

COUNCIL

**WEDNESDAY,
20TH JUNE 2012
AT
1000 HOURS**

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Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Date: 12th June, 2012

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Bolsover District Council to be held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday, 20th June, 2012 at 1000 hours.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16th May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on page 7 to 9.

Yours faithfully,



Chief Executive Officer
To: Chairman & Members of the Council

**RECOMMENDED ITEM FROM STANDARDS COMMITTEE HELD ON
24TH APRIL, 2012**

**1072. ARRANGEMENTS FOR THE APPOINTMENT OF
INDEPENDENT PERSONS (LOCALISM ACT 2011)**

The Monitoring Officer presented a report to seek Members views on the arrangements for the appointment of Independent persons under the new Standards regime. A template copy of the LGA Code of Conduct was also attached to the agenda.

The new regime for Standards would have to be in place by 1st July 2012, though no regulation or guidance had yet been produced by the Government on recruiting Independent Persons.

In the meantime the Council needed to put in place suitable arrangements so that the new system could be in place in time.

Derbyshire Monitoring Officers Group had now met twice and was working on all aspects of the new framework.

Presently, there are two models of the replacement Code of Conduct which were being put forward for consideration by the Derbyshire Monitoring Officers Group, one being a two page model drafted by the LGA and the other a modified version of the current Code. The LGA model was the preferred model by the majority of the Group. Standards Committee Members' views were sought.

Recommendations are that two Independent persons be appointed to ensure that the Authority is never left in a position where, through illness or retirement, there is no Independent Person available. In addition, because the Independent Person would be dealing with both the Monitoring Officer and the Councillor complained of, it would seem advisable to have two.

It would also be logical, in view of the Strategic Alliance Partnership between Bolsover and North East Derbyshire District Council, to carry out joint advertising. Chesterfield Borough Council had also shown an interest in joining in with the process.

The Monitoring Officer advised the meeting that current Co-optees on the Standards Committee would be able to apply to become Independent Persons for other Councils, but not Bolsover.

The Independent Person is not a Member so is not covered by the Independent Remuneration Panel which reports on Members' Allowances. It was suggested, however, that Standards Committee Members should still offer their view on remuneration.

A discussion took place.

Members agreed that Independent Members remuneration arrangements should stay the same as current Cooptees Standards Members under the new structure.

Members also agreed that with regard to joint advertising, the Council's 'In Touch' magazine, and parish council notice boards were good options to use for advertising for the recruitment of Independent persons.

The Council had already agreed that it wished to continue with a Standards Committee for dealing with Member complaints and training etc, and also to keep the experienced Members of the current Committee, though the membership and constitution would change in that there will be no requirement for Co-optees or parish council representatives and the new Committee would have to be politically balanced. It was noted, however, that the Council did have power to put co-optees and parish council representatives, and any number of them, on the Standards Committee but they would have no voting powers.

A short discussion took place.

Councillors Syrett, Gilmour and Dooley agreed that they would like to see co-opted members on the Standards Committee.

Moved and seconded.

RESOLVED that (1) Members considered the LGA code and the current code and considered the pros and cons,

(2) Members considered the issues surrounding the new ethical framework with the details currently known,

(3) Members agreed that Independent Members remuneration arrangements should stay the same as current Cooptees Standards Members under the new structure,

(4) Members considered the size and make up of the new Standards Committee from the 1st July 2012,

RECOMMENDED that the Monitoring Officer is given delegated power to do anything necessary to bring the ethical framework into being for the 1st July or any subsequent deadline

(1) APPOINTMENT TO DERBYSHIRE POLICE AND CRIME PANEL FOR 2012/13

To consider the appointment of the Council's representative to sit on the Derbyshire Police and Crime Panel 2012/13 (current representative is Councillor B.R. Murray-Carr).

Copies of the Police and Crime Commissioners, Home Office document (previously circulated) and a letter from Derbyshire County Council dated 29th May, 2012 advising the Council that the County Council have agreed to take on responsibility for hosting the Panel for Derbyshire are available in Democratic Services.

The County Council has now agreed to take on responsibility for hosting the Panel for Derbyshire which formally comes in to being in November of this year. This agreement is based on the following principles:-

- That each local authority funds its Panels members' expenses from its own budget (up to a maximum of £920 per annum per member) without recourse to the Police and Crime Panel funding pot.
- That each local authority agrees to host a Panel meeting, standing the cost of accommodation and refreshments without recourse to the Police and Crime Panel funding post.

