

Public Document Pack



**North East
Derbyshire**
District Council

Contact: Alan Maher
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Date: Friday, 10 May 2024

To: **All Members of the Council**

You are summoned to attend the **Annual Council** meeting to be held on **Monday, 20 May 2024 at 2.00 pm in the Council Chamber, District Council Offices**, Mill Lane, Wingerworth, Chesterfield S42 6NG Please note that this will be followed by an **Ordinary** meeting of the Council.

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 Steenberg'.

Assistant Director of Governance and Monitoring Officer

A G E N D A

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

Nominations are sought to elect the Chair of the Council for the 2024-25 Municipal Year.

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

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

3 Address of Gratitude to the Outgoing Chair of the Council

Thanks will be given to the outgoing Chair of the Council, Councillor Martin E Thacker MBE, JP, for his service to the Council and the District during the 2023-24 Municipal Year.

4 Apologies for Absence

5 Declarations of Interest

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

6 Minutes of the Last Meeting (Pages 8 - 18)

To approve as a correct record and the Chair to sign the attached Minutes of the Council meeting held on 4 March 2024.

7 Election of the Vice-Chair of the Council (Pages 19 - 21)

Nominations are sought to appoint the Vice-Chair of the Council for the 2024-25 Municipal Year.

8 Composition of the Cabinet (Page 22)

The Leader of the Council will confirm the appointment of their Deputy Leader and the Cabinet Portfolio Holders for the 2024-25 Municipal Year.

9 Proportionality of the Council and Appointments to Committees (Pages 23 - 30)

Nominations are sought to appoint the Members of Committees and Advisory Groups for the 2024-25 Municipal Year.

10 Appointment of Chairs and Vice-Chairs of Committees (Pages 31 - 34)

Nominations are sought to appoint the Committee Chairs and Vice-Chairs for the 2024-25 Municipal Year.

- 11 **Schedule of Meetings for the 2024-25 Municipal Year** (Pages 35 - 55)
- Report of the Assistant Director of Governance and Monitoring Officer.
- 12 **Appointment of the Council's Representatives to serve on other organisations (Outside Bodies) - NOW PUBLISHED** (Pages 56 - 60)
- Nominations are sought to represent the Council on External Organisations (Outside Bodies) for the 2024-25 Municipal Year.
- 13 **Review of the Council's Constitution** (Pages 61 - 68)
- Report of the Assistant Director of Governance and Monitoring Officer.
- 14 **Scheme of Delegation** (Pages 69 - 95)
- Report of the Assistant Director of Governance and Monitoring Officer.
- 15 **Operation of Urgency Rules and Thresholds for Key Decisions** (Pages 96 - 100)
- Report of the Leader of the Council.
- 16 **Chesterfield Football Club - Return to the English Football League**
- To hear from and for Council to congratulate Chesterfield Football Club on its successful return to the English Football League as National League Champions and hear about the non-footballing community success of the club too.
- 17 **Chair's Urgent Business**
- To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



**North East
Derbyshire**
District Council

Access for All statement

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North East Derbyshire District Council

Annual Council

20 May 2024

ELECTION OF THE CHAIR OF THE COUNCIL

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager, 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To elect the Chair of the Council

RECOMMENDATIONS

1. That a Chair of the Council be elected
-

IMPLICATIONS

Finance and Risk: Yes ☒ No ☒

Details:

Click here to enter text.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: 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	All
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Group Leaders

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.
All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives

REPORT DETAILS

1 The Election of a Leader

- 1.1 Annual Council is asked to elect a Councillor to be the Chair of the Council for the WOW4-25 Municipal Year. Nominations to the post will be taken at today's meeting.
- 1.2 Under the Council's Constitution the Chair of the Council and the Vice-Chair will be elected annually by the Council Meeting. The functions of the Chair and in their absence the Vice-Chair are:-
 - (i) To uphold and promote the purposes of the Constitution;
 - (ii) To decide what the Constitution means if there is a dispute;
 - (iii) To chair Council Meetings so that decisions can be taken efficiently, with regard to the rights of Councillors and the interests of the community;

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

2. Nominations

- 2.1 Majority Group has nominated Councillor Gerry Morley to serve as the Chair of the Council for the 2024-25 Municipal Year.

3 Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

- 4.1 None

DOCUMENT INFORMATION

Appendix No	Title
	None
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)	

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 4 MARCH 2024

Present:

Councillor Martin E Thacker MBE JP (Chair) (in the Chair)
Councillor Gerry Morley (Vice-Chair)

Councillor Frank Adlington-Stringer	Councillor Pat Antcliff
Councillor Neil Baker	Councillor Nigel Barker
Councillor Jayne Barry	Councillor Graham Baxter MBE
Councillor Richard Beech	Councillor David Cheetham
Councillor Kathy Clegg	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Lilian Deighton	Councillor Michael Durrant
Councillor Michelle Emmens	Councillor Stuart Fawcett
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 Fran Petersen
Councillor Stephen Pickering	Councillor Stephen Reed
Councillor Carolyn Renwick	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Derrick Skinner	Councillor Caroline Smith
Councillor Christine Smith	Councillor Richard Spooner
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 **/80/2**

3-24 Apologies for absence were received from Councillors J Birkin, A Cooper, S Clough, P Elliott, N Morley and M Smith.

COU Declarations of Interest **/81/2**

3-24 Councillor M E Thacker MBE declared an interest in Item 11: To Consider Motions from Members Under Procedure Rule No 10 as a Member of the Rykneld Homes Ltd Board. He indicated that he would stay and participate in

Council's consideration and determination on this item. The other Rykneld Homes Ltd Board Members: Councillors K Clegg, K Gillott and G Morley, as well as the tenants of Rykneld Homes Ltd: Councillors S Pickering, D Skinner, C Lacey, T Lacey and P Windley also took this approach.

COU Minutes of the Last Meeting

/82/2

3-24 Council considered the Minutes of the last meeting of Council on Monday, 29 January 2024.

RESOLVED – That the Minutes of the meeting held on Monday, 29 January 2024 were approved as a true and accurate record.

COU Chairman of the Council's Announcements

/83/2

3-24 The Chairman of the Council, Councillor M E Thacker MBE, updated Members on his activities throughout the past month. This included his attendance at the Derbyshire Swimming Championships which involved swimmers from the Dronfield Dolphins as well as Eckington and Rykneld swimming clubs. The Chairman also informed Members that he had been invited to speak at Walton Holymoorside Primary School and had spent time with the school's eco committee. He reflected on the children's use of sign language to promote inclusion.

Council heard that the Chairman had attended the Derby and Derbyshire Youth Orchestra concert where he was particularly moved by the performance of the work Cantus Arcticus, which had been composed to highlight the negative impact of climate change on birds in the arctic.

The Chairman explained that he had written to the Chairs of Parish Council's across the District in order to ask for contributions to his charitable appeal for Ashgate Hospice. He gave thanks to Brampton Parish Council which had already made a kind donation.

Members were informed that invitations to the civic service to be held on 28 April 2024 at St Johns Church in Walton would soon be distributed.

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

COU Leader of the Council's Announcements

/84/2

3-24 The Leader of the Council, Councillor N Barker, informed Members that Sharley Park swimming pool had now been closed and work continued on Clay Cross Active that should be completed by the end of the year. In addition to this, a new skate park had been constructed in Killamarsh and a contractor had been selected for the work on the Clay Cross Town Centre.

The Leader drew Council's attention to a number of issues that had been raised at the last meeting of Council. They heard that a meeting had been arranged between the Leader and the Director of Environment & Transport at Derbyshire County Council in order to discuss the bus service at Killamarsh. A

meeting had also taken place between the Leader and Councillor H Wetherhall in order to discuss the issues raised in relation to drivers on Matlock Road. Councillor N Barker reiterated his commitment to support Councillor H Wetherall in her efforts to address the road safety issues on the road.

Councillor N Barker updated Members on the planning application at Unstone, which was discussed on Min: COU/74/23-24. He informed them that external advice had been received and that following consideration of this advice, the application would be reconsidered by the Planning Committee.

Council heard that a project manager would soon be appointed to oversee the development of the new depot and a cross-party working group would be established in order to help coordinate this.

The Leader explained that the Council had contributed to the Storm Babet review and a strategic flood group for north eastern Derbyshire was in the process of being established.

Councillor N Barker reflected on the success of the recent Annual Conference of the Parish and Town Councils and informed Members that had had been attending Parish Council meetings across the District in order to display the Council's commitment to work with Parish Councils to improve services across the District.

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

COU Public Participation

/85/2

3-24 There were no questions from the public.

COU Level of Council Tax 2024/25

/86/2

3-24 The Deputy Leader reminded Members that under the Localism Act 2011, the Council was responsible for calculating the total Council Tax requirements as a whole for the North East Derbyshire District. The demand on the Collection Fund in respect of the 2024/25 Council year was £6,952,953.

Councillor P Kerry and Councillor N Barker moved and seconded a Motion that Council formally approve the Council Tax for the Financial Year 2023/24, as set out in the report.

Councillor A Dale expressed his disappointment over what he felt to be a lack of transparency and information in relation to the budget, with a particular reference to the green bin charges. He indicated that his Group would be abstaining from the vote.

The Deputy Leader responded that further information on this issue would be provided in response to a question under Item 10 on the agenda.

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

recorded vote was taken.

For: 30

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

Against: 0

Abstentions: 14

Councillors P Antcliff, N Baker, C Cupit, A Dale, M Emmens, M Foster, P Jones, W Jones, H Liggett, S Reed, M Roe, R Spooner, K Tait, R Welton

RESOLVED – That Council formally approved the Council Tax for the Financial Year 2024/25 as set out in the report.

COU North East Derbyshire District Council: Pay Policy Statement 2024-25

/87/2

3-24

The Managing Director and Head of Paid Service presented the Council's Pay Policy Statement for 2024-25. He informed Members that the policy was in line with the requirements as set out by the local government association and outlined the relation and differences between employee salaries.

Councillors N Barker and P Kerry proposed and seconded a motion to approve the pay policy statement. The motion was put to the vote and approved.

RESOLVED – That Council approved the Council's Pay Policy Statement for 2024-25.

COU Implementation of a Council Tax Premium Policy for Empty Homes

/88/2

3-24

The Leader introduced a report for Council to approve the implementation of a Council Tax premium charge for empty homes of two years or more.

Members heard that there were currently 311 properties within the District that had been empty for two years or more and it was estimated that the proposed premium charge would provide an additional £50,000 per year for the Council. It was also hoped that the proposed charge would help to address the shortage of housing supply in the District.

Councillors N Barker and J Barry proposed and seconded a Motion to endorse the Council Tax Premium Charge for Empty Homes.

Councillor A Dale signalled his broad support for the approach and the fact that the premium charge would not take into account second homes. He believed that a more balanced view should be taken towards these in order to help promote tourism within the area. He shared his view that the exceptions policy placed pressure on Officers to decide when an exception was valid or not and should therefore be kept under review.

Councillor A Dale considered whether the motion went far enough and proposed an amendment to the motion that the additional premium charges listed at section 1.4 of the report, be reviewed and brought back to a future meeting of Council for consideration.

