



**North East
Derbyshire**
District Council

Contact: Amy Bryan - Governance Manager
Tel: 01246 217391
Email: amy.bryan@ne-derbyshire.gov.uk
Date: Friday, 8 May 2026

To: **Members of the Council**

You are summoned to attend the Annual Council meeting to be held on **Monday, 18 May 2026, at 2.00 pm** in the Council Chamber, District Council Offices, Mill Lane, Wingerworth, Chesterfield S42 6NG. Please note this will be followed by an Ordinary meeting of the Council.

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

The meeting will be live streamed from [The Council's YouTube Channel](#).

Yours sincerely

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

Assistant Director of Governance and Monitoring Officer

AGENDA

1 Election of the Chair of the Council (Pages 4 - 6)

Nominations are sought to elect the Chair of the Council for the 2026-27 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 Lee Hartshorne, for his service to the Council and the District during the 2025-26 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 7 - 15)

To approve as a correct record and the Chair to sign the Minutes of the Council meeting held on 2 March 2026.

7 Appointment of Vice-Chair of the Council (Pages 16 - 18)

Nominations are sought to appoint the Vice-Chair of the Council for the 2026-27 Municipal Year.

8 Composition of the Cabinet (Page 19)

The Leader of the Council will confirm the appointment of the Deputy Leader and Cabinet Portfolio Holders for the 2026-27 Municipal Year.

9 Proportionality of the Council and Appointments to Committees (To Follow)

Nominations are sought to appoint Members of Committees and Advisory Groups for the 2026-27 Municipal Year.

10 Appointment of Chairs and Vice-Chairs of Committees (Pages 20 - 22)

Nominations are sought to appoint the Committee Chairs and Vice-Chairs for the 2026-27 Municipal Year.

- 11 **Schedule of Meetings for the 2026-27 Municipal Year** (Pages 23 - 38)
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 39 - 41)
Nominations are sought to represent the Council on External Organisations (Outside Bodies) for the 2026-27 Municipal Year.
- 13 **Review of the Council's Constitution** (Pages 42 - 84)
Report of the Assistant Director of Governance and Monitoring Officer.
- 14 **Scheme of Delegation** (Pages 85 - 111)
Report of the Assistant Director of Governance and Monitoring Officer.
- 15 **Operation of Urgency Rules and Thresholds for Key Decisions** (Pages 112 - 117)
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
- **Email** - connectne@ne-derbyshire.gov.uk
- **Text** - 07800 00 24 25
- **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 a free phone service
- **Visiting** our offices at 2013 Mill Lane, Wingerworth, S42 6NG

North East Derbyshire District Council

Annual Council

18 May 2026

ELECTION OF THE CHAIR OF THE COUNCIL

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public
Report By: Amy Bryan – Governance Manager
Contact Officer: Amy Bryan – Governance Manager

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; <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

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 2026-27 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 Michael Durrant to serve as Chair of the Council for the 2026-27 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, 2 MARCH 2026

Present:

Councillor Lee Hartshorne (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 Christine Gare

Councillor David Hancock

Councillor Pam Jones

Councillor Pat Kerry

Councillor Tony Lacey

Councillor Fran Petersen

Councillor Stephen Reed

Councillor Michael Roe

Councillor Ross Shipman

Councillor Caroline Smith

Councillor Mick Smith

Councillor Lee Stone

Councillor Pam Windley

Councillor Neil Baker

Councillor Jayne Barry

Councillor Joseph Birkin

Councillor Kathy Clegg

Councillor Andrew Cooper

Councillor Charlotte Cupit

Councillor Michael Durrant

Councillor Kevin Gillott

Councillor Daniel Higgon

Councillor William Jones

Councillor Carol Lacey

Councillor Heather Liggett

Councillor Stephen Pickering

Councillor Carolyn Renwick

Councillor Kathy Rouse

Councillor Derrick Skinner

Councillor Christine Smith

Councillor Jessica Stokes

Councillor Richard Welton

Also Present:

L Hickin

M Broughton

J Dethick

S Sternberg

A Bryan

Chief Executive Officer and Head of Paid Service

Director of Growth and Assets

Director of Finance and Resources (Section 151 Officer)

Assistant Director of Governance (Monitoring Officer)

Governance Manager

At the commencement of the meeting, the Chair announced with regret the death of Harry Barnes, who had served as Member of Parliament for North East Derbyshire from 1987 to 2005. The Council observed a minute's silence.

COU Apologies for Absence

/86/2

5-26 Apologies for absence were received from Councillors Pat Antcliff, Stuart Fawcett, Mark Foster, Kevin Tait and Helen Wetherall.

COU Declarations of Interest

/87/2

5-26 In respect of Item 12, Motion A, Councillor J Stokes declared an interest as an employee of EMCCA. Councillor Stokes stated that she would leave the room and

take no part in the consideration or determination of the item.

COU **Minutes of Last Meeting**

/88/2

5-26 **RESOLVED** – That the Minutes of the Council meeting held on 26 January 2026 were approved as a true and correct record.

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

/89/2

5-26 The Chair of the Council, Councillor L Hartshorne, reported that since the last meeting he had attended Dronfield Active to participate in a cycle fundraiser, a Rykneld Homes event in Grassmoor, and had visited Clay Cross Food Bank. He also reported that he was due to visit Eckington Food Pantry and the Clay Cross Food Bank warehouse in the next week.

Councillor Hartshorne also noted that Sunday was Covid Reflection Day.

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

/90/2

5-26 The Leader of the Council, Councillor N Barker, provided an update to Council. He started by reflecting on the impact of the Covid-19 period and expressed thanks to members and officers for maintaining services during that time.

The Leader provided an update on the Clay Cross Town Centre regeneration scheme, noting that following a protracted period of limited progress the Council had received notice from the contractor. The Leader advised that the Council must balance protecting its legal position with keeping residents and businesses informed, and that further information would be provided in due course.

The Leader also provided an update on Local Government Reorganisation, highlighting that the Government consultation on the proposals was open until 26 March 2026 and outlined the indicative stages of the process.

The Leader also:

- reported on the results of the recent residents' survey, noting an improvement in perceptions of how the Council ran things
- reported that leisure centres had been well-used and had supported families during the half-term period.
- highlighted ongoing work with PCSOs and partners in relation to fly-tipping and anti-social behaviour.
- noted ongoing improvements to play areas.
- provided an update on the national 'Simpler Recycling' initiative, noting that the changes were Government-led rather than a local decision and were being implemented across the county. The Leader advised that the Council was progressing well compared with some other authorities, acknowledged public concern, and outlined that food waste would be collected and treated separately from garden waste, with food waste used for energy generation and green waste processed for composting.

COU Public Participation

/91/2

5-26 No questions from the public had been received.

COU Level of Council Tax 2026/27

/92/2

5-26

Councillor P Kerry, Deputy Leader of the Council, introduced the 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 £7,558,732. 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.

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

The Motion was put to the vote and agreed.

For: 27

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

Against: 3

Councillors M Roe, R Shipman, J Stokes

Abstain: 11

Councillors F Adlington-Stringer, N Baker, S Clough, C Cupit, A Dale, P Jones, W Jones, H Liggett, S Reed, C Renwick, R Welton

RESOLVED – That Council:-

- (1) Formally approves the Council Tax for the Financial Year 2026/27 as set out in the report.
- (2) Delegates authority to the Director of Finance & Resources (S151 Officer) to amend the tables at 2.4 and 2.5 in respect of the precept amounts for the Fire and Rescue Service, should they change following the outcome of the Fire and Rescue Authority Meeting on 24 February 2026.

COU NEDDC Annual Pay Policy Statement 2026/27

/93/2

5-26

The Managing Director and Head of Paid Service presented the Council's Pay Policy Statement for 2026/27. 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 2026/27 was attached to the report at Appendix 1.

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

RESOLVED – That Council supports the Annual Pay Policy Statement 2026/27.

COU **Proportionality of the Council**

/94/2

5-26

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.

Councillor A Dale reported that Councillor W Jones would be coming off Business Scrutiny Committee, and Councillor N Baker would take up a place on Planning Committee and Councillor P Jones would take up a place on both the General Licensing Committee and Licensing and Gambling Acts Committee.

Councillor A Cooper reported that Councillor F Adlington-Stringer would take up their Groups place on Business Scrutiny Committee.

Councillor R Shipman highlighted that his Group did not have a place on all scrutiny committees and asked this was considered as part of the review before Annual Council.

RESOLVED –

- (1) That the changes to the political make-up of the Council be noted and the proportional allocation of Committee places be agreed.
- (2) That the appointments to Committees, as updated at the meeting, be agreed.

COU **Community Governance Review**

/95/2

5-26

The Assistant Director of Governance and Monitoring Officer presented a report which informed Council that a valid petition had been received for a Community Governance Review by the District to determine whether a number of properties should be placed under Clay Cross Parish Council from Pilsley Parish Council.

The report explained that the Council was required to draw up Terms of Reference and a timetable and to publish these once agreed. The proposed Terms of Reference were set out in Appendix 2 to the report.

Councillors K Gillott and K Rouse proposed and seconded the recommendations.

RESOLVED –

- (1) That Members acknowledge receipt of the valid Petition for a Community Governance Review.
- (2) That Members consider and approve the Terms of Reference and

timetable for the Review in Appendix 2 to the report.

- (3) That the Assistant Director of Governance & Monitoring Officer be given delegated authority to amend and republish the Terms of Reference for the Community Governance Review.

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

/96/2

5-26

In accordance with Council Procedure Rule No 9.2 to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or the appropriate Cabinet Members. Questions must be received in writing or by email to the Monitoring Officer by 12 noon twelve clear working days before the meeting.

The following questions had been submitted.

Question A – Proposed by Councillor N Baker to Councillor L Hartshorne, Chair of Planning Committee

In the Council meeting in July 2025 I asked the following question:-

“Given the long period which has now elapsed since Covid restrictions were lifted, is it not now time that Planning Committee site visits are carried out in person, instead of continuing them virtually, in order to allow Committee Members to acquaint themselves, more fully, with the nuances and details of each site they are being asked to consider?”

The answer given by Councillor Pickering was “Yes.”

However, the vast majority of the Planning Committee site visits still appear to be being held online. When is it proposed to fully reinstate Planning Committee site visits?

Councillor L Hartshorne advised that Councillor S Pickering had responded to the matter in July. An email had been issued to all substantive members of the Planning Committee seeking feedback on reinstating in-person site visits for major applications. The feedback received supported retaining virtual site visits for non-major applications. Councillor Hartshorne also stated that Members of the Planning Committee may visit any site at any time prior to the meeting, provided the site could be viewed from public areas and/or footpaths. Councillor Hartshorne noted that attendance at virtual site visits was inconsistent and since becoming Chair of Planning Committee he had requested that Members submit apologies if they were unable to attend. Attendance at the two in-person site visits held so far had also been low. Councillor Hartshorne concluded that if any Member considered an in-person site visit necessary then he would be happy to consider this in consultation with officers.

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

Further to the joint letter to DCC just before Christmas, could you provide an update on the relocation of the Clay Cross library planned as part of the Clay

Cross Town Deal?

Councillor N Barker advised that he did not have any further information. He stated that he had received a holding response and the matter had been raised at Derbyshire County Council's Cabinet meeting, and Members would be updated as soon as further information became available.

Councillor C Cupit asked if this was having an impact on the Town Deal, financial planning and wider issues with the project and contractor. Councillor N Barker confirmed the relocation of the library did have an impact on the project and the sooner a decision was made the better.

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

197/2

5-26

The Chair confirmed that one Motion had been submitted.

Motion A – Submitted by Councillor R Shipman

Motion: Opposition to the Proposed Tourist Tax by the East Midlands Mayor

This Council notes with concern the proposal by the East Midlands Mayor to introduce a regional tourist tax on overnight stays.

