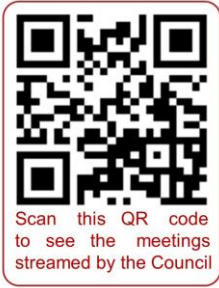


Public Document Pack



**North East
Derbyshire**
District Council

Our Ref: 241105 Standards
Contact: Amy Bryan
Tel: 01246 217391
Email: amy.bryan@ne-derbyshire.gov.uk
Date: Tuesday, 5 November 2024

To: **Members of the Standards Committee**

Please attend a meeting of the Standards Committee to be held on **Wednesday, 13 November 2024 at 2.00 pm in the Meeting Rooms 1 & 2**, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely



Assistant Director of Governance and Monitoring Officer

Members of the Committee

Councillor K Gillott (Chair)
Councillor H Wetherall (Vice-Chair)
Councillor P Antcliff
Councillor C Cupit
Councillor P Kerry
Councillor F Petersen
Councillor K Rouse
G Hudson
A Orchard
D Richardson

For further information about this meeting please contact: Amy Bryan 01246 217391

AGENDA

1 Apologies for Absence

2 Declarations of Interest

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

3 Minutes of Last Meeting (Pages 3 - 5)

To approve as a correct record and the Chair to sign the Minutes of the Standards Committee held on 15 October 2024.

4 Consultation on Virtual Attendance of Members at Meetings (Pages 6 - 17)

5 Planning Committee Constitutional Requirements (Pages 18 - 22)

6 Code of Corporate Governance (Pages 23 - 25)

7 Review of the Constitution (Pages 26 - 30)

8 Work Programme (Page 31)

9 Urgent Business (public session)

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](#)

STANDARDS COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY, 15 OCTOBER 2024

Present:

Councillor Kevin Gillott (Chair) (in the Chair)
Councillor Helen Wetherall (Vice-Chair)

Councillor Pat Kerry
Councillor Kathy Rouse

Councillor Fran Petersen

Also Present:

Councillor Kevin Tait
S Sternberg
A Bryan
R Pope

Assistant Director of Governance and Monitoring Officer
Governance Manager
Customer Service Manager

STA/ Apologies for Absence

1/24-
25

Apologies for absence were received from Councillors C Cupit and P Antcliff.

STA/ Declarations of Interest

2/24-
25

There were no declarations of interest.

STA/ Minutes of Last Meeting

3/24-
25

RESOLVED – That the Minutes of the meeting of Standards Committee held on 26 April 2014 be approved as a true and accurate record.

STA/ Local Government & Social Care Ombudsman Annual Review Letter

4/24-
25

The Customer Service Manager presented a report to the Committee which set out details of the Local Government & Social Care Ombudsman Annual Review Letter.

The report explained that the Council had received its Annual Review letter from the Local Government & Social Care Ombudsman (LGSCO) on the 17 July 2024. The review contained information on how many complaints and enquiries had been referred to the Ombudsman between the period 1 April 2023 and 31 March 2024.

There had been 14 complaints and enquiries received by the LGSCO. Of these 14, three complaints had been upheld, three complaints had been referred back for local resolution, one complaint had not been upheld and seven complaints had been closed after initial enquiries. The report set out details of the upheld complaints.

The Committee discussed the report and considered that there was no pattern in relation to the three upheld complaints. A member of the Committee requested

further information regarding the upheld complaint in relation to planning, in particular regarding the issue of right to light. The Customer Service Manager said they would contact the Planning Team and circulate further information following the meeting.

RESOLVED – That the report and findings of the Local Government & Social Care Ombudsman be acknowledged.

STA/ **New Sexual Harassment Legislation**

**5/24-
25**

The Committee considered a report regarding new legislation in relation to sexual harassment which came into force in October 2024.

The report set out that The Worker Protection (Amendment of Equality Act 2010) Act 2023, placed a duty on all employers to take reasonable steps to prevent sexual harassment of their employees in the workplace. In response, the Council had produced a guidance document for employees and Managers were briefing staff at team meetings. The document included definitions of what harassment was, what sexual harassment was and what bullying was. The guidance document was attached to the report at Appendix 1.

