D Skinner, C Lacey, T Lacey and P Windley declared an interest in Item 7: Medium Term Financial Plan 2023-24 – 2027/28 as tenants of Rykneld Homes Ltd. They indicated that they would participate in Council’s consideration and determination on this aspect of the Item.

Councillors K Gillott, C Cupit and A Dale declared an interest in Item 14: Derby and Derbyshire Strategic Leadership Board as Members of Derbyshire County Council.

Councillor C Cupit declared an interest in Item 11 Motion A as the Derbyshire County Council Cabinet Member for Highways. She indicated that she would remain in the meeting but would not participate in Council’s consideration or determination on this aspect of the Item.

COU **Minutes of the Last Meeting**

/66/2

3-24

Council considered the Minutes of the last meeting of Council on Monday, 27 November 2023.

RESOLVED – That the Minutes of the meeting held on Monday, 27 November 2023 were approved as a true and accurate record.

COU **Chairman of the Council's Announcements**

/67/2

3-24

The Chairman of the Council, Councillor M E Thacker MBE, congratulated Diane Jeffrey the former High Sheriff and Chair of the Derbyshire Armed Forces Covenant meetings and Millie Bright, the Chelsea football player who was part of the team that won the European Championships in 2022 and who captained the England team to the final of the recent World Cup, on their inclusion on the New Years Honours list. Diane Jeffrey was made a Dame and Millie Bright received an OBE.

The Chairman of the Council informed Members on his activities throughout the past month. These included his attendance at Old Brampton Church to mark the centenary of the villages church bells which can be read about in the Ringing World publication. Members heard that the Chairman had also attended the annual dinner of the Chesterfield and North East Derbyshire Deaf Association. He encouraged the Council to continue its positive work in supporting deaf people within the District.

The Chairman gave thanks to those Members that had attended the Burns Night event and asked that Members keep a look out for any upcoming events.

RESOLVED – That Council noted the announcements of the Chairman of the Council, Councillor M E Thacker MBE (by acclamation).

COU **Leader of the Council's Announcements**

/68/2

3-24

The Leader of the Council, Councillor N Barker, expressed his support for the work completed by the Chesterfield and North East Derbyshire Deaf Association and offered his congratulations to Diane Jeffrey and Millie Bright.

The Leader wished Members a happy, safe and prosperous year. He expressed his belief that it would be an exciting and challenging year for the Council. He explained that the Council's finances were healthier than some other authorities, which would be further outlined later in the meeting.

Councillor N Barker outlined a number of challenges that the Council would be facing moving forward. These included the possible effects of Derbyshire County Council's budgetary cuts, and the proposed changes to the waste collection service such as the possible requirement to collect food waste on a weekly basis.

Members heard that proposals were being developed for a new depot to replace the site at Eckington. The Leader was exploring the possibility of establishing a cross-party initiative in order to help with this project as a development on this scale that was so fundamental to Council services should not be politically contentious.

The Leader gave thanks to Opposition Groups for their participation in the Senior Management Review.

Council heard that work continued on the Council's pledge to build or acquire more social housing and to continue to modernise and insulate the current housing stock. The schemes at Stonebroom and Wingfield were progressing well.

The Leader emphasised that housing providers, including RHL, were facing increased scrutiny as they complied with the new regulatory regime and that this could impact service delivery.

Councillor N Barker updated Members on the results from the employee survey that had taken place. They heard that there had been a response rate of 61% and that 75% of responders had felt part of a team and a further 94% understood how their work contributed to the Council's success overall. The Leader gave his thanks to all those who had taken part in the survey and thanked all members of staff for their contribution to the Council.

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

COU

Public Participation

/69/2

3-24

There were no questions from the public.

COU

Medium Term Financial Plan 2023-24 - 2027/28

/70/2

3-24

The report to Council sought approval for the current budget for 2023/24 and original budget for 2024/25 for the General Fund, Housing Revenue Account and Capital Programme as part of the Council's Medium Term Financial Plan covering the years 2023/24 to 2027/28.

Members were informed that Cabinet considered and endorsed the proposals at its meeting on 25 January 2024 following on from scrutiny at the Joint Scrutiny Committee on 18 January. The recommendations were now referred to Council for consideration and approval.

The Chair agreed to consider the report recommendations in two parts. Council would consider recommendations 1-7 (relating to the General Fund) followed by recommendations 8-13 (relating to the Housing Revenue Account).

Members received an update on the Revised Budget which had been considered by Cabinet at its meeting on 23 November 2023. They heard that there was a budget shortfall of £331,000. The final position of this budget would be dependent on the actual financial performance out-turning in line with the revised budgets. Further budget changes may be required as the year progresses.

Council were informed of the projected budget shortfall for the 2024/25 financial year and the reasons for this. They heard that there would be a shortfall of £303,000 ahead of any decisions made by Council on Council Tax levels. Members heard that if the proposed Council Tax increases were approved then this shortfall would reduce to £8000.

Members heard that RHL were experiencing similar budgetary pressures and an increase in HRA rents was proposed in order for the HRA to achieve a balanced budget and provide financial resilience for any potential cost of regulation.

The Deputy Leader, Councillor P Kerry, explained that there were no major changes to the budget and that the Council was still on track to identify the remaining savings of £303,000. Any progress would be reported to Cabinet and Scrutiny.

Councillors P Kerry and N Barker moved and seconded a Motion that Council approve recommendations 1-7 of the report. Cllr N Barker reserved his right to speak.

Councillor A Dale highlighted the fact that the current Administration had inherited a healthy budget from the previous Administration. He criticised the current Administration for their lack of proposed efficiencies and money saving ideas. He argued that due to the Government's recent announcement of further funding for local authorities and the healthy position of the reserves that the Council did not need to raise Council Tax as much as proposed.

Councillor A Dale and Councillor C Cupit proposed and seconded a Motion to amend the recommendations so that there would only be a Council Tax increase of 1.99%.

The Leader of the Council, Councillor N Barker, agreed that they had inherited a healthy budget but argued that Government announcement would have little effect on District Council's as a majority of the funds would go to County Council's. He argued that the proposed rise had been fully costed, was necessary and would provide a base for future years.

Councillors D Hancock, K Gillott and F Adlington-Stringer spoke against the Motion. They argued that it was not practical and that the proposed rise of 2% was necessary to provide the Council with financial resilience.

Councillors R Shipman and N Baker raised concerns that more proposals and information, such as on cost saving measures, should be provided to Council.

Councillor A Dale used his right of reply to explain that due to the healthy reserves and the announced funding from Government, it was likely that the Council would be able to balance the budget without the need for a increase of 2%. He also agreed that there was a lack of information provided with budgetary proposals and that this should be considered in the future.

At the conclusion of the debate, the amendment was put to the vote. As required by law this was taken as a recorded vote. The amendment failed.

For: 15

Councillors N Baker, S Clough, C Cupit, A Dale, L Deighton, P Elliott, P Jones, W Jones, H Liggett, S Reed, M Roe, R Spooner, K Tait, M Thacker MBE and R Welton.

Against: 30

Councillors F Adlington-Stringer, N Barker, J Barry, G Baxter, R Beech, D Cheetham, K Clegg, A Cooper, S Cornwell, M Durrant, C Fletcher, C Gare, K Gillott, D Hancock, L Hartshorne, D Higgon, P Kerry, C Lacey, T Lacey, N Morley, F Petersen, S Pickering, K Rouse, R Shipman, D Skinner, Caroline Smith, Christine Smith, M Smith, L Stone, H Wetherall, P Windley

Abstentions: 0

Councillor D Hancock suggested that he would not be able to support the budget as it stands as the issue of finding cost-savings was being delayed. He argued that it was important to identify savings now in order to balance the budget in the Medium Term.

Councillor S Cornwell praised the Administration's collaborative way of working which was highlighted when the Joint Scrutiny Committee was given the opportunity to scrutinise the proposed budget. She informed Council that no objections to the budget had been raised at that meeting.

Councillor N Barker echoed what was said by Councillor S Cornwell. He reminded Members that the Joint Scrutiny Committee was a cross-party meeting during which no objections to the budget had been raised.

Councillor R Shipman informed Members that he had raised questions when the budget was presented to Services Scrutiny Committee. His questions were around income streams and projections and he did not receive a satisfactory answer.

Councillor P Kerry used his right of reply to express that the funding from the Government announcement was not yet in the Council's possession and would only be a one off payment. The proposed increase in Council Tax would provide

the Council with a base to build on a yearly basis. He drew Members attention to potential upcoming issues such as the budgetary issues at DCC. It would therefore be important to increase the reserves.

At the conclusion of the debate, the Motion was put to the vote. As required by law, this was taken as a recorded vote. The Motion was approved.