RECOMMENDED that Councillor B.R. Murray-Carr be appointed as the Council's representative on the Derbyshire Police and Crime Panel for 2012/13.

(2) MEMBER DEVELOPMENT "CHAMPIONS" – MEMBER DEVELOPMENT WORKING GROUP

At Annual Council the following Members were appoint to the Member Development Working Group.

The Member Development Working Group comprises of the Chairs to the three Scrutiny Committees, Portfolio Holder for Social Inclusion and a representative from the Independent Members. The current Membership of the Member Development Working Group are Councillors M. Dooley, H.J. Gilmour, K. Reid, A. Syrett (Portfolio Holder) and D.S. Watson (Independent Member).

At a recent meeting of the Member Development Working Group it was agreed that Councillor R. Bowler be appointed as the Member Development Champion.

RECOMMENDED that Councillor R. Bowler be appointed to the Member Development Working Group and as the Member Development Champion as agreed at Member Development Working Group.

AGENDA

Wednesday, 20th June, 2012 at 1000 hours

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal or prejudicial interest in respect of: a) any business on the agenda b) any urgent additional urgent items to be considered c) any matters arising out of the business of those items and withdraw from the meeting at the relevant time, if appropriate.	
4.	Quarterly reports on special urgency decisions. In any event the Leader will submit quarterly reports to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.	
5.	Censure of a Member of Council	

6. MINUTES
- To approve the minutes of a meeting held on:-
- | | |
|--|------------|
| Council – 25 th April, 2012 | 677 to 689 |
| Extraordinary Council – 9 th May, 2012 | 719 to 722 |
| Annual Council – 16 th May, 2012 | 1 to 14 |
| Extraordinary Council – 16 th May, 2012 | 15 to 26 |
7. EXECUTIVE/COMMITTEE/JOINT MINUTES
- Members may put questions for clarification in respect of the Executive/Committee or Joint minutes contained within the latest minute book – 20th June, 2012
8. RECOMMENDED ITEMS FROM OTHER STANDING COMMITTEES
- | | |
|---|---------|
| (1) Standards Committee – 24 th April, 2012
Min. No. 1072 – Arrangements for the Appointment of Independent Person (Localism Act 2011)
Recommendation on page 4 | 3 and 4 |
|---|---------|
9. Amendments from Annual Council
- | | |
|---|---------|
| (1) Appointment to Derbyshire Police and Crime Panel for 2012/13
Recommendation on page 5 | 5 and 6 |
| (2) Member Development Champion
Recommendation on page 6 | |
10. Annual Report from Chair of Standards Committee
- | | |
|--|---------------|
| | Verbal report |
|--|---------------|
11. Legal Agreement for the Environmental Health and Licensing service with North East Derbyshire District Council
- | | |
|--|------------------|
| | To be circulated |
|--|------------------|

- | | | |
|-----|---|------------------|
| 12. | The Bolsover District Council (Re-organisation of Community Governance Review) Order 2012 – Number 1 | To be Circulated |
| 13. | Bolsover High Street Innovation Fund | To be circulated |
| 14. | CHAIRMAN'S COMMUNICATION

(1) To receive such communications as the Chairman may desire to lay before the Council.

(2) Questions submitted by the Public pursuant to Rule No. 4.1.10 of the Council Procedures Rules.

(3) Questions submitted by Members pursuant to Rule No. 14.1.14 of the Council Procedure Rules | |

PART 2 – EXEMPT ITEMS

The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a

Council:	Council	Agenda Item No.:	2.
Date:	20 th June 2012	Category	
Subject:	Stainsby Festival Financial Support	Status	Open
Report by:	Director of Neighbourhoods		
Other Officers involved:	Street Services Manager Waste Services Manager		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Councillor D. Kelly, Portfolio Holder for Environment		

RELEVANT CORPORATE AIMS

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment. The proposals include for the recycling of waste materials generated at the festival. However, these do not contribute to the Councils performance figures.

TARGETS

The subject matter does not contribute to any targets specified in the Corporate Plan.

VALUE FOR MONEY

The cost to the Council is in the region of £1,100; the benefits are identified by the event organiser.

