

# **WINGERWORTH LIDO**

## **ASSET MANAGEMENT BOARD (AMB) DECISION ROUTE**

## **Wingerworth Lido Decision Route**

The purpose of this paper is to provide Scrutiny the decision making route taken for ending the CCAA lease allowing the process to be reviewed and recommendations made as appropriate.

### **Nature of the decision:**

The decision to end the CCAA lease was taken in 17 December 2024 therefore, the [20 May 2024 Constitution](#) is the overarching document.

The decision taken was a non-housing property portfolio decision to determine a lease. The passing rent in the lease was £500 PA therefore, even taken over the life of the lease (19 years), rather than the lease term (5 years), the total value is £9,500, comfortably within the [key decision threshold](#) (at paragraph 6.2) of £100,000 or above.

### **Council or Cabinet Function:**

The functions of Council and Cabinet (the executive) are set out within the constitution in the [Functions Scheme](#). The contents of the Scheme derive from the law – the Local Government Act 2000 and the Functions Regulations as amended.

### [Section Seventeen - The Functions Scheme](#)

This determines that property related decisions are a Cabinet Function and more particularly listed as:

- (s) Managing and maintaining the Council's non-housing property portfolio.
- (y) Approving the purchase, sale or appropriation of land and the leasing (or otherwise) of property

These remain the same in the 2025 Constitution.

### **Decisions delegated to Officers:**

The constitution sets out the Cabinet functions and [powers delegated to all Directors and Assistant Directors](#). The relevant delegation in this scenario is:

9.14 - To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets and professional valuation advice is obtained confirming best consideration has been obtained.

The Assistant Director – Property, Estates and Assets exercised this delegation when serving the Notice to Quit below:



**North East  
Derbyshire**  
District Council

**NOTICE OF TERMINATION OF FISHING RIGHTS AT SO MUCH OF THE LIDO AS FLOWS THROUGH THE COUNCIL'S PROPERTY BETWEEN POINTS A to B SHOWN COLOURED RED ON THE PLAN INCLUDED IN THE ATTACHED AGREEMENT.**

TO: Mr Craig Collins Secretary of Clay Cross and District Angling Association, C/O 6 Linden Avenue, Clay Cross, Chesterfield, S45 9HE and Mr Bill Parkin Chairman of Clay Cross and District Angling Association, C/O 6, Linden Avenue, Clay Cross, Chesterfield, S45 9HE (Tenant)

FROM: NORTH EAST DERBYSHIRE DISTRICT COUNCIL, office is at DISTRICT COUNCIL OFFICES, 2013, MILL LANE, WINGERWORTH, CHESTERFIELD, DERBYSHIRE, S42 6NG (Landlord)

RE: Fishing Rights at The Lido, being so much of the Lido as flows through the Council's property between points A and B, Shown coloured red on the Lease Plan (Premises)

We, NORTH EAST DERBYSHIRE DISTRICT COUNCIL GIVE YOU NOTICE in accordance with the Agreement dated 30<sup>th</sup> August 2006 that we, require you to give vacant possession of the Premises on 30 June 2025 so that the Fishing Right of the Premises will come to an end on that date.

During the Notice Period the Clay Cross and District Angling Association

- Must not use BLUE DYE at the Premises
- The Fishing Pegs are to be left in place until North East Derbyshire District Council notify the Clay Cross and District Angling Association that they can be removed. Removal may be after the 6 month notice period has expired to allow time for the Council to obtain an ecology report with regard to the habitat of the White Clawed Crayfish
- The Clay Cross and District Angling Club notice board must be removed at the end of the Notice Period.

SIGNED:..

Name: **Damien B Johnson** BSc. (Hons) Pg.Dip. MRICS (Registered Valuer)  
Position: Assistant Director – Property, Estates and Assets  
Authorised Officer of North East Derbyshire District Council

DATED:....17<sup>th</sup> December 2024

North East Derbyshire District Council, District Council Offices, 2013 Mill Lane,  
Wingerworth, Chesterfield, S42 6NG. [www.ne-derbyshire.gov.uk](http://www.ne-derbyshire.gov.uk)

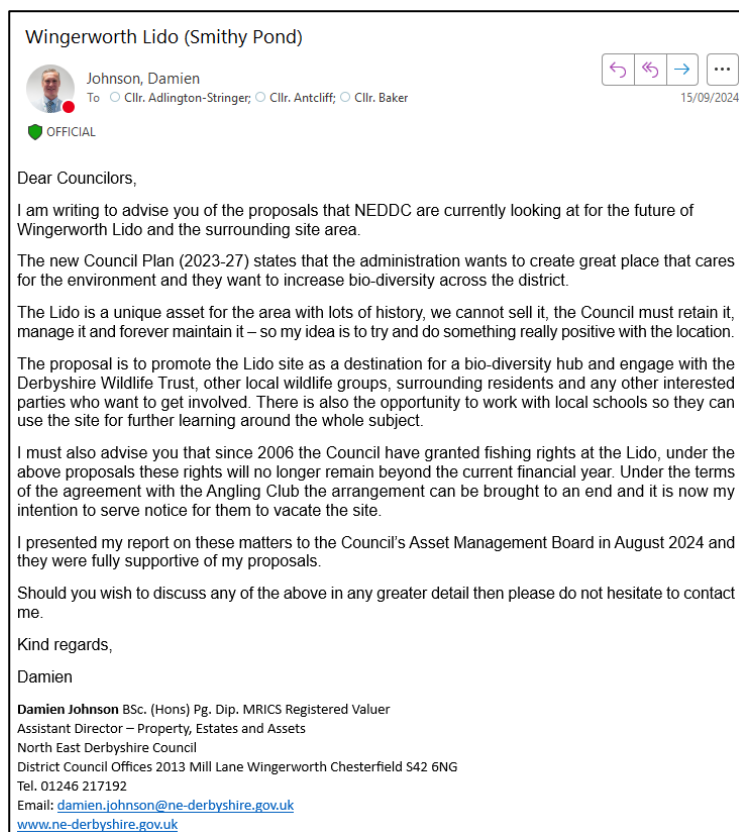


*Notice to Quit – 17 December 2024*

**Ward member consultation (1.4):**

In exercising the delegation, 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.

