

Public Document Pack



**North East
Derbyshire**
District Council

Contact: Amy Bryan
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Date: Friday, 9 May 2025

To: **All Members of the Council**

You are summoned to attend the **Annual Council** meeting to be held on **Monday, 19 May 2025 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 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 Steuberg".

Assistant Director of Governance and Monitoring Officer

A G E N D A

1 Election of the Chair of the Council (Pages 5 - 8)

Nominations are sought to elect the Chair of the Council for the 2025-26 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 Christine Smith, for her service to the Council and the District during the 2024-25 Municipal Year.

4 Apologies for Absence

5 Declarations of Interest

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

6 Minutes of Last Meeting (Pages 9 - 16)

To approve as a correct record and the Chair to sign the attached Minutes of the Council meeting held on 3 March 2025.

7 Appointment of the Vice-Chair of the Council (Pages 17 - 20)

Nominations are sought to appoint the Vice-Chair of the Council for the 2025-26 Municipal Year.

8 Composition of the Cabinet (Pages 21 - 22)

The Leader of the Council will confirm the appointment of their Deputy Leader and the Cabinet Portfolio Holders for the 2025-26 Municipal Year.

9 Proportionality of the Council and Appointments to Committees (Pages 23 - 28)

Nominations are sought to appoint the Members of Committees and Advisory Groups for the 2025-26 Municipal Year.

10 Appointment of Chairs and Vice-Chairs of Committees (Pages 29 - 32)

Nominations are sought to appoint the Committee Chairs and Vice-Chairs for the 2025-26 Municipal Year.

- 11 **Schedule of Meetings for the 2025-26 Municipal Year** (Pages 33 - 50)
Report of the Assistant Director of Governance and Monitoring Officer.
- 12 **Appointment of the Council's Representatives to serve on other organisations (Outside Bodies)** (Pages 51 - 54)
Nominations are sought to represent the Council on External Organisations (Outside Bodies) for the 2025-26 Municipal Year.
- 13 **Review of the Council's Constitution** (Pages 55 - 66)
Report of the Assistant Director of Governance and Monitoring Officer.
- 14 **Scheme of Delegation** (Pages 67 - 96)
Report of the Assistant Director of Governance and Monitoring Officer.
- 15 **Operation of Urgency Rules and Thresholds for Key Decisions** (Pages 97 - 102)
Report of the Leader of the Council.
- 16 **Chair's Urgent Business**
To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.

Access for All statement

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

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

North East Derbyshire District Council

Annual Council

19 May 2025

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 – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To elect the Chair of the Council.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- The decision is a Council decision and only the Council can determine the matter.

RECOMMENDATIONS

1. That a Chair of the Council be elected.

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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none">Completed EIA stage 1 to be appended if not required to do a stage 2	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none">Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader <input 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:

Links to Council Plan priorities;

- A great place that cares for the environment
- A great place to live well
- A great place to work
- A great place to access good public services

REPORT DETAILS

1 Background *(reasons for bringing the report)*

1.1 Annual Council is asked to elect a Councillor to be the Chair of the Council for the 2025-26 Municipal Year. Nominations to the post will be taken at the 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 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 Chair of the relevant Scrutiny Committee is unavailable.

2. Details of Proposal or Information

2.1 The Majority Group has nominated Councillor Lee Hartshorne to serve as Chair of the Council for the 2025-26 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
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, 3 MARCH 2025

Present:

Councillor Christine Smith (Chair) (in the Chair)

Councillor Graham Baxter MBE (Vice-Chair)

Councillor Frank Adlington-Stringer
Councillor Nigel Barker
Councillor Richard Beech
Councillor David Cheetham
Councillor Stephen Clough
Councillor Suzy Cornwell
Councillor Alex Dale
Councillor Michael Durrant
Councillor Clive Fletcher
Councillor Christine Gare
Councillor David Hancock
Councillor Daniel Higgon
Councillor William Jones
Councillor Carol Lacey
Councillor Heather Liggett
Councillor Stephen Pickering
Councillor Kathy Rouse
Councillor Derrick Skinner
Councillor Mick Smith
Councillor Lee Stone
Councillor Helen Wetherall

Councillor Neil Baker
Councillor Jayne Barry
Councillor Joseph Birkin
Councillor Kathy Clegg
Councillor Andrew Cooper
Councillor Charlotte Cupit
Councillor Lilian Deighton
Councillor Stuart Fawcett
Councillor Mark Foster
Councillor Kevin Gillott
Councillor Lee Hartshorne
Councillor Pam Jones
Councillor Pat Kerry
Councillor Tony Lacey
Councillor Fran Petersen
Councillor Stephen Reed
Councillor Ross Shipman
Councillor Caroline Smith
Councillor Richard Spooner
Councillor Richard Welton
Councillor Pam Windley

Also Present:

L Hickin	Managing Director - Head of Paid Service
M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources (Section 151 Officer)
S Sternberg	Assistant Director of Governance (Monitoring Officer)
A Smith	Legal Services Manager and Deputy Monitoring Officer
A Bryan	Governance Manager

COU Apologies for Absence

/86/2

4-25 Apologies for absence were received from Councillors P Antcliff, P Elliott, M Emmens, D Higgon, N Morley, C Renwick, M Roe, J Stokes, K Tait, and M E Thacker MBE.

COU Declarations of Interest

/87/2

4-25 In respect of Item 7, Local Government Reorganisation Update, Councillors C Cupit, A Dale, M Foster, and K Gillott all declared that they were elected Members of Derbyshire County Council, which had taken a position on the matter. It was confirmed that as the item was a procedural update there was nothing to

stop the Members from participating in the item.

COU Minutes of Last Meeting

/88/2

4-25 **RESOLVED** – that the Minutes of the Council meeting held on 27 January 2025 be approved as a true and correct record.

COU Chair of the Council's Announcements

/89/2

4-25 The Chair of the Council, Councillor Christine Smith, reported that she had been busy collecting raffle prizes for her Chair's Charity Raffle, for which tickets were now on sale. The Chair also reported that she had last week been shown round Clay Cross Active; the work was progressing very well and she thanked all those working on the project.

COU Leader of the Council's Announcements

/90/2

4-25 The Leader of the Council, Councillor N Barker, reported that he had met with the Citizens Advice Bureau and his meeting with the Chair and Chief Executive of the Integrated Care Board meeting had been postponed.

In respect of Local Government Reform, which was to be considered later in the meeting, Councillor N Barker wished to make it clear that there was no intention of any authority in Derbyshire wanting to go outside the established boundary of the County of Derbyshire. All the Districts and Boroughs and the City of Derby were committed to working together to develop options to create new unitary councils using the criteria set out by the Government and staying within the County footprint.