For: 29

Councillors F Adlington-Stringer, N Barker, J Barry, G Baxter, R Beech, J Birkin, D Cheetham, K Clegg, A Cooper, S Cornwell, M Durrant, C Fletcher, C Gare, K Gillott, L Hartshorne, D Higgon, P Kerry, C Lacey, T Lacey, G Morley, N Morley, F Petersen, S Pickering, K Rouse, D Skinner, Caroline Smith, Christine Smith, M Smith, L Stone, and H Wetherall

Against: 3

Councillors D Hancock, R Shipman and P Windley

Abstentions: 15

Councillors N Baker, S Clough, C Cupit, A Dale, L Deighton, P Elliott, P Jones, W Jones, H Liggett, S Reed, M Roe, R Spooner, K Tait, M Thacker MBE, and R Welton

RESOLVED – That:

1. The view of the Director of Finance & Resources; that the estimates included in the Medium-Term Financial Plan 2023/24 to 2027/28 were robust and that the level of financial reserves were adequate at this time be accepted.
2. Officers report back to Cabinet and the Services Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets.
3. A Council Tax increase of £6.11 will be levied in respect of a notional Band D property (2.99%).
4. The Medium-Term Financial Plan in respect of the General Fund as set out in the report to Cabinet (Appendix 1 to the report) be approved as the Current Budget 2023/24, as the Original Budget 2024/25, and as the financial projections in respect of 2025/26 to 2027/28.
5. That the shortfall in the General Fund budget for 2024/25 as set out in Appendix 1 to the report be met from the resilience reserve.
6. That the General Fund Capital Programme be approved as the Current Budget in respect of 2023/24, and as the Approved Programme for 2024/25 to 2027/28.
7. That any under spend in respect of 2023/24 be transferred to the Resilience Reserve to provide increased financial resilience for future years of the plan.

The Chairman and Vice Chairman of the Council indicated that, having declared a disclosable pecuniary interest, they intended to leave the meeting for the remainder of the item dealing with the Housing Revenue Account. By acclamation Councillor L Hartshorne took the Chair.

Councillors K Clegg and K Gillott left the meeting for the remainder of the item dealing with the Housing Revenue Account as they had disclosable pecuniary interest.

The Deputy Leader, Councillor P Kerry, emphasised the pressure placed on RHL as a result of the increased demand and impact of the new regulations and the increased costs of delivery. He informed Members that a rents increase of 6% would help to combat and deal with these issues.

Councillors P Kerry and N Barker moved and seconded a Motion that Council approve recommendations 8-13 of the report.

Councillor A Dale expressed mixed views on the proposed rents increase as he understood the need to invest in the housing stock but that there were ongoing pressures on household budgets. He indicated that his Group would be abstaining on the vote and that it would be for the Labour Group to prove that they had taken the correct approach.

Councillor N Baker enquired as to the reason rental income flatlined after 2024/25 and asked for further information on the depreciation figure. He heard that rents increases were not built into projections as this was a decision for Members to take in the Chamber. It was also explained that depreciation was used to fund major repairs works.

Councillor R Shipman raised concerns over where the funding was being used and explained there was not enough information provided with the figures. He suggested that the relationship between the Council and RHL should be under constant review. He indicated that he would not be supporting the motion.

Councillor H Wetherall enquired as to whether the apprenticeship levy could be used to fund the high level qualifications required for executive housing staff. She heard that this levy was used where possible but could not be used for certain aspects of the qualifications.

Councillor P Kerry used his right of reply to reiterate that the proposed rise of 6% was below the 7.7% Government limit. He stressed that it was important to balance the impact on tenants against the need to generate additional revenue due to budget pressures caused by increased demand and regulation.

At the end of the discussion, the Motion was put to the vote. As required by law this was taken as a recorded vote. The Motion was approved.

For: 26

Councillors F Adlington-Stringer, N Barker, J Barry, G Baxter, R Beech, J Birkin, D Cheetham, A Cooper, S Cornwell, M Durrant, C Fletcher, C Gare, L Hartshorne, D Higgon, P Kerry, C Lacey, T Lacey, H Liggett, N Morley, F Petersen, S Pickering, M Roe, K Rouse, Caroline Smith, Christine Smith, M Smith, L Stone

Against: 2

Councillors D Hancock and R Shipman

Abstentions: 13

Councillors N Baker, S Clough, C Cupit, A Dale, L Deighton, P Elliott, P Jones, W Jones, S Reed, R Spooner, K Tait, R Welton, H Wetherall

RESOLVED – That:

1. Council sets its rent levels for 2024/25 by increasing rents by 6% from 1st April 2024.
2. The Medium-Term Financial Plan in respect of the Housing Revenue Account as set out in the report to Cabinet (Appendix 1 to the report) be approved as the Current Budget in respect of 2023/24, as the Original Budget in respect of 2024/25, and the financial projection in respect of 2025/26 to 2027/28.
3. The HRA Capital Programme be approved as the Current Budget in respect of 2023/24, and as the Approved Programme for 2024/25 to 2027/28.
4. The Management Fee for undertaking housing services at £12.05m and the Management Fee for undertaking Capital Works at £1.1m to Rykneld Homes in respect of 2024/25 be approved.
5. Members endorse the section in the current Financial Protocol which enables the Council to pay temporary cash advances to Rykneld Homes in excess of the Management Fee in order to help meet the cash flow requirements of the company should unforeseen circumstances arise in any particular month.
6. Members note the requirement to provide Rykneld Homes with a 'letter of comfort' to the Company's auditors and grant delegated authority to the Council's Assistant Director – Finance & Resources in consultation with the Leader of the Council to agree the contents of that letter.

COU **Treasury Strategy Reports 2024/25 - 2027/28**

/71/2

3-24

Councillors M E Thacker MBE, K Clegg, K Gillott, and G Morley returned to the meeting.

The Deputy Leader, Councillor P Kerry, presented a report to Council to provide them with the necessary information in order to approve the Council's suite of Treasury Strategies for 2024/25 to 2027/28.

Councillors P Kerry and N Barker proposed and seconded a motion to approve the recommendations as contained within the report and appendices.

The Motion was put to the vote and approved.

RESOLVED – That:

1. Council approved the Treasury Management Strategy at Appendix 1 of the report and in particular:
 - a. Approved the Borrowing Strategy
 - b. Approved the Investment Strategy
 - c. Approved the use of the external treasury management advisors Counterparty Weekly List (or similar) to determine the latest assessment of the counterparties that meet the Council's Criteria before any investment is undertaken
 - d. Approved the Prudential Indicators
2. Council approved the Capital Strategy as set out in Appendix 2 to the report and in particular:
 - a. Approved the Capital Financing Requirement
 - b. Approved the Minimum Revenue Provision Statement for 2024/25
 - c. Approved the Prudential Indicators for 2024/25, in particular:

- i. Authorised Borrowing Limit of £238.4m
 - ii. Operational Boundary of £234.2m
 - iii. Capital Financing Requirement £229.2m
3. Council approved the Investment Strategy as set out in Appendix 3 to the report.
4. Council approved the Flexible Use of Capital Receipts Strategy at Appendix 4 to the report.

COU **Appointments to Committees**

172/2

3-24

The Monitoring Officer introduced a report to amend the composition of the Planning Committee for the remainder of the 2023-24 municipal year.

Members heard that the Leader of the Labour Group, Councillor N Barker, had requested that Councillor C Gare be appointed to serve on the Planning Committee for the remainder of the Municipal Year in the place of Councillor S Fawcett.

Councillors N Barker and J Barry moved and seconded the recommendations as contained within the report.

The motion was put to the vote and approved.

RESOLVED – That:

1. In line with the request of the Leader of the Labour Group, Councillor N Barker, Councillor C Gare be appointed to serve on the Planning Committee for the remainder of the 2023-24 municipal year.
2. Councillor S Fawcett ceases to serve on the Planning Committee for the remainder of the 2023-24 municipal year.

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

173/2

3-24

The Chairman of the Council confirmed that four questions had been received.

Question A – Councillor C Lacey to Councillor N Barker, Leader of the Council

A question had been submitted by Councillor C Lacey to Councillor N Barker, Leader of the Council on whether the Leader would raise local concerns of Killamarsh residents over unreliable bus services with both Derbyshire County Council and the local bus companies. The full text of the question from Councillor C Lacey, marked as Question 'A', was set out in the agenda for the meeting.

The Leader recognised that this was an issue throughout the District and signified his commitment to raise the issue with Derbyshire County Council and ask what they were doing or would propose to do in order to address the issue. The Leader informed Council that after meeting with Derbyshire County Council, he would speak with the bus companies if necessary. He stated that he would report back to Councillor C Lacey on the outcome of these conversations.

Councillor C Lacey asked the Leader if he would be able to make arrangements for a bus link at the tram stop at Half Way.

The Leader responded that he would raise this issue during his meeting with Derbyshire County Council.

Question B – Councillor A Dale to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Councillor A Dale to Councillor S Pickering, Portfolio Holder for Environment and Place on whether he believed that decisions made by Planning Committee should be consistent with local and national planning policies. The full text of the question from Councillor A Dale, marked as Question 'B' was set out in the agenda for the meeting.

The Portfolio Holder responded that he did believe that decisions made by the Planning Committee should be consistent with local and national planning policies. He informed Councillor A Dale that planning law set out that decisions on planning applications must be determined in accordance with the Development Plan.

Councillor A Dale asked Councillor S Pickering if he believed that it was important for all Members of the Planning Committee to engage meaningfully in the debate and to offer fair scrutiny and challenge to Officers and to articulate why they had arrived at certain conclusions. He informed the Portfolio Holder that Labour Group Members of the Committee had received complaints for failing in this regard and asked if the Portfolio Holder had spoken to them about this.

Councillor S Pickering informed Council that he had not personally received any complaints and that it was not his place to instruct Members on how to conduct themselves during meetings.

Question C – Councillor C Cupit to Councillor N Barker, Leader of the Council

A question had been submitted by Councillor C Cupit to Councillor N Barker, the Leader of the Council on why the Council had offered no objections or concerns to the planning application for 185 new homes in Amber Valley Borough Council. The full text of the question, set out as Question 'C' was set out in the agenda for the meeting.