Councillor N Barker accepted the suggested amendment to his Motion.

Councillor F Adlington-Stringer signalled his support for the motion and hoped that Cabinet would be able to look into the additional premium charges as quickly as possible. He also expressed his desire for a policy to address the issues posed by second homes.

Councillor R Shipman expressed his support for the motion.

Councillor H Wetherall supported the motion and hoped it would help to combat issues of homelessness across the District. She enquired as to the cause behind a rise in the number of empty properties and what the definition of uninhabitable properties was. She heard that there were a variety of reasons behind the rise in empty properties and that there was a very specific definition within Council Tax Legislation on uninhabitable properties.

Councillor N Barker suggested that more detailed information could be provided to Councillor H Wetherall if necessary. He informed Council that the exceptions policy would remain under review and that consideration would be given to the creation of a policy regarding second homes.

At the end of the discussion the motion was put to the vote and approved.

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

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

/89/2

3-24

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

Question A – Councillor M Roe to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Councillor M Roe to Councillor S Pickering, the Portfolio Holder for Environment and Place on what the Council intended to do to deal with the issues of dog fouling across the District and in particular, the south of the District and Shirland and Higham. The full text of the question from Councillor M Roe, marked as Question 'A', was set out in the agenda for the meeting.

Councillor S Pickering thanked Councillor M Roe for their question. He explained that the Council's Environmental Health Service Team of enforcement officers responded to all complaints received that related to dog fouling and requests for signage. He went on to explain that in 2023 in Shirland there were three complaints received in relation to dog fouling. These complaints resulted in five proactive patrols being undertaken and additional

signage being erected as well as a zoning letter issued in relation to an alleged public spaces protection order.

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

A question had been submitted by Councillor S Cornwell to Councillor S Pickering, the Portfolio Holder for Environment and Place on a planning application that was granted on 20 July 2021 on the Holmewood Industrial Estate and what could be done by the Council to prevent further disruption to residents by including appropriate restrictions in the original planning consent. The full text of the question from Councillor S Cornwell, marked as Question 'B', was set out in the agenda for the meeting.

Councillor S Pickering thanked Councillor S Cornwell for their question. He explained that the Council was unable to alter previously agreed planning decisions but he understood that Councillor S Cornwell had met with planning and environmental health in order to discuss possible ways forward and potential future options for the site.

Councillor S Cornwell asked the Portfolio Holder to make a commitment that similar issues would not happen again and to work with Officers to create best practice processes for any builds of this nature in the future.

The Portfolio Holder gave his commitment that he would be involved with and support Councillors from Holmewood and work with the Assistant Directors to shape policies and guidance going forward.

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

A question had been submitted by Councillor A Dale to Councillor J Birkin, the Portfolio Holder for Council Services. As Councillor J Birkin was unavailable, the question was answered by Councillor J Barry, the Portfolio Holder for Growth and Assets. The question was on the cost of the refurbishment of the Council Chamber. The full text of the question from Councillor A Dale, marked as Question 'C', was set out in the agenda for the meeting.

The Portfolio Holder explained concerns that had been raised in relation to the previous chamber, now meeting rooms one and two, such as fire safety and the accessibility issues for those with mobility issues. She also outlined the broader public expectation for accessibility and transparency to view the democratic process which necessitated proper functioning equipment. A cross party working group had assessed these issues and concluded that relocation of the chamber was the best course of action.

Council heard that the new AV solution had cost £170,000 and the furniture had cost £40,000 for a total of £210,000. This had been funded through designated asset management budgets within the capital programme which were allocated for refurbishment of public buildings.

Councillor A Dale asked if the Portfolio Holder believed that residents would

support this expenditure, given the current issues with increased bills and the cost of living.

Councillor J Barry responded that it was important to provide residents with access to the democratic process and that the facilities had not cost much more than Derbyshire County Council paid when they had the same system installed.

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

A question had been submitted by Councillor W Jones to Councillor N Barker, the Leader of the Council, on how the Council intended to respond to the Government's consultation on the reforms to social housing allocations. The full text of the question from Councillor W Jones, marked as Question 'D', was set out in the agenda for the meeting.

The Leader explained that the consultation would remain open until the end of March and that Cabinet would be preparing a response. He reflected some initial thoughts on the reforms which included a possible impact on the number of homeless cases, loss of control over the allocations policy and a move away from the Localism Act 2011.

Councillor W Jones asked the Leader if it would be the Council's intention to utilise RHL to manage the new proposals.

Councillor N Barker responded that the Council and RHL would put the policy together and then RHL would work through the allocations.

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

A question had been submitted by Councillor C Cupit to Councillor S Pickering, the Portfolio Holder for Environment and Place, on whether the Cabinet Member would commit to not charging for garden or any residential waste collections. The full text of the question from Councillor C Cupit, marked as Question 'E', was set out in the agenda for the meeting.

Councillor S Pickering thanked Councillor C Cupit for their question. He explained that the Council did not currently charge for residential waste collections but explained that the Department of Environment, Food and Rural Affairs (DEFRA) had placed a statutory requirement on the Council from April 2026 to collect food waste on a weekly basis. A financial grant of £600,000 would be offered from central government in order to fund this but current estimates suggested that would leave a shortfall of £400,000. Due to these financial difficulties, the Portfolio Holder informed the Member that it would not be prudent to comment on any course of action.

Councillor C Cupit asked the Portfolio Holder to outline the business case for the changes that had been made to the garden waste collections.

The Portfolio Holder explained that he would provide a written response to

Councillor C Cupit and reiterated that every household in the District had a green bin emptied at no additional cost.

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

/90/2

3-24 Motion 'A'

Members considered a Motion submitted by Councillor P Windley that called on the Portfolio Holders for Strategic Leadership and Finance to work more closely with Rykneld Homes Ltd (RHL) to address the root cause of mould in Council owned properties. The full text of Councillor P Windley's Motion, set out as Motion 'A', was included on the agenda for the meeting.

Councillor D Hancock seconded the Motion. He explained that residents were having to deal with recurring issues with mould which was resulting in repeat cleans while works to address the root cause were not being completed.

Councillor A Dale signalled his support for the Motion. He explained that due to the significant financial cost and use of resources, the issue should receive additional scrutiny.

Councillor A Dale suggested an amendment to the Motion that called on updates to be provided to every other meeting of Council on the additional resources being spent on this issue and the impact that this was having. He also asked for details to be provided on the longer term strategy as to how this issue would be tackled and what the resource requirements for this would be over an extended period of time, and for a range of statistics to be provided on how many reports of mould were being received, what were the causes for these and how long the issues took to be addressed. His amendment also called for the exploration of technological solutions which could be used to combat the issue and for an analysis of the benefit/cost ratios for these.

Councillor P Windley accepted the suggested amendment to her Motion.

Councillor K Gillott spoke against the Motion. He reflected that all Members would agree with the sentiment of the Motion but that it showed a lack of understanding of recent changes that had taken place. He went into detail to highlight some of the changes that had taken place in the last 12 months. These included: the inclusion of an Elected Member from outside of the Majority Group on the RHL Board and the Board being chaired by one of the Independent Members. He went on to explain that the Leader, Councillor N Barker attended every Board meeting and met regularly with the Chair. Council were also reminded that the Managing Director of RHL had attended the previous meeting of Council as well as the Joint Scrutiny Meeting where she had gone through these issues in detail. Councillor K Gillott outlined further measures that were being taken to tackle this issue such as: the employment of additional staff to focus entirely on damp and mould and holding a review of the damp and mould policy. He explained that more funding from Government would be needed in order to help solve this issue. He finished by explaining that most of the information Councillor A Dale had requested could be publicly accessed online.

Councillor K Gillott invited any Members with casework that related to damp and mould to discuss it with either himself or the Managing Director of RHL. Councillor N Barker reiterated the comments made by Councillor K Gillott. He explained that damp and mould was a large issue and that much of the information called for in the Motion could already be accessed online. He informed Council that RHL were recruiting extra staff to deal with the issue and that if any Members had any cases that they felt weren't being correctly handled that they should report these concerns back to himself or RHL.

Councillor R Shipman spoke in favour of the Motion. He explained that the root causes of the issue were not being dealt with and enquired as to whether the right staff were being hired in order to tackle the issue. He informed Council of the importance of them being able to hold RHL to account.

Councillor M Durrant spoke against the Motion. He explained that these issues had already been outlined and discussed at previous meetings such as at Communities Scrutiny Committee in September 2023.

Councillor F Adlington-Stringer spoke against the Motion. He criticised the Motion for lacking a clear objectivity and for not providing benefit to Members or residents. He suggested that the emphasis should be on building decent homes for residents and not relying on technological solutions.

Councillor P Windley responded that it was important for Council to remain updated on damp and mould and there were clear issues that were leaving residents with problems.

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

Motion 'B'

Members considered a Motion submitted by Councillor D Hancock that called on Council to undertake a review into the materials and solutions that were permitted under the policy for creating off street parking on Council properties managed by Rykneld Homes. The full text of Councillor D Hancock's Motion, set out as Motion 'B', was included on the agenda for the meeting.

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

Councillor F Adlington-Stringer felt that the Motion was short sighted and not environmentally sustainable. He argued that the best way to resolve the transport crisis would be through the provision of decent public transport.

Councillor N Barker argued that the Motion was not necessary and that if Members had any potential new solutions then they should raise these with RHL and a review would take place on a case by case basis. He shared sympathy with the views expressed by Councillor F Adlington-Stringer but argued that on-street parking was an issue that needed to be addressed.

Councillors A Dale, C Renwick and S Reed spoke in favour of the Motion. They argued that parking was an important issue for residents and that there

was not enough demand for public transport to make it a viable alternative. They suggested that the Motion would lead to increased off-street parking and that design guides and principles could be used to ensure that properties remained in keeping with the surrounding area.

Councillor R Shipman reiterated that the Motion was only calling for a slight amendment to the policy so that more environmentally sustainable methods for creating off street parking for residents could be considered.

Councillor M Durrant suggested that the Motion would be better suited for a debate at Scrutiny Committee. He argued that the reason public transport was not utilised more across the District was because it was unreliable and people were therefore forced to use personal cars.

Councillor H Wetherall considered that parking was an issue that required addressing and suggested that residents with electric vehicles would need off-street parking access in order to charge them. She also argued that sustainable transport solutions should be considered for the future.

Councillor D Hancock responded that an improved public transport system would be beneficial, but it would still not be appropriate for all people all of the time. The Motion proposed a pragmatic solution to an issue many residents were facing.

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

Motion 'C'

Members considered a Motion submitted by Councillor R Shipman that called on Council to start a working group in order to begin exploring the possibility of developing an app for the Council. The full text of Councillor R Shipman's Motion, set out as Motion 'C', was included on the agenda for the meeting.

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

Councillor S Reed spoke against the Motion. He informed Council of the large costs associated with developing an app and that this was unnecessary as the Council's website was already mobile friendly. He also reminded Members that the Council already held the ability to send out group text messages to residents and that they wouldn't necessarily receive any greater public engagement from an app.

Councillor F Adlington-Stringer recognised the potential costs involved with developing an app and suggested an amendment to the Motion that would see the Council partner with other authorities to create an app on a larger regional scale.