COU Public Participation

/91/2

4-25 No questions from the public had been received.

COU Local Government Reorganisation Update

/92/2

4-25 Council considered a report by the Managing Director which advised Council of the letter that had been received from the Minister of State for Local Government and English Devolution and of emerging implications for the Council and North East Derbyshire in respect of Local Government Reorganisation.

Councillor N Barker, Leader of the Council, stated that it had been very busy with lots of meetings regarding reorganisation since the last Council meeting. He stated that the report sought approval to engage with the conversations and to have input in the proposals being put forward, in order to best represent the people of North East Derbyshire.

Councillor N Barker moved, and Councillor P Kerry seconded, the recommendations in the report.

Councillor A Dale expressed concern that there was no proposal set out in the report and felt there was a lack of clarity. Councillor Dale spoke about the proposal put forward by Derbyshire County Council and that a North and South

option would involve duplication, which went against the ability to make savings which what was driving this.

Councillor A Dale did not believe that authority should be delegated to the Managing Director and moved an amendment to remove recommendation 2(b) and replace with 'organise an extraordinary full Council to enable discussions on any draft interim proposals prior to submission to MHCLG'. Councillor C Cupit seconded the amendment.

Councillors D Hancock, F Adlington-Stringer, R Shipman, and M Foster all spoke in support of the amendment.

Councillor H Wetherall asked a question regarding the costs of project managing this work, and whether an impact assessment had been carried out on the impact to North East Derbyshire residents. The Managing Director stated that the March deadline was just a gateway and a check-in, and no definitive proposal would be presented, so at this stage it was hard to know the full costs that would be encountered between now and the November 2025 deadline.

Councillor N Barker responded that the proposal would be brought back to Council before the November 2025 deadline.

Councillor A Dale stated that the views and input of Members was important and that is why the amendment was necessary.

The amendment was put to the vote and was lost.

Councillor R Shipman expressed concerns that only the eight leaders of the Borough, Districts and City Councils had had input into the options.

Councillor J Birkin stated that one of the requirements of the letter from government was to show how it the Council had consulted on proposals. Councillor S Reed asked what form the consultation would take, and whether it would include Members of the Council. Councillor N Barker confirmed that there would be a consultation, and it would be brought back to Council for Members to comment.

The proposal was put to the vote.

RESOLVED – That:

- (1) the letter and criteria set out by the Minister of State for Local Government and English Devolution be noted.
- (2) authority be delegated to the Managing Director, in consultation with Cabinet members, to:
 - (a) Represent the Council in Derbyshire wide discussion and negotiations to develop a Derbyshire wide proposal(s) that meet the criteria set out by the Minister of State for Local Government and English Devolution.
 - (b) Submit interim proposals to MHCLG in March to gain feedback on options being considered.

COU /93/2 4-25 **Level of Council Tax 2025/26**

Councillor P Kerry, Deputy Leader of the Council, introduced a report which set out the requirements of the Localism Act 2011, which required the billing authority to calculate a Council Tax requirement for the year. The approved demand on the Collection Fund in respect of this Council was one of £7,247,221. In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority and parish councils also needed to be taken into account, and the relevant precept demands had all now been received.

It was noted that the information from Derbyshire Fire and Rescue had now been confirmed, so recommendation 2 was no longer required.

Councillor P Kerry and Councillor N Barker moved and seconded the recommendation in the report.

Councillor A Dale stated that he had not supported the previous decision taken regarding the level of Council Tax but noted that at this meeting it was a procedural matter.

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

For: 43

Councillors F Adlington-Stringer, N Baker, N Barker, J Barry, G Baxter, R Beech, J Birkin, D Cheetham, K Clegg, A Cooper, S Clough, S Cornwell, C Cupit, A Dale, L Deighton, M Durrant, S Fawcett, C Fletcher, M Foster, C Gare, K Gillott, D Hancock, L Hartshorne, P Jones, W Jones, P Kerry, C Lacey, T Lacey, H Liggett, F Petersen, S Pickering, S Reed, K Rouse, R Shipman, D Skinner, Caroline Smith, Christine Smith, M Smith, R Spooner, L Stone, R Welton, P Windley, H Wetherall.

Against: 0

RESOLVED – That the Council Tax for the Financial Year 2025/26, as set out in the report, be approved.

COU /94/2 4-25 **Pay Policy Statement 2025-2026**

The Managing Director and Head of Paid Service presented the Council's Pay Policy Statement for 2025/26. The pay policy statement set out the Council's policy on pay for senior managers and employees and was in accordance with the requirements of Section 28 of the Localism Act 2011 and Supplementary Guidance 2013. The Annual Pay Policy Statement 2025/26 was attached to the report at Appendix 1.

Councillor N Barker and P Kerry proposed and seconded the report recommendations to approve the pay policy statement.

RESOLVED – That the Annual Pay Policy Statement 2025/26 be supported and

approved.

COU Proportionality of the Council and Appointments to Committees

/95/2

4-25

The Assistant Director of Governance and Monitoring Officer presented a report on the proportionality of the Council and Appointments to Committees.

The political balance for the Council as a whole and the specific bodies covered by the political balance requirements were set out in the report. The current membership of Committees was set out in Appendix 1 to the report.

The Assistant Director of Governance and Monitoring Officer reported that she had recently been informed that Councillor S Reed was no longer a member of the Conservative Group. The Conservative Group had therefore made the following nominations to fill the group's allocated places that had been vacated by Councillor S Reed:

Councillor A Dale was nominated to the Joint ICT Committee.

Councillor N Baker was nominated to the Business Scrutiny Committee.

RESOLVED – That:

- (1) the changes to the political make-up of the Council be noted and the proportional allocation of committee places as set out in paragraphs 2.1 and 2.2, be agreed.
- (2) the proposed appointments to Committees, as reported at the meeting, be agreed.

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

/96/2

4-25

The Chair confirmed that two questions had been received.

Questions A – Proposed by Councillor N Baker to Councillor J Barry, Portfolio Holder for Growth & Assets

Whilst it is appreciated that some decisions and discussions will be commercially sensitive and therefore confidential, given the significance of and public interest in some of the recent decisions taken by the Council's Asset Management Board, could the Leader of the Council commit to making the items being considered by this Board more accessible so, where it is reasonably possible to do so, the process is more open to members of the Council and local residents so they can have more input before a decision is taken and that they are able to access records of those decisions?

Councillor J Barry stated that decisions taken at the Asset Management Board were within the Key Decision limit and delegated to officers as stated with Constitution, any Key Decisions were for the Cabinet to take. The Board was already accessible and was made up of two Cabinet members and senior officers from the Council and Rykneld. The Board did consult with local Members and comments received were considered before any final decision was taken.