The Leader informed Members that it was not good practice for the Council to involve itself in the planning decisions of neighbouring authorities unless there was a strong case that the development would affect the local plan.

Councillor N Barker explained that while not objecting to the development, the Council did submit a number of comments. These included that the heritage assessment should include an assessment of the development on the settings of the designate heritage asset with North East Derbyshire District, including Shirland Lodge Farm House, a cluster of listed buildings within Amber Mill and Toad Hole conservation area. The Leader also stated that they had asked that conditions should be included that appropriate design and landscaping be included to minimise the visual impact of the development upon countryside and to maintain visual separation between the built settlement of Alfreton and Shirland Parish.

Council also heard that Officers had commented in relation to potential housing sites within the general area when Amber Valley were conducting their local plan consultation.

Councillor C Cupit explained that there was a difference between the comments, objections and concerns that the Council had submitted when the site was under consideration for the core strategy of the Amber Valley local plan and at this stage when it was a full application. She asked the Leader why the Council had not continued to raise the same concerns with regard to the application.

The Leader read an extract from the letter submitted by the Council with regard to the planning application. It stated that any reserved matter proposals should include appropriate design and landscaping to minimise the visual impact of the development on the countryside to the north and to maintain their visual separation between the built settlement. The Leader also explained that there were 32 pages of objections to the development on the Amber Valley Council website.

Question D – Councillor F Adlington Stringer to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Councillor F Adlington-Stringer to Councillor S Pickering, Portfolio Holder for Environment and Place, on what was being done to ease the suffering of residents due to neglected drains blocked by unmanaged debris. The full text of the question, set out as Question 'D' was set out in the agenda for the meeting.

The Portfolio Holder thanked Councillor Adlington-Stringer for his question. He informed Members that neglected and blocked drains were the responsibility of Derbyshire County Council. He explained that DCC had redistributed elements of the gully emptying schedule to ensure that problem drains were more regularly serviced.

Councillor S Pickering explained that the street cleansing review would be taking place in April and any recommendations for service change that emerged from this would be presented to Council following review.

Councillor Adlington-Stringer asked if the Portfolio Holder would be willing to engage with the County Council in order to cover this shortfall. He also asked how the Council would ensure that residents were receiving value for money and a service without any gaps.

The Portfolio Holder reiterated that the review would be taking place and that any proposed recommendations would be presented to Council. He suggested that if residents were concerned about debris that they would contact the StreetScene team who would prioritise clearing them.

Councillor S Pickering explained that he would communicate with Derbyshire County Council and that the District Council was dependent on funding from DCC.

COU **To consider any Motions from Members under Procedure Rule No 10**
/74/2
3-24 **MOTION 'A'**

Members considered a Motion submitted by Councillor H Wetherall that called on the Council to work with all key stakeholders and partner agencies locally and nationally in order to install average speed cameras on the A632. The full text of Councillor H Wetherall's Motion, set out as Motion 'A' was included on the agenda for the meeting.

Councillor A Cooper seconded the Motion. He expressed his hope that Members would support the motion in the interest of public safety.

Councillor N Barker expressed his sympathies for the families of those involved in a recent accident on the road. He committed his support to assisting Councillor H Wetherall's campaign and offered to meet with her at a future date in order to determine how the Council could best assist with her campaign. He indicated that his Group would be supporting the Motion.

Councillor A Dale echoed the comments made by Councillor N Barker. He expressed his sympathies for the families of those involved in recent accidents on the road. He explained that the County Councillor, Councillor B Lewis was concerned with this issue and had been pushing for solutions, as well as contacting the police. Councillor A Dale considered that there was little the District Council could do as the issue fell under the scope of DCC and the police, because of this he indicated that his Group would be abstaining from the vote.

Councillors D Hancock and F Adlington-Stringer expressed their support for the Motion. They considered that this was not a partisan or political issue but was a matter of conscience.

Councillor H Wetherall gave thanks to Members for their consideration of the Motion and informed them that any support they could give would be greatly appreciated.

Following the end of the debate, the Motion was put to the vote and approved.

RESOLVED – That:

1. Council recognised that the A632 is a well-known trouble-spot for traffic collisions, accidents and death.
2. Council would work closely together with all key stakeholders and partner agencies, locally and nationally to ensure that average speed cameras are installed on the A636 as quickly as possible in 2024

MOTION 'B'

Members considered a Motion submitted by Councillor A Dale that called on Council to refer planning application 22/01196/FL back to the Planning Committee in order to receive external legal advice and determine whether permission be revoked in respect of the concerns around compliance with NPPF (2023 update) para 154f and Local Plan Policy LC3. The full text of Councillor A Dale's motion,

set out as Motion 'B' was included on the agenda for the meeting.

Councillor C Cupit seconded the motion but reserved her right to speak.

Councillor R Shipman signalled his support for the Motion. He explained that if new information had come to light or if there was concern regarding the way in which a decision had been made, then it was good practice to refer it back to Committee.

Councillor R Shipman proposed an amendment to the Motion that Standards Committee explore a mechanism to enable applications to be reconsidered at Planning Committee once a decision had already been taken.

Councillor A Dale accepted the suggested amendment to his Motion.

Councillor S Pickering indicated that he would not support the Motion. He explained that Members should wait for the due process, inquiry and investigation to complete. If advice following this, there was advice to refer the application back to Planning Committee then he would not object to that. He accused the motion of pre-empting any outcome or decision from the investigation.

Councillor D Hancock explained that there was no mechanism other than through Full Council to refer applications back to Committee and it was important to establish one. He informed Members that it was important to pass this resolution as delays in the planning system could incur large costs to the Council.

Councillor K Gillott argued that Motions at Full Council were not an appropriate mechanism for referring matters back to Planning Committee and therefore he would not be supporting the Motion. He explained that a process for this was already in place and that if the Chair of Planning and the Portfolio Holder for Environment and Place received advice to refer an application back to Planning Committee then they would do so.

Councillor A Dale explained that there were errors in the material considerations of Planning Committee and that legal advice was ambiguous and open to interpretation. He argued that the essence of the Motion was simply to allow Planning Committee to consider the application again with new legal advice and information.

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

MOTION 'C'

Members considered a Motion submitted by Councillor F Adlington-Stringer that called on Council to ensure that food and drink provided at all Council meetings and events was 100% plant based, to prioritise plant-based menu options where possible and to promote and encourage plant-based eating to residents. The full text of Councillor F Adlington-Stringer's Motion, set out as Motion 'C' was included on the agenda for the meeting.

Councillor H Wetherall seconded the Motion but reserved her right to speak.

Councillor N Barker indicated that he could not support the Motion in its current form as it was policy that Motions should not be considered that commit the Council to change policy without first going through due process which includes proper Officer advice. With that in mind, he suggested an amendment to the Motion that it be referred to Environment Scrutiny Committee for consideration and that Committee would then submit a report to Cabinet detailing the outcome of those deliberations.

Councillor F Adlington-Stringer accepted the proposed amendment.

Councillor A Dale indicated that he could not support the Motion. He expressed his belief that the Council should not be dictating to residents what they should be eating. He also raised his concerns that the proposed Motion was going against the District's farming communities.

Councillors R Welton, D Hancock, R Shipman and P Windley spoke out against the authoritarian nature of the Motion.

Councillor R Reed explained that it was not the role of the Council to provide dietary advice but he supported a discussion on the item taking place at Scrutiny Committee.

Councillor K Gillott recognised that there were complexities involved with the Motion but signified his support for it to be discussed by Environment Scrutiny Committee.

Councillor H Wetherall explained that many small dairy farmers could no longer afford the upkeep involved and were diversifying. She suggested that the Motion provided Council with an opportunity to demonstrate leadership and commitment to the environment.

Councillor F Adlington-Stringer argued that residents would be free to choose their own meals at home and that it was the role of Council to provide a leading role in the community. He explained that many industries and organisations, such as the Bakewell Tart Shop, were providing vegetarian and vegan alternatives. He also expressed his concern around rhetoric and discourse that had been used during the debate with many Members referring to him as authoritarian.

At the conclusion of the debate, the Motion as amended was put to the vote and was approved.

RESOLVED – That North East Derbyshire District Council, in line with its Climate Emergency declaration and in reflection of the local emissions report in its own Climate Strategy, commits to refer the following for discussion at Environment Scrutiny Committee:

1. Ensuring food and drink provided at all Council meetings and events is 100% plant based.
2. Prioritising plant-based menu options wherever the Council has influence, for example in leisure centres
3. Promoting and encouraging plant based eating to residents through

methods such as public awareness campaigns and the removal of meat and dairy advertising.

COU Chairman's Urgent Business (Public)

175/2

3-24 There was no urgent business.

COU Exclusion of Public

176/2

3-24 RESOLVED – That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 2, 3, 4 & 5, Part 1 Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

COU Derby and Derbyshire Strategic Leadership Board

177/2

3-24 Members were presented with a report to provide them with an update on the work taking place with Derby and Derbyshire Councils on a revised approach to collaborative and partnership working and to seek the views from Council on whether Cabinet should approve the establishment and participation in a new Joint Committee of Derby and Derbyshire's Councils, the D2 Strategic Leadership Board (SLB), to collaborate, co-ordinate and drive forward agendas where it is recognised that more can be achieved by Councils working together to improve outcomes for people and places across Derbyshire.

Councillors N Barker and P Kerry proposed and seconded a Motion to approve recommendations as contained within the report.