THE REPORT

For a considerable number of years Bolsover District Council has provided waste management support, free of charge, to the Stainsby Festival. This was previously agreed by various Heads of Service in consultation with the Leader and Chief Executive Officer. No other, non District Council, local events are provided with the same free of charge support.

The table below details, over the previous three years, the charges Bolsover District Council would normally have made for this event.

SCHEDULE OF CHARGES FOR STAINSBY FESTIVAL SUPPORT			
	2009	2010	2011
	£	£	£
CHARGES FOR SKIP HIRE AS REQUESTED			
- RESOURCED BY HOPKINSONS	560	700	560
TIPPING CHARGES – MINIMUM 1 TONNE	74	82	94
COST OF DELIVERY/COLLECTION OF TRADE BINS, LITTER PICKERS, HOOPS ETC			
2 X OPERATIVES X 6HRS	204	210	216
1 X CAGED LORRY X 6 HRS	99	102	105
2 X BOXES OF BLACK REFUSE SACKS	26	30	30
SUB-TOTAL	963	1124	1005
8% ADMIN CHARGE	77	90	80
TOTAL	1040	1214	1085

The above internal and external costs have been met through the Waste Services budget. There is no specific budgetary provision.

We have received a request for continued support for this year's festival, the following text is provided by Tony Trafford, Chair, Stainsby Festival.

'We are asking for continued support for this year's Stainsby Festival.

Stainsby is a community run event and a not-for-profit charity staffed entirely by unpaid volunteers with a national reputation in its field. It has a history in Bolsover stretching back more than 40 years. With the departure of the Food and Drink Fair on a regular basis, it is now the largest public event of its kind in the District It makes a significant contribution to the local economy as well as increasing tourist numbers and encouraging overnight stays in line with the Council's declared Sustainable Community Strategy. The festival will also be supporting this year's Bolsover District Festival to celebrate the Olympic Torch relay and will form a significant part of this Council inspired event. In addition the Festival is a member of the Core Consortium leading the Creative People & Places bid to the Arts Council for funding of over £2 million for arts in the area.

The festival has been assisted with in-kind support by the District for over 20 years, which we gratefully acknowledge in our publicity and in our programme. Although much of this assistance has been eroded over time, the support for skips and re-cycling you provide is essential to our continued operation especially in the current climate.

We understand the difficulties the authority is currently facing, which we share. All our costs have risen whilst support from other agencies has ceased or been

reduced and we cannot increase ticket prices any further without pricing ourselves out of the market and excluding many of our loyal supporters. Many similar long running festivals have already gone under in the recession and it would be a damaging loss to the area in both economic terms and loss of community spirit if we were unable to continue. I hope that we can rely on the continued provision of your in-kind help as without it we will be serious difficulties.'

Officers feel that due to the current financial position that Members instructions are required for formal approval to continue 'free of charge' support.

IMPLICATIONS

Financial: Approximately £1,100

Legal: None

Human Resources: None

RECOMMENDATION

To be determined by Members.

REQUEST FOR SUPPORT FROM STAINSBY FESTIVAL

THE IMPORTANCE OF THE EVENT

- Stainsby is a community run event and a not-for-profit charity staffed entirely by unpaid volunteers with a national reputation in its field.
- It has a history in Bolsover stretching back more than 40 years despite the development of many very large commercially run competitors, often with significant corporate sponsors, that do not have our community focus.
- This festival is all about live music; hearing, playing, writing, performing. It features folk and world music and preserves the tradition of encouraging music making amongst the community.
- With the departure of the Food and Drink Fair on a regular basis, it is now the largest public event of its kind in the District.
- It makes a significant contribution to the local economy as well as increasing tourist numbers and encouraging overnight stays in line with the Council's declared Sustainable Community Strategy.
- The festival will be supporting this year's Bolsover District Festival to celebrate the Olympic Torch relay and will form a significant part of this Council inspired event.
- The Festival is a member of the Core Consortium leading the Creative People & Places bid to the Arts Council for funding of over £2 million for arts in the area.
- Over the years it has developed a relationship with local schools where it continues to run music workshops and provide a platform for performance by Junior school children.
- By its use of local volunteers it has been a gateway into work and business. We have examples of volunteers gaining experience with us going on to be electricians, plumbers, to set up their own printing and publicity companies as well as starting a number of careers in the creative industries.