Councillor Barry gave an example of the recent proposals for Wingerworth Lido, when local members had been asked for comment, but none had been received. Councillor Barry concluded that the Asset Management Board would continue to consult local Members but Members needed to stay alert, so they did not miss any requests.

Councillor N Baker provided information regarding the Wingerworth Lido. He asked for a meeting between local Members and the parish Council regarding the reasons for the decision. He also asked that agendas and minutes be published.

Councillor J Barry responded that the notes of the Board meeting were not published as it was not a formal meeting, but decisions were published as required by the Constitution. Councillor Barry would take Councillor Baker's request for a meeting regarding Wingerworth Lido back to the Board.

Question 'B' – Proposed by Cllr A Dale to Cllr P R Kerry

Can the deputy leader please confirm the full costs of the recent refurbishment of the reception area at Mill Lane and the sources and a breakdown of the funding?

Councillor P Kerry stated that the refurbishment of the reception area, which had included the refurbishment of the former HR office as a temporary reception area to maintain service delivery, had cost £150,000 determined through competitive tendering. The works were a contribution to the enabling works to relocate Rykneld Homes into Mill Lane, delivering year on year savings, of £85,000 (including the IT section moving into the old HR office). It had been 10 years since the reception had been refurbished and Councillor P Kerry listed the works that had been included in the project, which had been funded from the Capital Programme.

Councillor A Dale asked if Councillor P Kerry believed it offered good value for money and whether the intention had been for Rykneld to also be co-located in the reception area?

Councillor P Kerry stated how important it was to maintain assets.

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

/97/2

4-25 Motion A – Proposed by Councillor Stephen Reed

Future-Proofing Our Social Housing: A Policy Review

In light of recent developments and the evolving needs of our District, it is imperative that we review our social housing priority policy to ensure we are adequately prepared to meet future demands.

Council Notes;

- A. The excellent work being carried out by the officers of the Housing Strategy and Homeless Team, along with Rykneld, regarding social housing and addressing the needs of residents of North East Derbyshire.
- B. The ongoing debate on how the changes in the National Planning Policy

Framework (NPPF) will affect local authorities in meeting the demand from neighbouring authorities.

- C. The position in the District with regard to homelessness, the increasing demand on services, and emerging factors which may have an impact on the increased demand (such as over flow from neighbouring authorities and increasing asylum seekers numbers.)
- D. The necessity for a forward-looking social housing strategy that addresses future challenges and demands, ensuring fairness for all residents of North East Derbyshire.

Council resolves to refer to the Communities Scrutiny Committee to determine the following and report back to Full Council:

1. **Assess Impact of NPPF Changes:** Analyse the potential impact of the proposed NPPF changes on local housing policy and the likelihood of having to accommodate overflow demand from neighbouring authorities.
2. In collaboration with officers, Review the impacts of currently emerging factors - that may not have been reported at the time - against our current strategy.
3. **Review Current Social Housing Priority Bands:** Assess whether the current banding system adequately reflects the urgency and needs of different groups, especially considering the potential increased demand from points 1 and 2.
4. **Make Recommendations to Improve Policy for the Future:** Develop an action plan based on the findings of the review to ensure the social housing policy is fit for future needs.

Councillor S Reed moved the Motion and spoke about the need for this to be considered at Scrutiny.

Councillor C Cupit seconded the Motion. Councillor Cupit emphasised the review of social housing priority bands, and whether the option of sub-bands could be considered.

Councillor F Adlington-Stringer, M Durrant, N Barker and L Hartshorne, spoke against the Motion.

Councillor A Dale, D Hancock and R Shipman all spoke regarding the social housing priority banding and that it would be worth a review. Councillor A Dale also spoke about the need to discuss how the need for housing could be met.

Councillor M Foster, H Wetherall and K Gillott spoke to the Motion.

Councillor S Reed responded that these were important issues, that should be considered by a Scrutiny Committee.

The Motion was put to the vote and lost.

COU **Chair's Urgent Business**
/98/2
4-25 There was no urgent business.

North East Derbyshire District Council

Annual Council

19 May 2025

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 – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To appoint the Vice Chair of the Council.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- The decision is a Council decision and only the Council can determine the matter.

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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none">Completed EIA stage 1 to be appended if not required to do a stage 2	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none">Completed EIA stage 2 needs to be appended to the report	No, not applicable
Consultation: Leader / Deputy Leader <input 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:

Links to Council Plan priorities;

- A great place that cares for the environment
- A great place to live well
- A great place to work
- A great place to access good public services

REPORT DETAILS

1 Background *(reasons for bringing the report)*

1.1 Annual Council is asked to elect a Councillor to be the Vice Chair of the Council for the 2025-26 Municipal Year. Nominations to the post will be taken at the 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 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 Chair of the relevant Scrutiny Committee is unavailable.

2. Details of Proposal or Information

2.1 The Majority Group has nominated Councillor Graham Baxter to serve as Vice Chair of the Council for the 2025-26 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
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

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

19 May 2025

PROPORTIONALITY OF THE COUNCIL AND APPOINTMENTS TO COMMITTEES

Report of the Assistant Director of Governance and Monitoring Officer

<u>Classification:</u>	This report is public
<u>Report By:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer
<u>Contact Officer:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To appoint Elected Members to the Council's Committees for the 2025/26 Municipal Year.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- The decision is a Council decision and only the Council can determine the matter.

RECOMMENDATIONS

1. That the Committees of the Council as set out in the report be retained for the 2025/26 Municipal Year.
2. That the size of Committees as set out in Appendix 1 to the report be agreed for the 2025/26 Municipal Year, in accordance with the Council Procedure Rules.
3. That the proposed appointments to Committees as set out in Appendix 1 to the report and as 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 an 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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input 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:

Links to Council Plan priorities; <ul style="list-style-type: none"> A great place that cares for the environment A great place to live well A great place to work A great place to access good public services
All – Good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

REPORT DETAILS

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

- 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:
- That not all seats on the body are allocated to the same political group.
 - 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.
 - 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 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 matters 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. Details of Proposal or Information

2.1 The political balance for the Council as a whole and the specific bodies covered by the political balance requirements are set out below.