Councillor R Shipman declined the suggested amendment and argued that the project would never get going if too many actors were involved.

Councillor A Dale argued against the Motion. He suggested that not all residents would use an app and that if it was designed poorly it would put

residents off using it. He argued that instead, Council should focus on improving the website and existing lines of communication.

Councillor J Barry explained that the feasibility of developing a dedicated app had been fully explored in the past but was not compatible with the Council's customer relationship management system. She explained that there would be a review of the customer relationship management system in the upcoming months but at present there had not been any feedback from residents to request a dedicated app.

Councillor D Hancock responded that the idea shouldn't be discounted because the customer relationship management system did not allow for an app. He also raised concerns with the proposed amendment suggested by Councillor F Adlington-Stringer as it would be difficult to get other local authorities to commit to work together on the app. He explained that the app could help to increase engagement with certain residents and that the idea should be explored.

Councillor R Shipman responded that an app would be an efficient way to reach certain residents and that this would be a more convenient way for certain residents to receive updates on Council services through the use of features such as push notifications.

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

COU Chairman's Urgent Business

/91/2

3-24

As there was no urgent business the meeting was closed.

North East Derbyshire District Council

Annual Council

20 May 2024

ELECTION OF THE VICE-CHAIR OF THE COUNCIL

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To appoint the Vice-Chair of the Council

RECOMMENDATIONS

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

IMPLICATIONS

Finance and Risk: Yes ☒ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: 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	All
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 Group Leaders

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

REPORT DETAILS

1 The Election of a Leader

- 1.1 Annual Council is asked to elect a Councillor to be the Vice-Chair of the Council for the 2023-24 Municipal Year. Nominations to the post will be taken at the meeting.
- 1.2 Under the Council's Constitution the Chairman of the Council and the Vice-Chair will be elected annually by the Council Meeting. The functions of the Vice-Chair are in the absence of the Chair:-
 - (i) To uphold and promote the purposes of the Constitution;
 - (ii) To decide what the Constitution means if there is a dispute;
 - (iii) To chair Council Meetings so that decisions can be taken efficiently, with regard to the rights of Councillors and the interests of the community;
 - (iv) To make sure that Council Meetings are a place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;

- (v) To promote public involvement in the Council's activities and in the democratic process;
- (vi) To attend those civic and ceremonial functions which they or the Council consider appropriate; and
- (vii) To approve as urgent decisions, which will not be subject to Call In, when the Chairman of the relevant Scrutiny Committee is unavailable.

2. Nominations

- 2.1 The Majority Group has nominated Councillor Christine Smith to serve as Vice Chair of the Council for the 2024-25 Municipal Year.

3 Reasons for Recommendation

- 3.1 To elect a Vice-Chair of the Council.

4 Alternative Options and Reasons for Rejection

- 4.1 None

DOCUMENT INFORMATION

Appendix No	Title
	None
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)	
All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

CABINET PORTFOLIOS

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

North East Derbyshire District Council

Annual Council

20 May 2024

PROPORTIONALITY OF THE COUNCIL AND APPOINTMENTS TO COMMITTEES

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To appoint Elected Members to the Council's Committees for the 2024/25 Municipal Year

RECOMMENDATIONS

1. That the Committees of Council as set out in the report be retained for the 2024-25 Municipal Year.
2. That the size of the Committees as set out in **Appendix 1** to the report be agreed for the 2024-25 Municipal year, in accordance with the Council Procedure Rules.
3. That the proposed appointment to Committees as set out in **Appendix 1** to the report and updated at the meeting be agreed.

IMPLICATIONS

Finance and Risk: Yes ☒ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

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

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

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	All
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Group Leaders

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

All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives

REPORT DETAILS

1 Background

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

2. The Political Balance of the Council

2.1 The political balance for the Council as a whole and the specific bodies covered by the political balance requirements has not changed since the 2023 local elections. They are set out below.

	Group	Labour	Conservatives	Lib Dems	Inds	Green
Ordinary Committees of the Council	Size					
Licensing Act Committee	7	4	3	0	0	0
Licensing General Committee	7	4	3	0	0	0
Planning Committee	11	6	3	1	1	0
Audit Committee	5	3	2	0	0	0
Standards Committee	7	4	2	0	1	0
Business Scrutiny	9	5	3	1	0	0
Communities Scrutiny Committee	9	5	3	1	0	0
Environment Scrutiny Committee	9	5	3	0	0	1
Services Scrutiny Committee	9	5	3	1	0	0
TOTAL	73	41	25	4	2	1

Proportion of Places on the Council by Group

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

- A single Member not part of a political groups

Allocation of Places on the Joint Committees

		Labour	Conservatives
Joint ICT Committee	3 NEDDC Members	2	1
Joint Crematorium Committee	4 NEDDC Cabinet Members	4	

2.2 Political Group Leaders were requested to nominate Members to serve on Committees and Advisory Groups with effect from 20 May 2024 for the 2024/25 Municipal year.

2.3 The nominations received from them are set out at **Appendix 1**. They will be updated as necessary at the meeting.

3 Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

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

DOCUMENT INFORMATION

Appendix No	Title
1	Group Nominations to Committees
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)	
All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

20 May 2024

NOMINATIONS TO COMMITTEES

COMMITTEES

COMMITTEE	LABOUR GROUP	CONSERVATIVE GROUP (TBC)	LIBERAL DEMOCRAT GROUP (TBC)	INDEPENDENT GROUP (TBC)	GREEN	TOTAL SEATS
Audit Committee	Christine Smith, David Cheetham, Gerry Morley	Martin Thacker, Alex Dale				5
Communities Scrutiny Committee	Gerry Morley, Michael Durrant, Nicki Morley, Graham Baxter, Richard Beech	Kevin Tait, Steve Clough, Pam Jones	Pam Windley			
Business Scrutiny Committee	Suzy Cornwell, Lee Hartshorne, Tony Lacey, Martin Fletcher, Christine Gare	Richard Spooner, Stephen Reed, William Jones	Pam Windley			
General Licensing Committee	Carol Lacey, Pat Kerry, Martin Fletcher, Fran Petersen	Martin Thacker, Richard Welton, Mike Roe				
Licensing & Gambling Acts Committee	Carol Lacey, Pat Kerry, Martin Fletcher, Fran Petersen	Martin Thacker, Richard Welton, Mike Roe				
Environment Scrutiny Committee	Caroline Smith, Fran Petersen, Graham Baxter, Richard Beech, Tony Lacey	Carolyn Renwick, Lillian Deighton, Alex Dale			Frank Adlington - Stringer	

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

JOINT COMMITTEES

COMMITTEE	LABOUR GROUP	CONSERVATIVE GROUP (TBC)	LIBERAL DEMOCRAT GROUP	INDEPENDENT GROUP	GREEN	TOTAL SEATS
Joint Crematorium Committee	Nigel Barker, Pat Kerry, Steve Pickering, Joe Birkin					
Joint ICT Committee	Joe Birkin, Jayne Barry	Stephen Reed				
Employment & Appeals Committee	Nigel Barker, Pat Kerry, Appropriate Cabinet Portfolio Holder	Alex Dale				

ADVISORY GROUPS

COMMITTEE	LABOUR GROUP	CONSERVATIVE GROUP	LIBERAL DEMOCRAT GROUP	INDEPENDENT GROUP	GREEN	TOTAL SEATS
Council Joint Consultative Group	Nigel Barker, Pat Kerry, Joe Birkin					

North East Derbyshire District Council

Annual Council

20 May 2024

APPOINTMENT TO THE CHAIRS AND VICE CHAIRS OF THE COUNCIL'S COMMITTEES

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To appoint elected Members to serve as the Chairs and Vice Chairs of the Council's Committees for the 2024-25 Municipal Year

RECOMMENDATIONS

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

IMPLICATIONS

Finance and Risk: Yes ☒ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

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

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: 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	All
Consultation: Leader / Deputy Leader <input checked="" 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

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

All

REPORT DETAILS

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

1.1 Council has established the following Committees:

- Audit Committee
- Business Scrutiny Committee
- Communities Scrutiny Committee
- Environment Scrutiny Committee
- Services Scrutiny Committee
- General Licensing Committee
- Licensing & Gambling Acts Committee
- Planning Committee
- Standards Committee

2. Details of Proposal or Information

- 2.1 The Majority Group has nominated the following elected Members to serve as Chairs or Vice Chairs of the Council's Committees for the 2024-25 Municipal Year.

MAJORITY (LABOUR) GROUP NOMINATIONS FOR CHAIRS AND VICE-CHAIRS OF COMMITTEES 2024-25

Audit Committee

Chair: Christine Smith

Vice Chair: David Cheetham

Communities Scrutiny Committee

Chair: Gerry Morley

Vice Chair: Michael Durrant

Business Scrutiny Committee

Chair: Suzy Cornwell

Vice Chair: William Jones

Environment Scrutiny Committee

Chair: Caroline Smith

Vice Chair: Frank Adlington-Stringer

General Licensing Committee

Chair: Carol Lacey

Vice Chair: Clive Fletcher

Licensing and Gambling Acts Committee

Chair: Carol Lacey

Vice Chair: Clive Fletcher

Services Scrutiny Committee

Chair: Mick Smith

Vice Chair: Neil Baker

Planning Committee

Chair: Lee Hartshorne

Vice Chair: Tony Lacey

Standards Committee

Chair: Kevin Gillott

Vice Chair: Helen Wetherall

3 Reasons for Recommendation

- 3.1 To appoint Chair's and Vice Chairs to the Council's Committees for the 2024-25 Municipal Year.

4 Alternative Options and Reasons for Rejection

- 4.1 None

DOCUMENT INFORMATION

Appendix No	Title
	None
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)	

North East Derbyshire District Council

Annual Council

20 May 2024

PROPOSED SCHEDULE OF MEETINGS FOR THE 2024-25 MUNICIPAL YEAR

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To set out the proposed Schedule of Meetings for the 2024-25 Municipal Year.

RECOMMENDATIONS

1. That Council approves the proposed Schedule of Meetings for the 2024-25 Municipal Year.

IMPLICATIONS

Finance and Risk: Yes ☒ No ☒

Details:

Click here to enter text.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: 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	All
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 Group Leaders

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.
All – Good Governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

REPORT DETAILS

1 Proposed Schedule of Meetings

1.1 With the agreement of Standards Committee, the Council's different political groups were consulted on the draft Schedule of Meetings for the 2024-25 Municipal Year. This consultation was intended to reduce as far as possible the need for subsequent changes to meeting dates.

1.2 The draft Schedule of Meetings has been developed on the basis of three key goals:

One: There should be no fundamental change to the scope and pattern of the Schedule of Meetings. Each Member body should largely meet for the same number times, on the approximately same date and the same time as they were scheduled to meet in 2023-24

Two: The Schedule should build in time for the necessary training and other activities to take place.

Third: The draft Schedule should continue to build in sufficient time between meetings for Members and officers to undertake key work throughout the year and, in particular, to ensure that the meetings of different bodies (both within and outside the Council) can take place at the right times, for the decisions required of them.