While this Council recognises the importance of sustainable funding for public services and regional infrastructure, it believes a tourist tax would be counter-productive for our district and the wider East Midlands economy.

Tourism plays a vital role in supporting local business, including hotels, guest houses, pubs, restaurants, attractions and event venues. Many of these businesses are small or family-run and are already facing significant pressures from rising energy costs, staffing shortages and increased operating expenses. A tourist tax risks discouraging visitors, particularly families and short-stay domestic tourists, at a time when the sector is still recovering.

The East Midlands is not a mass-tourism destination comparable to major international cities. Applying an additional charge risks making our region less competitive than neighbouring areas that do not impose such a levy, diverting visitors elsewhere and reducing footfall in our town centres.

This Council is also concerned that the proposal lacks clear detail on how funds would be collected, administered and ring-fenced, and whether revenues would genuinely be reinvested into the communities most affected.

This Council therefore resolves to:-

1. Formally oppose the introduction of a tourist tax in the East Midlands.
2. Call on the East Midlands Mayor to abandon the proposal.
3. Request meaningful consultation with district councils, tourism bodies and local businesses before any similar measures are considered.
4. Write to the Mayor outlining this Council's objectives.

Councillor R Shipman moved the Motion. Councillor Shipman spoke in opposition

to the introduction of a tourism tax, stating that the District was an incredible tourist destination and that an additional levy would risk reducing visitor numbers and harming local businesses. It was suggested that visitors could choose alternative destinations outside Derbyshire, with potential impacts on the local economy and residents. Councillor Shipman urged the Council to take a stand and support the Motion.

Councillor D Hancock seconded the Motion. Councillor Hancock expressed concern that reduced footfall could adversely affect local businesses.

Councillor Dale indicated support for the Motion, stating that tourism was central to Derbyshire's economy. Reference was made to similar representations previously made to Derbyshire County Council and to correspondence sent to the Mayor of the East Midlands expressing concern. Councillor Dale cited the scale of the visitor economy (including an estimated value of £3.58bn per annum and reported growth in overnight stays) and argued that the sector should be supported rather than subject to additional taxation. Councillor Dale also raised concerns regarding the precedent such a levy could set, the likelihood of taxes increasing over time, and the competitiveness of the area in relation to neighbouring counties. Further concerns were raised about existing cost pressures on businesses (including National Insurance and wage increases), potential impacts on town centres and employment, and the absence of detail regarding how any levy would be administered and how the proceeds would be allocated or reinvested.

Councillor R Welton spoke in support of the Motion and commented on the cumulative effect of taxation during challenging economic conditions.

Councillor S Reed spoke in support of the Motion and raised concerns regarding the potential impact on local businesses and that there was no clarity on how revenue would be reinvested.

Councillor C Cupit also spoke in support of the Motion and stated that clarification was needed on how any levy would be collected and how the proceeds would be spent, noting the District's role as a gateway to the Peak District and potential issues around where benefits would accrue. Councillor Cupit proposed an amendment to include a 5th point in the resolved to read 'Ask Cabinet or the relevant Scrutiny Committee to carry out informal consultation with businesses in the District to feed back to the Mayor of the East Midlands'.

Councillor R Shipman confirmed he was happy to accept the proposed amendment.

Councillor N Barker stated that consideration of the matter was premature, as the Mayor had not yet made a decision or presented detailed proposals. It was noted that a consultation on the proposal had recently closed on 18 February 2026, and that the outcomes were not yet known. Councillor Barker commented that the consultation had been about a levy, not a tax and the views of local stakeholders were not yet known. Councillor Barker emphasised the importance of evidence-based decision-making and suggested that, if any charge were to be used to improve the visitor offer, it could potentially lead to an increase in visitors. Reference was also made to the importance of the visitor economy and the

Mayor's stated ambition to develop the East Midlands as a major tourism destination.

Councillor F Adlington-Stringer commented on regional funding pressures and expressed concern about the impact on small, struggling businesses.

Councillor K Gillott supported the Leader's comments and stated that there was insufficient information available regarding the likely consequences of a levy. It was suggested that not all Members were aware or had reviewed the consultation document, and it was noted that any decision would rest with the EMCCA Board. Councillor Gillott referred to the scale of the visitor economy and cited previous work and reports relating to tourism in the Peak District and Derbyshire, including scrutiny work to establish a baseline. Issues identified in earlier reviews were summarised, including relative underperformance and poor local transport connectivity. Councillor Gillott stated that there was no evidence that a levy would reduce tourism and suggested that the area would benefit from increased overnight stays.

Councillor M Durrant supported previous comments that it was too early to reach a conclusion while consultation was ongoing. It was stated that the tourism sector represented a significant growth opportunity and that a modest overnight levy would be unlikely to deter visitors, given prevailing accommodation costs. Councillor Durrant asked Members to vote against the Motion to allow the consultation to conclude and further details to emerge.

Councillor J Birkin stated that it was expected that the Mayor would undertake appropriate work and research before any implementation. Reference was made to broader principles of taxation and the need to identify funding sources for infrastructure to support visitors.

Councillor S Cornwell, as Chair of Business Scrutiny Committee, stated that she would welcome further discussion and suggested inviting EMCCA representatives to attend Scrutiny to address the matter. Reference was made to previous scrutiny work on tourism growth and to past marketing activity that had been funded.

Councillor C Renwick referred to previous growth scrutiny work and commented on the importance of the night-time economy, including potential impacts on local cafés, bars and restaurants.

Councillor L Hartshorne advised that, in his capacity as a member of the Peak District National Park Authority, the Authority was broadly supportive of the proposal in principle, subject to caveats, and was preparing a response to the consultation.

In his right of reply, Councillor R Shipman reiterated support for taking a position on this in principle. Councillor Shipman expressed concern that imposing additional charges on the visitor economy would not support growth and stated that any proposed levy would be intended for infrastructure rather than growth initiatives.

The Motion was put to the vote and lost.

COU Chair's Urgent Business

/98/2

5-26 There was no urgent business.

North East Derbyshire District Council

Annual Council

18 May 2026

APPOINTMENT OF THE VICE CHAIR OF THE COUNCIL

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Amy Bryan – Governance Manager

Contact Officer: Amy Bryan – Governance Manager

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 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"/>	Click here to enter text. 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 appoint a Councillor to be the Vice Chair of the Council for the 2026-27 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 Carol Lacey to serve as Vice Chair of the Council for the 2026-27 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)	

Agenda Item 8

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
Councillor Kevin Gillott	Local Government Reorganisation	<ul style="list-style-type: none"> • Development of Final Business Case/Proposal • Day 1 Readiness of New Unitary Authority • Transformation, Innovation and Service Redesign • Attendance at EMCCA • Attendance at the Strategic Leadership Board

North East Derbyshire District Council

Annual Council

18 May 2026

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: Amy Bryan – Governance Manager
Contact Officer: Amy Bryan – Governance Manager

PURPOSE / SUMMARY

To appoint elected Members to serve as the Chairs and Vice Chairs of the Council's Committees for the 2026-27 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	
<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 applicable given the subject of the report.
<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>	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 nominations for elected Members to serve as Chairs or Vice Chairs of the Council’s Committees for 2026-27 Municipal Year will be circulated in advance of the meeting.

3 Reasons for Recommendation

3.1 To appoint Chair’s and Vice Chairs to the Council’s Committees for the 2026-27 Municipal Year.

4 Alternative Options and Reasons for Rejection

4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
1	Nominations for Chairs and Vice Chairs (to follow)
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

18 May 2026

SCHEDULE OF MEETINGS FOR THE 2026-27 MUNICIPAL YEAR

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Amy Bryan – Governance Manager

Contact Officer: Amy Bryan – Governance Manager

PURPOSE / SUMMARY

To set out the proposed Schedule of Meetings for the 2026-27 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 2026-27 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:

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 applicable given the subject of the report.
<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 checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes Details:

<p>Links to Council Plan priorities;</p> <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
<p>All – Good Governance is a basic requirement for the successful functioning of the Council and achieving the Council Plan Objectives.</p>

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 2026-27 Municipal Year.

4 Alternative Options and Reasons for Rejection

4.1 None.

DOCUMENT INFORMATION

Appendix No	Title
1	Schedule of Meetings for 2026-27
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 2026/2027

MAY 2026				
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			
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

JUNE 2026

Monday 1 June	Tuesday 2 June	Wednesday 3 June	Thursday 4 June	Friday 5 June
1.30pm - Leadership	10am – Licensing Sub Committee(s) (if required)			
Monday 8 June	Tuesday 9 June	Wednesday 10 June	Thursday 11 June	Friday 12 June
<i>1.30pm – Joint Crematorium Committee (CBC)</i>	1pm – Joint ICT Committee (BDC)			10am – Health & Safety Sub-Group
Monday 15 June	Tuesday 16 June	Wednesday 17 June	Thursday 18 June	Friday 19 June
	10am – Housing Strategy Partnership Group			10am – Clay Cross Town Deal Board
Monday 22 June	Tuesday 23 June	Wednesday 24 June	Thursday 25 June	Friday 26 June
10am - Planning Site Visits	2pm – Planning Committee		2pm - Cabinet	
Monday 29 June	Tuesday 30 June			
1.30pm - Leadership	10am – Licensing Sub Committee(s) (if required)			

JULY 2026

		Wednesday 1 July	Thursday 2 July	Friday 3 July
Monday 6 July	Tuesday 7 July	Wednesday 8 July	Thursday 9 July	Friday 10 July
	2pm – General Licensing Committee and/or Licensing and Gambling Act Committee			
Monday 13 July	Tuesday 14 July	Wednesday 15 July	Thursday 16 July	Friday 17 July
2pm - Council		10.30am – Standards Committee		
Monday 20 July	Tuesday 21 July	Wednesday 22 July	Thursday 23 July	Friday 24 July
10am – Environment Scrutiny Committee 3pm – Business Scrutiny Committee	10am – Licensing Sub Committee(s) (if required)			
Monday 27 July	Tuesday 28 July	Wednesday 29 July	Thursday 30 July	Friday 31 July
10am – Planning Site Visits 1.30pm - Leadership 3pm - Audit Committee	10am – Services Scrutiny Committee 2pm – Planning Committee	10am – Communities Scrutiny Committee	2pm - Cabinet	10am - JCG

AUGUST 2026

Monday 3 August	Tuesday 4 August	Wednesday 5 August	Thursday 6 August	Friday 7 August
Monday 10 August	Tuesday 11 August	Wednesday 12 August	Thursday 13 August	Friday 14 August
Monday 17 August	Tuesday 18 August	Wednesday 19 August	Thursday 20 August	Friday 21 August
Monday 24 August	Tuesday 25 August	Wednesday 26 August	Thursday 27 August	Friday 28 August
Monday 31 August				
BANK HOLIDAY				

SEPTEMBER 2026

	Tuesday 1 September	Wednesday 2 September	Thursday 3 September	Friday 4 September
	10am – Licensing Sub Committee(s) (if required)			
Monday 7 September	Tuesday 8 September	Wednesday 9 September	Thursday 10 September	Friday 11 September
10am – Planning Site Visits 1.30pm – Leadership 3pm – Business Scrutiny Committee	2pm – Planning Committee	10am – Communities Scrutiny Committee		
Monday 14 September	Tuesday 15 September	Wednesday 16 September	Thursday 17 September	Friday 18 September
1.30pm – Joint Crematorium Committee (CBC) 3.30pm – Environment Scrutiny Committee	10am – Services Scrutiny Committee		2pm – Cabinet	
Monday 21 September	Tuesday 22 September	Wednesday 23 September	Thursday 24 September	Friday 25 September
		2pm – Joint Board (NEDDC)		10am – Clay Cross Town Deal Board
Monday 28 September	Tuesday 29 September	Wednesday 30 September		
	10am – Licensing Sub Committee(s) (if required)			