	Political Groups				
Committees (number of places available)	Labour Group (27)	Conservativ e Group (17)	NE Derbyshire Independen ts Group (5)	Independen ts Group (3)	Reform (1)
Audit Committee (5)	3	2	0	0	0
Employment and Appeals Committee (4)	3	1	0	0	0
General Licensing Committee (10)	6	2	2	0	0
Planning Committee (11)	6	3	1	1	0
Standards Committee (7)	4	2	0	1	0
Scrutiny Committees					
Business Scrutiny Committee (9)	5	3	1	0	0

Communities Scrutiny Committee (9)	5	3	1	0	
Environment Scrutiny Committee (9)	5	3	0	1	
Services Scrutiny Committee (9)	5	3	1	0	
Joint Committees					
Joint ICT Committee (3)	2	1	0	0	0

2.2 The proportion of places on the Council by political Group is set out below.

Political Group	% on the Council	Number of Seats on Committees	% of seats on Committees
Labour Group	50.94%	44	57.89%
Conservative Group	32.08%	23	30.26%
North East Derbyshire Independents Group	9.43%	6	7.89%
Independents Group	5.66%	3	3.95%
Reform*	1.89%	0	0%

* A single Member is not part of a political group.

2.3 Proportionality rules apply to groups; individual Councillors who are not part of a group are not automatically entitled to a share of seats under proportionality rules.

2.4 Political Group Leaders were requested to nominate Members to serve on Committees and Advisory Groups with effect from 19 May 2025 for the 2025/26 Municipal Year.

2.5 The nominations of each group will be tabled 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 None. The Council is required to consider and allocate seats to political groups in accordance with the Political Balance requirements.

DOCUMENT INFORMATION

Appendix No	Title
1	Group nominations to Committees will be tabled at the meeting.
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

19 May 2025

APPOINTMENT OF 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 – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To appoint elected Members to serve as the Chairs and Vice Chairs of the Council's Committees for the 2025-26 Municipal Year.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- This is a matter usually determined at Annual Council.

RECOMMENDATIONS

1. That Council appoint elected Members to serve as the Chairs 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 vote 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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input 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:

Links to Council Plan priorities;

- A great place that cares for the environment
- A great place to live well
- A great place to work
- A great place to access good public services

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 2025-26 Municipal Year.

Audit Committee

Chair: Christine Smith

Vice Chair: David Cheetham

Business Scrutiny Committee

Chair: Suzy Cornwell

Vice Chair:

Communities Scrutiny Committee

Chair: Michael Durrant

Vice Chair: Graham Baxter

Environment Scrutiny Committee

Chair: Caroline Smith

Vice Chair: Frank Adlington-Stringer

Services Scrutiny Committee

Chair: Mick Smith

Vice Chair:

General Licensing Committee

Chair: Carol Lacey

Vice Chair: Clive Fletcher

Licensing & Gambling Acts Committee

Chair: Carol Lacey

Vice Chair: Clive Fletcher

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 2025-26 Municipal Year.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

North East Derbyshire District Council

Annual Council

19 May 2025

SCHEDULE OF MEETINGS FOR THE 2025-26 MUNICIPAL YEAR

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To set out the proposed Schedule of Meetings for the 2025-26 Municipal Year.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- This is a decision usually taken at Annual Council.

RECOMMENDATIONS

1. That the Schedule of Meetings for the 2025-26 Municipal Year be approved.

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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Group Leaders

Links to Council Plan priorities;

- A great place that cares for the environment
- A great place to live well
- A great place to work
- A great place to access good public services

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

REPORT DETAILS

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

- 1.1 The draft schedule of meetings sets dates for the Council's Committee meetings for the forthcoming year.

2. **Details of Proposal or Information**

- 2.1 The proposed meeting schedule is attached to the report at Appendix 1.

3 **Reasons for Recommendation**

- 3.1 To agree a schedule of meetings for the 2025-26 Municipal Year.

4 **Alternative Options and Reasons for Rejection**

- 4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
1	Schedule of Meetings for 2025-26
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

CALENDAR OF MEETINGS 2025/2026

<u>MAY 2025</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			
Monday 26 May	Tuesday 27 May	Wednesday 28 May	Thursday 29 May	Friday 30 May
BANK HOLIDAY				

JUNE 2025

Monday 2 June	Tuesday 3 June	Wednesday 4 June	Thursday 5 June	Friday 6 June
<i>1pm – Joint Crematorium Committee (Chesterfield)</i>	10am – Licensing Sub Committee(s)			
Monday 9 June	Tuesday 10 June	Wednesday 11 June	Thursday 12 June	Friday 13 June
1.30pm - Leadership	1pm – Joint ICT Committee (NEDDC)		2pm - Cabinet	
Monday 16 June	Tuesday 17 June	Wednesday 18 June	Thursday 19 June	Friday 20 June
				10am – Clay Cross Town Deal Board
Monday 23 June	Tuesday 24 June	Wednesday 25 June	Thursday 26 June	Friday 27 June
10am - Planning Site Visits	10am – Housing Strategy Partnership Group 2pm – Planning Committee			
Monday 30 June				

JULY 2025

	Tuesday 1 July	Wednesday 2 July	Thursday 3 July	Friday 4 July
	10am – Licensing Sub Committee(s)	2pm – Standards Committee		
Monday 7 July	Tuesday 8 July	Wednesday 9 July	Thursday 10 July	Friday 11 July
	2pm – General Licensing Committee and/or Licensing and Gambling Act Committee	2pm – Health & Safety Sub-Group		
Monday 14 July	Tuesday 15 July	Wednesday 16 July	Thursday 17 July	Friday 18 July
2pm - Council				
Monday 21 July	Tuesday 22 July	Wednesday 23 July	Thursday 24 July	Friday 25 July
1.30pm - Leadership 3.30pm – Environment Scrutiny Committee	10am – Licensing Sub Committee(s)	10am – Communities Scrutiny Committee		
Monday 28 July	Tuesday 29 July	Wednesday 30 July	Thursday 31 July	
10am – Planning Site Visits 3pm - Audit Committee 4pm – Business Scrutiny Committee	10am – Services Scrutiny Committee 2pm – Planning Committee		2pm - Cabinet	

AUGUST 2025

				Friday 1 August
Monday 4 August	Tuesday 5 August	Wednesday 6 August	Thursday 7 August	Friday 8 August
Monday 11 August	Tuesday 12 August	Wednesday 13 August	Thursday 14 August	Friday 15 August
Monday 18 August	Tuesday 19 August	Wednesday 20 August	Thursday 21 August	Friday 22 August
Monday 25 August	Tuesday 26 August	Wednesday 27 August	Thursday 28 August	Friday 29 August
BANK HOLIDAY	10am – Licensing Sub Committee(s)			