- 1.3 The proposed Schedule of Meetings is attached to the report as **Appendix 1**, which Council is now asked to approve. It can also be accessed through the Calendar on the Council's website, along with the agendas and minutes for these meetings. Click on the following link to access these: [Calendar](#)

2 Reasons for Recommendation

- 2.1 To agree a Schedule of Meetings for the 2024-25 Municipal Year.

3 Alternative Options and Reasons for Rejection

- 3.1 None.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Proposed Schedule of Meetings for the 2024-25 Municipal Year.
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)	

NORTH EAST DERBYSHIRE DISTRICT COUNCIL

SCHEDULE OF MEETINGS 2024/25

<u>W/C: 20 MAY</u>				
Monday – 20 May	Tuesday – 21 May	Wednesday – 22 May	Thursday – 23 May	Friday – 24 May
2pm - Annual Council			4pm - Cabinet	
<u>W/C: 27 MAY</u>				
Monday – 27 May	Tuesday – 28 May	Wednesday – 29 May	Thursday – 30 May	Friday – 1 June
BANK HOLIDAY				

W/C: 3 JUNE

Monday – 3 June	Tuesday – 4 June	Wednesday – 5 June	Thursday – 6 June	Friday – 7 June
1.30pm – Leadership	10am - Licensing Sub Committees (if required)			

W/C: 10 JUNE

Monday – 10 June	Tuesday – 11 June	Wednesday – 12 June	Thursday – 13 June	Friday – 14 June
1.30pm – Joint Crematorium Committee (Chesterfield)				

W/C: 17 JUNE

Monday – 17 June	Tuesday – 18 June	Wednesday – 19 June	Thursday – 20 June	Friday – 21 June
10am - Planning Site Visits	2pm - Planning Committee		4pm - Cabinet	

W/C: 24 JUNE

Monday – 24 June	Tuesday – 25 June	Wednesday – 26 June	Thursday – 27 June	Friday – 28 June
2pm – Joint ICT Committee (Derbyshire Dales)			10am – Housing Strategic Partnership Group	10am - Clay Cross Town Deal Board

W/C: 1 JULY

Monday – 1 July	Tuesday – 2 July	Wednesday – 3 July	Thursday – 4 July	Friday – 5 July
	10am - Licensing Sub Committees (if required) 2pm - Licensing Committee (if required)			

W/C: 8 JULY

Monday – 8 July	Tuesday – 9 July	Wednesday – 10 July	Thursday – 11 July	Friday – 12 July
1.30pm – Leadership 3pm - Audit Committee				

<u>W/C: 15 JULY</u>				
Monday – 15 July	Tuesday – 16 July	Wednesday – 17 July	Thursday – 18 July	Friday – 19 July
3pm - Business Scrutiny Committee			4pm - Cabinet	
<u>W/C: 22 July</u>				
Monday – 22 July	Tuesday – 23 July	Wednesday – 24 July	Thursday – 25 July	Friday – 26 July
10am - Planning Site Visits 2pm - Council	10am - Services Scrutiny Committee 2pm - Planning Committee	10am - Communities Scrutiny Committee 2pm - Standards Committee (if required)		2pm - Council Joint Consultative Group
<u>W/C: 29 JULY</u>				
Monday – 29 July	Tuesday – 30 July	Wednesday – 31 July	Thursday – 1 August	Friday – 2 August
3.30pm - Environment Scrutiny Committee	RECESS	RECESS	RECESS	RECESS

<u>W/C: 5 AUGUST</u>				
Monday – 5 August	Tuesday – 6 August	Wednesday – 7 August	Thursday – 8 August	Friday – 9 August
RECESS	RECESS	RECESS	RECESS	RECESS
<u>W/C: 12 AUGUST</u>				
Monday – 12 August	Tuesday – 13 August	Wednesday – 14 August	Thursday – 15 August	Friday – 16 August
RECESS	RECESS	RECESS	RECESS	RECESS
<u>W/C: 19 AUGUST</u>				
Monday – 19 August	Tuesday – 20 August	Wednesday – 21 August	Thursday – 22 August	Friday – 23 August
RECESS	RECESS	RECESS	RECESS	RECESS

W/C: 26 AUGUST

Monday – 26 August	Tuesday – 27 August	Wednesday – 28 August	Thursday – 29 August	Friday – 30 August
RECESS BANK HOLIDAY	10am - Licensing Sub Committees (if required)			

W/C: 2 SEPTEMBER

Monday – 2 September	Tuesday – 3 September	Wednesday – 4 September	Thursday – 5 September	Friday – 6 September
10am - Planning Site Visits 1.30pm - Leadership	2pm - Planning Committee			

W/C: 9 SEPTEMBER

Monday – 9 September	Tuesday – 10 September	Wednesday – 11 September	Thursday – 12 September	Friday – 13 September
1.30pm – Joint Crematorium Committee (Chesterfield) 3.30pm - Environment Scrutiny Committee				

W/C: 16 SEPTEMBER

Monday – 16 September	Tuesday – 17 September	Wednesday – 18 September	Thursday – 19 September	Friday – 20 September
3pm - Business Scrutiny Committee	10am - Services Scrutiny Committee	10am - Communities Scrutiny Committee	4pm - Cabinet	

W/C: 23 SEPTEMBER

Monday – 23 September	Tuesday – 24 September	Wednesday – 25 September	Thursday – 26 September	Friday – 27 September
2pm - Council		2pm - Standards Committee (if required) 10am – Joint Board (Bolsover)		10am - Clay Cross Town Deal Board

W/C: 30 SEPTEMBER

Monday – 30 September	Tuesday – 1 October	Wednesday – 2 October	Thursday – 3 October	Friday – 4 October
10am - Planning Site Visits 3pm - Audit Committee	2pm - Planning Committee			

W/C: 7 OCTOBER

Monday – 7 October	Tuesday – 8 October	Wednesday – 9 October	Thursday – 10 October	Friday – 11 October
1.30pm - Leadership	10am - Licensing Sub Committees (if required)		10am – Housing Strategic Partnership Group	

W/C: 14 OCTOBER

Monday – 14 October	Tuesday – 15 October	Wednesday – 16 October	Thursday – 17 October	Friday – 18 October

W/C: 21 OCTOBER

Monday – 21 October	Tuesday – 22 October	Wednesday – 23 October	Thursday – 24 October	Friday – 25 October
			4pm - Cabinet	2pm - Council Joint Consultative Group

W/C: 28 OCTOBER

Monday – 28 October	Tuesday – 29 October	Wednesday – 30 October	Thursday – 31 October	Friday – 1 November

W/C: 4 NOVEMBER

Monday – 4 November	Tuesday – 5 November	Wednesday – 6 November	Thursday – 7 November	Friday – 8 November
10am - Planning Site Visits 2pm - Joint ICT Committee (NED)	2pm - Planning Committee			

W/C: 11 NOVEMBER

Monday – 11 November	Tuesday – 12 November	Wednesday – 13 November	Thursday – 14 November	Friday – 15 November
1.30pm - Leadership 3.30pm - Environment Scrutiny Committee	10am - Licensing Sub Committees (if required) 2pm - Licensing Committees (if required)	10am - Communities Scrutiny Committee 2pm - Standards Committee (if required)		

W/C: 18 NOVEMBER

Monday – 18 November	Tuesday – 19 November	Wednesday – 20 November	Thursday – 21 November	Friday – 22 November
1.30pm – Joint Crematorium Committee (NED) 3pm - Business Scrutiny Committee	10am - Services Scrutiny Committee		4pm - Cabinet	

W/C: 25 NOVEMBER

Monday – 25 November	Tuesday – 26 November	Wednesday – 27 November	Thursday – 28 November	Friday – 29 November
2pm - Council				

W/C: 2 DECEMBER

Monday – 2 December	Tuesday – 3 December	Wednesday – 4 December	Thursday – 5 December	Friday – 6 December
10am - Planning Site Visits	2pm - Planning Committee		10am – Housing Strategic Partnership Group	10am - Clay Cross Town Deal Board

<u>W/C: 9 DECEMBER</u>				
Monday – 9 December	Tuesday – 10 December	Wednesday – 11 December	Thursday – 12 December	Friday – 13 December
1.30pm - Leadership	10am - Licensing Sub Committees (if required)			
<u>W/C: 16 DECEMBER</u>				
Monday – 16 December	Tuesday – 17 December	Wednesday – 18 December	Thursday – 19 December	Friday – 20 December
<u>W/C: 23 DECEMBER</u>				
Monday – 23 December	Tuesday – 24 December	Wednesday – 25 December	Thursday – 26 December	Friday – 27 December
		BANK HOLIDAY	BANK HOLIDAY	CLOSEDOWN

<u>W/C: 30 DECEMBER</u>				
Monday – 30 December	Tuesday – 31 December	Wednesday – 1 January	Thursday – 2 January	Friday – 3 January
CLOSEDOWN	CLOSEDOWN	BANK HOLIDAY		
<u>W/C: 6 JANUARY 2025</u>				
Monday – 6 January	Tuesday – 7 January	Wednesday – 8 January	Thursday – 9 January	Friday – 10 January
<u>W/C: 13 JANUARY</u>				
Monday – 13 January	Tuesday – 14 January	Wednesday – 15 January	Thursday – 16 January	Friday – 17 January
10am - Planning Site Visits 1.30pm - Leadership	2pm - Planning Committee		2pm - Joint Scrutiny Committee	

W/C: 20 JANUARY

Monday – 20 January	Tuesday – 21 January	Wednesday – 22 January	Thursday – 23 January	Friday – 24 January
3pm - Audit Committee	10 am - Licensing Sub Committees (if required)		4pm - Cabinet	2pm - Council Joint Consultative Group

W/C: 27 JANUARY

Monday – 27 January	Tuesday – 28 January	Wednesday – 29 January	Thursday – 30 January	Friday – 31 January
2pm - Council			10am – Housing Strategic Partnership Group	

W/C: 3 FEBRUARY

Monday – 3 February	Tuesday – 4 February	Wednesday – 5 February	Thursday – 6 February	Friday – 7 February

W/C: 10 FEBRUARY

Monday – 10 February	Tuesday – 11 February	Wednesday – 12 February	Thursday – 13 February	Friday – 14 February
2pm - Joint ICT Committee (Bolsover)				

W/C: 17 FEBRUARY

Monday – 17 February	Tuesday – 18 February	Wednesday – 19 February	Thursday – 20 February	Friday – 21 February
10am - Planning Site Visits 1.30pm - Leadership 3.30pm - Environment Scrutiny Committee	2pm - Planning Committee			

W/C: 24 FEBRUARY

Monday – 24 February	Tuesday – 25 February	Wednesday – 26 February	Thursday – 27 February	Friday – 28 February
3pm - Business Scrutiny Committee	10am - Licensing Sub Committees (if required) 10am - Services Scrutiny Committee	10am - Communities Scrutiny Committee	4pm - Cabinet	

W/C: 3 MARCH

Monday – 3 March	Tuesday – 4 March	Wednesday – 5 March	Thursday – 6 March	Friday – 7 March
2pm - Council	2pm - Licensing Committees (if required)	2pm - Standards Committee (if required)		

W/C: 10 MARCH

Monday – 10 March	Tuesday – 11 March	Wednesday – 12 March	Thursday – 13 March	Friday – 14 March
			10am – Housing Strategic Partnership Group	