The report also stated that sexual harassment could come from third parties and Councillors witnessing sexual harassment of employees should raise this with the Head of Paid Service and the HR and OD Manager. Councillors who experienced sexual harassment personally in their role as a Councillor should raise this with the Monitoring Officer in the first instance. The definition of sexual harassment was based on Section 26 of the Equality Act 2010, a copy of which was attached to the report at Appendix 2.

The Committee discussed that the new legislation would cover private employee chat groups, such as on WhatsApp, and it may be helpful to remind staff of this. It was also suggested that the guidance document for staff be circulated to all Councillors.

RESOLVED – That the new legislation on sexual harassment, that employees were being trained on the requirements and that it applied to third parties dealing with officers, be noted.

STA/ **Code of Practice on Good Governance for Local Authority Statutory Officers**

**6/24-
25**

The Committee considered a report which provided details of the new Code of Practice on Good Governance for Local Authority Statutory Officers.

The report stated that in June 2024 Solace, CIPFA and the LLG had issued a Code of Practice on Good Governance for Local Authority Statutory Officers. This had been the first time such guidance on these roles had been put together and was therefore a key document for Councils.

The report stated that the Code set out the individual roles of the three statutory officers and that in addition to adhering to the Nolan Principles, there were greater expectations of the Statutory Officers. These were called the seven standards of

the Golden Triangle and included understanding governance roles and responsibilities, and acting wisely etc. There was also a continuing theme throughout the Code of the three officers working together and the need for these three to flag up any governance issues as well as delivering advice that may not be welcome.

RESOLVED – That the report be noted, and the contents of the Code be considered particularly in relation to the Constitution Review which was about to begin.

STA/ **Review of the Constitution**

**7/24-
25**

The Committee a report which set out the proposed arrangements for reviewing and updating the Council's Constitution.

The report stated that in the past two years the Committee's review of the Council's Constitution had been an in-depth review making some significant changes. For this year a review of the Constitution in terms of typographical errors, new legislation, changes in title etc. had already been carried out and in terms of other areas of review it was suggested that a light touch review be carried out.

A Member of the Committee suggested that the provision for substitutes for all committees be considered as part of this review.

RESOLVED – That any further suggestions of areas of the Constitution to be reviewed be submitted to the Monitoring Officer before the next meeting so that they can be incorporated into the work programme.

STA/ **Complaints Update**

**8/24-
25**

The Committee were presented with a report which provided an update on the number of complaints that had been received against Councillors.

The Assistant Director of Governance and Monitoring Officer reported that there were two ongoing complaints that were about to be concluded, after which there would be none outstanding.

RESOLVED – That the complaints updated be noted.

STA/ **Work Programme**

**9/24-
25**

The Committee considered its work programme for the remainder of the 2024/25 Municipal Year.

RESOLVED – That the work programme be noted.

STA/ **Urgent Business (public session)**

**10/2
4-25**

There was no urgent business to be considered.

North East Derbyshire District Council

Standards Committee

13th November 2024

Consultation on virtual attendance of Members at Meetings

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 inform Members of the launch of consultation on the virtual attendance of Members at formal meetings and on the use of Proxy Votes.

In addition to seek Members' views on responses to recommend to Council for submission in response to the consultation.

RECOMMENDATIONS

1. That Members agree a response to the consultation.
2. That Members recommend to Council the response to the consultation for approval.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: If the consultation results in change there is a need for new or amended legislation to allow the change.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £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 directly
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	This would be dealt with as part of the change in legislation if this were to proceed.
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:

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 indirectly

REPORT DETAILS

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

1.1 On 24th October 2024 the Government launched an 8 week consultation in relation to the virtual attendance at meetings by Elected Members. The scope of the consultation was described as:

Government is consulting on introducing powers for local authority members to apply to the relevant authority for a dispensation to attend formal council meetings remotely and vote by proxy in certain circumstances.