SEPTEMBER 2025

Monday 1 September	Tuesday 2 September	Wednesday 3 September	Thursday 4 September	Friday 5 September
10am – Planning Site Visits 1.30pm – Leadership 3.30pm – Environment Scrutiny Committee	10am – Services Scrutiny Committee 2pm – Planning Committee			
Monday 8 September	Tuesday 9 September	Wednesday 10 September	Thursday 11 September	Friday 12 September
3pm – Business Scrutiny Committee	10am – 1pm – Member Training Session	10am – Communities Scrutiny Committee	2pm – Cabinet	
Monday 15 September	Tuesday 16 September	Wednesday 17 September	Thursday 18 September	Friday 19 September
1.30pm – Joint Crematorium Committee (Chesterfield)		2pm – 5pm – Member Training Session	10am – 1pm – Member Training Session	
Monday 22 September	Tuesday 23 September	Wednesday 24 September	Thursday 25 September	Friday 26 September
2pm - Council		2pm – Joint Board (Bolsover)	2pm – 5pm– Member Training Session	10am – Clay Cross Town Deal Board
Monday 29 September	Tuesday 30 September			
10am – Planning Site Visits	10am – Licensing Sub Committee(s) 2pm – Planning Committee			

OCTOBER 2025

		Wednesday 1 October	Thursday 2 October	Friday 3 October
		2pm – Standards Committee		
Monday 6 October	Tuesday 7 October	Wednesday 8 October	Thursday 9 October	Friday 10 October
1.30pm - Leadership		10am – Housing Strategic Partnership Group		
Monday 13 October	Tuesday 14 October	Wednesday 15 October	Thursday 16 October	Friday 17 October
	2pm – General Licensing Committee and/or Licensing and Gambling Act Committee	2pm – Health & Safety Sub-Group		
Monday 20 October	Tuesday 21 October	Wednesday 22 October	Thursday 23 October	Friday 24 October
3pm – Audit Committee			2pm – Cabinet	
Monday 27 October	Tuesday 28 October	Wednesday 29 October	Thursday 30 October	Friday 31 October
HALF TERM	HALF TERM	HALF TERM	HALF TERM	HALF TERM

NOVEMBER 2025

Monday 3 November	Tuesday 4 November	Wednesday 5 November	Thursday 6 November	Friday 7 November
10am – Planning Site Visits 1.30pm - Leadership	10am – Licensing Sub Committee(s) (if required) 2pm – Planning Committee			
Monday 10 November	Tuesday 11 November	Wednesday 12 November	Thursday 13 November	Friday 14 November
3pm – Business Scrutiny Committee				
Monday 17 November	Tuesday 18 November	Wednesday 19 November	Thursday 20 November	Friday 21 November
3.30pm – Environment Scrutiny Committee	1pm – Joint ICT Committee (Derbyshire Dales)	10am - Communities Scrutiny Committee		
Monday 24 November	Tuesday 25 November	Wednesday 26 November	Thursday 27 November	Friday 28 November
<i>1.30pm – Joint Crematorium Committee (Chesterfield)</i>	10am – Services Scrutiny Committee		2pm – Cabinet	

DECEMBER 2025

Monday 1 December	Tuesday 2 December	Wednesday 3 December	Thursday 4 December	Friday 5 December
2pm – Council	10am – Licensing Sub Committee(s)			10am – Clay Cross Town Deal Board
Monday 8 December	Tuesday 9 December	Wednesday 10 December	Thursday 11 December	Friday 12 December
10am – Planning Site Visits	2pm – Planning Committee	10am – Housing Strategy Partnership Group 2pm – Standards Committee		
Monday 15 December	Tuesday 16 December	Wednesday 17 December	Thursday 18 December	Friday 19 December
1.30pm – Leadership				
Monday 22 December	Tuesday 23 December	Wednesday 24 December	Thursday 25 December	Friday 26 December
			CHRISTMAS DAY	BOXING DAY
Monday 29 December	Tuesday 30 December	Wednesday 31 December		
OFFICE CLOSED	OFFICE CLOSED	OFFICE CLOSED		

JANUARY 2026

			Thursday 1 January	Friday 2 January
			BANK HOLIDAY	
Monday 5 January	Tuesday 6 January	Wednesday 7 January	Thursday 8 January	Friday 9 January
	10am – Licensing Sub Committee(s)			
Monday 12 January	Tuesday 13 January	Wednesday 14 January	Thursday 15 January	Friday 16 January
10am – Planning Site Visits 1.30pm – Leadership	2pm – Planning Committee	2pm – Joint Scrutiny Committee	2pm – Cabinet	
Monday 19 January	Tuesday 20 January	Wednesday 21 January	Thursday 22 January	Friday 23 January
3pm – Audit Committee		1.30pm - Parish Council Conference		
Monday 26 January	Tuesday 27 January	Wednesday 28 January	Thursday 29 January	Friday 30 January
2pm – Council (Budget)		10am – Housing Strategy Partnership Group 2pm – Health & Safety Sub-Group		

FEBURARY 2026

Monday 2 February	Tuesday 3 February	Wednesday 4 February	Thursday 5 February	Friday 6 February
	10am – Licensing Sub Committee(s) 1pm – Joint ICT Committee			
Monday 9 February	Tuesday 10 February	Wednesday 11 February	Thursday 12 February	Friday 13 February
10am – Planning Site Visits	2pm – Planning Committee			
Monday 16 February	Tuesday 17 February	Wednesday 18 February	Thursday 19 February	Friday 20 February
HALF TERM 1.30pm – Leadership 3pm – Business Scrutiny Committee	HALF TERM	HALF TERM	HALF TERM	HALF TERM
Monday 23 February	Tuesday 24 February	Wednesday 25 February	Thursday 26 February	Friday 27 February
3pm – Audit Committee (Special to sign off accounts) 3.30pm – Environment Scrutiny Committee	10am – Services Scrutiny Committee 2pm – General Licensing Committee and/or Licensing and Gambling Act Committee	10am – Communities Scrutiny Committee 2pm – Standards Committee	2pm – Cabinet	

MARCH 2026				
Monday 2 March	Tuesday 3 March	Wednesday 4 March	Thursday 5 March	Friday 6 March
2pm – Council	10am – Licensing Sub Committee(s) (if required)			
Monday 9 March	Tuesday 10 March	Wednesday 11 March	Thursday 12 March	Friday 13 March
Monday 16 March	Tuesday 17 March	Wednesday 18 March	Thursday 19 March	Friday 20 March
10am – Planning Site Visits 1.30pm – Joint Crematorium Committee	2pm – Planning Committee	10am – Housing Strategic Partnership Group		
Monday 23 March	Tuesday 24 March	Wednesday 25 March	Thursday 26 March	Friday 27 March
1.30pm – Leadership		2.30pm – Joint Board		10am – Clay Cross Town Deal Board
Monday 30 March	Tuesday 31 March			
SCHOOL HOLIDAY	SCHOOL HOLIDAY 10am – Licensing Sub Committee(s) (if required)			