W/C: 17 MARCH

Monday – 17 March	Tuesday – 18 March	Wednesday – 19 March	Thursday – 20 March	Friday – 21 March
10am - Planning Site Visits 1.30pm - Leadership	2pm - Planning Committee			10am - Clay Cross Town Deal Board

W/C: 24 MARCH

Monday – 24 March	Tuesday – 25 March	Wednesday – 26 March	Thursday – 27 March	Friday – 28 March
1.30pm – Joint Crematorium Committee (Bolsover)	10 am - Licensing Sub Committees (if required)	2.30pm – Joint Board (NED)		

W/C: 31 MARCH

Monday – 31 March	Tuesday – 1 April	Wednesday – 2 April	Thursday – 3 April	Friday – 4 April
			4pm - Cabinet	

W/C: 7 APRIL

Monday – 7 April	Tuesday – 8 April	Wednesday – 9 April	Thursday – 10 April	Friday – 11 April

W/C: 14 APRIL

Monday – 14 April	Tuesday – 15 April	Wednesday – 16 April	Thursday – 17 April	Friday – 18 April
10am - Planning Site Visits 3pm - Audit Committee	2pm - Planning Committee	2pm - Standards Committee (if required)		GOOD FRIDAY

W/C: 21 APRIL

Monday – 21 April	Tuesday – 22 April	Wednesday – 23 April	Thursday – 24 April	Friday – 25 April
BANK HOLIDAY			10am – Housing Strategic Partnership Group	2pm - Council Joint Consultative Group

W/C: 28 APRIL

Monday – 28 April	Tuesday – 29 April	Wednesday – 30 April	Thursday – 1 May	Friday – 2 May
1.30pm – Leadership	10am - Licensing Sub Committees (if required)			

<u>W/C: 5 MAY</u>				
Monday – 5 May	Tuesday – 6 May	Wednesday – 7 May	Thursday – 8 May	Friday – 9 May
BANK HOLIDAY				
<u>W/C: 12 MAY</u>				
Monday – 12 May	Tuesday – 13 May	Wednesday – 14 May	Thursday – 15 May	Friday – 16 May
10am - Environment Scrutiny Committee 3pm - Business Scrutiny Committee	10am - Services Scrutiny Committee	10am - Communities Scrutiny Committee	4pm - Cabinet	
<u>W/C: 19 MAY</u>				
Monday – 19 May	Tuesday – 20 May	Wednesday – 21 May	Thursday – 22 May	Friday – 23 May
10am - Planning Site Visits 2pm – ANNUAL COUNCIL	2pm - Planning Committee			

North East Derbyshire District Council

Annual Council

20 May 2024

APPOINTMENT OF THE COUNCIL'S REPRESENTATIVES TO SERVE ON OTHER ORGANISATIONS (OUTSIDE BODIES) FOR THE 2024-25 MUNICIPAL YEAR

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To appoint elected Members to serve as the Council's representatives on other organisations (Outside Bodies) for the 2024-25 Municipal Year

RECOMMENDATIONS

1. That Council appoint elected Members to serve as its representatives on other organisations for the 2024-25 Municipal Year.
 2. That the outcome of the review of appropriate representation on other external organisations be reported to Council.
-

IMPLICATIONS

Finance and Risk: Yes ☒ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

The Council is not required by law to appoint representatives on Outside Bodies. A Code for Councillors representing the Council these bodies is set out in the Constitution. Under it, those appointed are required to: act according to the rules and constitution and framework set by the outside body; make independent and personal judgements in line with the Members' duty of care to the outside body; behave ethically and following as far as is applicable in accordance with the Council Code of Conduct and other codes and protocols.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
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	All
Consultation: Leader / Deputy Leader <input checked="" 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

Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.
All – Good Governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

1. REPORT DETAILS

- 1.1 The Majority Group has made nominations for the Council to be represented on external organisations (Outside Bodies). These are set out in **Appendix 1**. These include those appointments to organisations made following the review of the Council's representation on Outside Bodies, and which were agreed by Council at its meeting on 27 November 2023.

2 Reasons for Recommendation

- 2.1 To ensure the effective representation of the Council on external organisations (Outside Bodies)

3 Alternative Options and Reasons for Rejection

3.1 None

DOCUMENT INFORMATION

Appendix No	Title
1	Nominations to serve on Outside Bodies.
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)	

Appointments to be made to Outside Bodies for the 2024-25 Municipal Year

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

Outside Body	No. of Positions	Council Representative
Ford Angling Club	1	Tony Lacey
Holmgate Community Centre Management Committee	2	Kathy Rouse, Geoff Morley
Holmgate Darby & Joan Club	3	Kathy Rouse, Geoff Morley
Joint Board with BDC, CBC and NEDDC	1 (plus sub)	Nigel Barker (Pat Kerry sub)
LGA Derbyshire	3	Nigel Barker, Pat Kerry, Kathy Rouse
LGA General Assembly and Related	1	Nigel Barker
Marketing Peak District & Derbyshire – Local Authority Investor Group	1	Jayne Barry
Marsh Lane, Old People's Welfare Association	1	Steve Pickering
Peak District National Park Authority	1	Lee Hartshorne
Ridgeway Sports & Social Club	1	Christine Gare
Sheffield City Region Combined Authority	1 (plus sub)	Nigel Barker (Pat Kerry sub)
Stonebroom Community Association	1	Derrick Skinner
Volunteer Centre	1	Nigel Barker

North East Derbyshire District Council

Annual Council

20 May 2024

REVIEW OF THE COUNCIL'S CONSTITUTION

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To set out and seek Council's approval of the proposed Constitution of the Council for the 2024-25 Municipal Year.

RECOMMENDATIONS

1. That following on from the review carried out by Standards Committee Council approves the proposed Constitution for the 2024-25 Municipal Year
2. The Standards Committee be asked to undertake a further review of the Constitution, as part of its annual work programme for the 2024-25 Municipal Year and to make any recommendations for change to Council, as appropriate.
3. That the Monitoring Officer exercises their Delegated powers to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation during the course of the Municipal Year, in consultation with the Chair of Standards Committee, as appropriate.

Approved by the Chair of the Standards Committee 2023-24: Councillor Kevin Gillott

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes ☒

No ☐

Details:

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

On Behalf of the Solicitor to the Council

Staffing: Yes ☐

No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <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 / Executive <input type="checkbox"/> SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: The Standards Committee and Monitoring Officer been consulted on and engaged in the proposed revisions to the Constitution.

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

All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

1. REPORT DETAILS

- 1.1 The Council is required by law to prepare and keep up to date a Constitution. This needs to explain explain how the Council operates, how decisions are made, the procedures which are to be followed to ensure that these procedures are efficient, transparent and accountable to local people.
- 1.2 One of the main functions of the Standards Committee is to undertake an annual review of the Council's Constitution. The purpose of these reviews is to make sure that the Constitution is up to date, that it is in line with current legislation and that it provides the appropriate rules and framework to ensure the good governance of the Council and how it co-operates with others.
- 1.3 As part of the review process, Standards Committee is then responsible for highlighting any areas of concern and agreeing specific changes to Annual Council for adoption.
- 1.4 Previously, the Committee has usually discharged this responsibility by considering sequentially detailed changes required to different parts of the Constitution and the rationale for these changes, This approach has helped to focus attention on specific and practical issues, which need to be addressed.
- 1.5 However, this approach has not always allowed for the Committee to consider the Constitution as a whole and, in particular, whether it is still providing the relevant rules and governance framework for how the Council works and how it co-operates with others.
- 1.6 In order to address this Standards Committee has adopted a more holistic, three-stage review process for reviewing the Constitution.
- 1.7 During **Stage One** officers sought to identify and then rectify any essentially factual and typographical errors in the document, such as the continued inclusion of expired powers and regulations etc. During **Stage Two** of the review, Standards Committee considered whether the Constitution adequately covered Councillor roles and responsibilities, as well as Acceptable Standards of Behaviour. Finally, during **Stage Three** Committee considered whether the Constitution adequately covered the operation of the Council's Member and Officer decision making arrangements.
- 1.8 The proposed Constitution of the Council has now been revised to both reflect the views of Standards Committee and to ensure its accuracy. The main changes agreed by the Committee are set out in **Appendix 1**. A link to the revised Constitution is set out in **Appendix 2**. A hard copy will also be provided to Members.

2 Reasons for Recommendation

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

3 Alternative Options and Reasons for Rejection

3.1 None.

DOCUMENT INFORMATION

Appendix No	Title
Appendix One	Changes agreed by Standards Committee
Appendix Two	The Proposed Constitution of the Council 2024-25: 20 May 2024 Constitution - North East Derbyshire District Council (ne-derbyshire.gov.uk)
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
None.	

STANDARDS COMMITTEE - CHANGES TO THE CONSTITUTION 2024

<p>Section 10 Council Procedure Rules</p>	<p>3 Extraordinary Meetings - To bring it into line with current arrangements where it is the Monitoring Officer's responsibility to call such meetings but where the Head of Paid Service should be involved in the decision.</p> <p>4. Time and Place. Add limitation to length of Council Meeting to 3 hours with discretion to Chair to extend if business can be finished within a reasonable time.</p>
<p>Section 10 Council Procedure Rules</p>	<p>8. Questions by public</p> <p>Amend to restrict who can ask a question to the following:</p> <p>Those on the Electoral Role Those who are Council Tax Payers Those who pay NNDR 16 and 17 year olds living in NEDDC or attending school in NEDDC</p>
<p>Section 10 Council Procedure Rules</p>	<p>8. Questions by the public</p> <p>The number of words in the question restricted to 200.</p> <p>9.8 Time for Questions - To bring it into line with current arrangements and formally give the Chairman a discretion to extend the period beyond the 15minute limit</p>
<p>Section 10 Council Procedure Rules</p>	<p>10.2 Motions on Notice</p> <p>Monitoring Officer rules out any motion not meeting the criteria for e.g. policy and Constitution changes or breaching one of the grounds listed. To ensure motion goes via correct route.</p>
<p>Section 10 Council Procedure Rules</p>	<p>12.3 Secunder right to reserve speech.</p> <p>Delete/amend so that only with the Chair's agreement.</p>
<p>Section 16 Members Planning Rules</p>	<p>8. Predetermination. Exclude Members from determination of Planning applications where they are the ward member for the application site. Predetermination. Introduce a requirement that</p>

STANDARDS COMMITTEE - CHANGES TO THE CONSTITUTION 2024

	Planning Committee Members confirm that they have no predetermination issues at the start of the meeting.
Section 19 Specific Delegations to officers Assistant Director of Governance and Monitoring Officer delegation	<p>1.19 Change to MD and HOPS delegation - To bring it into line with current arrangements. Structure changes with budget consequences above £15k must go to Council.</p> <p>4.15 To add changes to a political party's representation on Committees and Sub Committees. These changes are within have to be made at the request of the political party but also currently approved by Council. This results in reports to Council for changes which cannot be refused. It should be remembered that once a year, the membership of Committees and Sub Committees is approved at the Annual Meeting of Council so this would be to deal with changes between.</p>