1.2 The views that are particularly sought are those of Councils, Elected Members, the public and local government organisations.

1.3 Responses can only be made online through the Government online consultation platform, Citizen Space. The link to the consultation is [Enabling remote attendance and proxy voting at local authority meetings - GOV.UK](#) and the link to the online response is [Respond via Citizen Space](#).

1.4 The Government has stated a number of times that it wishes to reset the relationship with Local Government and in this case wishes to support the sector to modernise democratic engagement. However it sees attendance and debate as a core part of and integral to the Members' role. It is also an opportunity for local residents to engage.

1.5 However there is a recognition that an Elected Member may not always be able to attend in person but could attend virtually. The Government wants to balance these competing demands in any changes made to the attendance rules and believes this will encourage wider diversity.

1.6 In addition, the consultation concerns the possibility of introducing a proxy voting regime for where due to personal circumstances the Elected Member cannot attend.

1.7 The consultation states in relation to proxy voting:

Proxy voting is a form of voting whereby a member of a decision-making body may delegate their voting power to another representative to enable a vote in their absence.

It is possible some members may find that, due to their personal circumstances, they are temporarily unable to participate in meetings even if remote attendance provisions are in place.

1.9 The consultation states the following in relation to the consultation as a whole:

In line with the government’s commitment to working with local government to establish partnerships built on mutual respect, genuine collaboration, and meaningful engagement, this short consultation seeks your views on the detail and practical implications of this proposition to inform our ongoing policy development.

2. Details of Proposal or Information

2.1 The questions in the consultation and proposed responses are set out in Appendix1.

3 Reasons for Recommendation

3.1 The Council should consider what response it intends to make. This enables Members of this Committee to consider responses to recommend to Council for submission.

3.2 In addition it allows individual Members to consider a personal response.

4 Alternative Options and Reasons for Rejection

4.1 There is no alternative to Members considering whether the Council should respond.

DOCUMENT INFORMATION

Appendix No	Title
Appendix 1	List of questions from the consultation.
<p>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)</p>	
None	

Who we would like to hear from

Responses are invited from local authority elected members, all types and tiers of authorities, and local authority sector representative organisations. We are also particularly keen to hear from those members of the public who have point of view based on their interest in accessing local democracy in their area or standing as a candidate for local government at any tier to represent their local community at some future point.

Question 1

Please tick all that apply - are you responding to this consultation as:

a) an elected member – if so please indicate which local authority type(s) you serve on

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

b) a council body – if so please indicate which local authority type

- Town or Parish Council
- District or Borough Council
- Unitary Authority
- County Council
- Combined Authority / Combined County Authority
- Fire and Rescue Authority
- Police and Crime Panel
- Other local authority type - please state

c) a member of the public

d) a local government sector body – please state

The proposal for remote attendance

The government intends to legislate to give local authorities the flexibility to allow elected members to attend formal council meetings remotely. We believe that this modernising measure of providing broad flexibility to enable remote attendance will have the dual positive impacts of diversifying the representation of those willing and able to stand for elected office and enhance the resilience of local authorities in the face of local or national emergencies.

The intent is that this legislative change would give local authorities the flexibility to allow members to attend remotely.

Question 2

Do you agree with the broad principle of granting local authorities powers to allow remote attendance at formal meetings?

Yes/No

If you answered No to the above question please go directly to question 4.

Question 3

If you answered Yes to the above question, do you think that there should be specific limitations on remote attendance?

Please tick all the options below that correspond with your view and use the free text box for any other comments.

a) Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance.

b) Members should only be able to attend council meetings remotely in exceptional circumstances, such as those who are medically or physically unable to attend, or for reasons of local or national emergencies.

c) There should be no limitations placed upon councils with regard to setting arrangements for remote attendance of council meetings, up to and including full remote attendance.

d) [Free text box]

Proposed Answer - yes

Proposed answer: yes there should be specific limitations and a) Any formal meeting allowing remote attendance should have at least two thirds of members in physical attendance.