APRIL 2026

		Wednesday 1 April	Thursday 2 April	Friday 3 April
		SCHOOL HOLIDAY	SCHOOL HOLIDAY	GOOD FRIDAY
Monday 6 April	Tuesday 7 April	Wednesday 8 April	Thursday 9 April	Friday 10 April
EASTER MONDAY	SCHOOL HOLIDAY	SCHOOL HOLIDAY	SCHOOL HOLIDAY	SCHOOL HOLIDAY
Monday 13 April	Tuesday 14 April	Wednesday 15 April	Thursday 16 April	Friday 17 April
			2pm – Cabinet	
Monday 20 April	Tuesday 21 April	Wednesday 22 April	Thursday 23 April	Friday 24 April
10am – Planning Site Visits 1.30pm – Leadership	2pm – Planning Committee	2pm – Health & Safety Sub-Group		
Monday 27 April	Tuesday 28 April	Wednesday 29 April	Thursday 30 April	
3pm – Audit Committee	10am – Licensing Sub Committee(s) (if required)	2pm – Standards Committee		

MAY 2026

				Friday 1 May
Monday 4 May	Tuesday 5 May	Wednesday 6 May	Thursday 7 May	Friday 8 May
BANK HOLIDAY				
Monday 11 May	Tuesday 12 May	Wednesday 13 May	Thursday 14 May	Friday 15 May
10.30am – Environment Scrutiny Committee 3.00pm – Business Scrutiny Committee	10am - Services Scrutiny Committee	10am – Communities Scrutiny Committee		
Monday 18 May	Tuesday 19 May	Wednesday 20 May	Thursday 21 May	Friday 22 May
10am – Planning Site Visits 2pm – Annual Council	2pm – Planning Committee	10am – Housing Strategic Partnership Group		
Monday 25 May	Tuesday 26 May	Wednesday 27 May	Thursday 28 May	Friday 29 May
BANK HOLIDAY	HALF TERM	HALF TERM	HALF TERM 2pm – Cabinet	HALF TERM

North East Derbyshire District Council

Annual Council

19 May 2025

APPOINTMENT OF THE COUNCIL'S REPRESENTATIVES TO SERVE ON OTHER ORGANISATIONS (OUTSIDE BODIES) FOR THE 2025-26 MUNICIPAL YEAR

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To appoint elected Members to serve as the Council's representatives on other organisations (Outside Bodies) for the 2025-26 Municipal Year.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- This is a decision usually taken at Annual Council.

RECOMMENDATIONS

1. That Council appoint elected Members to serve as its representatives on other organisations for the 2025-26 Municipal Year.

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 on 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 inline 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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
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 Details:

Links to Council Plan priorities; <ul style="list-style-type: none"> A great place that cares for the environment A great place to live well A great place to work A great place to access good public services
All – Good Governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.

REPORT DETAILS

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

- 1.1 The Majority Group has made nominations for the Council to be represented on external organisations (Outside Bodies).

2. **Details of Proposal or Information**

- 2.1 The nominations will be tabled at the meeting.

3 **Reasons for Recommendation**

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

4 **Alternative Options and Reasons for Rejection**

- 4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
1	Nominations to serve on Outside Bodies 2025-26 to be tabled
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

19 May 2025

REVIEW OF THE COUNCIL'S CONSTITUTION

Report of the Assistant Director of Governance and Monitoring Officer

<u>Classification:</u>	This report is public
<u>Report By:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer
<u>Contact Officer:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

To set out and seek Council's approval of the proposed Constitution of the Council for the 2025-26 Municipal Year.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- The decision is a Council decision and only the Council can determine the matter.

RECOMMENDATIONS

1. That following on from the review carried out by Standards Committee, Council approves the proposed Constitution for the 2025/26 Municipal Year.
2. That Standards Committee be asked to undertake further review of the Constitution as necessary, as part of its annual work programme for the 2025/26 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.

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 201 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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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
Equality Impact Assessment (EIA) details:	

Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input 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: The Standards Committee

Links to Council Plan priorities; <ul style="list-style-type: none"> A great place that cares for the environment A great place to live well A great place to work A great place to access good public services
All – good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan objectives.

REPORT DETAILS

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

- 1.1 The Council is required by law to prepare and keep up to date a Constitution. This needs to 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 recommending specific changes to Annual Council for adoption.

2. **Details of Proposal or Information**

- 2.1 The 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 included at the end of the report. Hard copies are available on request from the Governance Team.

3 Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

- 4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
1	Changes agreed by Standards Committee
2	Proposed Constitution will be available here - Agenda for The Constitution of North East Derbyshire District Council on Monday, 19th May, 2025, 2.00 pm - North East Derbyshire District Council
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)	

Constitution changes		
	Part of the Constitution	Details of the Change
Director of Finance and Resources' delegations	Specific Delegations to Officers in Section 19, number 3 Director of Finance and Resources and Section 151 Officer on page 141.	Add the following as 3.14 and renumber: 3.14 Where an area is to be regenerated and a Council House within that area becomes void, to retain the property as void until such time as the regeneration scheme is commenced or a decision is taken not to proceed.
	Specific Delegations to Officers in Section 19, number 3 Director of Finance and Resources and Section 151 Officer on page 142.	Delete 3.15 and replace with a general delegation to Assistant Directors and Directors covering the same point.
New Contract Procedure Rules as a result of the Procurement Act 2023 implementation.	Replace Contract Procedure Rules at Section 22 on page 170 Implementing the Procurement Act 2023.	New Contract Procedure Rules attached.
Restriction on participation in a deferred planning decision.	The Functions Scheme, Section 17, 2 Planning Committee Terms of Reference page 116.	Add at the end: <u>Deferred Planning Committee consideration of planning application</u> Councillors must not take part in the Planning Committee's determination of an application, unless they have been present to hear the entire debate, including the officers' introduction to the matter and any speakers comments. If an application has previously been deferred after the public speakers, then the same Councillors will be asked to reconsider the application when it is returned to Planning Committee.

