

North East Derbyshire District Council

Standards Committee

24 February 2021

CODE OF PRACTICE – VACATING OFFICE

Report of the Joint Head of Corporate Governance & Monitoring Officer

Classification: This report is public

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PURPOSE / SUMMARY

To give consideration to a proposed code of practice for the application of the 6 month rule, notification processes and other means by which a member can vacate public office.

RECOMMENDATIONS

- 1 That Standards Committee consider and approve the proposed Code of Practice for District Councillors vacating office.
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IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

Legal implications have been made clear in the context of the code of practice which includes complying with the Local Government and Housing Act 1989 Section 1, the Representation of the Peoples Act 1983, and Sections 85 and 86 of the Local Government Act 1972.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒
Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Standards Committee are consulted in their consideration of this report. Details: Click here to enter text.

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

REPORT DETAILS

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

- 1.1 It has been identified that the authority does not currently have a documented code of practice for managing the processes when a Member vacates office, although there is a way of working that has been in place. This code of practice documents and gives context to those arrangements.

2. Details of Proposal or Information

- 2.1 Attached at Appendix 1 is a proposed code of practice for consideration by Standards Committee.

3 Reasons for Recommendation

- 3.1 It is good practice to have a code of practice to refer to ensure the consistent application of a process, but also that all involved can understand the context behind the process.

4 Alternative Options and Reasons for Rejection

- 4.1 No alternative options are offered, the code of practice is brought for consideration by the Standards Committee.

DOCUMENT INFORMATION

Appendix No	Title
1	Code of Practice: District Councillors Vacating Office
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	