WHAT ARE WE ASKING FOR?

The festival is asking that the District Council continue to provide 5 waste skips, internal recycling collection services for glass, cans and paper and the loan of litter pickers.

WHY ARE WE ASKING?

Stainsby festival has had a difficult time during the financial crisis. Costs have continued to shoot up whilst income has plummeted. Our audience and supporters are feeling the pinch and we have been unable to increase prices without very steep resistance. In fact this year we have reduced them slightly in response to unusually strong feedback from our support base about affordability.

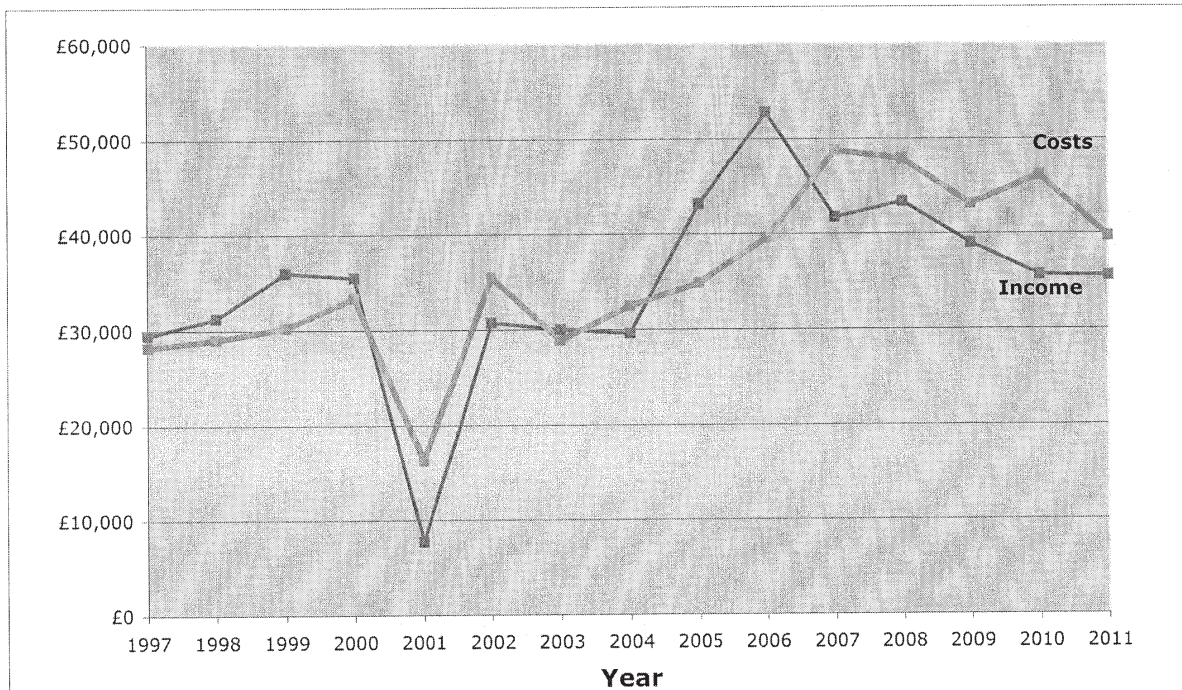
The second problem is that in-kind support is gradually evaporating. Probation service no longer comes to help with set up and take down bringing vehicles. Audience seating is no longer loaned, delivered and collected. Electrical certification is no longer available. Licence fees are no longer waived. The National Trust is unwilling to continue bartering volunteer labour and repairs against electricity bills and water charges on their property. Small marquees are no longer available at no cost. The fire service wishes to charge for emergency hose testing. St John's have massively increased attendance fees for our statutory first aid cover, and disaster planning assistance from DCC may be withdrawn.

Has there been any light in the gloom? We have managed to retain the use of the Trust's facilities and, after considerable help from Labour group at County, the support of DCC

Countryside Rangers and their specialised tools during set up and take down – and, until now, the waste disposal and recycling service from BDC.