Following the discussion, the Motion was put to the vote and approved.

RESOLVED – That Council:

1. Recommends to Cabinet the approval of proposals for the establishment of the D2 Strategic Leadership Board (SLB) and the delegation of functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 2 to the report.
2. Notes the draft Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules, and Information procedure Rules for the SLB as set out at Appendix 2 to the report and the position detailed in those documents regarding scrutiny and co-option.
3. Recommends to Cabinet that the Leader is appointed as the Council's representative on the D2 SLB and the Deputy Leader, as substitute.
4. Notes the intention that the SLB be the body for the nomination of District and Borough representatives to the East Midlands Combined County Authority, when established, further noting that this subject to the CCA's agreement that this be the mechanism.
5. Recommends agreement that the County Council act as the host authority for the Joint Committee.
6. Notes the dissolution of the D2 Joint Committee for Economic

Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board and recommends that the Constitution is amended accordingly.

7. Notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board and recommends that the Constitution is amended accordingly.
8. Agrees with the Council's active participation in the D2 Strategic Leadership Board and the associated costs of taking forward the programme of work at the total costs as set out in the report, which is funded until at least March 2025 via the Business Rates pool.
9. Notes that as the functions of the Committee are executive functions, Derbyshire County Council will not have the opportunity to co-opt additional members onto the Committee and the ability to co-opt is restricted within the Terms of Reference.
10. Notes that, in accordance with section 9F of the Local Government Act 2000, constituent authorities who operate executive arrangements will need to make formal scrutiny arrangements to review or scrutinise decisions made in connection with the exercise of the functions of the D2 Strategic Leadership Board, and that the Council's existing scrutiny arrangements will apply.
11. Notes the Cabinet will be asked to delegate authority to the Managing Director and Head of Paid Service in consultation with the Leader to agree the final terms of reference for the SLB and the other arrangements.

COU Senior Management Pay Levels

178/2

3-24

Members received a report which detailed the recommendations to Council from the Senior Management Pay Working Group after having previously been made aware of an identified threat to the organisation in relation to the recruitment and retention of the Council's Senior Management Team.

Councillors N Barker and P Kerry moved and seconded a Motion to approve recommendations as contained in section b of the report.

The recommendations were put to the vote and approved.

RESOLVED – That Council mitigate the risk by implementing the recommendations set out at section 1.24 and 1.25 of the report. Based broadly upon the recommendations of East Midlands Councils (EMC) as set out previously in the report at Appendix A, with adjustments and modifications proposed by the Working Group. And to establish a cross-party Senior Pay Remuneration Review Group and mechanism to oversee a review every two years.

COU Chairman's Urgent Business (Private)

179/2

3-24

As there was no urgent business the meeting was closed.

North East Derbyshire District Council

Council

4 March 2024

Level of Council Tax 2024/25

Report of Councillor P R Kerry, Deputy Leader of the Council the Portfolio Holder for Strategic Leadership & Finance

Classification: This report is public

Report By: Jayne Dethick – Director of Finance & Resources

Contact Officer: As above

PURPOSE / SUMMARY

To formally approve the Council Tax liability for local residents in respect of 2024/25.

RECOMMENDATIONS

1. That Council formally approves the Council Tax for the Financial Year 2024/25 as set out in this report.

Approved by the Portfolio Holder – Cllr Kerry

IMPLICATIONS

Finance and Risk: Yes No

Details:

North East Derbyshire District Council administers the Collection Fund for all of the precepting authorities operating within the area of North East Derbyshire. In order to pay the amounts requested by the various precepting authorities – including North East Derbyshire District Council – it is necessary to set a Council Tax which raises sufficient funding to ensure that the Collection Fund can meet the financial demands placed upon it.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

The Council is legally required to set a council tax for its area.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

There are no human resource implications arising directly out of this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

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

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

REPORT DETAILS

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

1.1 The purpose of the report is as follows: -

- The Localism Act 2011 requires the billing authority to calculate a Council Tax requirement for the year.
- The approved demand on the Collection Fund in respect of this Council is one of **£6,952,953**.
- In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority and parish councils will also need to be taken into account.
- The Council has now received all the relevant precept demands from the other local authorities that precept upon this Council as the billing authority for Council Tax.
- It should be noted that this report will be subject to a recorded vote.

2. **Details of Proposal or Information**

2.1 It should be noted that the Chief Financial Officer has calculated the following amounts as Council Tax Base for the year 2024/25:

- a) **33,049.86** being the amount calculated by the Council, in accordance with Section 31B of the Local Government Finance Act 1992, as amended.
- b) For dwellings in those parts of its area to which a Parish precept relates as detailed as follows:

Parish	Council Tax Base
Ashover	1,000.00
Barlow	369.86
Brackenfield	100.81
Brampton	519.48
Calow	728.42
Clay Cross	3,006.11
Dronfield	7,149.94
Eckington	3,443.24
Grassmoor, Hasland and Winsick	1,125.11
Heath and Holmewood	856.32
Holmesfield	487.78
Holymoorside and Walton	957.04
Killamarsh	2,564.81

Morton	410.91
North Wingfield	1,957.02
Pilsley	1,090.49
Shirland and Higham	1,490.06
Stretton	258.59
Sutton-Cum-Duckmanton	524.54
Temple Normanton	149.23
Tupton	934.36
Unstone	556.36
Wessington	284.42
Wingerworth	3,084.96
Total	33,049.86

2.2 Calculate that the Council Tax requirement for the Council's own purposes for 2024/25 (excluding Parish Precepts) is **£6,952,953**

2.3 That the following amounts be calculated by the Council for the year 2024/25 in accordance with Sections 31 to 36 of the Act:

- a) **£51,882,186** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- b) **£41,094,035** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- c) **£10,788,151** being the amount by which the aggregate at 1.3(a) exceeds the aggregate at 2.3(b), calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Note: - this sum is the total of the District's requirements of **£6,952,953** plus the total parish precepts of **£3,835,198**).
- d) **£326.42** being the amount at 2.3(c), all divided by item 2.1(a) calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- e) **£3,835,198** being the aggregate amount of all special items referred to in Section 34(1) of the Act (as per 2.3(g)).
- f) **£210.38** being the amount at 2.3(d) less the result given by dividing the amount at 2.3(e) by the amount at 2.1(a), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- g) Part of the Council's Area

The following being the amounts calculated by adding the amount at 2.3(f) to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned in 2.3(d) divided in each case by the amount at 2.1(b). Calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.

Parish	Council Tax Band D £
Ashover	304.77
Barlow	311.36
Brackenfield	286.27
Brampton	265.15
Calow	285.65
Clay Cross	304.51
Dronfield	350.15
Eckington	316.57
Grassmoor, Hasland and Winsick	337.03
Heath and Holmewood	426.52
Holmesfield	302.63
Holymoorside and Walton	286.81
Killamarsh	372.64
Morton	361.26
North Wingfield	330.33
Pilsley	319.79
Shirland and Higham	274.68
Stretton	292.51
Sutton-Cum-Duckmanton	353.36
Temple Normanton	320.23
Tupton	323.83
Unstone	368.51
Wessington	306.21
Wingerworth	293.69

h) being the amounts given by multiplying the amounts at 2.3(f) and 2.3(g) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

Part of the Council's Area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Ashover	203.18	237.04	270.90	304.77	372.50	440.22	507.95	609.54
Barlow	207.57	242.17	276.76	311.36	380.55	449.74	518.93	622.72
Brackenfield	190.84	222.66	254.46	286.27	349.88	413.50	477.11	572.54
Brampton	176.76	206.23	235.68	265.15	324.07	382.99	441.91	530.30
Calow	190.43	222.17	253.91	285.65	349.13	412.60	476.08	571.30
Clay Cross	203.00	236.84	270.67	304.51	372.18	439.85	507.51	609.02
Dronfield	233.43	272.34	311.24	350.15	427.96	505.77	583.58	700.30
Eckington	211.04	246.22	281.39	316.57	386.92	457.27	527.61	633.14
Grassmoor, Hasland and Winsick	224.68	262.14	299.58	337.03	411.92	486.82	561.71	674.06
Heath and Holmewood	284.34	331.74	379.12	426.52	521.30	616.08	710.86	853.04
Holmesfield	201.75	235.38	269.00	302.63	369.88	437.13	504.38	605.26
Holymoorside and Walton	191.20	223.08	254.94	286.81	350.54	414.28	478.01	573.62
Killamarsh	248.42	289.83	331.23	372.64	455.45	538.26	621.06	745.28
Morton	240.84	280.98	321.12	361.26	441.54	521.82	602.10	722.52
North Wingfield	220.22	256.92	293.62	330.33	403.74	477.14	550.55	660.66
Pilsley	213.19	248.73	284.25	319.79	390.85	461.92	532.98	639.58
Shirland and Higham	183.12	213.64	244.16	274.68	335.72	396.76	457.80	549.36
Stretton	195.00	227.51	260.00	292.51	357.51	422.51	487.51	585.02
Sutton-Cum-Duckmanton	235.57	274.84	314.09	353.36	431.88	510.41	588.93	706.72
Temple Normanton	213.48	249.07	284.64	320.23	391.39	462.55	533.71	640.46
Tupton	215.88	251.87	287.84	323.83	395.79	467.75	539.71	647.66
Unstone	245.67	286.62	327.56	368.51	450.40	532.29	614.18	737.02
Wessington	204.14	238.16	272.18	306.21	374.26	442.30	510.35	612.42
Wingerworth	195.79	228.43	261.05	293.69	358.95	424.22	489.48	587.38