OCTOBER 2026

			Thursday 1 October	Friday 2 October
Monday 5 October	Tuesday 6 October	Wednesday 7 October	Thursday 8 October	Friday 9 October
10am – Planning Site Visits 1.30pm - Leadership	2pm – Planning Committee	10.30am – Standards Committee		
Monday 12 October	Tuesday 13 October	Wednesday 14 October	Thursday 15 October	Friday 16 October
2pm – Council	2pm – General Licensing Committee and/or Licensing and Gambling Act Committee	10am – Housing Strategic Partnership Group		
Monday 19 October	Tuesday 20 October	Wednesday 21 October	Thursday 22 October	Friday 23 October
Monday 26 October	Tuesday 27 October	Wednesday 28 October	Thursday 29 October	Friday 30 October
HALF TERM 3pm – Audit Committee	HALF TERM	HALF TERM	HALF TERM 2pm – Cabinet	HALF TERM

NOVEMBER 2026

Monday 2 November	Tuesday 3 November	Wednesday 4 November	Thursday 5 November	Friday 6 November
10am – Planning Site Visits 1.30pm - Leadership	10am – Licensing Sub Committee(s) (if required) 2pm – Planning Committee			10am - JCG
Monday 9 November	Tuesday 10 November	Wednesday 11 November	Thursday 12 November	Friday 13 November
	1pm – Joint ICT Committee (DDDC)			
Monday 16 November	Tuesday 17 November	Wednesday 18 November	Thursday 19 November	Friday 20 November
3pm – Business Scrutiny Committee		10am - Communities Scrutiny Committee		
Monday 23 November	Tuesday 24 November	Wednesday 25 November	Thursday 26 November	Friday 27 November
1.30pm – Joint Crematorium Committee (NEDDC) 3.30pm – Environment Scrutiny Committee	10am – Services Scrutiny Committee			
Monday 30 November				
10am – Planning Site Visits 1.30pm – Leadership				

DECEMBER 2025

	Tuesday 1 December	Wednesday 2 December	Thursday 3 December	Friday 4 December
	10am – Licensing Sub Committee(s) (if required) 2pm – Planning Committee	10.30am – Standards Committee	2pm – Cabinet	10am – Clay Cross Town Deal Board
Monday 7 December	Tuesday 8 December	Wednesday 9 December	Thursday 10 December	Friday 11 December
2pm – Council		10am – Housing Strategy Partnership Group		10am – Health & Safety Sub-Group
Monday 14 December	Tuesday 15 December	Wednesday 16 December	Thursday 17 December	Friday 18 December
Monday 21 December	Tuesday 22 December	Wednesday 23 December	Thursday 24 December	Friday 25 December
				CHRISTMAS DAY
Monday 28 December	Tuesday 29 December	Wednesday 30 December	Thursday 31 December	
BANK HOLIDAY	OFFICE CLOSED	OFFICE CLOSED	OFFICE CLOSED	

JANUARY 2027

				Friday 1 January
				BANK HOLIDAY
Monday 4 January	Tuesday 5 January	Wednesday 6 January	Thursday 7 January	Friday 8 January
10am – Planning Site Visits	2pm – Planning Committee			
Monday 11 January	Tuesday 12 January	Wednesday 13 January	Thursday 14 January	Friday 15 January
1.30pm – Leadership	10am – Licensing Sub Committee(s) (if required)			
Monday 18 January	Tuesday 19 January	Wednesday 20 January	Thursday 21 January	Friday 22 January
3pm – Audit Committee	3pm – Joint Scrutiny Committee		2pm – Cabinet	
Monday 25 January	Tuesday 26 January	Wednesday 27 January	Thursday 28 January	Friday 29 January

FEBURARY 2027

Monday 1 February	Tuesday 2 February	Wednesday 3 February	Thursday 4 February	Friday 5 February
10am – Planning Site Visits 2pm – Council (Budget)	10am – Licensing Sub Committee(s) (if required) 2pm – Planning Committee			10am - JCG
Monday 8 February	Tuesday 9 February	Wednesday 10 February	Thursday 11 February	Friday 12 February
1.30pm – Leadership	1pm – Joint ICT Committee (NEDDC)	10.30am – Standards Committee		
Monday 15 February	Tuesday 16 February	Wednesday 17 February	Thursday 18 February	Friday 19 February
HALF TERM 3pm – Business Scrutiny Committee	HALF TERM	HALF TERM 10am – Communities Scrutiny Committee	HALF TERM	HALF TERM
Monday 22 February	Tuesday 23 February	Wednesday 24 February	Thursday 25 February	Friday 26 February
3.30pm – Environment Scrutiny Committee	10am – Services Scrutiny Committee 2pm – General Licensing Committee and/or Licensing and Gambling Act Committee		2pm – Cabinet	

MARCH 2027

Monday 1 March	Tuesday 2 March	Wednesday 3 March	Thursday 4 March	Friday 5 March
10am – Planning Site Visits 2pm – Council	10am – Licensing Sub Committee(s) (if required) 2pm – Planning Committee			
Monday 8 March	Tuesday 9 March	Wednesday 10 March	Thursday 11 March	Friday 12 March
Monday 15 March	Tuesday 16 March	Wednesday 17 March	Thursday 18 March	Friday 19 March
1.30pm – Joint Crematorium Committee (BDC)		10am – Housing Strategic Partnership Group		10am – Clay Cross Town Deal Board
Monday 22 March	Tuesday 23 March	Wednesday 24 March	Thursday 25 March	Friday 26 March
1.30pm – Leadership		2.30pm – Joint Board (BDC)		GOOD FRIDAY
Monday 29 March	Tuesday 30 March	Wednesday 31 March		
EASTER MONDAY	SCHOOL HOLIDAY 10am – Licensing Sub Committee(s) (if required)	SCHOOL HOLIDAY		

APRIL 2027

			Thursday 1 April	Friday 2 April
			SCHOOL HOLIDAY	SCHOOL HOLIDAY
Monday 5 April	Tuesday 6 April	Wednesday 7 April	Thursday 8 April	Friday 9 April
SCHOOL HOLIDAY 10am – Planning Site Visits	SCHOOL HOLIDAY 2pm – Planning Committee	SCHOOL HOLIDAY	SCHOOL HOLIDAY 2pm – Cabinet	SCHOOL HOLIDAY
Monday 12 April	Tuesday 13 April	Wednesday 14 April	Thursday 15 April	Friday 16 April
Monday 19 April	Tuesday 20 April	Wednesday 21 April	Thursday 22 April	Friday 23 April
1.30pm – Leadership		10.30am – Standards Committee		
Monday 26 April	Tuesday 27 April	Wednesday 28 April	Thursday 29 April	Friday 30 April
3pm – Audit Committee	10am – Licensing Sub Committee (if required)			10am – JCG

MAY 2027

Monday 3 May	Tuesday 4 May	Wednesday 5 May	Thursday 6 May	Friday 7 May
BANK HOLIDAY			ELECTIONS	
Monday 10 May	Tuesday 11 May	Wednesday 12 May	Thursday 13 May	Friday 14 May
10am – Planning Site Visits 3.00pm – Business Scrutiny Committee	2pm – Planning Committee	10am – Communities Scrutiny Committee		
Monday 17 May	Tuesday 18 May	Wednesday 19 May	Thursday 20 May	Friday 21 May
3.30pm – Environment Scrutiny Committee	10am - Services Scrutiny Committee	10am – Housing Strategic Partnership Group	2pm - Cabinet	
Monday 24 May	Tuesday 25 May	Wednesday 26 May	Thursday 27 May	Friday 28 May
2pm – Annual Council				
Monday 31 May				
BANK HOLIDAY				

North East Derbyshire District Council

Annual Council

18 May 2026

APPOINTMENT OF THE COUNCIL'S REPRESENTATIVES TO SERVE ON OTHER ORGANISATIONS (OUTSIDE BODIES) FOR THE 2026-27 MUNICIPAL YEAR

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: Amy Bryan – Governance Manager

Contact Officer: Amy Bryan – Governance Manager

PURPOSE / SUMMARY

To appoint elected Members to serve as the Council's representatives on other organisations (Outside Bodies) for the 2026-27 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 2026-27 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 in line with the Members' duty of care to the outside body; behave ethically and following as far as is applicable in accordance with the Council Code of Conduct and other codes and protocols.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION	
<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 applicable given the subject of the report.
<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

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 To agree the Council's representatives 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 2026-27 (to follow)
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

18 May 2026

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 2026-27 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 2026/27 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 2026/27 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	
<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"/> Please indicate which threshold applies</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
<p>Equality Impact Assessment (EIA) details:</p>	

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;

- **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	Table setting out changes agreed by Standards Committee
2	Employment and Appeals Committee and Investigation and Disciplinary Committee revised procedure and Terms of Reference
3	Revised Member Officer Relations Protocol, along with one-page summaries
4	Revised Social Media Guidance for Councillors
5	Proposed Constitution will be available here – Draft Constitution
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)	

Proposed changes to the Constitution.
Changes in red.
Page references are to the Constitution pages.

Provision of the Constitution	Proposed change and reasons	Final version proposed
Planning Committee Terms of Reference, paragraph g	Under a strict interpretation of paragraph g in the Planning Committee Terms of Reference, a consultant isn't caught by the requirement for an application in the circumstances listed, to go to Committee. in the same circumstances for a Council Officer, the application has to be determined by Planning Committee. This ensures openness and transparency when dealing with such applications.	(g) If a serving Councillor, senior officer or senior manager of the Council (Team Manager and above), Planning Officer or other Planning team member (including a consultant employed to carry out the role of a Planning Officer) advising or determining on planning applications, submits an application to the Authority for himself/herself or on behalf of any other person, or are the Partner or Relative of the same who submits their own application, they will inform both the Planning Manager and the Authority's Monitoring Officer and not take part in processing or determining the Application.
	In the same paragraph it is not clear that close personal friends are included as well as relatives.	Add to the end: For the avoidance of doubt the reference to "person" in this paragraph includes any relative, friend or close associate.
Delegation of functions to officers (within the Planning Committee	Add a new bullet point to the list (I suggest after the current first bullet about all	All applications for certificates of lawfulness (as these do not require an assessment of material planning considerations).