Our annual accounts demonstrate this picture:

Year	Income	Costs	Surplus/Loss	Percentage
1997	£29,500	28,200	1,300	4%
1998	£31,250	29,030	2,220	7%
1999	£36,000	30,250	5,750	16%
2000	£35,500	33,400	2,100	6%
2001	£7,750	16,250	-8,500	-110% *Curtailed by Foot & Mouth
2002	£30,750	35,500	-4,750	-15%
2003	£30,034	28,924	1,110	4%
2004	£29,605	32,464	-2,859	-10%
2005	£43,124	34,848	8,276	19%
2006	£52,763	39,581	13,182	25%
2007	£41,735	48,753	-7,018	-17% ^Disrupted by exceptional wet weather
2008	£43,412	47,856	-4,444	-10% Banking crisis begins
2009	£39,005	43,137	-4,132	-11%
2010	£35,695	46,178	-10,483	-29%
2011	£35,537	39,688	-4,151	-12%



Notes:
 The severe weather in 2007 created a sharp increase in costs from the need to hire metallised roadway at three days notice. Increase in site costs since then include: replacement of in-kind services, increased hire costs, increased service costs, the planned provision of metallised roadway for wet weather and other increased requirements in line with Purple Book guidance.

SO WHAT ARE WE DOING ABOUT IT?.....

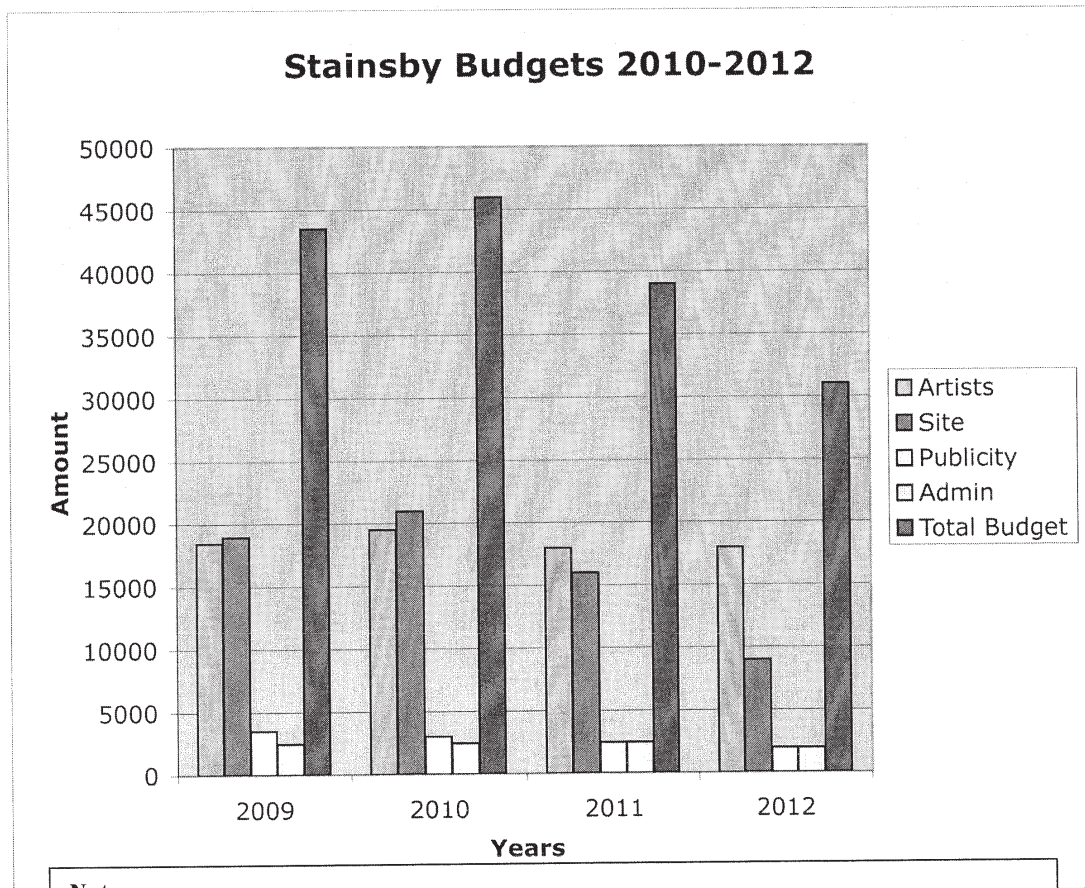
- We have examined our cost base and are slashing our budgets and amalgamating venues in an attempt to weather this.
- We have held to the principle that the music quality matters most and we have attempted to ring fence this. The addition of a grant from County towards our

young peoples provision (our future audience and volunteer base) has helped us maintain spend here.