2.4 That it be noted that for the year 2024/25 Derbyshire County Council, the Police and Crime Commissioner for Derbyshire, and the Derbyshire Fire and Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992 for each of the categories of dwellings shown in the following table:

Precepting Authority	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Derbyshire County Council	903.48	1,054.04	1,204.63	1,355.20	1,656.36	1,957.50	2,258.68	2,710.40
Derbyshire County Council - ASC	131.01	152.86	174.69	196.53	240.20	283.89	327.54	393.06
Police & Crime Commissioner	186.40	217.47	248.53	279.60	341.73	403.87	466.00	559.20
Fire & Rescue Service	58.94	68.76	78.59	88.41	108.06	127.70	147.35	176.82

2.5 That, having calculated the aggregate in each case of the amounts at 2.3(h) and 2.4, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2024/25 for each of the categories of dwellings shown in the following table:

Part of the Councils area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Ashover	1,483.01	1,730.17	1,977.34	2,224.51	2,718.85	3,213.18	3,707.52	4,449.02
Barlow	1,487.40	1,735.30	1,983.20	2,231.10	2,726.90	3,222.70	3,718.50	4,462.20
Brackenfield	1,470.67	1,715.79	1,960.90	2,206.01	2,696.23	3,186.46	3,676.68	4,412.02
Brampton	1,456.59	1,699.36	1,942.12	2,184.89	2,670.42	3,155.95	3,641.48	4,369.78
Calow	1,470.26	1,715.30	1,960.35	2,205.39	2,695.48	3,185.56	3,675.65	4,410.78
Clay Cross	1,482.83	1,729.97	1,977.11	2,224.25	2,718.53	3,212.81	3,707.08	4,448.50
Dronfield	1,513.26	1,765.47	2,017.68	2,269.89	2,774.31	3,278.73	3,783.15	4,539.78
Eckington	1,490.87	1,739.35	1,987.83	2,236.31	2,733.27	3,230.23	3,727.18	4,472.62
Grassmoor, Hasland and Winsick	1,504.51	1,755.27	2,006.02	2,256.77	2,758.27	3,259.78	3,761.28	4,513.54
Heath and Holmewood	1,564.17	1,824.87	2,085.56	2,346.26	2,867.65	3,389.04	3,910.43	4,692.52
Holmesfield	1,481.58	1,728.51	1,975.44	2,222.37	2,716.23	3,210.09	3,703.95	4,444.74
Holymoorside and Walton	1,471.03	1,716.21	1,961.38	2,206.55	2,696.89	3,187.24	3,677.58	4,413.10
Killamarsh	1,528.25	1,782.96	2,037.67	2,292.38	2,801.80	3,311.22	3,820.63	4,584.76
Morton	1,520.67	1,774.11	2,027.56	2,281.00	2,787.89	3,294.78	3,801.67	4,562.00
North Wingfield	1,500.05	1,750.05	2,000.06	2,250.07	2,750.09	3,250.10	3,750.12	4,500.14
Pilsley	1,493.02	1,741.86	1,990.69	2,239.53	2,737.20	3,234.88	3,732.55	4,479.06
Shirland and Higham	1,462.95	1,706.77	1,950.60	2,194.42	2,682.07	3,169.72	3,657.37	4,388.84
Stretton	1,474.83	1,720.64	1,966.44	2,212.25	2,703.86	3,195.47	3,687.08	4,424.50
Sutton-Cum-Duckmanton	1,515.40	1,767.97	2,020.53	2,273.10	2,778.23	3,283.37	3,788.50	4,546.20
Temple Normanton	1,493.31	1,742.20	1,991.08	2,239.97	2,737.74	3,235.51	3,733.28	4,479.94
Tupton	1,495.71	1,745.00	1,994.28	2,243.57	2,742.14	3,240.71	3,739.28	4,487.14
Unstone	1,525.50	1,779.75	2,034.00	2,288.25	2,796.75	3,305.25	3,813.75	4,576.50
Wessington	1,483.97	1,731.29	1,978.62	2,225.95	2,720.61	3,215.26	3,709.92	4,451.90
Wingerworth	1,475.62	1,721.56	1,967.49	2,213.43	2,705.30	3,197.18	3,689.05	4,426.86

3 Reasons for Recommendation

3.1 This report sets out for approval the precepts of the relevant public authorities operating in the area of North East Derbyshire District Council in order for Council to agree the Council Tax liability for local residents in respect of 2024/25.

4 Alternative Options and Reasons for Rejection

4.1 The Council is legally obliged to approve the council tax for the financial year 2024/25.

DOCUMENT INFORMATION

Appendix No	Title

Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)

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North East Derbyshire District Council

Pay Policy Statement **2024-2025**

Introduction

The Council is committed to the principle of equal pay. It recognises that women and men in the workforce should receive equal pay for work of equal value and this principle is enshrined in both UK and European law. The Council aims to ensure its pay system is free of bias. Fairness and equality across gender, age, race, disability, religion and sexuality are part of the values of this organisation.

The Council believes its values send a positive message on diversity and equality to managers, employees, potential employees, partners, and customers and enhances productivity, efficiency and morale. This approach embeds the Council's "One Team" culture in place across the organisation.

The overall pay policy of the Council is driven by organisational consistency, equity, and transparency. The Council believes in paying a fair rate of pay to its employees, and in meeting its strategic objectives it endeavours to create a working environment that will attract high calibre job applicants, encourage the retention of existing employees, and fosters the Council's Talent Pipeline framework.

The local government environment is in an ongoing state of change and to this end North East Derbyshire District Council undergoes regular reviews of services to ensure that high levels of service delivery can be maintained without unnecessary cost to the taxpayer.

The implementation of policies on employee development and performance review such as the Talent Pipeline Strategy, as well as dealing with capability where performance falls short of the desired standard, ensure that the workforce remains well trained and well-motivated without the need to apply any form of performance related pay. Mechanisms such as internal and external celebration and recognition of achievement are used to acknowledge contributions to the successful running of the organisation. Acknowledgement comes in a variety of forms.

Overview – whole workforce

To secure equal pay within the organisation, the following action has been taken to date:



- 1 In 1997 the National Joint Council (NJC) introduced a new National Agreement for Local Government Services (The Green Book). This agreement replaced the terms and conditions of service in the old Purple Book (former officers) and White Book (former manual workers). The new agreement was generally called The Single Status Agreement since its intention was to introduce equal pay and eliminate the old blue/white collar divides.
- 2 As part of this process an Equal Pay Audit was carried out to ensure that any areas of inequality could be identified and resolved.
- 3 At the heart of the National Agreement is the principle of fairness and equality for all employees - equalising pay differences across the local government sector that had existed for decades. The Agreement recommended the use of a job evaluation scheme, and it was jointly agreed locally to use the computerised version of the NJC Job Evaluation Scheme. This was applied to all jobs covered by the NJC Agreement for Local Government Services ('Green Book') at 1st April 2007.
- 4 The following are the factors included in the Job Evaluation process:
 - Knowledge
 - Mental Skills
 - Interpersonal Skills
 - Physical Skills
 - Initiative and Independence
 - Physical Demands
 - Mental Demands
 - Emotional Demands
 - Responsibility for People
 - Responsibility for Supervision
 - Responsibility for Financial Resources
 - Responsibility for Physical Resources
 - Working Conditions
- 5 The factors listed above are intended to allow application of the scheme across the whole range of posts within Local Government, with recognition given not only to mental effort required to carry out a job but also to physical skills and demands for more manual posts and emotional demands and responsibility for people in respect of jobs with caring as a focus.
- 6 The full Single Status package was submitted to Council for approval and adoption. This included both the Job Evaluation Scheme and a range of former national terms and conditions of service which were simplified and rationalised to reflect the current economic situation.



- 7 Decisions about smaller-scale changes to terms and conditions of service for employees of the Council are agreed through the Council's delegated decision process.
- 8 The implementation of the NJC Scheme is closely monitored to ensure that it is applied fairly and consistently across the Council and to minimise the possibility of an Equal Pay challenge.
- 9 Equal Pay and Gender Pay audits are undertaken on an annual basis to ensure the Council has accurate, fair, and consistent pay.

Lowest Paid Employees

Following the implementation of Single Status and the JNC Job Evaluation Scheme, local grades were applied to the national spinal column points. Each grade comprises four points, and the top point of each grade is also the bottom point of the next grade. This has evolved in line with each National Pay Award Agreement to ensure it remains fit for purpose.

Grades 1 and 2 were payable to those employees who scored lowest under the thirteen factors used under the JE Scheme. However, from 1 October 2013 this Council has adopted the Living Wage for the small number of employees paid on these grades. The Living Wage, which is updated on 1 November annually and is currently set nationally at £12.00 per hour and is considered to be the pay needed to provide an adequate standard of living. To avoid compromising the integrity of the Job Evaluation process, all salary points below the living wage rate were deleted and replaced by a new single salary point at the appropriate level.

Since 2015/16 onwards, the Council has operated an Apprentice Scheme. New Apprentices joining the Council are paid on the National Living Wage based on their age. Apprentices and existing employees on an apprenticeship course undertaking the full duties and responsibilities of a post evaluated under the Council's job evaluation scheme are paid based on the grade for the role.

Background – Chief Officers' Salaries

In 2008 an independent review was carried out of salaries payable to senior managers, in an acknowledgement that the JNC Scheme was not an appropriate way of determining salaries for Senior Management.