Provision of the Constitution	Proposed change and reasons	Final version proposed
section within the Functions Scheme at Section Seventeen)	submissions under the legislation that states:	
Delegation of functions to officers (within the Planning Committee section within the Functions Scheme at Section Seventeen)	Add another new bullet that says:	All planning applications that relate to amendments to original planning permissions that were themselves determined under delegated powers, in consultation with the Chair of Planning Committee.
Council Procedure Rules, 12.7 Alteration of Motion		12.7 Alteration of Motion (a) A Councillor may alter a motion of which he or she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion. "Friendly amendments" will be dealt with in this way, where the motion proposer agrees the proposed change.
Council Procedure Rules 9. Questions by Cllrs	<p>There are some clarifications of questions which need to take place but currently there is no formal provision for the Monitoring Officer to reject them.</p> <p>For example, it is the case that on some occasions, questions outline facts which are incorrect. Currently there is negotiation between the Monitoring Officer and the Questioner to amend the facts. Should the Questioner be unwilling to amend, there is no direct reason for rejection of the question, unless the contents are defamatory, frivolous or</p>	<p>Proposed additional paragraph 9.4 (i):</p> <p>(i) Where the text of the question contains substantially incorrect factual statements and the questioner refuses to amend the text of the question.</p>

Provision of the Constitution	Proposed change and reasons	Final version proposed
	<p>offensive. In circumstances where the factual inaccuracies are significantly misleading this is not helpful to the debate or public perceptions of the Council.</p> <p>One way to deal with this is to add a power to paragraph 9.4 for the Monitoring Officer to reject a question in these circumstances.</p>	
<p>Council Procedure Rules 10. Motions – on Notice.</p>	<p>The same issue arises with motions proposed on notice – that the contents of the motion are substantially factually incorrect. This has the potential to be more damaging as Council is actually taking a decision on a motion. Again the system relies on the proposer of the motion agreeing to make changes to the wording of the motion.</p> <p>Members could consider adding a similar provision to that for questions.</p>	<p>The Monitoring Officer may reject a motion if:</p> <p>Proposed additional paragraph 10.2 Scope (j):</p> <p>(j) Where the text of the motion contains substantially incorrect factual statements and the proposer refuses to amend the text of the motion.</p>
	<p>Where a motion seeks to change or make a Cabinet decision, it should not be possible for the motion to proceed. There is always an opportunity for the Monitoring Officer to discuss this with the motion proposer and seek a compromise. However if a motion proposer should refuse to amend the motion there is only the provision that</p>	<p>Add the following statement to 10.2 Scope:</p> <p>The Monitoring Officer will reject any motion which recommends the Council to make a decision in relation to a Cabinet function or to change a Cabinet decision. Such a motion will be referred to Cabinet for consideration.</p>

Provision of the Constitution	Proposed change and reasons	Final version proposed
	<p>allows the HOPS to advise the Chair that it is illegal.</p> <p>A clear statement that Council cannot make decisions that are within the Cabinet's functions could cover this.</p> <p>This would still allow debate by Council on whether and in what terms to refer a matter to Cabinet.</p>	
11 Motions and amendments without notice.	Where the motion is complex – such as when an alternative budget is proposed – a response will need to be worked through and considered financially and legally in advance of the Council Meeting. This should not therefore be a motion which is put forward without notice.	<p>Add after 10.6:</p> <p><u>10.6 Alternative Budget proposal</u></p> <p>Prior to moving a motion or amendment in Council proposing an alternative budget to the proposals of the Cabinet, a Cllr must in advance of the meeting seek the views of the Section 151 Officer. A failure to do so will result in the motion being rejected by the Chair.</p> <p>The motion must contain sufficient detail within it to justify the proposal. The Chair will take the advice of the Statutory Officers in determining this.</p>
Appendix to the Constitution Two –	There is no requirement for Cllrs to submit their travel and subsistence claims within a specified time frame. Officers' claims	Add in an extra sentence as follows:

Provision of the Constitution	Proposed change and reasons	Final version proposed
Members' Travel and Subsistence Policy.	should be submitted monthly and are subject to approval by the Section 151 Officer if claimed outside 3 months. There is therefore a decision to be made as to whether claims should be submitted by Members within 3 months of the claim arising.	Members will submit claims within 3 months of the claim arising. All claims for a particular financial year are to be submitted within one month of 31 March.
Council Procedure Rules 10 Motions - on Notice	<p>Currently there is no requirement for a Councillor proposing a motion to inform the Council who will be seconding the motion. Some Proposers do include this information.</p> <p>Some councils require that a motion is submitted by 2 Councillors – presumably the mover and seconder. This would give a degree of certainty as to what would be moved and seconded at Council and prevents speculation on the day.</p> <p>Accordingly it is proposed to add this requirement to the Rules.</p>	<p>10.1 Motions - on Notice</p> <p>Change the requirement to the motion being signed by two Councillors, so that it reads:</p> <p>Except for motions which can be moved without notice under Rule 11, written notice of every motion, signed by the proposed mover of the motion at least one Councillor, must be delivered to the Monitoring Officer not later than midday on the day twelve clear working days before the date of the meeting. These will be published on the Council's web site. There is a limit of one motion, per Councillor Member, per meeting. Details of motions submitted by Councillors on notice will be circulated to the Cabinet immediately after the deadline has passed.</p>
Changes to Employment and Appeals Committee and establishing an	To ensure the full process is in place to deal with employment matters relating to the Statutory Officers.	Revised Terms of Reference for the Employment and Appeals Committee, including the establishment of an Investigation and Disciplinary Committee

Provision of the Constitution	Proposed change and reasons	Final version proposed
Investigation and Disciplinary Committee		Procedure and Terms of Reference attached as Appendix 2
Member Officer Relations Protocol	Revised protocol following new guidance from the LGA.	Attached as Appendix 3, along with one-page summaries.
Social Media Guidance	Revised guidance	Attached as Appendix 4

Employment and Appeals Committee and Investigation and Disciplinary Committee

There will be an Employee and Appeals Committee of four Councillors.

The membership shall comprise the Leader of the Council, the Deputy Leader, a Cabinet Member and the Leader of the Largest Minority Group or their appointed substitute.

There will be an Investigation and Disciplinary Committee of four Councillors.

The membership shall comprise of three Cabinet members and the Deputy Leader of the Largest Minority Group or their appointed substitute.

Substitutes if called upon will replace an existing member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed.

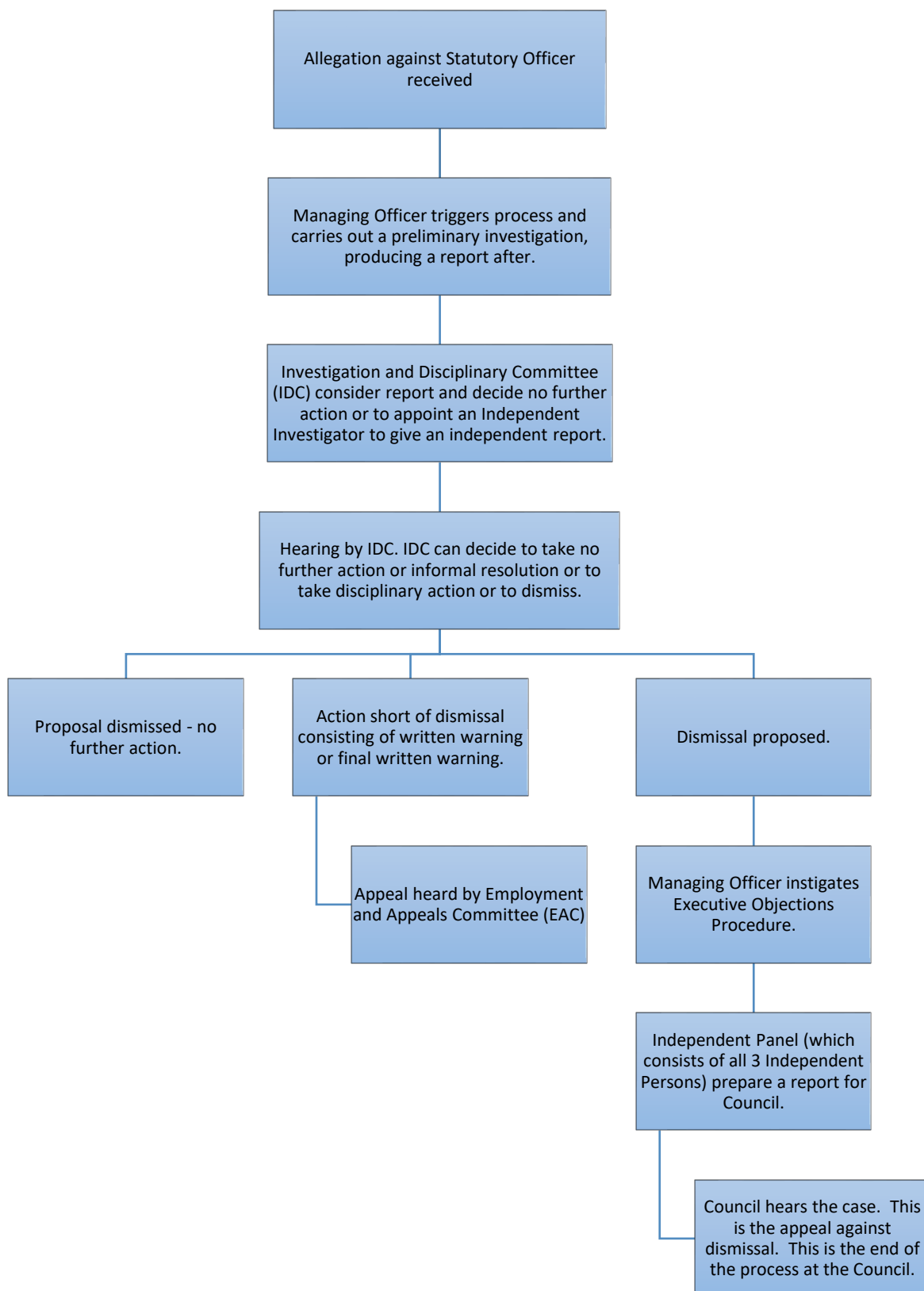
The Members shall be appointed at the Annual Meeting. The rules of proportionality shall apply to this Committee.

The two Committees will have the roles and functions as set out below:

EMPLOYMENT AND APPEALS COMMITTEE
<p>To interview candidates for posts within the Senior Management Team.</p> <p>To appoint candidates to posts within the Senior Management Team, with the exception of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.</p> <p>To recommend to Council the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer.</p> <p>To deal with appeals from the Chief Officers/Deputy Chief Officers, including Statutory Officers, against action taken against them.</p>

INVESTIGATION AND DISCIPLINARY COMMITTEE
<p>To deal with the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers.</p> <p>To determine whether to appoint an Independent Investigator to give an independent report regarding a complaint against a Statutory Officer.</p> <p>In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Investigation and Disciplinary Committee shall make a recommendation to Council which will be supported via a report from two of the Council's Standards Committee Independent Persons.</p>

Statutory Officer Allegations Process



Member Officers Relations Protocol

1 INTRODUCTION

1.1 Effective working relationships between elected members and officers are fundamental to public service delivery and good governance in local government. They foster mutual respect, clarify roles and enable constructive challenge, which support ethical decision-making, delivery and accountability.

When these relationships function well, they enable the delivery of high-quality public services which reflect local priorities, fulfil statutory duties and support the Authority's financial sustainability. Ultimately, this collaboration builds public trust and strengthens democratic legitimacy.

Elected members and officers have vital, complementary roles. Elected members provide democratic leadership, set strategic direction, hold decision makers to account and represent the interests of their communities. Officers bring professional expertise, impartial advice, and operational capability to support informed decision-making and delivery. Together, they ensure that public services are delivered economically, efficiently and effectively, in line with local needs and priorities.

1.2 The purpose of these rules is to guide Members and employees of the Council in their relations with one another and to build competence in decision making and public confidence in decisions.

1.3 Given the variety and complexity of such relations this protocol does not seek to be either prescriptive or comprehensive. It seeks simply to offer guidance on some of the issues which most commonly arise.

1.4 These rules also seek to reflect the principles set out in the respective codes of conduct which apply to Members and employees. The shared objective of these codes is to enhance and maintain the integrity (real and perceived) of local government and it, therefore, demands very high standards of personal conduct.

1.5 The rules reflect good practice. They aim to provide an open and honest working relationship between Members and employees which ensures the delivery of the Council's statutory and other proper functions in a transparent and accountable way.

2 APPLICATION

2.1 The provisions of the rules apply to all Members. Breach of those provisions can be the basis for a complaint to the Monitoring Officer under the Members' Code of Conduct and in relation to employees, to disciplinary action. The Employee Code of Conduct is part of the terms of conditions of employment. Employees are accountable to their Senior Manager and while employees will seek to assist any Member they must not be asked by Members to go beyond the bounds of whatever authority they have been given by their Senior Manager.