For the free text box – how would the two thirds physical attendance be enforced? Would a meeting be inquorate unless two thirds of the Membership were physically present?

Question 4

If you are an elected member can you anticipate that you personally may seek to attend some of your council meetings remotely?

Proposed answer: this is a question for an individual Member.

- Yes
- No
- I am not an elected member

Question 4a

If you answered No please use the free text below

[Free text box]

Question 4b

If you answered Yes, could you indicate below which of the following options best describes your likely pattern of attending meetings remotely

- very occasionally
- from time to time
- regularly but not always
- all the time

Question 5

If you are responding to this consultation on behalf of a council as a whole, what proportion of the council's current elected members are likely to seek to attend council meetings remotely over the course of a year?

Proposed answer: Less than 10%

- less than 10%
- more than 10% but less than 50%
- more than 50% but less than 90%
- most of them 90% to 100%

Question 6

The government recognises that there may be cases in which it is necessary for councils to hold meetings fully remotely. Do you think there should be limitations placed on the number of fully remote meetings councils should be able to hold?

Proposed answer: Yes there should be limitations along the following lines. a) Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.

a) Councils should be able to allow full remote attendance at up to half of council meetings within a twelve-month calendar period.

b) Councils should only have the flexibility to change a meeting from in-person to online, or vice versa, due to unforeseen and exceptional circumstances.

c) Councils should not have the flexibility to conduct fully remote meetings to ensure there is always an in-person presence.

d) [Free text box]

Question 7

Do you think there are there any necessary procedural measures that would help to ensure a remote or hybrid attendance policy is workable and efficient?

Please tick all the options that correspond with your view and use the free text box for any other comments.

a) Councils should be required to publish a list of attendees joining the meeting remotely and give notice if a meeting is being held with full remote attendance.

b) Councils should be required to ensure that standard constitutional arrangements are followed for hybrid and fully remote meetings.

c) Councils should be required to make arrangements to ensure restricted items (where a council decision is taken in private to protect confidentiality) are managed appropriately and to require remotely attending members to join from a private location.

d) Other [Free text box]

Proposed answer: a), b) and c) should all apply.

Question 8

Do you think legislative change to allow councillors to attend local authority meetings remotely should or should not be considered for the following reasons?

Tick all the statements below that apply to your point of view.

Proposed answer: Tick the items in the “should be considered because” column.

Free text box – Elected Members are subject to illness, family issues and emergencies just as employees are. There should therefore be some accommodation for this and allowing virtual attendance allows this.

In addition it should be possible to put adequate controls on the arrangements for the disadvantages in the second column not to occur.

Should be considered because

Should not be considered because

It is a positive modernising measure.

Councillors should be physically present at all formal meetings.

It would likely increase the diversity of people willing and able to stand for election in their local area, making councils more representative of the community

It could lead to a significant number of councillors habitually attending remotely and ultimately reduce the effectiveness of councils.

**Should
be
considered
because**

**Should
not be
considered
because**

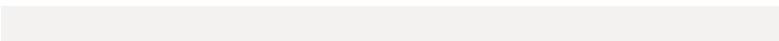
es they
serve.

Councils
would be
more
resilient in
the event
of local or
national
emergenc
ies which
prevent
in-person
attendanc
e.

It would
be more
difficult for
councillors
to build
personal
working
relationshi
ps with
colleague
s, and
engage
with
members
of the
public in
attendanc
e at
meetings.

Free text
box –
please
state any
other
reasons

Free text
box –
please
state any
other
reasons



Question 9

In your view, would allowing councillors to attend formal local authority meetings remotely according to their needs particularly benefit or disadvantage individuals with protected characteristics, for example those with disabilities or caring responsibilities?

Please tick an option below:

- it would benefit members
- it would disadvantage members
- neither

Please use the text box below to make any further comment on this question.

[Free text box]

Proposed answer: It would benefit individuals.

Free text: there is currently a lack in the legislation to allow reasonable adjustments to be made to enable attendance in these groups. Adjustments can be made in terms of sight and hearing but not in terms of attendance physically. This is one way of making such an adjustment and encouraging more diversity.