There are many factors which affect the market for senior staff, including the following:

- A tightening pool of suitably qualified and experienced staff;
- An increasing reluctance to travel over large distances;
- The trend towards slimmer senior management structures comprising posts with more generic responsibilities

- The salary premium being offered by failing Councils to attract suitable candidates.

In view of the above, and further to national advice, the following factors were taken into account in establishing the local salary structure:

- Any special market conditions;
- Any substantial local factors not common to authorities of similar type and size;
- Comparable information on salaries in other similar authorities;
- Top management structures and the size of the senior management team compared to other authorities of similar type and size.

In addition, it should be noted that there has been found to be a correlation between population and salary levels, with a distinct salary bias towards districts with urban characteristics as opposed to rural characteristics, as well as a marked salary premium for Councils in the South of the country.

Since 2011, the Council had been in a strategic alliance with Bolsover District Council. From 2011 until 2021, the Council had a significant number of senior management posts that worked jointly with postholders working across both Councils. In 2021, each Council commenced development of its' own senior management team to reflect the current strategic objectives at each Council and ensure resources were effectively utilised to achieve each Council's aims.

In 2023, an external benchmarking exercise was undertaken to ensure the Council's senior management salaries are reflective of the level of duties and responsibilities undertaken, taking account of trends in the public sector and the recruitment challenge overall within the public sector environment. The process also included the formation of a cross-party working group to investigate the findings and make recommendations back to Council. Amongst those recommendations approved by Council was the establishment of a cross-party, Senior Pay Remuneration Review Group and mechanism to oversee a senior pay review every two years.

Bearing in mind all of the above points, salary levels for the senior managers were set at a level which reflected the extremely marketable experience built up by the senior managers who had been a fundamental element of the successful achievements at North East Derbyshire District Council. This was to avoid the very real danger that key senior staff would be lost and it might not be possible to attract replacement candidates of the highest calibre necessary to maintain and accelerate the recent and ongoing momentum for service and organisational improvements. Following the Covid pandemic, the recruitment market has become significantly more competitive with the increase in hybrid/remote working options and greater focus on employee wellbeing/work life balance.



Chief Officers have significant responsibility for corporate management and operational issues - detailed information about decision making delegated to senior managers can be found in the Constitution on the Council's website.

The decisions in respect of the review of salaries following the independent review were taken by Council, although smaller scale decisions about terms and conditions of service for the Chief Officers are taken by the Appointments Committee.

When revised senior management pay scales are implemented reviews of senior management salaries take place with independent advice sought and benchmarking exercises undertaken to ensure salaries reflect the current structure and level of responsibilities undertaken within the organisation, whilst ensuring value for money for the taxpayer.



Grading Structure – Senior Management

The salaries indicated for senior management include nationally negotiated pay awards since April 2009 onwards.

No additional payments are made e.g. bonuses, allowances (other than those mentioned below) performance related pay or other benefits in kind.

Managing Director

Incremental Points	Managing Director
1	£119,000
2	£123,000
3	£127,000

Directors

Incremental Points	Directors
1	£94,000
2	£98,000
3	£102,000

Assistant Directors

Incremental Points	Assistant Directors
1	£65,000
2	£69,000
3	£74,000

The intention is these posts are characterised by their relatively high level of responsibilities, and would deputise, as appropriate, in the absence of the Director. This is an important element in the Council's succession planning and leadership development, as well as providing valuable strategic input.

Statutory Officers

There are three statutory officer roles: Head of Paid Service, Monitoring Officer, and Chief Finance Officer, commonly referred to as Section 151 Officer.

Managing Director: It is the role of the Managing Director, also known as the Head of Paid Service, to ensure that all the authority's functions are properly co-ordinated as well as organising staff and appointing appropriate management.

Local Government and Housing Act 1989 - [Local Government and Housing Act](#)



Section 151 Officer: Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a S151 Officer, also known as a Chief Financial Officer (CFO), to have responsibility for those arrangements.

The CFO must lead on a local authority's financial functions and ensure they are fit for purpose. CFOs must be professionally qualified and suitably experienced.

In accordance with the Local Government Finance Act 1988 the CFO must be a member of one of the following bodies in order to qualify as a responsible officer: (a) the Institute of Chartered Accountants in England and Wales, (b) the Institute of Chartered Accountants of Scotland, (c) the Chartered Association of Certified Accountants, (d) the Chartered Institute of Public Finance and Accountancy, (e) the Institute of Chartered Accountants in Ireland, (f) the Chartered Institute of Management Accountants, and (g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purposes of this section. Local Government Act 1972 - [Local Government Act 1972](#) Local Government Finance Act 1988 - [Local Government Finance Act 1988](#)

Monitoring Officer: It is the role of the Monitoring Officer to report on matters they believe to be illegal or amount to maladministration, to be responsible for matters relating to the conduct of councillors and officers and, to be responsible for the operation of the Council's Constitution. They are usually, the Head of Legal Services.

Local Government and Housing Act 1989 - [Local Government and Housing Act 1989](#)

Remuneration

The Head of Paid Service role is undertaken by the Managing Director and is an integral part of the post and is rewarded as part of the substantive role. In the absence of the Managing Director, the deputising role will fall to a Director. The deputising role for the Head of Paid Service is reflected in the substantive salary paid to the Director.

Where the Section 151 or Monitoring Officer role is discharged at Director level it is rewarded as part of the substantive role and therefore no additional payment is payable.

Where the Section 151 or Monitoring Officer role is discharged below Director level. it is rewarded as an additional responsibility through an additional payment. Statutory Officers operating at Assistant Director level receive an additional payment of £5,253 p.a.

The deputising role for the Section 151 or Monitoring Officer role is reflected in the substantive salary paid and therefore no additional payment is payable.



Relationship between salaries

There is a pay differential of £53,000 between the lowest paid Assistant, Director and the Management Director.

The median salary of the whole workforce is £26,421 and the ratio of the Council's top earner to that of its median earner is 4.5:1

The mean salary is £30,094 per annum, and the ratio of the Council's top earner to the mean salary is 3.95:1

The Council does not anticipate these changing during the course of the financial year.

Terms and Conditions of Service

Managing Director, Directors and Assistant Directors are employed under the terms and conditions of service of the Joint Negotiating Committee for Chief Officers of Local Authorities. There are currently no additional local agreements relating to the employment of chief officers that represent a charge on the public purse, with the exception of election duties (see following paragraph).

Election Duties

The fee for Returning Officer duties is dependent upon the type of election, and is prescribed by Central Government by means of a Fees and Charges Order.

Honoraria and ex gratia payments

The Council does not make ex gratia payments.

An honorarium is payable in circumstances where an employee temporarily takes on duties and responsibilities which are at a higher level than those carried out within their substantive post. The amount of the honorarium is calculated by carrying out an evaluation, under the JNC Job Evaluation Scheme, which takes account of the additional duties. Where an employee carries out the full duties and responsibilities of a higher graded post for a temporary period, then they are paid the appropriate rate for the higher graded post, as identified under the Job Evaluation Scheme.

The same principles apply to all employees, including those on Chief Officer rates of pay.

Other financial benefits

The Council's Managing Director, Directors and Assistant Directors are not in receipt of any financial benefits that are not also available to other employees.



For example, subsistence allowances are payable to all employees who are away from their base for lengthy periods as follows:

- Employees can claim for actual expenditure, supported by receipts, up to a maximum of the following amounts:
- Breakfast: £5.61 (payable if employee left home on official business before 7.00am)
- Lunch: £7.73 (payable if employee is away from the office between 11.30am and 2.30pm)
- Tea: £3.04 (payable if the employee is absent from home and office after 6.30pm on official business)
- Evening meal: £9.37 (payable if the employee is absent from home and office after 8.30pm)
- Overnight: £3.63 per night (payable if away from home on business overnight)
- Weekly: £14.55 (payable if away on business for a week or more)

Other expenses such as taxi, bus or train fares, parking fees etc can be reimbursed, provided they are approved, and valid receipts are attached to the expenses claim form.

Essential User Allowance

This is payable to employees who meet specified criteria. Although nationally there are three levels of payment which are linked to the size of the vehicle's engine, this Council pays at the lowest rate only as follows:

Essential Users

Lump sum per annum	£846
per mile first 8,500	36.9p
per mile after 8,500	13.7p

Whilst senior management do not always meet the minimum 1500 miles, senior officers currently receive this Allowance because of the requirement to always have a vehicle available to allow them to respond to urgent incidents.

Professional fees

These are paid for any employee for whom it is an essential requirement that they hold a professional qualification and are members of a professional body. The Council has a policy of not allowing employees to accept gifts or other inducements, and if such gestures are made then the gift is recorded and donated to the Chair's current charity.

A mobile telephone

These are provided to employees who are frequently away from their office, or not office-based and all senior managers are included. In addition to providing the mobile phone, the cost of the monthly rental is paid as well as business related calls.

Incremental Progression

The policy of the Council in respect of incremental progression is the same whatever the level of the post. Appointment is generally to the lowest point on the scale, unless the individual already works in local government and is currently paid at a higher point, in which case they will be appointed to the incremental point above that which is closest to the employee's existing salary (up to a maximum at the top of the grade). Where relevant, incremental increases take place on 1 April each year, except when a new appointment is made between 1 October and 31 March, in which case the first increment is payable six months after appointment.