Assistant Directors and Directors' general delegation.	Delegation of Council Functions and Executive Functions to Officers – section 15 page 87	<p>Add to the end of 9.1:</p> <p>where there is no direct delegation covering the matter.</p> <p>Add to 9.3 as follows:</p> <p>9.3 To sign licenses, notices and orders relevant to their service areas subject to consultation with the Monitoring Officer</p>
HOPS delegation	<p>Specific Delegations to Officers Section 19 page 136.</p> <p>1. Managing Director and Head of Paid Service.</p>	<p>Add after 1.20 and renumber following paragraphs:</p> <p>1.21 Following consideration by JCG, to approve operational policies relating to the management of people within the organisation except where the policy is a new policy or there is significant disagreement with the Unions as to the content. A new policy is one which covers a part of the Employer/Employee relationship not previously covered by a policy.</p>
Assistant Directors and Directors' general delegation.	Delegation of Council Functions and Executive Functions to Officers – Section 15 page 91.	9.13 To deal with procurement matters including procurement exercises and finalising subsequent contractual arrangements whilst at all times acting in accordance with the Council's Finance Rules and Contract Procedure Rules.
Assistant Directors and Directors' general delegation.	Delegation of Council Functions and Executive Functions to Officers – Section 15 page 90.	<p>Amend as follows:</p> <p>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</p>

		<p>individuals). This includes changes to fees and charges for services.</p> <p>Although as originally drafted fees and charges are part of the terms on which a service is provided, this will make it explicit in the delegation.</p>
Council Procedure Rules	Council Procedure Rules – Section 10(2) page 54 – motions on notice.	<p>Add:</p> <p>(h) the motion contains more than one topic and the topics are unrelated.</p> <p>This is so that the motion is focussed and does not include a wide number of non related subjects.</p> <p>Add</p> <p>(i) the proposed motion is longer than 300 words.</p> <p>On occasion there have been motions which have been excessively long. Where a proposer is unwilling to amend the motion, there should be authority to reject in the circumstances.</p>
Planning Committee Terms of Reference	Functions Scheme – section 17 page 106.	<p>Amendment of paragraphs (c) to (e) to refer to material planning considerations and to refer to a District ward councillor as follows:</p> <p>(c) A District Ward Councillor or the Ward Councillor for an adjoining Ward has notified the Assistant Director of Planning / the Planning Manager – Development Management or the application case officer in writing or by e-mail within 3 weeks of the publication of the weekly list of their contention that the application should be</p>

		<p>determined by the Planning Committee and the notification is supported by one or more planning grounds material planning considerations, the planning issues to be fully explained by the Member calling it in or the Chair of Planning (or Vice Chair in their absence) has agreed to the application being considered by Planning Committee.</p> <p>(d) A District Ward Councillor or the Ward Councillor for an adjoining Ward has notified the Assistant Director of Planning, the Planning Manager - Development Management or the application case officer by email before the application has been determined the planning reasons material planning considerations why they contend the application should be determined by Planning Committee or the Chair of Planning (or Vice Chair in their absence) has agreed to the application being considered by Planning Committee, and</p> <p>(e) the Assistant Director of Planning has accepted the planning reasons material planning considerations which have been put forward and has advised and/or has received the consent of the Planning Committee Chair or Vice Chair that the application should be heard and decided by the Planning Committee.</p> <p>This is in order to ensure that the reasons given by the Councillor are mainly planning reasons.</p>
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<p>Planning Committee Terms of Reference</p>	<p>Functions Scheme – section 17 page 116.</p> <p>Delegation of functions to officers</p>	<p>After:</p> <ul style="list-style-type: none"> • Making Tree Preservation Orders (TPOs) except where there are any objections or other representations made in opposition to the proposed making of a TPO. <p>Add:</p> <ul style="list-style-type: none"> • Amending or revoking Tree Preservation Orders (TPOs). Where there are any objections or other representations made in opposition to the proposed amendment or revocation of a TPO, the delegation to the officer to be in consultation with the Chair of the Planning Committee.
<p>Licensing and Scrutiny Committees terms of reference in Section Seventeen of the Functions Scheme in the Constitution.</p>	<p>Change to rules on substitutes to allow for substitutes to be available for Committees in addition to Planning.</p> <p>This would allow the membership of the Licensing Committees and Scrutiny Committees to be substituted by the Leader of the relevant political group.</p> <p>It is not advised to allow this for the Audit Committee or the Standards Committee.</p>	<p>Add the following to the terms of reference of the Licensing, Scrutiny and Standards Committees:</p> <p>Each Party Leader will supply an annual list of the substitute Councillors from their Party to the Governance Manager in advance of the Annual Meeting.</p> <p>Nominated Members of each political group may act as substitutes on the Committee and will undertake training alongside other Committee Members. Substitutes may vote at Meetings.</p> <p>Any substitutions must be notified to the Governance Manager in advance by midday the working day before the meeting.</p> <p>If a Substitute Councillor is present at a meeting at which a Councillor (who they are substituting for) joins the meeting</p>

		<p>during the course of proceedings, the Substitute Councillor may not take part from that point.</p> <p>Add the following to the Planning Committee Terms of Reference:</p> <p>Any substitutions must be notified to the Governance Manager in advance by midday the working day before the meeting.</p> <p>Add the following to the Standards Committee Terms of Reference:</p> <p>Substitute Councillors will not be allowed to sit on Hearing Panels of the Standards Committee.</p>
Scrutiny Committees terms of reference in Section Seventeen of the Functions Scheme in the Constitution	To clarify the role of the Joint Scrutiny Committee	<p>Add the following to the terms of reference for Scrutiny Committees:</p> <p>Joint Scrutiny Committee</p> <p>To consider the Council's budget proposals and any other cross cutting work that requires input of all four scrutiny committees.</p> <p>The Chair of the Joint Scrutiny Committee will be elected at the start of the meeting from one of the Chairs of the four themed scrutiny committees.</p>
Section 9 of the Assistant Directors and Directors delegations.		Add the following after 9.13 and renumber:

		<p>9.14 to award contracts up to the key decision values without the need for a delegated decision notice but in accordance with the Contract Procedure Rules.</p> <p>9.15 to award revenue contracts where the value is above key decision level using a delegated decision notice or DD. For revenue contracts over £375k and capital contracts over £1m the details of the award will be notified to the Cabinet periodically.</p> <p>Delete 9.16 and replace with:</p> <table border="1"> <thead> <tr> <th colspan="3">REVENUE CONTRACTS DECISIONS</th></tr> <tr> <th>VALUE</th><th>WHO</th><th>DD</th></tr> </thead> <tbody> <tr> <td>£0 – Key Decision level</td><td>Directors and Assistant Directors</td><td>No</td></tr> <tr> <td>Above Key Decision level</td><td>Directors and Assistant Directors</td><td>Yes</td></tr> </tbody> </table> <table border="1"> <thead> <tr> <th colspan="3">CAPITAL CONTRACTS DECISIONS</th></tr> <tr> <th>VALUE</th><th>WHO</th><th>DD</th></tr> </thead> <tbody> <tr> <td>£0 – Key Decision level</td><td>Directors and Assistant Directors</td><td>No</td></tr> <tr> <td>Above Key Decision level</td><td>Directors and Assistant Directors</td><td>Yes</td></tr> </tbody> </table>	REVENUE CONTRACTS DECISIONS			VALUE	WHO	DD	£0 – Key Decision level	Directors and Assistant Directors	No	Above Key Decision level	Directors and Assistant Directors	Yes	CAPITAL CONTRACTS DECISIONS			VALUE	WHO	DD	£0 – Key Decision level	Directors and Assistant Directors	No	Above Key Decision level	Directors and Assistant Directors	Yes
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North East Derbyshire District Council

Annual Council

19 May 2025

SCHEME OF DELEGATION

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

Contact Officer: Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

PURPOSE / SUMMARY

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

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- The decision is a Council decision and only the Council can determine the matter.