2.2 Any dispute over any provision of these rules in relation to employees should be referred in the first instance to the responsible service manager or the Head of Paid Service. If agreement cannot be reached the Head of Paid Service will seek to resolve the issue in conjunction with the Leader of the Council and/or the Leader of the appropriate party group. Issues relating to employee conduct will be dealt with under disciplinary procedures. Any unresolved dispute relating to Member conduct under this protocol will be determined in accordance with the Councillor Complaints Procedure.

2.3 These rules should also be read in conjunction with the Members Planning Rules and the Protocol on Gifts Hospitality and any other policies of the Council, for example the Whistleblowing Policy (Public Interest Disclosure) and the Harassment and Bullying Policy.

3 PRINCIPLES OF THIS MEMBER OFFICER RELATIONS PROTOCOL

Effective member-officer relations are built on a series of interconnecting basic principles:

1. **Ethical conduct:** Members and officers individually act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
2. **Mutual respect and trust:** Members and officers respect each other, their respective roles and responsibilities.
3. **Clear and well understood roles and responsibilities:** The roles and responsibilities of both members and officers, including the boundaries between them, are clearly defined, consistently communicated and understood by all members and officers working with members.
4. **Visible leadership:** Senior members and officers actively and visibly model, promote and uphold the authority's standards, setting clear expectations. They are committed to preventing, identifying and resolving conflicts constructively and transparently.

Principle 1: Ethical conduct

Ethical conduct is the overarching principle of effective member-officer relations: without these, effective collective behaviours cannot be achieved. The **Seven Principles of Public Life** (Nolan Principles) are that members and officers individually act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

They apply to all public officeholders, both elected and appointed, nationally and locally in England and define clear expectations around consistent behaviour which supports mutual respect and trust:

1. **Selflessness:** Holders of public office should act solely in terms of the public interest.
2. **Integrity:** Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

3. **Objectivity:** Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability:** Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness:** Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
6. **Honesty:** Holders of public office should be truthful.
7. **Leadership:** Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Principle 2: Mutual respect and trust

Members and officers respect each other, their respective roles and responsibilities.

What do we mean by mutual respect and trust?

Mutual respect and trust is a two-way street, requiring active commitment from both members and officers to maintain healthy, professional working relationships.

Trust has to be earned and maintained by both parties through consistent, respectful behaviour. Respect is reciprocal: when one side feels undermined, the relationship suffers.

Why does mutual respect and trust matter?

Trust enables open, constructive dialogue. Members can feel confident that officers will provide honest, impartial advice and officers can trust that members will use that advice responsibly. This fosters a collaborative environment where complex issues can be tackled jointly.

Constructive challenge is a vital part of this relationship: members have a responsibility to scrutinise recommendations and advice objectively, in support of transparency and accountability. Where it applies to their actions or advice, it is important that officers recognise that constructive challenge is not personal, but a legitimate and necessary aspect of good governance and continuous improvement.

When members and officers work together respectfully, it reflects positively on the authority. The public is more likely to trust an authority that demonstrates professionalism, unity and integrity in its internal relationships.

A breakdown in trust between members and officers can seriously undermine the effectiveness of the authority. When trust erodes, officers may hesitate to offer honest advice, fearing criticism. Members may disregard professional advice, leading to decisions which do not consider all potential implications (with a risk of unlawfulness). Operational boundaries can be blurred, causing inefficiencies, confusion and confrontation over respective roles. Public meetings can become arenas for confrontation, where officers feel personally challenged rather than having their advice or implementation constructively examined. Public confidence in the authority can suffer, especially if internal tensions become visible, damaging its reputation. Morale among officers may decline, resulting in disengagement and

higher turnover. Ultimately, without mutual trust and respect, the authority's ability to govern effectively and serve its community is compromised.

Principle 3: Clear and well understood roles and responsibilities

The roles and responsibilities of both members and officers, including the boundaries between them, are clearly defined, consistently communicated and understood by all members and officers working with members.

What are the roles and responsibilities in this context?

Members are elected by the public to represent their local communities. Their role is primarily strategic and political, and includes:

- deciding the Authority's priorities, approving budgets and setting the Authority's high level strategic direction
- acting as advocates for residents, raising concerns and ensuring local voices are heard
- holding the Cabinet and officers to account through scrutiny committees and other governance mechanisms
- involvement in senior officer appointments/ dismissals as set out in the constitution.

In addition, some members, especially those in Cabinet or committee roles, also make decisions on services, policies and/or applications.

Members must act in at all times in accordance with their authority's Member Code of Conduct. Officers must also act in accordance with their authority's Officer Code of Conduct at all times.

Officers are employed to provide expert professional advice, implement decisions, and manage day-to-day operations. Their role is operational and administrative, and includes:

- supporting members by providing professional, legal, and technical advice
- implementing the decisions made by members and ensuring services are delivered effectively
- day to day staff management, leading teams and overseeing budget, staff, performance standards and service delivery
- ensuring the Authority operates within legal and regulatory frameworks
- providing information to Members which they need to perform their roles.

Some officers also have specific responsibilities which are set out in legislation. For example, by law every local authority must appoint a Head of Paid Service (Chief Executive), a Monitoring Officer and a Section 151 Officer (Chief Finance Officer), each of whom have specific statutory duties to support lawful, ethical and financially sound decision-making.

Both Members and officers should respect the boundaries of their own roles. Members must not involve themselves in operational matters and officers must not engage in political activity in the Authority. Senior officers in what are known as 'politically restricted posts' are barred by law from engaging in any party political activity.

It is good practice to list detailed examples of acceptable and unacceptable behaviour in a protocol: this can help to set clear expectations for members and officers.

It is good practice to give examples of acceptable and unacceptable behaviour, as this can help to set clear expectations for both Members and officers. These are in Appendix 1 where there is a table showing acceptable and unacceptable behaviours. Whilst this isn't an exhaustive list, it can help guide behaviour.

Why are clear and well understood roles and responsibilities important?

Local authorities operate within a legal framework. Clear and well understood roles and responsibilities make it easier to hold the right people accountable for decisions and compliance with the law and the authority's constitution. This is a cornerstone of good governance which relies on the right people doing the right thing at the right time in the right way.

Clarity helps members and officers to build professional and respectful working relationships. Members should have confidence that officers are politically neutral and understand that they are required to address operational pressures, whilst officers should respect the democratic mandate of elected members and the pressures of representation.

Clear boundaries prevent overreach and ensure decisions are made at the appropriate level.

Principle 4: Visible leadership

Senior members and officers actively and visibly model, promote and uphold the Authority's standards, setting clear expectations. They are committed to preventing, identifying and resolving conflicts constructively and transparently.

What do we mean by visible leadership?

Visible leadership means senior Members and officers being seen to consistently demonstrate the Seven Principles of Public Life and the Authority's behavioural standards, as set out in the respective codes of conduct and protocols, all of which are in the Constitution. This includes promoting accountability by setting clear expectations and intervening constructively when issues arise.

Why is visible leadership important?

Visible leadership from both senior Members and officers sets the tone and expectations for the entire organisation. When leaders model respectful, collaborative behaviour and hold each other to account appropriately, it signals to others that mutual trust and professionalism are expected and valued. Being seen to work constructively with other political leaders in the Authority is part of this.

Senior Members, such as the Leader, Cabinet Members and committee Chairs, can demonstrate political leadership by engaging constructively with officers, respecting their advice and upholding ethical standards. Senior officers, such as the Chief Executive, Section 151 Officer and Monitoring Officer, can reinforce this by providing impartial guidance, ensuring that members have the support they need to fulfil their roles and maintaining focus on operational delivery.

Visible leadership helps Members and officers to understand that any issues will be dealt with constructively and not avoided or allowed to fester. They can have confidence that senior leaders support the aims and use of the protocol.

How does visible leadership apply in the context of the protocol?

Senior members and officers are responsible for upholding and modelling the principles set out in this protocol. Their visible involvement in developing its principles and commitment to practice them gives the protocol authority and credibility.

Their leadership ensures that the protocol is not just a formal document, but a living framework that shapes behaviour and supports good governance.

When issues arise such as inappropriate conduct, overstepped boundaries or breakdowns in communication, it is important that senior leaders are prepared to intervene promptly and fairly. This may involve informal resolution, mediation or invoking formal procedures under the protocol or codes of conduct. Addressing issues swiftly is vital, as it prevents the embedding of poor conduct.

3 MEMBERS' CODE OF CONDUCT

3.1 Under the Members' Code of Conduct, Members of North East Derbyshire District Council are committed to:-

- Dealing with people fairly, appropriately and impartially.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Valuing colleagues and officers and engaging with them in an appropriate manner and in a way that underpins the mutual respect between everyone that is essential to good local government.
- Always treating people with respect, including the organisations and public they engage with and those the member works alongside.

4 EMPLOYEE CODE OF CONDUCT

4.1 The Employee Code of Conduct was drawn up broadly in line with the Local Government Management's Board Code of Conduct for local government employees with variations to reflect North East Derbyshire's conditions and circumstances.

(1) Standards

Employees are expected to give the highest possible standard of service to the public and where it is part of their duties to provide appropriate advice to other employees and Members with impartiality and courtesy.

(2) Disclosure of Information

(i) The law requires that certain types of information must be made available to Members, Auditors, Government Departments, Service Users and the public.

(ii) Under the Local Government Act 1972 the public have a right to see certain information. In most circumstances these rights are related to committee reports and background documents.

(iii) Employees must not use any confidential information obtained in the course of their employment for personal gain or benefit nor shall they use it to pass onto others who might use it in such a way.

(iv) Only employees authorised by a Senior Officer or Senior Manager to do so may talk to the press or otherwise make public statements on behalf of their Service or Directorate. Generally an employee contacted by the press should refer the matter to the Communications Team who will deal with it as appropriate.

(v) The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 provide additional rights of access to documents for Members of Scrutiny Committees.

(3) Political Neutrality/Activities

(i) Employees serve the Council as a whole. It follows, therefore, that they must serve all Members, not just the Members of any controlling group and must ensure that the individual rights of all Members are respected.

(ii) Some senior employees will be expected within the Council's guidelines to advise political groups. These employees have a duty to advise minority groups as well as the majority group.

(iii) Some employees who are normally those in more senior positions are in politically restricted posts and by law are prevented from taking part in certain political activities outside their work. Employees who are in this position should have been told of this in writing and of the rules about claiming exemption but any employee who is in doubt about their position should contact a ~~Senior Officer~~ HR.

(4) Relationships

(i) Both Members and Officers are servants of the public, and they are indispensable to one another but their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Officers are responsible to the Council. Their job is to give advice to Members and the Council, and to carry out the Council's work under the direction and control of the Council, its committees and sub-committees and the Cabinet.

(ii) Members must not do or threaten to do anything which compromises or which is likely to compromise the impartiality of an employee of the Council.

(iii) In line with the Council's Codes' reference to "mutual respect", it is important that any dealings between Members and officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position or be hostile to the other.

(iv) Mutual respect between employees and Members is essential to good local government but close personal familiarity between employees and individual Members can damage the relationship and prove embarrassing to other employees and should, therefore, be avoided.

(v) It is important that in any dealings between Members and Officers that neither party should act discriminatively against the other in regard to all elements covered by the Equalities Act 2010 including: age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

(vi) In their dealings with Chief Officers and Officers (especially junior Officers) Members need to be aware that it is easy for the Officers to be overawed and feel at a disadvantage. Such feelings can be intensified when Members hold additional official and/or political office. A Member should not apply undue pressure on an Officer either to do anything that they are not empowered to do or to undertake work outside normal duties or normal hours or to allow or aid the Member to do something which the Member is not authorised to do. Particular care needs to be taken in connection with the ease of use of Authority property and services.