- We cannot reduce publicity too far without it becoming a diminishing return but every pound now has to justify its ROI.
- As an unpaid volunteer organisation our administrative costs have always been lean so there has not been much to cut there.
- This has left our site set up costs, which are substantial as a greenfield event. However we are attempting to reduce these by 45% this year, following a 25% cut in 2011. This is a major undertaking and has involved the event becoming much less resilient in the event of poor weather and increasing the chances of abandonment in bad weather.

Comparison costs are shown here :

Year	Artists	Site	Publicity	Admin	Total Budget
2009	18500	19000	3500	2500	43500
2010	19500	21000	3000	2500	46000
2011	18000	16000	2500	2500	39000
2012	18000	9000	2000	2000	31000



Notes:

The majority of savings are being made from reduction of covered venues, and more events taking place outdoors. There is no reduction in audience value or artistic quality, simply less weather resilience. Wet weather capability is no longer provided (*although in the case of severe weather a judgement will have to be made between exhaustion of reserves on roadway provision or whether to invoke insured abandonment. Either course will be fatal to continuation of the event*). Early indications are that we will achieve many but not all of the proposed savings in 2012

WHY BDC SUPPORT IS ESSENTIAL

Each of the in-kind supports that have been withdrawn increases the financial costs on the organisation. All of our work is done by volunteers as part of not-for-profit community run event, so there is no scope for cost reduction in our labour base. The financial crisis has severely squeezed our audience. This has two further effects: our income has reduced and we cannot increase our prices. We have reduced our site costs by major surgery but over the past three years we have depleted our reserves which enable us to cash flow the following year's festival. We estimate that replacing the waste and recycling service from BDC at short notice will cost about £3,000 to replace (a 33% increase over budget in our site costs). This would reduce our cash reserves below the amount at which the trustees could responsibly undertake another festival. The cost to District would be less, since the Council can reclaim VAT on external spend and in-house involves an internal budget cost but no direct external spend.

LOOKING TO THE FUTURE...

The festival has embarked on a major youth initiative to attract our future audience. This means there is a temporary downside to revenue from our youth ticket pricing policy, designed to attract this audience (and future volunteers). Our audience share has increased substantially in this segment since the adoption of this policy.

Cyclical swings are also common in the festival market and surviving the downturn has led to major upturns on many occasions in our 44 year history. This is the most serious we have faced but given the savings we are making, a series of modest surpluses over the next few festivals will safeguard our ability to cash flow the festival and rebuild our reserves. We believe the festival has a strong future at its new level of expenditure and will survive where many others around the country have already collapsed.

Please help it to do so.

Tony Trafford
Chair of Trustees

June 2012



Festival

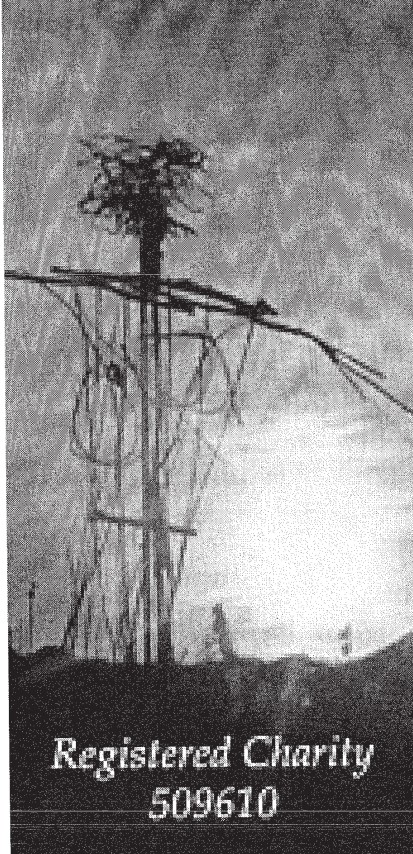
2012

*20th - 22nd
July*

Great Music
Great People
Great Place

We're part of...

BOULSWAY
DISTRICT
FESTIVAL
2012



Registered Charity
509610

We're part of...