Proxy voting

Proxy voting is a form of voting whereby a member of a decision-making body may delegate their voting power to another representative to enable a vote in their absence.

It is possible some members may find that, due to their personal circumstances, they are temporarily unable to participate in meetings even if remote attendance provisions are in place. Provisions for proxy voting could provide additional flexibility to those who really need it on a time-limited basis, allowing affected members to indirectly exercise their democratic duty, participate in their local authority's governance, and ensure that their views are taken into consideration. In the context of local authorities, the representative would have to be another elected member of the local authority.

Question 10

In addition to provisions allowing for remote attendance, do you consider that it would be helpful to introduce proxy voting?

- yes
- no

Proposed answer: yes

- unsure

Question 11

If yes, for which of the following reasons which may prohibit a member's participation in council meetings do you consider it would be appropriate?

Please select all that apply:

- physical or medical conditions
- caring responsibilities
- parental leave or other responsibilities
- other [Free text box]

Proposed answer: all the following:

- physical or medical conditions
- caring responsibilities
- parental leave or other responsibilities
- plus any other circumstances identified by Members

Question 12

Are there circumstances in which you feel proxy voting would not be appropriate?

[Free text box]

Proposed answer: For an extended period. For example longer than 6 months. Proxy voting means that the Elected Member is not active in the debate. This is different from hybrid attendance where an Elected Member can still take part in what is happening

Question 13

If you think proxy voting is appropriate, are there any limitations you think should be placed upon it?

[Free text box]

Proposed answer: Yes. As stated in relation to Q12, proxy voting should be available in the short term and for exceptional and emergency situations. The power should be framed in that way. Regular non physical attendance could be dealt with by way of virtual attendance.

North East Derbyshire District Council

Standards Committee

13th November 2024

Planning Committee Constitutional requirements

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

An issue has been raised by the Liberal Democrat Member of the Planning Committee in relation to a requirement added to the Constitution in May 2024 in relation to Planning Committee. This report is for you to consider that request.

RECOMMENDATIONS

1. That Members consider the request.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: As in the report.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>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:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
District Wards Significantly Affected	None directly
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	None carried out at this stage.
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
<p>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"/></p>	No 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**

All indirectly

REPORT DETAILS

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

- 1.1 At the Annual Council Meeting in May 2024, Standards Committee recommended that Planning Committee Members, in whose ward an application was situated, should not be allowed to participate in the Planning Committee decision on the application. This was placed in the Planning Rules, part 8, the relevant part of which states:

Ward Members are able to call in Application and, if they wish, to then make representations on it as a Ward Members. In these circumstances they would not expect to participate in the Planning Committee's determination on this Application. However, it would be inappropriate for a Local Member who has either called in an application or who represents the Ward in which it was located to speak on the Application at Planning Committee and then go on to take part in the Committee's consideration on it. For this reason, Members of the Committee will be required to Declare an Interest on any applications within their Ward that are considered by Planning Committee and to leave the meeting when it is considered and not participate in the Committee's determination on this.

- 1.2 The reasoning behind this was explained in the Standards Committee minute (Number STA/ 45/2 3-24) of the meeting on the 26th April 2024 as:

Committee suggested a change to Planning rules that would exclude Members from determination of a Planning application for areas where they are the Ward Member for the application site. The proposed changes would also introduce a requirement for all Planning Committee Members to confirm that they have no predetermination or bias at the start of every Committee meeting. Members considered that these changes would help to mitigate both real and perceived risks of conflict within the Committee and demonstrate good practice to the public.

RESOLVED – That Standards Committee approved the proposed changes to the Constitution and recommended that it be brought to the next meeting of Council for approval.

- 1.3 This was approved at the Annual Meeting of Council in May 2024 and now forms a part of the Constitution.

- 1.3 I have received a request from Cllr Hancock on behalf of the Liberal Democrats as follows:

“Following the recent change to the constitution, in regard to members not being permitted to consider and vote on planning matters relating to their own ward.