Pensions

Employees of the Council pay a contribution to the Pension Scheme relative to their annual full-time equivalent pensionable pay (including pensionable allowances). The contribution rates for 2022/2023 have altered slightly as per below;

England and Wales – employee contribution rates for 2023/24

Actual Pensionable Pay (based on latest pay x 12)	Contribution rate main section
Up to £16,500	5.5%
£16,501 to £25,900	5.8%
£25,901 to £42,100	6.5%
£42,101 to £53,300	6.8%
£53,301 to £74,700	8.5%
£74,701 to £105,900	9.9%
£105,901 to £124,800	10.5%
£124,801 to £187,200	11.4%
£187,201 or more	12.5%

The Employer's contribution at NEDDC is currently 20.6% of pensionable pay.

There are a number of discretions available under the Local Government Pension Scheme, and as a matter of policy, NEDDC does not usually exercise any discretion that would represent a cost to the Council.



Flexible Retirement

Under the terms of the Local Government Pension scheme, an employee aged 55 or over can elect to reduce their hours or their grade and request early release of pension benefits. This is a provision available to all employees.

The Council has a degree of discretion, as the needs of the service take precedence at all times over the scheme, and the Council's Policy on Flexible Retirement makes clear that it will only agree to such requests where there is no cost to the Council in doing so, i.e. either the employee has already passed their earliest retirement date or where the cost of early release is met by the employee via a reduced pension.

Re-employment of employees in receipt of a pension

Under the terms of the Local Government Pension scheme, an employee who has retired from local government service and is in receipt of a pension may reapply for local government employment. However where this happens the pension is subject to abatement, i.e. if the pension added to the new salary is higher than the original salary then the amount of pension will be reduced accordingly. There are currently no re-employed pensioners in senior management positions.

Payment on termination of employment

Where a post is deleted following a review of service (redundancy), or where an employee is retired 'in the interests of the efficient exercise of the Authority's functions', a compensatory payment is made.

In the case of redundancy, a sum is payable based on the national redundancy table with a multiplier of 1.5. The Council exercises its discretion in these cases to base the payment on actual weeks' pay, and the maximum payable in these circumstances is 45 weeks' pay for service of 20 years or over.

Under the Local Government Pension Scheme, pension benefits are payable with immediate effect to any employee whose employment is terminated on grounds of redundancy or efficient exercise and who is aged 55 or over.

Holiday Entitlement

The annual leave entitlement for senior managers is 36 days per year plus 3 days per annum to cover the Christmas closedown period. All Chief Officers are entitled to 8 bank holidays plus any additional bank holidays agreed at national level. The annual leave year commences on the first of the month in which an employee birthday falls.

North East Derbyshire District Council

Council

March 4th 2024

Implementation of a Council Tax premium for empty homes

Report of the Portfolio Holder for Strategic Leadership & Finance

Classification: Public

Report By: Lee Pepper – Assistant Director – Communities

Contact Officer: Lee Pepper

PURPOSE/SUMMARY

For Council to approve the implementation of a Council Tax premium charge for empty homes of 2 years or more.

RECOMMENDATIONS

1. That Council endorses the Council Tax empty homes premium policy to commence April 1st 2024

IMPLICATIONS

Finance and Risk

Yes ✓

No

Finance

The Council currently charges 100% Council Tax for long term empty properties. If the premium is supported, the proposal is a 200% charge to become payable after a property has been empty for 2 years or more.

There are currently 311 properties with the District that have been empty for 2 years or more. Depending on the uncertainty of collection rates, it is estimated that the increase will bring in an additional £50,000 per year. There is risk associated with this estimate as collection of the additional premium may prove challenging.

A premium will have financial implications for the Councils empty HRA stock. However, there are currently very low numbers of empty Council owned homes. In addition, there

is currently a strong focus on estate regeneration and asset disposal which will mitigate any cost impact.

Legal including Data Protection

Yes ✓ No

N/A

On Behalf of the Solicitor to the Council

Staffing

Yes ✓ No

This will be included within existing officer workloads.

On Behalf of the Head of Paid Service

DECISION INFORMATION

<p>Is the decision a Key Decision?</p> <p>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><i>BDC: Revenue - £75,000</i> <input type="checkbox"/></p> <p><i>Capital - £150,000</i> <input type="checkbox"/></p> <p><i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/></p> <p><i>Capital - £250,000</i> <input checked="" type="checkbox"/></p> <p><input checked="" type="checkbox"/> Please indicate which threshold applies</p>	<p>Yes</p>
<p>Is the decision subject to Call-In?(Only Key Decisions are subject to Call-In)</p>	<p>Yes</p>
<p>Has the relevant Portfolio Holder been informed</p>	<p>Yes</p>
<p>District Wards Affected</p>	<p>All</p>
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Develop and improve the quality of housing providing a nice home and area for all residents to meet all needs</p>

REPORT DETAILS

1 Background

- 1.1 The policy will provide guidance for council officers in providing advice, assessments and decision making in relation to implementation and general administration of the council tax empty homes premium.
- 1.2 Section 111B of the Local Government Finance Act 1992 gives council tax billing authorities the powers to apply a discretionary council tax premium to empty properties.
- 1.3 The Council Tax Empty Homes premium forms part of a plan to target the issue of empty homes. From 1 April 2013, billing authorities could charge a premium on a class of property that has been unoccupied and unfurnished for two years or more. At that time the law stated that the premium may be up to 50% of the council tax on the property.
- 1.4 In accordance with the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, from 1 April 2019 the premium was amended and may be up to 100% of the council tax on properties unoccupied and unfurnished for between two and five years, 200% on properties unoccupied and unfurnished for between five and ten years, and 300% on properties unoccupied and unfurnished for more than ten years.
- 1.5 To help tackle the shortage of housing supply in the district, from **1 April 2024** a Council Tax Empty Homes Premium will be implemented at **100%** to properties that that have been empty for 2 years and more. This is in addition to the standard Council Tax charge of 100% for properties that are unoccupied and unfurnished, making a total charge of 200%.

2. Exceptions to the council tax empty homes premium

- 2.1 Under the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, the government has prescribed two classes of dwellings which are exempt from the premium. These are:
 - a dwelling which would otherwise be the sole or main residence of a member of the armed services, who is absent from the property as a result of such service.
 - a dwelling, which forms part of a single property that is being treated by a resident of that property as part of the main dwelling.
- 2.2 The Council will also consider waiving the Council Tax Premium for owners who meet the qualifying criteria as specified in the policy.

- 2.3 The council tax premium is not intended to penalise owners of a property that is genuinely on the housing market for sale or rent.
- 2.4 The reasons why properties are unoccupied and unfurnished, including whether they are available for sale or rent will be taken into consideration. Therefore the policy sets out a range of criteria and scenarios to help officers in making their decisions.

3 Reasons for Recommendation

- 3.1 There are approximately 311 homes that have been empty for longer than two years. The premium, coupled with a fair, widely scoped policy, will help to bring more homes forward to be occupied by local residents.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to adopt the policy would mean that a council tax empty homes premium could not be introduced.
- 4.2 The number of empty homes is rising. To not have a Council Tax premium will only hinder our work in this important area.

DOCUMENT INFORMATION

Appendix No	Title
No1	Council Tax Empty Homes Premium Policy
Background Papers	
Report Author	Contact Number
Lee Pepper	01246 217625



North East
Derbyshire
District Council

Appendix 1

**(Council Tax
Empty Homes Premium Policy)**

(January 2024)

Equalities Statement

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services, it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality, and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - 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, you just need Wi-Fi or mobile data to make the video call or call into the offices at Wingerworth.
- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)

CONTROL SHEET FOR [policy title here]

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Council Tax Empty Homes Premium Policy
Current status – i.e., first draft, version 2 or final version	First Draft
Policy author (post title only)	Housing Policy and Intelligence Officer
Location of policy (whilst in development)	S drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	TBC
Partnership involvement (if applicable)	
Final policy approval route i.e., Cabinet/ Council	Cabinet
Date policy approved	
Date policy due for review (maximum three years)	2027
Date policy forwarded to Performance & Communications teams (to include on Intranet, and website if applicable to the public)	

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DRAFT

1. Introduction

This document sets out North East Derbyshire District Council's policy on the implementation of the Council Tax Empty Homes Premium. It also considers factors and circumstances that the Council will take into account when deciding if an exception to the Premium is appropriate.

Empty properties add to the shortage of homes across the district and can be a waste of housing resources. During the housing crisis having high levels of empty homes only adds to the pressures the Council currently face.

The introduction of the Council Tax Empty Homes Premium will help to reduce the number of current empty homes in the district. In addition, it will act as a deterrent for homeowners to not leave properties empty.

If a property is left empty, there is a risk that it will have a serious impact on the community and the local environment. It can often attract anti-social behaviour (ASB) and can become a drain on local authorities and other public services. The longer a property lies empty, the more it will deteriorate. The Council Tax Empty Homes Premium will also help to mitigate these risks.

Empty homes work also forms part of the new Private Rented Sector Strategy. One of the strategy actions is to explore ways of working with and incentivising homeowners to rent out properties to families in housing need. It is envisioned that this Policy will help to bring empty properties back into use, including for rental purposes.

The Council Tax Empty Homes Premium forms only one part of the Council's plan to target the issue of empty homes. The Council now has a dedicated empty homes officer who has begun work on building a case load of empty homes across the district.

2. Scope

The Policy will provide guidance for Council Officers advising, assessing, and making decisions on the implementation of the Council Tax Empty Homes Premium.