(vii) Similarly, an Officer must neither seek to use undue influence on an individual Member to make a decision in their favour nor raise personal matters to do with their job nor make claims or allegations about other staff. The Authority has formal procedures for consultation, whistleblowing, grievance and discipline. As an exception to this provision an officer may raise issues (other than those relating to the officer's employment or engagement with the Council) relating to Authority business where the Member is the local ward Councillor of the officer concerned.

(viii) Whilst the Chair of a committee or sub-committee or Leader of the Council will routinely be consulted as part of the process for drawing up the agenda for a forthcoming meeting it must be recognised that in many situations an officer will be under a duty to submit a report on a particular matter. Similarly, an officer will always be fully responsible for the contents of any reports submitted in their name. Any issues which cannot be resolved as the result of a decision/negotiation between the relevant Chair and an officer in this area should be referred to the Head of Paid Service for resolution. Where individual Members wish to place an item on an agenda they should notify the appropriate meeting Chair or Head of Paid Service and comply with the Council's Constitution.

(ix) The same is the case in relation to Delegated Decisions, where an officer has the delegated authority to make a decision. The Cabinet Member or Chair of a committee should be informed of the contents of the Delegated Decision notice (DD) where it is within their role and any of their views taken into account. However it is the responsibility of the officer alone to take the decision and therefore the officer must decide the issue and not defer to the Members view. Again if there is an issue with a Member or Members over a DD decision and this cannot be resolved, the advice of the Head of Paid Service should be sought.

5 ADVICE AND SUPPORT TO POLITICAL GROUPS

5.1 There is now statutory recognition for political groups and it is common practice for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant Council decision making body. Officers may properly be called upon to support and contribute to such deliberations by political groups.

5.2 Political group meetings form part of the preliminaries to Council decision making and are not empowered to make decisions on behalf of the Council. Conclusions reached at such meetings do not, therefore, rank as Council decisions. Members must not ask employees to implement a party group decision unless and until that decision has been properly taken in accordance with the Council's Constitution.

5.3 Similarly, where Officers provide information and advice to a political group meeting in relation to a matter of Council business, this cannot act as a substitute for providing all necessary information and advice to the relevant Committee or Sub Committee when the matter in question is considered.

5.4 Special care needs to be exercised whenever Officers are involved in providing information and advice to a political group meeting which includes persons who are not Members of the Council. Such persons will not be bound by the Council's Code of Conduct (in particular, the provisions concerning the declaration of interests and confidentiality) and for this and other reasons Officers may not be able to provide the same level of information and advice as they would to a Members only meeting.

5.5 Officers must respect the confidentiality of any political group discussions at which they are present and should not relay the content of any such discussion to another political group.

5.6 The support provided by officers can take many forms, ranging from a briefing meeting with a Chair or Spokesperson prior to a Committee meeting to a presentation to a full political group meeting. Whilst in practice such officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, it is important to ensure such support is available to all political groups.

5.7 The only basis on which the Council can lawfully provide support services to Members (e.g. office support, laptop, iPad or other technology, stationery, transport, access to and use of District Council buildings and rooms etc) is to assist them in discharging their role of Members of the Council. **Such support services must, therefore, only be used on Council business.** They should never be used in connection with party political or campaigning activities, for elections or for private purposes.

5.8 Any particular cases of difficulty or uncertainty in this area of employee advice or support to party groups should be raised with the Head of Paid Service who will discuss them with the relevant group Leaders.

6 MEMBERS' ACCESS TO INFORMATION, COUNCIL DOCUMENTS AND EMPLOYEE ADVICE

6.1 Members will need in the discharge of their duties to access information from employees, this will usually be most efficiently achieved through the Senior Managers who are able to provide an overview or direct the Member to the most appropriate employee. For individual cases Members may approach case officers, but junior staff are entitled to refer the Member to the responsible Senior Manager.

6.2 Members who wish to obtain information from employees should request it as early as possible recognising that employees may require reasonable time to collate or research the information. Members will state any deadline for the provision of this information. Officers will do their best to comply with the timescale. This also applies where a Member wishes to obtain information to supplement a report after the agenda for a meeting has been issued. Members are encouraged to ask any technical questions on reports in advance of the meeting so that they are fully briefed before the meeting begins.

6.3 Employees will make every reasonable effort to provide Members with accurate factual information and professional advice in a timely manner, unless this would exceed the officer's authority or there are lawful reasons to prevent disclosure of the information.

6.4 Members have the same statutory right as any member of the public to inspect any Council document which contains material relating to any business which is to be transacted at a Council or Committee meeting or a meeting of Cabinet and any relevant background papers. This right applies irrespective of whether or not the Member is a Member of the Cabinet, Committee or Sub-Committee concerned or acting as a substitute. This right does not, however, apply to documents relating to items containing information which is exempt from publication. The items in question are those which contain exempt information relating to employees, occupiers of Council property, applicants for grants and other services, contract industrial relations negotiations, commercial negotiations, advice from Counsel and criminal investigations.

6.5 Correspondence held by the Monitoring Officer in relation to his/her duties is similarly exempt unless released by him/her in the interest of furthering any enquiry.

6.6 The common law right of Members is much broader and based on the principle that any Member has a prima facie right to inspect Council documents so far as their access to the documents is reasonably necessary to enable the Member to perform properly their duties as Member of the Council. This principle is commonly referred to as the 'Need to Know' principle

6.7 The exercise of this common law right depends, therefore, upon the Member's ability to demonstrate the necessary "Need to Know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "Need to Know". This question will be determined by the particular Director or Assistant Director as appropriate, whose staff holds the document in question (with advice from the Monitoring Officer). It follows from this that the Member must give the reason for the enquiry. Written reasons will be provided on request by the officer. In the event of dispute, the question falls to be determined by the relevant Committee - i.e. the Committee in connection with whose functions the document is held or the Cabinet.

6.8 A Member who requests to inspect documents which contain personal information about third parties will normally be expected to justify their request in specific terms.

6.9 A Member of one party group will not have a 'Need to Know' and, therefore, does not have a right to inspect any document which forms part of the internal workings of another party group and is in the possession of the Council or of an individual employee.

6.10 More detailed advice regarding Members' rights to inspect Council documents may be obtained from the Monitoring Officer.

6.11 Any Council information is provided to a Member on the basis that it must only be used by the Member in connection with the proper performance of the Member's duties as a Member of the Council. This forms part of the Council's data protection requirements. This obligation for confidentiality is part of the Codes of Conduct.

6.12 The 'Need to Know' principle is applicable to Councillors only. The Freedom of Information legislation (FOIA) is separate from the 'Need to Know principle' and is for the public generally. In the right circumstances, the FOIA can be used by any of the public (including Members), to ask for information from a public body. Thus councillors can use the 'Need to Know' principle and FOI in appropriate circumstances to find out information from the District Council.

7 RELATIONSHIPS BETWEEN OFFICERS AND CABINET MEMBERS/ CHAIRS OF COMMITTEES/LEADER

7.1 It is important to the efficient discharge of the Council's functions that there should be a good working relationship between Members of the Cabinet, Senior Officers and Senior Managers and between the Chairman of a committee and the lead officer and other senior officers who deal with matters within the terms of reference of that body. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the employee's ability to deal impartially with other Members and other party groups.

7.2 Senior Officers and Senior Managers frequently write reports having undertaken background research and professional and technical appraisals of proposals.

7.3 These reports are then presented by the Cabinet Member with the Portfolio responsibility for that area of activity.

7.4 Members must accept that in some situations officers will be under a duty to submit an opinion or advice in a report on a particular matter. In those situations the officer will always be fully responsible for those elements of the report submitted in the Member's name.

7.5 Where an officer wishes to consult a Cabinet Member or Chairman as part of the preparation of a report to a decision making body within the Council's Constitution, the following principles will apply. The Cabinet Member or Chairman may ask the report author:

- (1) To include particular options;
- (2) To clarify the report by expanding, simplifying or re-phrasing any part of the report or including other particular information;
- (3) To check or correct any error or omission of any matter or fact including statements of summaries of policy or budget;
- (4) To check or correct any typing errors, omissions or duplications;
- (5) To check any estimate of costs or savings.

7.6 The Cabinet Member or Chairman may not ask officers:

- (1) To exclude any option contained in the draft report;
- (2) To exclude or alter the substance of any statement in the draft report of any officers' professional opinion.
- (3) To alter the substance of any recommendations that compromises the officer's integrity or would result in illegality;
- (4) To exclude any statement that a course of action would be a "key decision" or would be contrary to a policy or budget or to exclude any statement regarding legality, fairness or financial prudence, made by officers exercising their designated functions under the law and the Council's Constitution;
- (5) To exclude any report, comments or representations arising from consultations, publicity or supply of information to the community.

7.7 Certain statutory functions are undertaken by officers. Their reports on such matters are then their own full responsibility.

7.8 Whenever a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should as a matter of course be invited to attend the meeting. Similarly, whenever the Council undertakes any form of consultative exercise on a local issue, the Ward members should be notified at the outset of the exercise.

7.9 In relation to action between meetings, it is important to remember that the law allows for decisions (relating to the discharge of any of the Council's functions) to be taken by a Committee, a Sub-Committee or an Officer and in relation to Executive functions by the Cabinet or an Officer. Legislation allows for Members to take individual decisions where the Council decides that this should happen and as set out the Functions Scheme. These decisions can only be taken in specific circumstances following appropriate advice and the decision must be recorded on a Delegated Decision form – a DD. This does not mean that any decision can be taken by a Member. The rules relating to decision making where it is a Committee or Sub Committee or officer decision remain unchanged.

7.10 The Council's delegation scheme is contained within the Constitution. This contains the majority of delegations to officers. From time to time the Cabinet, Committees and the Council give additional delegations which are added to the Constitution as it is updated annually.

7.11 Finally, it must be remembered that Officers within any department are directly accountable to their relevant Director. Whilst Officers should always seek to assist a Chair (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given.

8 SCRUTINY ARRANGEMENTS

8.1 The principles of the Employee's Code of Conduct remain in place under the Cabinet arrangements. However, these arrangements raise particular issues for local authority employees because:-

(a) The advice which officers have given to the Cabinet, its Members or to any group may now be subject to scrutiny and examination by a Scrutiny Committee.

(b) Officers may have written reports for presentation by a Cabinet Member or provided advice to the Cabinet. Where such a decision is subject to Scrutiny by a Scrutiny Committee in their scrutiny roles, or when a decision is called-in, an officer may provide information or advice to a Scrutiny Committee. Members must recognise that there is an inherent tension between these two roles. As circumstances change or more information comes to light, advice may reflect the difference.

(c) Scrutiny Committees or their members will need active assistance from officers if they are to perform their role of scrutinising the Cabinet effectively.

These factors will require understanding by Members of the role that officers have to perform.

9 PUBLICITY AND CORRESPONDENCE

9.1 Correspondence between an individual Member and an officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy the correspondence to another Member, this should be made clear to the original Member. In other words, a system of "silent copies" should not be employed.

9.2 Official letters/emails on behalf of the Council should normally be sent ~~out~~ in the name of the appropriate officer, rather than ~~over~~ in the name of a Member generally. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to appear ~~over~~ in the name of a Member. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

9.3 Where Members send correspondence in their own name as a Member of the Council, such correspondence may be sent on Council headed notepaper headed with the words "from the Office of [Name of Councillor]". Emails can be (and are) sent by Members, but on the same basis as letters – that they must not appear to be official communications from the Council.

9.4 The Council abides by the provisions of the current code of recommended practice on local authority publicity.

9.5 Information on Council services will be produced in collaboration with Communications, Marketing and Design and will be impartial reflecting Council approved policy.

9.6 All news releases will be written and issued by Communications, Marketing and Design following consultation with the Senior Officers and Portfolio Member concerned.

9.7 Publicity will not be party political and will report on and reflect Council policy.

9.8 Media requesting political comments will be referred to the political group Leaders.

9.9 It is the intention of the Council to make public information available on the website accessible to Members and residents as resources allow.