<p>Section 19 Assistant Director of Governance and Monitoring Officer delegation</p>	<p>4.15 To add changes to a political party's representation on Committees and Sub Committees. These changes are within have to be made at the request of the political party but also currently approved by Council. This results in reports to Council for changes which cannot be refused. It should be remembered that once a year, the membership of Committees and Sub Committees is approved at the Annual Meeting of Council so this would be to deal with changes between.</p>
<p>Section 19 Assistant Director of Governance and Monitoring Officer delegation</p>	<p>4.15 Add to Monitoring Officer's delegation authority to grant dispensations where:</p> <ul style="list-style-type: none"> • So many have interests it would impede business e.g. there is no quorum in Committee Meeting or Cabinet. • That so many have interests that the political proportionality would be so upset as to alter the likely outcome of the vote. • That without a dispensation no member of the Cabinet would be able to participate.
<p>Section 26 Budget and Policy Framework</p>	<p>Section 26 Budget and Policy Framework - To update the list to bring it into line with current legal requirements. These are the decisions which must be taken by Council.</p> <p>New 8 to make clear that where a decision is that of Cabinet, a report can be presented to Council in advance to seek views, inform and give a presentation on the matter.</p>
<p>Section 27 Finance Rules – Senior Risk Officer</p>	<p>To bring it into line with current responsibilities and arrangements where this is the Managing Director and HOPS.</p>
<p>Section 27 Finance Rules – virement of salary related expenditure</p>	<p>16.3 Risk Management.</p> <p>To bring it into line with current needs, responsibilities and arrangements – especially in the current difficult employment market by adding that this can be used for employee training or other employee related expenditure.</p>
<p>Appendix One Members Allowances Scheme</p>	<p>Council decided at its meeting on 6th March 2023:</p> <p>3 That the Members' Allowances Scheme be amended to include an alternative mechanism for increasing the allowances of linking the increase to the percentage increase in scale point 43 of the</p>

	employee pay scales. The suggested wording for Basic Allowances is the same as would be applied to Special Responsibility Allowances.
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North East Derbyshire District Council

Annual Council

20 May 2024

SCHEME OF DELEGATION

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg. Monitoring Officer

Contact Officer: Alan Maher, Governance Manager 01246 217391
alan.maher@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

For Council to approve the Scheme of Delegation as set out in Council's Constitution.

RECOMMENDATIONS

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

Approved by Councillor J Birkin, Portfolio Holder for Council Services

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

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

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: 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	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <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"/>	No Details: Click here to enter text.

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

REPORT DETAILS

1 Background

- 1.1 It is a requirement under the Council Procedure Rule 1.1 as set out in Council's Constitution that the Annual Council Meeting agrees the Scheme of Delegation as set out in the Constitution.
- 1.2 The Scheme of Delegation outlines the specific delegation of Council and Executive Functions to officers. In Particular;
- The Managing Director and Head of Paid Service
 - The Director of Finance and Resources and Section 151 Officer
 - The Director or Growth and Assets
 - The Assistant Director of Governance and Monitoring Officer.
- 1.3 The Scheme also outlines Proper Officer Provisions.

2. Details of Proposal or Information

- 2.1 The proposed Scheme of Delegation for the 2024-25 Municipal Year is set out at **Appendix 1**. It comprises the following extracts from the Constitution:

Section 15 – Delegation of Council Functions

Section 18 -Proper Officer Provisions – Statutory Functions

Section 1- Specific Delegations to Officers

3 Reasons for Recommendation

- 3.1 This report fulfils the Constitutional requirements for agreement of the scheme at the Annual Meeting of Council.
- 3.2 The framework outlines the specific delegation of Council and Executive Functions to officers, in order for them to do their paid work as officers of the Council taking into account the current Management Structure.

4 Alternative Options and Reasons for Rejection

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

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	Proposed Delegation Scheme 2024-25
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 then you must provide copies of the background papers)	
None	

Delegation of Council Functions and Executive Functions to Officers

This section sets out the extent to which the powers and duties of the Council are delegated to officers.

1. Introduction

- 1.1 This scheme has been adopted by North East Derbyshire District Council and sets out the extent to which the powers and duties of the Councils are delegated to officers under the Local Government Act 1972, the Local Government Act 2000 and all other powers enabling delegation to officers. It is adopted with the intention of giving a streamlined, clear and simple decision-making process. It should be interpreted widely.
- 1.2 Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Portfolio Holder on Executive Functions and the relevant Chairman of the regulatory committee when the matter falls within the remit of that committee.
- 1.3 All references to legislation shall be deemed to include any subsequent amendments to such legislation.
- 1.4 Officers shall consult the local Ward Member(s) when they exercise any delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this. Officers must take account of the views of the relevant Ward Member(s) before exercising their delegated power.
- 1.5 Under section 101 of the Local Government Act 1972 the Council may authorise an officer of the Authority to commission and monitor work for and on behalf of the Council by people who are not officers of the authority and such people will be bound by this scheme, and the obligations contained in it, at all times when engaged on Council business .
- 1.6 References to powers of 'the Council' include functions of the Executive (the Cabinet).
- 1.7 Any reference to a function shall be deemed to include a reference to all statutory powers relating to that function and shall be deemed to include authority to exercise all such powers.
- 1.8 All delegations are intended to be cumulative. Each delegation may be read on its own unless it is specifically expressed to be subject to another.
- 1.9 All delegations to officers are subject to:

- Statutory requirements
- Contract Procedure Rules
- Financial Regulations/Finance Rules
- Consideration of the policies and plans of the Council
- The Employee Code of Conduct and adopted protocols
- The requirements of the Senior Management Team in relation to the overall management and co-ordination of the Council's affairs
- Any financial limits set out in any budget agreed by Council and in accordance with Financial, Contract and Property Procedure Rules
- The Budget and Policy Framework set by Council and any other Council policy having regard to any report by the Head of Paid Service, the Monitoring Officer or the Officer designated under section 151 of the Local Government Act 1972
- Any provision contained within this Constitution.

1.10 Where an officer has delegated powers, the Council or the Cabinet or a Committee (as appropriate) can still exercise that power in a particular case if it considers it appropriate to do so. Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.

1.11 Some posts are joint posts with Bolsover District Council and Derbyshire Dales District Council. However, the word "Joint" has been omitted from the scheme descriptions.

2. Exclusions

2.1 This Scheme does not delegate:

- Any matter which by law may not be delegated to an officer
- Any matter which is specifically excluded from delegation by this scheme, by a decision of the Council, the Cabinet or a Committee or Sub-Committee.

3. Authorisations to other Officers

3.1 Officers with delegated powers may in writing authorise another officer or officers to exercise those powers. Such authorisations may be subject to limitations and conditions. The officer with the delegated powers must keep a register of all authorisations granted. Copies must also be sent to the Governance Manager. These will be reviewed once a year.

4. Reserve Delegations

4.1 The delegated powers held by a post may be exercised by the line manager of that post (or by their line manager) if:

- that post is vacant.
- the post-holder is not at work for any reason.

5. Consultation

- 5.1 Officers shall consult as appropriate and have due regard to the advice given. If for any reason it is not practical to consult a person required to be consulted in the exercise of a delegation then the person with the delegated power must consult someone else whom they consider to be an appropriate substitute. In particular, consultation must take place with Legal, Finance and Human Resources as appropriate.

6. Restriction on delegations

- 6.1 Each delegation to an Assistant Director is subject to a limitation that it shall not be exercised if the Head of Paid Service, or a Director, or the Monitoring Officer, or Section 151 Officer, has given a direction to that effect.
- 6.2 The Head of Paid Service, or a Director, may exercise any delegated power possessed by an Assistant Director whilst a direction is in force with respect to that delegation.
- 6.3 In the absence of a Director, an Assistant Director within that Directorate may exercise any delegated power possessed by that Director.
- 6.4 An officer in a formal 'Acting-Up' arrangement may utilise the powers delegated to the post that they are covering for the specified period of that contractual agreement.
- 6.5 Delegated powers may only be exercised within approved budgets, unless a virement is permitted by the Finance Rules. The use of the Invest to Save Reserve is restricted to the Section 151 Officer.

7. Transfer of Functions

- 7.1 Where the name of a post is changed, or its relevant functions become vested in a different post, any delegated powers possessed by the post shall be retained by the renamed post or transferred to the different post as the case may be. This includes any delegated powers vested in a post by resolution of the Council, the Cabinet or a Committee/Sub Committee.
- 7.2 Where a service is restructured, the Head of Paid Service shall have authority to re-allocate the delegated powers to other posts and shall give notice of this to the Monitoring Officer.

8. Proper Officers

- 8.1 In addition to the specific powers delegated to Chief Officers, local government legislation specifies that certain officers must have responsibility for a number of specific functions as set out in the various acts of parliament. Each officer with such responsibility is known as the "Proper Officer" in relation to that task. The list of Proper Officers is

approved by the Council and are included in Section 18 of this Constitution.

- 8.2 The Council is also required to appoint certain officers known as Statutory Officers to take responsibility for functions specified in local authority legislation. These functions are in addition to the Scheme of Delegation and are set out in Section 19: Specific Delegations to Officers in this Constitution.

9. General powers delegated to all Directors and Assistant Directors

- 9.1 To exercise within approved budgets all matters of day to day administration and operational management of the services and functions for which they are responsible.
- 9.2 To take all necessary action to achieve and implement the objectives and actions set out in approved policies, strategies, plans and decisions of Council or Committees.
- 9.3 To sign licenses and notices relevant to their service areas subject to consultation with the Monitoring Officer.
- 9.4 To make decisions on any objection submitted which relates to a proposal, application or other matter within their service area, subject to Committee Terms of Reference.
- 9.5 Service of any statutory notices affecting their service area subject to consultation with the Monitoring Officer where appropriate.
- 9.6 To exercise the Council's powers to enter land and premises (and to authorise others to enter land and premises) for the purposes of any of the Council's functions which the officer has responsibility for enforcing or investigating.
- 9.7 To instruct the Council's Legal Service with respect to any legal matter concerning their department or services.
- 9.8 To exercise the Council's power to publish information about its services including deciding the content of any publication.
- 9.9 To decide the terms upon which services will be provided to the public (which may include providing services on different terms to different individuals or classes of individuals).
- 9.10 To exclude people from Council premises where they consider this to be warranted in the interests of health and safety or for the maintenance of order.
- 9.11 To deal with the following employment matters in accordance with Council procedures:

- 9.11.1 The employment of all employees below Assistant Director level including determining the most appropriate means of recruitment and selection;
- 9.11.2 Formulation, review and revision of person specifications and job descriptions for posts within their service areas;
- 9.11.3 Application of conditions of service including the authorisation of leave of absence, purchase of annual leave and payment of honoraria;
- 9.11.4 Suspension or dismissal of employees below Assistant Director level;
- 9.11.5 Re-grading of posts below Assistant Director level following job evaluation;
- 9.11.6 Determination of job sharing applications;
- 9.11.7 Waive any part of the notice required to be given by an employee to terminate employment.
- 9.12 To authorise payments for overtime in accordance with Council procedures.
- 9.13 To deal with procurement matters acting at all times within the Council's Financial and Contract Procedure Rules.
- 9.14 To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets and professional valuation advice is obtained confirming best consideration has been obtained.
- 9.15 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- 9.16 To commission goods, services and works within approved budgets.
- 9.17 To deal with media enquiries and press releases in conjunction with the Communications Marketing and Design Manager who will contact the relevant Members.
- 9.18 To represent the views of the Council in responding to consultations with the Council by any outside body where it is expedient to do so or where the period for a response does not allow the consultation paper to be reported to Members, subject to contacting the relevant Portfolio Holder or the Leader and Deputy Leader where the matter is politically contentious and where appropriate reporting to Cabinet/ Council subsequently is done afterwards.