I hereby formally submit a request on behalf of the Liberal Democrat group, for dispensation, in accordance with Section 33 of the Localism Act 2011; on the basis that, currently, all members of our group represent the same ward and the constitutional change, adopted by Council, therefore upsets the political balance of the committee by excluding our group’s views on any applications relating to Tupton ward.

The dispensation is requested for the remainder of this term or, until (a) an additional Lib Dem member, representing another ward, becomes part of our group or (b) the restriction is removed from the constitution (whichever is sooner).

The dispensation is not intended to bypass the previous rule, whereby a member of the planning committee may either opt to speak for or against an application in their ward and, in doing so, waive their right to consider and vote on an application.”

- 1.4 Although a dispensation under 33 has been requested, this would apply to a disclosable pecuniary interest (a DPI). This is not about the declaration of a disclosable pecuniary interest. It is rather a request for a waiver of a constitutional rule. However Section 33 does apply to the declaration of DPIs and allow the Authority to grant a dispensation in circumstances where the Authority:

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

- 1.5 Members are reminded that this is not however a request for a dispensation and that the reason for the change to the Members Planning Rules was in fact to deal with actual or perceived conflicts of interest. In addition, Planning Committee is not a political decision making body. Decisions made should be made based on the planning merits of the application, Planning law, the NPPF and the Local Plan.

2. Details of Proposal or Information

- 2.1 Members consider what response they wish to give in relation to the application.

2.2 If Members are minded to accommodate the request, the matter will have to be referred to Council as there are no powers for the Standards Committee to make such a decision.

3 Reasons for Recommendation

3.1 The reason for the recommendation is to allow the Standards Committee to make a decision on the circumstances raised.

4 Alternative Options and Reasons for Rejection

4.1 It would not be appropriate for this application not to be considered.

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)	
None	

North East Derbyshire District Council

Standards Committee

13 November 2024

Code of Corporate Governance

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 provide an opportunity for the Committee to consider the Council's Code of Corporate Governance.

RECOMMENDATIONS

1. That the Code of Corporate Governance be noted.

IMPLICATIONS

Finance and Risk: Yes No

Details: There are no finance and risk implications arising directly from this report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: A Code of Corporate Governance is recommended by the guidance designated as proper practice by the CIPFA/SOLACE framework, entitled Delivering Good Governance in Local Government. The Council's Code forms part of the governance framework which defines the principles that underpin the governance arrangements.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details: There are no staffing issues arising directly from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
<p>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:</p> <p>NEDDC: Revenue - £125,000 <input type="checkbox"/> Capital - £310,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Significantly Affected</p>	None
Equality Impact Assessment (EIA) details:	
<p>Stage 1 screening undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 1 to be appended if not required to do a stage 2 	Not required as this is for information only.
<p>Stage 2 full assessment undertaken</p> <ul style="list-style-type: none"> Completed EIA stage 2 needs to be appended to the report 	No, not applicable
<p>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"/></p>	<p>Yes</p> <p>Details: Audit Committee.</p>

<p>Links to Council Plan priorities;</p> <ul style="list-style-type: none"> A great place to work A great place to access good public services

REPORT DETAILS

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

- 1.1 The Council has in place a Code of Corporate Governance (the Code). This, along with the Annual Governance Statement, reflects the main components set out in the CIPFA and SOLACE guidance “Delivering Good Governance in Local Government: Framework”. The Code is a public statement of the arrangements the Council has in place to ensure it conducts its business in a way that upholds the highest standards.
- 1.2 The Code is therefore an important part of the Council’s public accountability. It is important it remains fit for purpose, and each year the Council’s Monitoring Officer and S151 Officer conduct a review of compliance with the Code. The outcome of this year’s review was considered by the Audit Committee on 8 July 2024.
- 1.3 The Code and the review, which were both considered by Audit Committee in July 2024, are available here - [Annual Governance Statement Report.pdf](#).

2. Details of Proposal or Information

- 2.1 This is for Members’ information.