Residents in the district of North East Derbyshire liable for the Council Tax premium will adhere to the policy.

An advocate/appointee or a recognised third party acting on a resident's behalf will also adhere to this policy.

The Policy will have due regard to the following national legislation and local policy:

- The Local Government Finance Act 1992
- GDPR
- Equalities Act 2010
- The Levelling-up and Regeneration Act 2023
- The Council Tax (Administration and Enforcement) Regulations 1992
- The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003

This Policy has been implemented as part of the Council's strategic approach to reduce empty homes and commitment to help alleviate the ongoing housing crises and is highlighted in the Council's.

- Private Rented Sector Strategy, and
- Empty Properties Strategy

3. Principles

The policy links to the Council's corporate vision as follows;

A great place to live well - A place to live that people value;

- Develop and continually improve the quality and range of housing, providing comfortable homes for residents that meet their needs.
- Directly, and with partners, improve where people live to ensure they are safe, clean, functional, and attractive.

4. Statement

4.1 Background

Section 11B of Local Government Finance Act 1992 gives Council Tax billing authorities the powers to apply a discretionary Council Tax premium to empty properties.

The Council Tax Empty Homes premium forms part of a plan to target the issue of empty homes. From 1 April 2013, billing authorities could charge a premium on a class of property that has been unoccupied and unfurnished for two years or more. At that time the law stated that the premium may be up to 50% of the council tax on the property.

In accordance with the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018, from 1 April 2019 the premium was amended and may be up to 100% of the council tax on properties unoccupied and unfurnished for between two and five years, 200% on properties unoccupied and unfurnished for between five and ten years, and 300% on properties unoccupied and unfurnished for more than ten years.

The new Levelling-up and Regeneration Act 2023 received Royal Assent on 26 October 2023 which reduced the long-term empty property qualifying period from 2 years to 1, this is effective from 1 April 2024.

4.2 Council Tax Empty Homes Premium From 1 April 2024

A property that is classed as an uninhabited property that is in need of, or undergoing, major repairs or structural alterations can receive a 100% Council Tax discount for a maximum of 12 months, including up to 3 months after the repairs are completed. For example, if the repairs are completed after 3 months, then an additional 3-month discount applies, after this timeframe 100% Council Tax is applicable.

This does not include short term works such as the removal and replacement of a kitchen and/or bathroom.

Unoccupied and unfurnished homes receive a 100% discount for 3 months from the date the property became empty. After the 3 months have expired a full 100% Council Tax charge will be applicable.

To help tackle the shortage of housing supply in the district, from **1 April 2024** a Council Tax Empty Homes Premium will be implemented at **100%** to properties that that have been empty for 2 years and more. This is in addition to the standard Council Tax charge of 100% for properties that have been unoccupied and unfurnished for more than three makes, making a total charge of 200%

Although legislation states this can be implemented from as soon as 1 year, implementing a Council Tax Empty Homes Premium of 200% for empty homes of 2 years and more is considered to be a fair place to start in terms of giving homeowners adequate time to bring empty properties into use. In addition, this course of action will help officers to manage the increased resource demand associated with administering the charge.

The table below gives an overview, in simplistic terms, of the Council Tax amendments due to the implementation of the Council Tax Empty Homes Premium.

Applicable Council Tax and Empty Homes Premium		
Unfurnished & Unoccupied Properties		
Applicable Timeframes	Applicable Council Tax Before 1 April 2024	Applicable Council From 1 April 2024
3 months from the date property became empty	0	0
After the 3-month period	100%	100%
2 years and more	100%	200%
Uninhabitable Properties		
	Current	From 1 April 2024
Discount up to 12 months (maximum)	0	0
After the discount ends (from 12 months or from an earlier period)	100%	100%
2 years and more	100%	200%

4.3 Exceptions to the Council Tax Empty Homes Premium

Under the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003, the government has prescribed two classes of dwellings which are exempt from the premium. These are:

- a dwelling which would otherwise be the sole or main residence of a member of
- the armed services, who is absent from the property as a result of such service.
- a dwelling, which forms part of a single property that is being treated by a resident of that property as part of the main dwelling.

The Council will also consider waiving the Council Tax Premium for owners who meet the qualifying criteria as specified in this policy.

The Council Tax premium is not intended to penalise owners of a property that is genuinely on the housing market for sale or rent. The reasons why properties are unoccupied and unfurnished, including whether they are available for sale or rent, will be taken into consideration.

Where the Council agrees to waive the Premium, this means that the owner of the property will remain liable for the standard Council Tax charge of 100% for the applicable property.

The Council will treat all applications on their individual merits and may grant exceptions to liability for the Council Tax Empty Homes Premium in the following situations:

- a) Those owners who are genuinely attempting to sell or let their property.
- b) Those owners who are experiencing legal or technical issues which is preventing the sale or letting of the property.
- c) Cases where the dwelling has remained empty beyond a two-year period due to exceptional and/or unforeseen circumstances and/or any other circumstances, proven to be beyond the control of the owner/liable person.

In deciding whether to award an exception to payment of the Council Tax Premium, the Council will consider the following criteria and further documented proof may be requested:

- a) For those owners who are genuinely attempting to sell or let their property which has been vacant for at least two years.
 - Has professional advice and assistance been obtained?
 - Has a professional agent with specialist knowledge of the locality been engaged?
 - Have any offers to purchase or rent the property been received? If yes – why were those offers refused?
 - Is the sale price or rental in line with recent sale or rental prices for similar properties in the locality? If no, does this property have special features that reasonably warrant a higher value or rent?
 - Has the property been put up for sale by public auction?
 - On average, how long are properties in their area been available for sale or rent before completion/occupation.
- b) For those owners who are experiencing legal or technical issues which is preventing the sale or letting of the property.
 - Is there a legal difficulty or issue which is preventing the sale or letting of the property?
 - A Solicitor's or Legal Conveyancer's letter should be produced in evidence detailing the reasons preventing sale or letting.
 - Is a sale or letting being delayed by the actions of a public body?

c) Cases where the dwelling has remained empty beyond a two-year period due to exceptional and /or unforeseen circumstances and / or any other circumstances, proven to be beyond the control of the owner/liable person.

- Are the circumstances exceptional or unforeseen?
- Decision to be based on evidence and considered on the merits of each individual case.

4.4 Period of Exception

In all cases, the Council will decide the length of time for which an exception will be awarded based on the evidence supplied and the facts known.

The start date of an exception will normally be the date the application is received by the Council, providing the Council is satisfied the reasons for the exception existed at that time, and the exception will continue until the end of the financial year, subject to those circumstances continuing.

The Council will review the exception and request confirmation that the circumstances leading to the exception remain applicable. The Council reserves the right to make routine inspections of the property at any point during the period of the exception.

It is expected that the property will be occupied by the end of the period of exception. Where this is the case, the Council Tax Empty Homes premium will no longer apply.

Where that is not the case, and the Property remains empty, the exception will be removed, and the Council Tax Empty Homes Premium will be charged retrospectively.

The Council will not award exceptions to the Premium where evidence shows that the Owner: -

- a) Has not taken all reasonable steps to return the property to occupation.
- b) Has caused any delay in works being started within the six-month period from the date of their taking ownership.
- c) Is responsible for the delay in completing works even if the works were started within the six-month period after a change in ownership.

4.5 Changes of Circumstances

The Council may need to revise the decision to grant an exception to the Council Tax Empty Homes Premium if it becomes aware that the circumstances of an applicant have materially changed.

Individuals must immediately advise the Council of any change in circumstances affecting the decision within 21 days of the change.

Failure to do so may result in the exception being revoked in full.

4.6 Claiming a Local Exception to the Council Tax Empty Homes Premium

A claim must be made to the Council's Revenues and Benefit department by the owner of the vacant property or their representative. Relevant supporting evidence must be made available.

The Council may visit any applicant to confirm the details provided are accurate, which may necessitate being given access to the premises.

Payment of Council Tax, including the Premium, may not be withheld whilst awaiting the outcome of an application or the review of a previous decision.

4.7 Notification

The Council will inform the applicant, in writing, of the outcome of their application within 28 days of receipt, or as soon as possible thereafter. Where the application is unsuccessful, the Council will set out the reasons why this decision was made and explain the right of review.

4.8 The Right to Seek a Review of the Council's Decision

If an applicant does not accept the Council's decision to refuse the exemption an appeal must be submitted in writing to the Revenues and Benefits Manager clearly explaining the reasons for the appeal. All appeals must be submitted within 1 calendar month of the decision being made.

A decision on the review will be made within 20 working days of the request. The decision will be notified to the applicant in writing, setting out the reasons for the decision.

If an applicant does not accept the decision to refuse the reduction an appeal must be submitted in writing to the Revenues and Benefits Manager clearly explaining the reasons for the appeal. All appeals must be submitted within one calendar month of the decision being made.

If the exemption is still refused and the applicant thinks the council has made the wrong decision the applicant has a right to appeal to the Valuation Tribunal Service which is an independent judicial body. Further information can be found at www.valuationtribunal.gov.uk

4.9 Fraudulent Applications

If an exemption has been made because of a false or fraudulent application the Council reserves its right to withdraw the exemption. The Council will consider prosecuting any applicant who makes a false statement or provides fraudulent evidence in support of an application.

5. Responsibility for Implementation

Revenues and Benefits Manager – Revenues and Benefits department

Revenues and Benefits Officers – Revenues and Benefits department