- 9.19 To work with partners to achieve and implement the objectives and actions set out in the approved Council Plan, Service Plans, Business Plans, policies, strategies or other plans.
- 9.20 To carry out any duties or responsibilities as contained with the Finance Rules
- 9.21 To carry out any functions contained within section 2 – Council Functions and Local Choice Functions of the Functions Scheme.
- 9.22 To make amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:
 - i) reflect changes in the law, government or regulators' guidance, and other Council policies; or
 - j) correct obvious, technical, or clerical errors and to take account of changes of any names or titles.

Proper Officer Provisions and Designation of Officers to Statutory Functions

The relevant post holders listed in this section have been designated as Proper Officers, or have been designated to fulfil statutory functions or roles for the purposes of the adjacent legislative provisions and any subsequent amendments: -

Legislative Provision	Function	Proper Officer
Local Government Act 1972		
S.83(1) to (4)	Witness and receipt of Declaration of Acceptance of Office	Monitoring Officer
S.84(1)	Receipt of notice of resignation of elected member	Monitoring Officer
S.88(2)	Arranging a Council meeting to appoint a Chair of the Council	Monitoring Officer
S.89(1)	Notice of casual vacancy	Monitoring Officer
S.100 (except 100(D))	Admission of public (including press) to meetings	Monitoring Officer
S.100B(2)	The officer who may exclude from agendas any information which is likely to be dealt with in the absence of press and public	Monitoring Officer
S.100B(7)	The officer to supply copies of documents to newspapers	Monitoring Officer
S.100C(2)	The officer to prepare a written summary of the proceedings at committees and sub-committees	Monitoring Officer
S.100D(1)(a)	The officer to prepare a list of background papers for inspection.	Monitoring Officer

S.100D(5)(a)	The officer to include in the list of background papers those documents which have been relied on.	Monitoring Officer
S.100F(2)	The officer to determine when a document should not be open to inspection because it discloses exempt information.	Monitoring Officer
S.115(2)	Receipt of money due from officers	Director of Finance & Resources and S.151 Officer
S137A (5)	Statement on Financial Assistance	Director of Finance & Resources and S.151 Officer
S.146(1)(a) and (b)	Declarations and certificates with regard to transfer of securities	Director of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs	Director of Finance & Resources and S.151 Officer
S.151 (and S.114 Local Government and Finance Act 1988)	The officer responsible for the proper administration of the Council's financial affairs - Deputy	Director of Finance & Resources and S151 Officer
S.191 (2) and (4)	Officer to whom an application under S.1 of the Ordinance Survey Act 1841 will be sent	Assistant Director of Governance and Monitoring Officer
S.225 (1) and (2)	Deposit of documents	Assistant Director of Governance and Monitoring Officer
S.228(3)	Accounts for inspection by any member of the Council	Director of Finance & Resources and S.151 Officer.

S.229(5)	Certification of photographic copies of documents	Team Manager (Solicitor)
s.234	The officer required to give, make or issue any notice, order or other document under any enactment and to sign the same.	Monitoring Officer
S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and County Council	Team Manager (Solicitor)
S.238	Certification of byelaws	Governance Manager
S.248 and 249	Officer who will keep the Roll of Honorary Aldermen and Freemen	Governance Manager
Local Government Act 1972 – Schedule 12		
Para 4(2)(b)	Signing of summons to Council meeting	Assistant Director of Governance and Monitoring Officer
Para 4(3)	Receipt of notice about address to which summons to meeting is to be sent	Assistant Director of Governance and Monitoring Officer
Local Government Act 1972 – Schedule 14		
Para 25	Certification of resolution passed under this paragraph (Street naming etc)	Director of Growth and Assets
Local Government Act 1974		
S.30(5)	To give notice that copies of an Ombudsman's report are available	Assistant Director of Governance and Monitoring Officer

Local Government (Miscellaneous Provisions) Act 1976		
S.41(1)	The officer who will certify copies of evidence of resolutions and minutes of proceedings	Assistant Director of Governance and Monitoring Officer
Local Authorities Cemeteries Order 1977		
Regulation 10	To sign exclusive rights of burial	Managing Director
Representations of the People Act 1983		
S.8	Registration Officer	Assistant Director of Governance and Monitoring Officer
S.8	Deputy Registration Officer	Electoral Services Manager
S.35	Returning Officer for Local Elections	Assistant Director of Governance and Monitoring Officer
S.35	Deputy Returning Officer for Local Elections	Electoral Services Manager
S.24	Acting Returning Officer for a Parliamentary Election	Assistant Director of Governance and Monitoring Officer
S.24	Deputy Acting Returning Officer for a Parliamentary Election	Electoral Services Manager

S.52	To act in place of Registration Officer	Deputy Registration Officer (see above)
S.67	Appointment of election agent	Assistant Director of Governance and Monitoring Officer
S.82 and 89	Receipt of election expense declarations and returns and the holding of those documents for public inspection	Assistant Director of Governance and Monitoring Officer
S.128, S.131, S.145, S.146	Provisions relating to election petitions	Assistant Director of Governance and Monitoring Officer
S. 200	Publication of Notices under the Act	Assistant Director of Governance and Monitoring Officer
Sch. 4, (3), (6) and (8)	Elections Expenses	Assistant Director of Governance and Monitoring Officer
Local Authorities (Conduct of Referendums) (England) Regulations 2012		
S.4, S41 and S.43	Publicity in connection with the referendum and the Declaration of result	Assistant Director of Governance and Monitoring Officer
Local Elections (Parishes and Communities) (England and Wales) Rules 2006		
Rules 5	Officer to receive the request for election to fill a casual vacancy in a Parish Council.	Assistant Director of Governance and Monitoring Officer
Local Government Act 2000		
	All references to the Proper Officer in the Local Government Act 2000 and subordinate legislation	Head of Paid Services except as specifically provided in this scheme

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012		
Regulation 2	Determination of documents constituting Background Papers	Assistant Director of Governance and Monitoring Officer
Regulation 12	Recording of Executive decisions made at meetings of the Executive or Cabinet.	Assistant Director of Governance and Monitoring Officer
Regulation 14	Inspection of documents following Executive decisions	Assistant Director of Governance and Monitoring Officer
Regulation 15	Inspection of background papers	Assistant Director of Governance and Monitoring Officer
Regulation 13	Individual Executive decisions	Assistant Director of Governance and Monitoring Officer
Regulation 7	Access to agenda and connected reports	Assistant Director of Governance and Monitoring Officer
Regulation 10	General exception relating to Key Decisions	Assistant Director of Governance and Monitoring Officer
Regulation 16	Members' rights of access to documents	Assistant Director of Governance and Monitoring Officer
Regulation 20	Confidential/exempt information and exclusion of public from meetings	Assistant Director of Governance and Monitoring Officer
Building Act 1984		
S.78	Signing of Notices	Managing Director

Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Managing Director
Public Health Act 1961		
S.37	Control of any verminous article	Managing Director
Localism Act 2011		
S.33	Submission of written requests for Standards Dispensations	Assistant Director of Governance and Monitoring Officer
S.81	Administration of Community Right to Challenge	Assistant Director of Governance and Monitoring Officer
S.87	Maintenance of List of Assets of Community Value	Assistant Director of Governance and Monitoring Officer
Freedom of Information Act 2000		
S.36	Qualified Person determining prejudice to effective conduct of public affairs	Assistant Director of Governance and Monitoring Officer
Local Government and Housing Act 1989		
S.2(4)	Recipient of the list of politically restricted posts	Assistant Director of Governance and Monitoring Officer
S.3A	Grant employers certificate for exemptions and declarations in relation to politically restricted posts	Managing Director
S.4	Head of Paid Service	Managing Director

S.5	The Monitoring Officer	Assistant Director of Governance and Monitoring Officer
S.5	Deputy Monitoring Officer	Team Manager (Contentious) (Solicitor)
Local Government (Committees and Political Groups) Regulations 1990		
	For the purposes of the composition of committees and nominations to political groups	Assistant Director of Governance and Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001		
Schedule 1, Part II, para 5.	Officer who will be given written notice of appointment or dismissal of officers listed in Schedule 2, Part II, paragraph 3	Managing Director
Data Protection Act 2018		
S.69	Data Protection Officer	Information, Engagement and Performance Manager

Specific Delegations to officers

This section sets out a specific delegation of powers to Council officers and the scope and scale of these powers.

1. Managing Director and Head of Paid Service

- 1.1 To act as Head of paid Service for the Council in accordance with the duties set out in Section 4 of the Local Government Act 1989.

Exception to para 1.1: Suspension of the Monitoring Officer and the Section 151 Officer limited to suspension for a maximum of 2 months.

- 1.2 To act as the Safeguarding and Risk Management lead and as the Council's Senior Risk Officer.
- 1.3 To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- 1.4 To express the views of the Council with regard to Local Government and the functions associated with it, within the general policy laid down from time to time to by the Council, Cabinet or its Committees and to act thereon.
- 1.5 To take such action as they consider appropriate in an emergency following consultation with the Leader and/or Deputy Leader as they consider the circumstances will allow. Any decisions taken under this paragraph shall be reported by the Managing Director to the next meeting of Council explaining the reasons for the decision.
- 1.6 If there is an urgent need for a commercial decision, the Managing Director, following consultation with the Leader and/or Deputy Leader shall make the decision and endorsement will be sought from the Cabinet or Council as appropriate.
- 1.7 To formulate and co-ordinate advice on strategic and corporate policy and value for money issues.
- 1.8 To authorise persons to collect, recover, prosecute or appear on behalf of the Council in any legal proceedings.
- 1.9 To implement shared services with other local authority or public sector bodies by taking any action necessary to facilitate the arrangements including but not limited to redundancies which may result from the implementation.