10 THE ROLE OF THE HEAD OF THE PAID SERVICE

10.1 The Head of Paid Service has a specific statutory function in relation to employees, appointment, discipline, terms and conditions of employment and collective bargaining. Members will recognise and respect those responsibilities and duties.

11. THE ROLE OF THE SECTION 151 OFFICER

11.1 The Section 151 Officer has a specific statutory function in relation to the management of the financial affairs of the Council and ensuring that they comply with legislation and the Council's own financial rules.

12. THE ROLE OF THE MONITORING OFFICER

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

Appendix to the Protocol for Member/Officer Relations

What Members Can Expect From Officers	
Officers Do	Officers Don't
Pursue lawful policies and comply with the Officers' Code of Conduct	Deviate from the Constitution, legal or contractual obligations
Promote equality, serve all Members equally with dignity, respect and courtesy, regardless of political group or position	
Comply with legal duty to provide professional advice, impartiality and implement Council policy	Allow their personal or political opinions to interfere with their work or professional judgement and advice
Avoid close personal familiarity with Members and follow guidelines on Personal Relationships	Form friendships, close relations with Members
Follow Council procedures for dealing with Member enquires effectively, efficiently and within set timescales.	
Act with integrity and appropriate [not absolute] confidentiality	<ul style="list-style-type: none"> • Seek to improperly influence Members; • Improperly disclose information received from one Member to another; or • Raise their personal circumstances or those of another directly with Members. Personal issues that might be raised with a Ward Member should be raised in a private capacity outside of work time.
Respect each other's free (i.e. non Council) time	
Be prepared to justify and give reasons for decisions made under delegated powers;	
Report the least suspicion of fraud, corruption or impropriety	Conceal any information which it is proper for them to disclose (particularly where they have a duty to reveal it);

What Officers can expect from Members	
Members Do	Members Don't
Comply with the Members' Code of Conduct – ensuring the highest standards of behaviour	
<p>Promote equality and treat all Officers with dignity and respect</p> <p>Members are to comply with the equality laws prohibiting discrimination, harassment and victimisation</p> <p>Chairs of meetings are expected to apply the rules of debate/procedures to prevent abusive or disorderly conduct</p>	<p>Subject individuals (including officers) to undermining or personal attack</p> <p>Undermine respect for Officers in public meetings, the media or at any other time when dealing with Council business</p>
<p>Only ask Officers to provide professional advice on matters that clearly arise from being an elected Councillor;</p> <p>Respect impartiality and integrity of Officers and do not compromise it</p> <p>Respect Officers' free (i.e. non Council) time.</p>	<p>Ask Council Officers to improperly spend Council time or resources for political purposes.</p> <p>Insist an Officer changes his/her professional advice</p>
Provide political leadership and direction, making timely decisions	<p>Get involved in day to day management</p> <p>Ask Officers to breach Council procedures or policy when acting on behalf of constituents</p> <p>Put pressure on an Officer on matters which have been delegated for Officer decision.</p> <p>Attempt to bypass council processes or improperly influence decisions.</p> <p>A Member who behaves in this way may lead Officers to make decisions that are not objective and that cannot be accounted for.</p>

	Not to seek special or adverse treatment for themselves or any individual by using their position as a Member nor improperly to gain an advantage or disadvantage for themselves or any other person when dealing with Council Officers
Apply appropriate confidentiality to information.	
Report the least suspicion of fraud, corruption or impropriety	Instruct Officers to take actions which are unlawful, financially improper or likely to amount to maladministration. Members have an obligation under their Code of Conduct to have regard, when reaching decisions, to any advice provided by the Head of Paid Service, the Monitoring Officer or the Chief Finance/Section 151 Officer.
Where relevant to casework or a decision, declare any special relationships/personal interests with constituents to relevant Officers and/or constituents. Where the relationship causes a conflict of interests, Members will ask another Ward Member to assist.	

When acting in their role as employer as part of the Council, Members

Do	Don't
Observe the law, standing orders, policies and procedures in relation to all appointments, discipline and Dismissal of Officers.	
Declare any interest they have and ensure that they act to protect the public interest	Take part in any process where friends, relatives or Members of their household are somehow involved
Maintain appropriate confidentiality	

Attend relevant learning and development	
Make decisions based on merit and with access to all the facts	Seek improperly to influence decisions
Promote equality	Canvass support for any candidate for a job
Take continuing responsibility for their appointment decisions once the post holder is in place.	

Member/Officer Relations Protocol Notes for Employees

The purpose of the Protocol is to give the public confidence in the Council's decision making and to give advice on the professional and mutually respectful behaviour expected of Members and Officers when dealing with each other and the public.

This mirrors the requirements in the Members' Code of Conduct and the Employee Code of Conduct for expected behaviour including the expectation of complying with the Nolan Principles (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).

How does this affect me?

Members and employees are expected to treat each other (as well as Members of the Public) with respect, be polite and generally treat each other fairly. This is expressed in both the Members' and the Employee Codes of Conduct. A breach of these Codes of Conduct can result in a complaint (Members) or disciplinary action (employees). The duty applies to Members only where they are acting as Councillors and to officers where they are performing their role or representing the Council.

What is acceptable behaviour?

Being professional, polite, honest and having integrity. Be prepared to talk openly but be aware that there is some information which is confidential and mustn't be shared. Do not gossip.

Employees must remain politically neutral and should not accept direction or instruction from Members outside formal decision-making and officer management arrangements.

Employees may not always be able to share information with Members due to confidentiality, legal privilege or data protection requirements. This is a normal and proper part of the officer role.

Unacceptable behaviour?

If you experience behaviour you consider unacceptable, you are not expected to deal with this on your own. Where appropriate and you feel comfortable, issues can sometimes be resolved informally. Otherwise, concerns should be raised with your line manager, HR or the Monitoring Officer.

You should avoid unnecessarily close relationships with Members

You should avoid close personal friendships, trips and holidays together etc. You should also avoid giving the public the view that you are close friends.

The roles of officers and Members

The roles are very different. Members represent their ward and those who live in it. Employees work for the Council. These are distinct but separate roles and are mutually supportive.

Further information and help

The Protocol can be found in the Council's Constitution on the website. For further information and help (including a copy of the Protocol), please contact the Monitoring Officer, Deputy Monitoring Officer or the HR and OD Manager.

May 2026

Member/Officer Relations Protocol Notes for Members

The purpose of the Protocol is to give the public confidence in the Council's decision making and to give advice on the professional and mutually respectful behaviour expected of Members and Officers when dealing with each other and the public.

This mirrors the requirements in the Members' Code of Conduct and the Employee Code of Conduct for expected behaviour including the expectation of complying with the Nolan Principles (selflessness, integrity, objectivity, accountability, openness, honesty and leadership).

How does this affect me?

Members and employees are expected to treat each other (as well as Members of the Public) with respect, be polite and generally treat each other fairly. This is expressed in both the Members' and the Employee Codes of Conduct. A breach of these Codes of Conduct can result in a complaint (Members) or disciplinary action (employees). The duty applies to Members only where they are acting as Councillors and to officers where they are performing their role or representing the Council.

What is acceptable behaviour?

Being professional, polite, honest and having integrity. Be prepared to talk openly but be aware that there is some information which is confidential and mustn't be shared. Do not gossip.

Members should be mindful that information shared with them may be confidential or legally restricted, and officers may not always be able to disclose or discuss matters informally.

Unacceptable behaviour?

If you experience behaviour which you consider unacceptable, you should raise this with the Officer and/or the Manager and explain why you find it unacceptable.

If concerns cannot be resolved informally, they can be raised with the Head of Paid Service.

You should avoid unnecessarily close relationships with Employees

You should avoid close personal friendships, trips and holidays together etc. You should also avoid giving the public the view that you are close friends.

The roles of officers and Members

Members set policy, represent residents and hold decision-makers to account. Officers provide impartial, professional advice and implement decisions. Members should not seek to direct officers, and officers must remain politically neutral at all times.

Further information and help

The Protocol can be found in the Council's Constitution on the website. For further information and help (including a hard copy), please contact the Monitoring Officer, Deputy Monitoring Officer or the Governance Manager.

May 2026

Social Media Guidance for Councillors

1. Introduction

- 1.1 Social media enables councillors to communicate directly with residents, businesses and stakeholders, increasing engagement and transparency in local democracy.
- 1.2 It increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback, ultimately helping to improve the services we provide.
- 1.3 At the same time, social media presents specific risks to public trust, individual safety, exposure of the Council to security risks and risks to the Council's reputation due to the speed, scale and permanence of online communication.
- 1.4 This guidance supports Councillors to use social media confidently and responsibly, while meeting the standards set out in the Members' Code of Conduct and complying with Data Protection and other legislation. It provides practical clarity on expectations in modern online environments.

2. Policy Statement

- 2.1 This guidance provides a structured approach to using social media and will ensure that the use of social media is effective, lawful and does not compromise Council information or computer systems/networks.
- 2.2 Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

3. Status of this guidance

- 3.1 This document is supplementary guidance and must be read alongside the Members' Code of Conduct.
- 3.2 Breaches of this guidance may amount to a breach of the Code of conduct, depending on the circumstances.
- 3.3 The guidance is intended to:
 - support good judgement,
 - prevent harm and escalation,
 - and enable early, informal resolution where possible.

4. Risks

4.1 The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.
- Damage to the Council's reputation.
- Social engineering attacks (also known as 'phishing').
- Bullying or "trolling". An internet "troll" is a person who starts arguments or upsets people, by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or of otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the Code of Conduct for Members through inappropriate use.

4.2 In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, councillors, partners and the people it serves. As such this guidance aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Council information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines and relevant legislation.
- The Council's reputation is not damaged or adversely affected.

5. Scope

5.1 This guidance applies to all forms of online communication, including (but not limited to):

- Facebook pages and profiles
- X (Twitter), Instagram, LinkedIn
- blogs, forums and comment threads
- video and livestream platforms

5.2 The guidance applies whether a Councillor is using:

- an account created specifically for their councillor role, or
- a personal account where council business is discussed.

Residents will generally assume Councillors are acting in their official capacity when commenting on Council matters online.

6. Core responsibilities of Councillors online

6.1 When using social media in connection with Council business, Councillors are expected to:

- act with integrity, honesty and reasonable care
- treat others with respect and dignity
- avoid conduct that could reasonably bring the Council into disrepute
- uphold public confidence in lawful decision-making and governance
- abide by the Nolan Principles and the Code of Conduct

These principles apply equally online as they do in meetings or written correspondence.

6.2 Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action for which the individual Councillor will be personally liable.

6.3 Social media sites are in the public domain and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.

7. Information integrity: misinformation, disinformation and malinformation

7.1 Definitions

- **Misinformation:** inaccurate or incorrect information shared without intent to mislead.
- **Disinformation:** inaccurate information shared deliberately to mislead or inflame.
- **Malinformation:** information that may be true or partly true, but is shared selectively, without material context, or in a way that misleads or causes harm.

7.2 Why malinformation matters most

Malinformation presents a particular risk because:

- it can appear credible and authoritative,
- it is harder to correct than outright falsehoods,
- and it can significantly damage trust while remaining technically “true”.

Councillors should therefore take particular care with framing, tone, timing and context, not just factual accuracy.