BOLSOVER
DISTRICT
FESTIVAL
2012



Council	Council	Agenda Item No.:	11
Date:	20 th June 2012	Category	
Subject:	Legal agreement for the Environmental Health and Licensing Service with North East Derbyshire District council.	Status	Open
Report by:	Solicitor to the Council		
Other Officers involved:	Principal Solicitor at North East Derbyshire District Council		
Director	Chief Executive Officer		
Relevant Portfolio Holder			

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

By putting in place the arrangements between Bolsover and North East Derbyshire District Councils for the provision of a joint Environmental Health and Licensing service.

TARGETS

This does not contribute directly to any Corporate Plan targets, but it relates to one of the main objectives of the Strategic Alliance.

VALUE FOR MONEY

The agreement itself represents the arrangement between the 2 Authorities. Value for Money issues were dealt with when the original decisions were made.

THE REPORT

As Members are aware, the Council has agreed with North East Derbyshire District Council that there would be a joint Environmental Health and Licensing Service hosted by North East Derbyshire District Council. The relevant employees have now transferred to North East Derbyshire District Council under TUPE.

Meanwhile the Joint Strategic Alliance Joint Committee has been considering the arrangements between the two Councils and the agreement representing these. The final version is attached to this report and is for members' formal approval and has been recommended for approval by the Joint Strategic Alliance Committee.

The remaining document to be presented to members is the Service Level Agreement. It was always envisaged that this would follow on later when arrangements were well embedded.

ISSUES FOR CONSIDERATION

Approval of the agreement attached

IMPLICATIONS

Financial: This makes no change to the financial arrangements in place between the two Councils.

Legal: As in the agreement.

Human Resources: None resulting from this report.

RECOMMENDATION that Members approve the attached draft agreement in relation to the Environmental Health and Licensing Service and authorise the Chief Executive Officer to sign the agreement on behalf of the Authority.

ATTACHMENT: Y – the draft agreement
FILE REFERENCE: None
SOURCE DOCUMENT: The Strategic Alliance agreement.

Committee:	Council	Agenda Item No.:	13
Date:	20 th June, 2012	Category	
Subject:	Bolsover High Street Innovation Fund	Status	
Report by:	Assistant Director of Regeneration		
Other Officers involved:	Economic Development and Investment Manager		
Director	Director of Development		
Relevant Portfolio Holder	Councillor A.F. Tomlinson, Portfolio holder for Regeneration		

RELEVANT CORPORATE AIMS

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment by selective improvements to the business realm

REGENERATION – Developing healthy, prosperous and sustainable communities by attracting new business investment, encouraging business growth and creating new employment opportunities

SOCIAL INCLUSION – Promoting fairness, equality and lifelong learning providing the opportunity for inclusion of all individuals in employment and training opportunities

TARGETS

To be established as part of the project and funding agreement.

VALUE FOR MONEY

The project will utilise the High Street Innovation Fund (HSIF), a £100k grant allocated to the Council for the purpose of matching it with European Regional Development Fund Priority Axis 2 (ERDF PA2) to establish a budget of approx. £220k to invest in town centre improvements for Bolsover to improve it's town centre offer and to better equip the town to realise the benefits of increased footfall resulting from the development of the proposed Morrison's food store should it be approved.

THE REPORT

Bolsover has strong levels of pedestrian footfall but activity is highly concentrated however, around the Market Place, Town End (as far as the Co-operative store), and along Cotton Street (as far as the junction with Church Street).

The development of the Morrison's food store on the Sherwood Lodge site is expected to increase retail demand, retain spend within the town and generally increase footfall.

Specifically it should:

- ◆ Kick start a recovery for Bolsover Town Centre
- ◆ Enable retail development on the best located site thereby protecting the use of other more established business sites.
- ◆ Provide a catalyst for future investment in the town.
- ◆ Additional choice for the consumer creating a more competitive market.
- ◆ Enable a multi £million investment bringing over 220 new jobs, new modern efficient work premises, new public realm and infrastructure improvements through 106 contributions.
- ◆ Potentially increases the value of housing in the district.

The Project Objectives

Bolsover District Council has been allocated a High Street Innovation Fund (HSIF) grant of £100k as part of a £10m funding package announced by government on 30 March. The fund is linked to the recommendations within the Portas Review of the High Street which identifies how local authorities, businesses and communities can work together to promote the development of new models for prosperous and diverse high streets. To maximise the HSIF grant it is proposed that it is used to match a European Regional Development Fund Priority Axis 2 (ERDF PA2) bid to achieve a total project budget of approx. £220k for Bolsover Town Centre.