3 Reasons for Recommendation

- 3.1 Members should be aware of the Code.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to report the Code. This was rejected because Members should be aware and it helps Members to monitor governance issues.

DOCUMENT INFORMATION

Appendix No	Title
<p>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)</p>	
None	

North East Derbyshire District Council

Standards Committee

13th November 2024

Constitution Review

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

Following discussion and the decision to do a light touch review of the Constitution this year, to outline the specific areas which will be considered.

RECOMMENDATIONS

1. That Members note the proposed areas for review and suggest any further areas that need considering.

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: As in the report

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £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 directly
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	This would be done once the reviews were complete and a new Constitution proposed.
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:

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.

REPORT DETAILS

1 Background *(reasons for bringing the report)*

1.1 Members made a decision at the last Standards Committee to carry out a light touch review of the Constitution this year. This will include the usual housekeeping review (carried out by officers) and certain other areas which have been highlighted during the year. This report is to inform Members of the list and to allow Members to add to it.

2. Details of Proposal or Information

2.1 The areas proposed to be reviewed are included in Appendix 1 for Members consideration.

3 Reasons for Recommendation

3.1 The Constitution and necessary changes should be considered every year by Standards Committee. This continues the process.

4 Alternative Options and Reasons for Rejection

4.1 It is not considered appropriate to not review the contents of the Constitution.

DOCUMENT INFORMATION

Appendix No	Title
1	List of areas of the Constitution for review.
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)	
None	

Appendix 1

List of areas of the Constitution for review.

Potential Constitution changes 2024		
Index of parts of the Constitution.	Group together relevant items e.g. functions and delegations and proper officers under individual sections.	
Director of Finance delegations	A generic delegation for retaining properties as voids in any area where regeneration is occurring.	
New Contract Procedure Rules	Implementing the Procurement Act 2023.	Director of Finance and Section 151 Officer/Procurement
Planning guidance/terms of reference.	Consider adding to Planning guidance/Terms of Reference that only councillors who had been present when a planning application had previously been considered could vote on deferred applications. The Court of Appeal has found that a Council is entitled to make such a rule. Do Members wish to reconsider?	
Substitutes	Consider whether to allow substitutes for all meetings	
Officer Delegation Scheme review to include:		
Clarification in delegation to Assistant Directors and Directors.	Add to 9.1 "where decision not covered by a specific delegation". Include in 9.3 "Orders".	
HOPS delegation	Operational People related policies to be approved under a new delegation following consideration at JCG except where it is a new policy or there is significant disagreement with the Unions over the contents of the policy.	
Assistant Directors and Directors general delegation	Reword 9.13 to say all contracts follow a procurement exercise in accordance with the new Contract Procedure Rules.	
Fees and Charges	Make it clear in the Constitution that the Delegation (9. xxx)	

	includes fees and Charges including Licensing fees.	
Delegation Scheme	A consideration of whether the delegations in the scheme are still appropriate and remove any duplications.	

Agenda Item 8

STANDARDS COMMITTEE 2024/25 – WORK PROGRAMME

Date	Agenda items
15 October 2024	<ul style="list-style-type: none"> • Annual Letter from the Local Government & Social Care Ombudsman • Sexual Harassment Legislation Update • Code of Practice for Local Authority Statutory Officers • Review of the Constitution • Complaints Update
13 November 2024	<ul style="list-style-type: none"> • Consultation on Virtual Attendance of Members at Meetings • Planning Committee Constitutional Requirements • Code of Corporate Governance • Review of the Constitution
5 March 2025	<ul style="list-style-type: none"> • RIPA Policy Annual Report • Whistleblowing Policy Review • Gifts and Hospitality Annual Report • Predetermination in Planning Application Decisions • Review of the Constitution (if necessary)
16 April 2025	<ul style="list-style-type: none"> • Annual report of Standards Committee • Annual report of the Independent Persons • Review of Members' Attendance at Training Events • Review of Members Complaints Process and Complaints Procedure • Standards Committee training proposals for District Councillors • Options for Parish Councillors Training