RECOMMENDATIONS

1. That the Scheme of Delegation be approved.

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 1.2 (o) of the Council's Constitution, that Annual Council Meeting agrees the Scheme of Delegation as set out in Section 19 of the Constitution.

Staffing: Yes ☐ No ☒

Details:

On behalf of the Head of Paid Service

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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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
Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Standards Committee as part of the Constitution Review

Links to Council Plan priorities;

- A great place that cares for the environment
- A great place to live well
- A great place to work
- A great place to access good public services

All – good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan objectives.

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

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 2025-26 Municipal Year is set out at Appendix 1, 2 and 3. It comprises the following extracts from the Constitution:

Section 15 – Delegation of Council Functions

Section 18 - Proper Officer Provisions – Statutory Functions

Section 19 - 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 None. It is a requirement of the Council Procedure Rules that the Scheme of Delegation is approved at Annual Council.

DOCUMENT INFORMATION

Appendix No	Title
	Proposed Delegation Scheme
1	Section 15 – Delegation of Council Functions
2	Section 18 - Proper Officer Provisions – Statutory Functions
3	Section 19 - Specific Delegations to Officers
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)	

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 Council 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
- 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 Finance, Contract 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 where there is no direct delegation covering the matter.
- 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, notices and orders 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). This includes changes to fees and charges for services.
- 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 including procurement exercises and finalising subsequent contractual arrangements whilst at all times acting in accordance with the Council's Finance Rules and Contract Procedure Rules.
- 9.14 To award contracts up to the key decision values without the need for a delegated decision notice but in accordance with the Contract Procedure Rules.
- 9.15 To award revenue contracts where the value is above key decision level using a delegated decision notice or DD. For revenue contracts over £375k and capital contracts over £1m the details of the award will be notified to the Cabinet periodically.

9.16

REVENUE CONTRACTS DECISIONS		
VALUE	WHO	DD
£0 – Key decision level	Directors and Assistant Directors	No
Above Key decision level	Directors and Assistant Directors	Yes

CAPITAL CONTRACTS DECISIONS		
VALUE	WHO	DD
£0 – Key decision level	Directors and Assistant Directors	No
Above Key decision level	Directors and Assistant Directors	Yes

- 9.17 To acquire, dispose of, grant and obtain rights in land and premises (including licences) 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.
- 9.18 To acquire, dispose of, grant and obtain rights in vehicles and other equipment and property where expenditure is within approved budgets.
- 9.19 To commission goods, services and works within approved budgets.
- 9.20 To deal with media enquiries and press releases in conjunction with the Communications, Marketing and Design Manager who will contact the relevant Members.
- 9.21 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.
- 9.22 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.
- 9.23 To carry out any duties or responsibilities as contained within the Finance Rules
- 9.24 To carry out any functions contained within section 2 – Council Functions and Local Choice Functions of the Functions Scheme.
- 9.25 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 consideration by JCG, to approve operational policies relating to the management of people within the organisation except where the policy is a new policy or there is significant disagreement with the Unions as to the content. A new policy is one which covers a part of the Employer/Employee relationship not previously covered by a policy.
- 1.22 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.
- 1.23 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.
- 1.24 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).
- 1.25 (Further delegated to the Assistant Director of Planning) Making Local Development Orders (section 61A TCPA) in consultation with the relevant Portfolio Holder.
- 1.26 (Further delegated to the Assistant Director of Planning) Creating Simplified Planning Zones (section 82 TCPA) in consultation with the relevant Portfolio Holder.
- 1.27 (Further delegate to the Assistant Director of Planning) Creating Enterprise Zones (section 88 TCPA) in consultation with the relevant Portfolio Holder.
- 1.28 (Further delegated to the Assistant Director of Planning) discharge of Planning Conditions in consultation with the relevant Portfolio Holder.
- 1.29 (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.

- 1.30 To authorise the making of Public Space Protection Orders.
- 1.31 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.
- 1.32 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.

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 Managing Director and 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. Where this increase relates to a staffing matter, the delegated decision notice will be a joint one with the Head of Paid Service using his delegation 1.19.
- 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.
- 3.14 Where an area is to be regenerated and a Council House within that area becomes void, to retain the property as void until such time as the regeneration scheme is commenced or a decision is taken not to proceed.
- 3.15 To authorise the use of earmarked reserves (Invest To Save).

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, withdraw 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 obtain 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

19 May 2025

OPERATION OF URGENCY RULES AND THRESHOLDS FOR KEY DECISIONS

Report of the Leader of the Council

<u>Classification:</u>	This report is public
<u>Report By:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer
<u>Contact Officer:</u>	Sarah Sternberg – Assistant Director of Governance and Monitoring Officer

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.

DECISION ROUTE AND REASON FOR DECISION BEING BROUGHT TO COUNCIL –

- The decision is a Council decision and only the Council can determine the matter.

RECOMMENDATIONS

That Council:

- 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.

- 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.
- 3 Agrees that the financial thresholds for Key Decisions be kept at £125,000 (Revenue) and £310,000 (Capital).

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details: Details as set out within the 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 one 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	
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 - £125,000 <input type="checkbox"/> Capital - £310,000 <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

Equality Impact Assessment (EIA) details:	
Stage 1 screening undertaken <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not applicable given the subject of the report.
Stage 2 full assessment undertaken <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input 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; <ul style="list-style-type: none"> A great place that cares for the environment A great place to live well A great place to work A great place to access good public services
All – good governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan objectives.

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 £125,000 or more and Capital expenditure of £310,000 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 8 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 9 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.

2. Details of Proposal or Information

- 2.1 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.
- 2.2 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.
- 2.3 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 agreed to keep the current thresholds for 2025/26.

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 the General exception has been applied or call-in has been waived and set the Key Decision financial thresholds for the forthcoming year.

4 Alternative Options and Reasons for Rejection

- 4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