7.3 The following are illustrative examples of what is likely to constitute malinformation:

- selectively listing negative facts to imply systemic failure while omitting relevant context or constraints
- reframing a lawful or factual Council clarification as evidence of coercion, bad faith or wrongdoing
- presenting speculation about motives or intent as established fact
- quoting partial extracts from reports, emails or statements in a way that changes their meaning

7.4 Examples that are not malinformation

- clearly labelled opinion or political disagreement
- robust criticism of decisions or processes that fairly reflects the known facts
- calling for transparency or scrutiny without emotive or misleading framing

8. Tone, respect and dignity of office

8.1 Councillors are entitled to challenge decisions and policies robustly. Healthy debate is a core part of democracy.

8.2 However, councillors should avoid language that:

- ridicules or mocks individuals
- undermines credibility or agency through insinuation
- frames lawful governance actions as inherently untrustworthy
- encourages contempt rather than scrutiny

8.3 This applies even where language falls short of explicit bullying or harassment. The test is whether a reasonable member of the public would see the behaviour as undermining dignity, respect or trust.

9. Scale, reach and amplification

9.1 Councillors should be mindful that:

- individual social media accounts may reach audiences larger than official Council channels
- repeated posting can dominate narratives and shape public perception
- impact is driven by amplification as well as content

9.2 Greater reach carries greater responsibility. Councillors should therefore exercise increased care when posting about live, sensitive or complex issues.

10. Managing comments and duty of care

10.1 Why comment management matters

Where a councillor publishes a post relating to Council business, they are responsible for the space they control.

Leaving abusive or threatening comments visible can:

- normalise harassment
- encourage escalation and pile-on behaviour
- be reasonably interpreted as tolerating such conduct

This engages the standards of respect, integrity and public confidence set out in the Code of Conduct.

10.2 Reasonable steps expectation

Councillors are not expected to police disagreement or remove criticism.

However, where comments under a post include abuse, harassment or threats, Councillors are expected to take reasonable and proportionate steps, such as:

- removing or hiding comments that are abusive, threatening or hateful
- posting a clear boundary-setting message (e.g. "Debate is welcome; abuse or threats are not")
- reporting comments that breach platform rules
- escalating credible threats through appropriate channels (Monitoring Officer / Police)

10.3 What may constitute a failure to moderate

Examples include:

- leaving visible personal insults or harassment while actively engaging in the thread
- allowing repeated abusive comments to remain unchallenged
- permitting language that encourages intimidation or hostility to escalate

Each case will depend on context, but inaction in the face of foreseeable harm may amount to a breach of the Code of Conduct.

11. Confidentiality, data protection and safeguarding

11.1 Councillors must not disclose confidential or exempt information online.

11.2 Personal data must be handled in line with data protection legislation.

11.3 Safeguarding responsibilities apply online. Concerns about exploitation, threats or vulnerable individuals should be reported promptly.

12. Personal safety and separation of roles

12.1 Councillors are strongly encouraged to maintain separate accounts for:

- councillor duties, and
- personal or family life.

12.2 Privacy settings should be used appropriately, but Councillors should assume that anything posted may become public.

12.3 Don't share personal information such as your personal phone number, date of birth, home address – or photos that make any of these obvious

13. If in doubt: pause and seek advice

13.1 If you are unsure whether a post:

- could mislead through framing or omission,
- relates to a live or sensitive issue,
- risks escalation or abuse in comments,

pause and seek advice from the Monitoring Officer before posting.

Early advice is always preferable to formal investigation.

14. Breaches and consequences

14.1 Serious or repeated breaches of this guidance may amount to a breach of the Members' Code of Conduct.

14.2 Some breaches (e.g. defamation, discriminatory language, data protection, electoral law) may also result in personal civil or criminal liability.

15. Key takeaway (the golden rule)

If you wouldn't say it in a public meeting, or allow it to be said unchecked in a room you were chairing, don't publish it — or leave it standing — online.

16. Guidance on Capturing Social Media Posts

16.1 Posts made using third party sites such as Facebook or X are not held by and are not within the control of the Council - posts can be deleted by site administrators without the knowledge or consent of the Council. In exceptional circumstances, copies of posts may be made and retained by the Council, in line with relevant Council procedures. These copies will be held for a period dependent on the type of investigation they are subject to.

16.2 Where inappropriate use is suspected, it is suggested that you should proactively attempt to capture any inappropriate posts before they might be deleted. Copies should be made and reported to the Monitoring Officer within the Council, as well as following the social media sites own reporting procedures where appropriate.

Dos and Don'ts

- Do make use of stringent privacy settings if you don't want your social media to be accessed by the press or public. Read the terms of service of any social media site accessed and make sure you understand their confidentiality/privacy settings.
- Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council's Data Protection Policy.
- Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.
- Do not publish or report on meetings which are private or internal (where no members of the public are present or it is of a confidential nature) or exempt reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).
- Copyright laws still apply online. Placing images or text from a copyrighted source (e.g. extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
- Don't send or post inappropriate, abusive, bullying, hateful or defamatory messages to members of the public, other Councillors or Officers either in or outside the work environment. This includes content relating to protected characteristics, including but not limited to race, religion or belief, disability, sexual orientation, gender reassignment, sex or age.
- The account should state that the views are those of the Councillor and that these may not represent the views of the Council.
- Do not use the Council's logo, or any other Council related material on a personal account or website.
- Social media must not be used for actions that would put Councillors in breach of the Council's Code of Conduct for Members. For example, don't publish on social media something you wouldn't say face to face, or at a public meeting.
- Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.

- Anyone receiving threats, abuse or harassment via their use of social media should report it to their political group leader, the Monitoring Officer and the Police.
- Where someone has posted a hateful or discriminatory comment on your personal blog or social media account, do inform the site administrator as soon as you become aware of the comment and consider reporting the matter to the Police.
- Do abide by the special rules that apply to social media posts and blogs during a local election period.

Further guidance is available for Councillors from the LGA. There is extensive guidance on their website on this link [LGA Social Media Guidance](#).

And in particular, there is guidance on infographics and rules of use of the Social Media website at [Digital citizenship: support and resources for councillors | Local Government Association](#) These can be added to the front page of Councillors' Social Media to make other users clear what acceptable behaviour is expected.

North East Derbyshire District Council

Annual Council

18 May 2026

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	
<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"/> Please indicate which threshold applies</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 applicable given the subject of the report.
<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>	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 2026-27 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:

SECTION 15 – DELEGATION OF COUNCIL FUNCTIONS & EXECUTIVE FUNCTIONS TO OFFICERS

- 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 the Finance Rules and the 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.

SECTION 15 – DELEGATION OF COUNCIL FUNCTIONS & EXECUTIVE FUNCTIONS TO OFFICERS

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 Chief Executive Officer and 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 Chief Executive Officer and 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 the Chief Executive Officer or a Director, an Assistant Director within that Directorate may exercise any delegated power possessed by the Chief Executive Officer or 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

SECTION 15 – DELEGATION OF COUNCIL FUNCTIONS & EXECUTIVE FUNCTIONS TO OFFICERS

“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, Cabinet 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.

SECTION 15 – DELEGATION OF COUNCIL FUNCTIONS & EXECUTIVE FUNCTIONS TO OFFICERS

- 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 and capital 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

SECTION 15 – DELEGATION OF COUNCIL FUNCTIONS & EXECUTIVE FUNCTIONS TO OFFICERS

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 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 in 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:

SECTION 15 – DELEGATION OF COUNCIL FUNCTIONS & EXECUTIVE FUNCTIONS TO OFFICERS

- 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.

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

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

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

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		

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

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	Chief Executive Officer
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

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

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

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

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	Chief Executive Officer
Public Health Act 1936		
S.85(2)	To serve notice requiring remedial action where there are verminous persons or articles	Chief Executive Officer
Public Health Act 1961		
S.37	Control of any verminous article	Chief Executive Officer
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

SECTION 18 – PROPER OFFICER PROVISIONS & DESIGNATION OF OFFICERS TO STATUTORY FUNCTIONS

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	Chief Executive Officer
S.4	Head of Paid Service	Chief Executive Officer
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	Chief Executive Officer
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. Chief Executive Officer 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 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 Chief Executive Officer to the next meeting of Cabinet or Council (as appropriate) explaining the reasons for the decision.

1.6 If there is an urgent need for a commercial decision, the Chief Executive Officer, 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.

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

- 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 employee's 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 3A 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 this 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

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

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

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

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

- 1.30 Following consultation with the Licensing Section, Legal Services and the Chair of the Licensing Committee, to suspend or revoke any Private Hire or Hackney Carriage Driver, Vehicle or Operator Licence in such cases where it would be inappropriate to refer the matter to Licensing Committee for consideration. Where permitted by law, this may be with immediate effect on the grounds of public safety.

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

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 Chief Executive Officer 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.

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

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

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

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).

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

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.

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

- 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.
- 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 Homes Limited.
- 4.24 To commence a Community Governance Review on receipt of a qualifying petition and subsequently report the outcome of the review to Council for a decision.
- 4.25 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:

SECTION 19 – SPECIFIC DELEGATIONS TO OFFICERS

- 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.

North East Derbyshire District Council

Annual Council

18 May 2026

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 the decisions that have been taken over the past 12 months under Special Urgency rules in the Council's Access to Information Rules.

- 2 Notes the 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	
<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"/> Please indicate which threshold applies</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:	
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"/>	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 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, seven Key Decisions have been taken using the General exception or Special Urgency rules, these were:

- Award of Contract - HR and Payroll System. To enter into a contract for purchase, implementation and maintenance of an HR and Payroll system. This decision was taken by the Director of Finance and Resources on 10 June 2025.
- Public Consultation on Issues and Options for the New Local Plan and Proposed Update to the Adopted Statement of Community Involvement. This was to approve the scope of material subject to consultation through the Issues and Options stage and to make minor amendments to the Council's adopted Statement of Community Involvement. This was an exempt report considered by Cabinet on 12 June 2025.
- Award of Contract for Property Improvement and Decarbonisation Works To award a contract to utilise grant funding from the Department of Energy Security and Net Zero. This decision was taken by the Director of Finance and Resources on 11 June 2025.
- New Homes to Rent Opportunity (Rykneld Homes Ltd). This was in respect of a proposal by RHL to acquire homes for rent at Earls Park, Holmewood. This was an exempt report considered by Cabinet on 27 November 2025.
- Corporate Property Estates Maintenance Contract Extension. This was to extend the current contract, which had an option to extend for a further two years to be reviewed at each anniversary. This decision was taken by the Director of Growth and Assets on 8 December 2025.
- Grassmoor and Holmewood Area Pride in Place. This was in respect of supporting and committing to the Pride in Place programme, including to become the accountable body. This was a Key Decision considered by Cabinet on 26 February 2026.

- Oak Fields Development Update. This decision was regarding the timing of contractually agreed payments in a prudent and proportionate way. This was an exempt report considered by Cabinet on 30 March 2026.

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, four decisions have been taken using urgency provisions to waive Call In, these were:

- Local Government Reorganisation Submission. This was to agree a proposal for submission to the Ministry of Housing, Communities and Local Government. Reason for urgency – to meet the submission deadline there was not sufficient time to allow the call-in period and still be able to submit the Council's proposal on time. The matter was considered at Council in advance of the Cabinet meeting on 6 November 2025.
- Corporate Property Estates Maintenance Contract Extension. This was to extend the current contract, which had an option to extend for a further two years to be reviewed at each anniversary. Reason for urgency – a contract needed to be in place without delay to ensure there was no gap in provision. This decision was taken by the Director of Growth and Assets on 8 December 2025.
- Contract Extension: Corporate Property Maintenance. To carry out below threshold modification of the existing contract for Corporate Property Estates Maintenance to increase the total contract value. Reason for urgency - It is essential that the extension was implemented without any delay in order to prevent any interruption in provision. This decision was taken by the Assistant Director of Property, Estates and Assets on 10 February 2026.
- Oak Fields Development Update. This decision was regarding the timing of contractually agreed payments in a prudent and proportionate way. Reason for urgency – it was in respect of contractual matters, of which there was an imminent deadline. This was considered by Cabinet on 30 March 2026.

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 2026/27.

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)	