- 1.10 To make authorisations of officers from other Councils providing shared services or providing services to carry out appropriate statutory powers within North East Derbyshire.
- 1.11 To issue/grant such authorisations as may be necessary to enable any employee to undertake with full legal force the full range of their duties subject to such authorisation remaining only in force until the next ordinary meeting of the Committee having authority to issue/grant such authorisations.
- 1.12 To exercise any of the powers delegated to the Directors or Assistant directors.
- 1.13 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 1.14 Following consultation with the Section 151 Officer, delegation in respect of points 1.3 and 1.4 of the Local Government Pension Scheme transfers policy.
- 1.15 Following consultation with the Section 151 Officer, if they see fit to accept transfers (in respect of an individual employees application to transfer in pension from a previous Scheme), to the local government pension scheme outside the 12 month period, in those cases where the scheme member had not been informed of the time limit.
- 1.16 Following consultation with the Leader or Deputy Leader and on recommendation of the Monitoring Officer to approve expenditure in pursuance or determination of any employment related disputes including settlement agreements.
- 1.17 To grant employer certificates of exemptions and declarations to politically restricted posts under Section 3 of the Local Government and Housing Act 1989.
- 1.18 To determine all staffing matters including but not limited to:
 - (i) determining matters relating to structure (additions, reductions post title changes and other changes to the establishment)
 - (ii) the appointment (including the suitable point of the pay scale for the appointment), dismissal, suspension or discipline of staff save that in relation to the Directors and Assistant Directors does not include the appointment and dismissal
 - (iii) approving secondments and temporary appointments of any staff.
- 1.19 Where the decision of the Head of Paid Service taken under the above will incur additional expenditure which cannot be met by approved budgets, then the matter will be determined under the above delegation together

with the Director of Finance and Resources and Section 151 exercising their delegation under 3.10 provided the cost is less than £15,000. Any budget increase above this level must be referred to Council.

- 1.20 To authorise the use of earmarked reserves (Invest to Save Reserve), in consultation with the Section 151 Officer who is required to see the proposals and sign the Delegated Decision Form (DD).
- 1.21 Following consultation with the Leader and the relevant Portfolio Holder, to determine the action the Council will take on a neighbourhood plan proposal following receipt of the examiner's report, in accordance with rule 18 of the Neighbourhood Planning (General) Regulations 2012, where there is insufficient time for the matter to be submitted to Cabinet to meet the statutory deadline.
- 1.22 Following a consultation with the Leader and the relevant Portfolio Holder, to make a neighbourhood development plan where more than half of those voting in an applicable referendum have voted in favour of the plan.
- 1.23 To carry out Rights of Way functions for which the Council is responsible in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
- 1.24 (Further delegated to the Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.
- 1.25 (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.
- 1.26 (Further delegate to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.
- 1.27 Further delegated to the Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.
- 1.28 (i) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions and;

(ii) To authorise the enforcement officers of that local authority to issue Fixed penalty Notices, notices relating to enforcement, make decisions, or do anything required in respect of hackney carriage and private hire licensing enforcement function.
- 1.29 To authorise the making of Public Space Protection Orders.

- 1.30 Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.
- 1.31 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Hmes Limited.

2 Director of Growth and Assets

- 2.1 To act as the Emergency Planning / PROTECT lead.
- 2.2 To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- 2.3 To deputise for the Head of Paid Service in their absence and exercise any powers delegated to them.
- 2.4 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation.
- 2.5 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Homes Limited.

3 Director of Finance and Resources and Section 151 Officer

- 3.1 To act as the Section 151 Officer for the Council in accordance with the duties set out in the legislation and PREVENT lead.
- 3.2 To have responsibility for the proper administration of the financial affairs of the Council.
- 3.3 After consulting with the Head of Paid Service and the Monitoring Officer, as Section 151 Officer to report to the Council Meeting (or to the Cabinet in relation to an executive function) and the External Auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure or is lawful and is likely to cause a loss or deficiency or if the Council is likely to enter an item of account unlawfully.
- 3.4 To approve the Draft Statement of Accounts prior to consideration by External Audit.
- 3.5 To determine whether an employee who has left the employment of the Council shall be granted early release of pension subject to Council approval of the budgetary implications.
- 3.6 After consultation with the relevant Portfolio Holder to authorise the write-off of bad debts up to an approval limit £5000. Larger debts will be included in a report for information to the Cabinet.
- 3.7 To authorise any amendments to the list of named officers that may prove necessary during the course of the financial year in relation to the duties identified in accordance with S 223 of the Local Government Act 1972.
- 3.8 To determine applications under the Regulation of Investigatory Powers Act 2000 and related legislation
- 3.9 To determine that the Council voluntarily repay 1-4-1 Right to Buy receipts during periods when social housing schemes cannot be identified on which the receipts could be utilised, provided no interest is payable on repayment.
- 3.10 To authorise small increases in individual budgets of up to £15,000 per budget on one occasion in any corporate year subject to a delegated decision notice being produced.
- 3.11 To guide and where appropriate direct Directors and Assistant Directors in the exercise of their delegated functions in order to achieve the overall corporate aims and objectives of the Council.
- 3.12 To approve applications and carry out associated functions pursuant to the Housing Grants, Construction and Regeneration Act 1996, the Regulatory

Reform (Housing Assistance) (England and Wales) Order 2002 and related legislation (including Disabled Facilities Grants).

Exception to para 3.12: Applications for discretionary Disabled Facilities Grants must be submitted to Cabinet.

- 3.13 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Homes Limited.

4 Assistant Director of Governance and Monitoring Officer

- 4.1 To act as Monitoring Officer for the Council in accordance with the duties set out in Section 5 of the Local Government Act 1989.
- 4.2 To act and perform all functions and duties of Electoral Registration Officer, Returning Officer, Deputy Returning Officer, Local Returning Officer, Acting Returning officer and Local Counting Officer in all elections and referenda.
- 4.3 To institute, prosecute, defend, conduct, participate in, withdraws or settle any legal proceedings brought by or against the council, to make any necessary applications and to take steps to enhance or protect the Council's legal position or interest.
- 4.4 Authority to sign documents in legal proceedings, contract, contracts in accordance with the Contract Procedure Rules whether under seal or not, any document necessary in legal proceedings on behalf of the Council and Information and complaints and lay them on behalf of the Council for the purpose of Magistrates Court proceedings unless statute provides otherwise.
- 4.5 Instruction of Counsel and to retain the services of costs specialists, parliamentary agents or outside solicitors and to obtains expert advice on any matter affecting or likely to affect the interests of the Council.
- 4.6 To negotiate and settle claims and disputes without recourse to court proceedings.
- 4.7 To represent the Authority and secure the appearance of an advocate on the Authority's behalf in any legal proceedings.
- 4.8 To conduct, authorise and coordinate investigations into complaints under the Members' Code of Conduct and make reports or recommendations about them to the Standards Committee.
- 4.9 To advise whether decisions of Cabinet are in accordance with the Budget and Policy Framework.
- 4.10 To provide advice on the scope and powers and authority to take decisions, financial impropriety, probity and Budget and Policy Framework.
- 4.11 Monitoring and advising upon all aspects associated with the Regulation of Investigatory Powers Act (RIPA).
- 4.12 To monitor the use of the Gifts and Hospitality Registers and to maintain and sign acknowledgement of entries in the Gifts and Hospitality Register.

- 4.13 To authorise officers who are not solicitors to represent the Council in legal proceedings in the Magistrates Court under Section 223 of the Local Government Act 1972 or any other legislation.
- 4.14 To authorise persons to collect recover prosecute or appear on behalf of the Council in any legal proceedings.
- 4.15 Following consultation with the Leader and/or Deputy Leader and relevant Portfolio Holder to make or revoke appointments to outside bodies and following consultation with the relevant party Leader to make changes to the membership of Committees and Sub Committees and inform all Party Leaders of the change.
- 4.16 To amend the Polling Place Scheme between reviews, following consultation with the Leader and Deputy Leader.
- 4.17 To consider and co-ordinate any investigation by the Local Government and Social Care Ombudsman or the Housing Ombudsman subject to informing the Head of Paid Service.
- 4.18 To consider and report on any report of the Local Government and Social Care Ombudsman or the Housing Ombudsman and to decide on and implement the action to be taken and to approve and make compensation payments on the recommendation of the Ombudsman whether or not a budget exists following consultation with the Head of Paid Service, the Leader and Deputy Leader up to a maximum of £5,000 in respect of each recommendation.
- 4.19 To make appropriate changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation.
- 4.20 To provide a dispensation under Section 85 of the Local Government act 1972 where an application for dispensation has been received and there is no Council meeting in the meeting schedule which could consider the application before expiry, a dispensation may be granted until the date of the next Council meeting which could consider it provided this is within 6 months of the last attendance at a qualifying meeting by the Councillor.
- 4.21 To designate Neighbourhood Areas in consultation with the Portfolio Holder for Environment.
- 4.22 To start a recruitment process for the appointment of an Independent Person.
- 4.23 To act on behalf of the Council as the Council's representative in relation to the Management Agreement with and as owner of Rykneld Homes Limited, this to include making minor changes to the agreements with Rykneld Hmes Limited.
- 4.24 To grant dispensations to Members for one meeting where the Monitoring Officer has received a written request for a dispensation from a Disclosable

Pecuniary Interest or Significant Other Interest and the Monitoring Officer considers that :

- by not granting a dispensation, the business of the Authority, Cabinet or Committee is likely to be impeded; or
- the political balance of the Committee or Authority is so upset as to alter the outcome of a vote; or
- all members of the Cabinet are unable to participate in business to be carried out by the Cabinet; or
- without the dispensation no Member of the Cabinet would be able to participate; or

North East Derbyshire District Council

Annual Council

20 May 2024

OPERATION OF URGENCY RULES AND THRESHOLDS FOR KEY DECISIONS

Report of the Leader of the Council

Classification: This report is public

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

Contact Officer: Alan Maher, Governance Manager
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PURPOSE / SUMMARY

The purpose of this report is to:

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

RECOMMENDATIONS

That Council:

- 1.1 Notes that no decisions have been taken over the past 12 months under Special Urgency rules in the Council's Access to Information Rules.
- 1.2 Notes the no decisions taken over the past 12 months under the urgency provisions (called General Exception) in the Council's Access to Information Rules.
- 1.3 Agrees that the financial thresholds for Key Decisions be raised to £125,000 (Revenue) and £310,000 (Capital).

Approved by the Portfolio Holder – Yes

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details: Please see report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

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

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
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 checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SMT <input checked="" 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.

All – Good Governance is basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives
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REPORT DETAILS

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

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

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

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

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

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

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

- 1.5 All Key Decisions are subject to the Council's call-in provisions which are set out in the Scrutiny Rules. Call-in provisions may be waived only where a decision is urgent. A decision is urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interests. The Chair of the relevant Scrutiny Committee (or, in their absence the Chair of Council or Vice Chair of Council) must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency are required to be reported to Council, together with the reasons for urgency. In the past 12 months, no decisions have been taken using urgency provisions to waive Call In.
- 1.6 Finally, the Council is required at its Annual Meeting to review the threshold for Key Decisions (see definition in paragraph 1.1). The levels have been reviewed by the Section 151 Officer who has modelled the impact of inflation on pay costs, goods, services and works using discounting techniques.
- 1.7 The results of the modelling showed that in all cases costs had risen as would be expected and higher than usual inflation in recent years had a particular impact. It is therefore reasonable to consider an equivalent increase to key decision limits. Applying the same modelling principles, the proposed limits are:
- Key decision limit (revenue £125,000
 - Key decision limit (capital) £310,000

2. Details of Proposal or Information

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

3 Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

- 4.1 In terms of the key decision levels, the alternative is not to raise the levels. This has been rejected as the Section 151 Officer has carried out a review and, for the reasons given in this report by the Section 151 Officer, recommended that the levels be increased.

DOCUMENT INFORMATION

Appendix No	Title
	None
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)	