In an email on the 15 September (Before the decision), the Assistant Director – Property, Estates and Assets consulted local ward members



*Consultation email to local ward members – 15 September 2025*

### **Further Consultation/Informing (Officer & Portfolio Holder)**

In addition, under this [scheme of delegation](#) (1.2), 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.

Also [under the scheme](#) (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.

### **[Advisory bodies and working parties](#) (Page 3):**

The constitution sets out that advisory bodies or working parties may be established from time to time which include in their membership Councillors and/or Officers and/or representatives from partner organisations or the local community. Working parties or advisory bodies established under this section will not be constituted as committees and are not authorised to make decisions on behalf of the Council.

### **Asset Management Board**

For property related matters, Asset Management Board is the advisory body/working party and the duty to consult/inform with relevant Portfolio Holder and departments such as Legal and Finance, is done through the Asset Management Board.



## BRIEFING NOTE

|               |  |
|---------------|--|
| TO:           | Asset Management Board (AMB)   |
| DATE:         | 29 <sup>th</sup> August 2024   |
| LEAD OFFICER: | Damien Johnson (Assistant Director)<br>Property, Estates and Assets              |
| TITLE:        | Wingerworth Lido (Smithy Pond)<br>Clay Cross and District Angling<br>Association |

### 1. Background

- 1.1** Wingerworth Lido (also known as Smithy Pond) is a Council owned general fund asset that is located at the northern end of the village ~~off Nethermoor Road~~. A copy of the site location plan for the lido can be seen in **Appendix (1)** of this report.
- The lido is a local heritage asset and open-air swimming at the location ~~dates back to 1934~~. NEDDC must manage and maintain the lido structure in accordance with the Reservoirs Act 1975 and there is limited scope as to what the Council can do with the asset.
- However, it is a popular destination with ~~local residents~~ and is used frequently for dog walking and is also of place of special interest for nature and wildlife groups.

### 2. Clay Cross & District Angling Association (CCDAA)

- 2.1** As a way of deriving some revenue income from the asset the Council decided to explore the possibility of letting out the exclusive fishing rights at the lido. The idea being that the location could still be enjoyed by visitors whilst the Council could still receive a small income from the site.
- Following this the CCDAA were granted a 5-year lease on the site (w.e.f. 1<sup>st</sup> Dec 2005) at an annual rent £400pa. (the rent has not been increased from this date). The CCDAA continue to fish the site under the terms of their expired agreement (which they can legally do) until the arrangement is formally ~~brought to an end~~ by either of the parties serving the appropriate notice (6-months' notice must be given by either party).
- The CCDAA are invoiced for the fishing rights on an annual basis and the current period runs from 4<sup>th</sup> March 2024 to 3<sup>rd</sup> March 2025 (which they have paid).
- A copy of the CCDAA lease agreement (dated 30<sup>th</sup> August 2006) can also be seen at **Appendix (2)** of this report.

AMB Briefing note – 29 August 2024

The board is not a decision making body, any property related decision will be taken by either Cabinet or Officer delegation, but amongst other things, Asset Management Board/Group discharges the requirement to consult on matters such as the decision in question. The Asset Management Board Terms of Reference state the purpose as:

1. To provide a single integrated overview and support officer recommendations made in relation to all Council owned and Rykneld managed land and property assets (General Fund and Housing Revenue Account) including; policy, strategy, usage, change, service delivery need, acquisition, disposal and development.
2. To provide strategy, leadership, direction and support officer recommendations when there are proposals to use the Council's assets for or in conjunction with those of the wider public sector.

3. To provide leadership and oversight in relation to the Council's Corporate Landlord activities (in particular Statutory Compliance requirements) and to set priorities and record performance.
4. To provide oversight on the delivery of the Council's Strategic Asset Management Plan (SAMP) and how the SAMP continues to align with the Council Plan.

The Terms of Reference also state: "*Asset Management Board (AMB) is not responsible as a decision making body and it has no formal powers of approval. AMB will support any officer recommendations made which will then be approved under Officer Delegated Powers (as defined in The Constitution of NEDDC dated 26<sup>th</sup> April 2021) or at Cabinet/Full Council*" (if outside Budget Policy Framework).

### **Review of the Disposals & Acquisitions Strategy:**

The key documents referenced in this paper to this point are the constitution and the Asset Management Board Terms of Reference. As elected members will know, the constitution is reviewed annually and the Asset Management Board Terms of Reference (TOR) were reviewed in November 2023.

The document that is most in need of review is the Disposals & Acquisitions Strategy, last reviewed in 2017. This document sets out the role of Asset Management Group (referred to as Asset Management Board in the Strategic Asset Management Plan and TOR) and guides asset related decisions to ensure compliance with our Section 123 (best consideration) duties, amongst other things.

At the 11 November 2025 Council, the Portfolio Holder referenced the review of the Disposals and Acquisitions Strategy. This review is underway now following the adoption of the Strategic Asset Management Plan which is the overarching strategic document that informs the Disposals and Acquisitions Strategy.