The objective of the project is to deliver a range of co-ordinated environmental and economic development measures and marketing initiatives to improve the resilience of the town centre economy and meet the need for significant new employment opportunities for Bolsover. It is also designed to assist new and existing businesses transform, develop and meet some of the challenges which would need to be met following the Sherwood Lodge re-development. The project will cover most businesses, commercial and retail buildings within the town centre which, are currently in use or vacant or derelict premises in need of renovation for future economic use, and will include a range of measures including:

- ◆ Retail Doctor seminars.
- ◆ Signage, marketing, and events to stimulate new footfall and users in the town centre.
- ◆ Restoration of historical features
- ◆ External structural repairs including repainting
- ◆ Renovation of frontages
- ◆ Business realm enhancements

The project will establish a town partnership similar to the 'Town Team' concept detailed within the Portas Review of the High Street. It will include representatives from the District and town councils, businesses and landlords, to address the new challenges to drive the local economy. It will also develop specific outputs related to the work which can be measured and monitored in

coming months and years. These will relate to business creation/survival, jobs created increased footfall and town centre activity.
Project outputs to be achieved, aligned to European funding requirement include:

- ♦ Businesses assisted to improve performance 5
- ♦ Public and private investment leverage £120,000.00
- ♦ New and upgraded floorspace (internal premises) 50mt²

Resulting in 5 businesses improving performance.

ISSUES FOR CONSIDERATION

The proposals for the use of the High Street Innovation fund. It was felt important to tie this in with the proposed Morrison's development, and to clearly agree where the money is spent as early as possible, so the appropriate grant funding applications can be made.

IMPLICATIONS

Financial: The project budget is approx. £220k funded by the European Regional Development Fund Priority Axis 2, matched by the High Street Innovation Fund.

Legal: Just standard contract and funding agreement documentation required.

Human Resources: Officer time including the Economic Development and Investment Manager, Conservation Manager, and Technical Support Assistant.

RECOMMENDATION that (1) the Council approve the allocation of the High Street Innovation Fund grant of £100k to match a European Regional Development Fund bid for approx. £120k to deliver a package of environmental and retail resilience measures for Bolsover town centre.

(2) to work in partnership with the Town Council to support the establishment of the 'Town Team' to identify development and performance improvement opportunities.

ATTACHMENT: No

FILE REFERENCE:

SOURCE DOCUMENT: Letter – Communities and Local Government

Council	Council	Agenda Item No.:	12
Date:	20th June 2012	Category	3 rd report
Subject:	The Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1	Status	Open
Report by:	Head of Democratic Services		
Other Officers involved:	Solicitor to the Council Senior Principal Solicitor Legal and Standards Officer Democratic Services Officer		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Councillor D Kelly as Chair of the Community Governance Review Working Group		

RELEVANT CORPORATE AIMS

CUSTOMER FOCUSED SERVICES – Providing local communities with an opportunity to express their views on preferred community governance arrangements at Parish level.

TARGETS

The subject matter does not contribute to any targets specified in the Corporate Plan.

VALUE FOR MONEY

This is a statutory obligation for the Council once a valid Petition has been received.

THE REPORT

Background information

Receipt of Petition

At its meeting on 20th July 2011 the Council agreed to carry out a Community Governance Review under the Local Government and Public Involvement in Health Act 2007 into whether Langwith, Whaley Thorns, Upper Langwith and Langwith Junction should have a separate Parish and Parish Council from Hillstown, Palterton and Scarcliffe. This followed receipt of a valid Petition.

Community Governance Review Working Party

Council established a Community Governance Working Party to consider the detailed arrangements regarding the timetable, process of the review, consultation process, evaluate responses and to make recommendations to Council.

First stage Consultation

This took place from 1st September to 30th November 2011 and involved meetings with the Parish Council and public meetings in Hillstown, Whaley Thorns and Langwith.

In order to capture responses an online consultation was set up at www.askderbyshire.gov.uk and printed feedback forms were provided and distributed at the public meetings and could also submit their feedback by email.

The majority of respondents, including Scarcliffe Parish Council were in favour and supported the creation of a separate Parish Council for Langwith.

Scarcliffe Parish Council was invited to consider whether they would wish the parish to be warded or not and what representation they would wish to see for the parish. Their initial proposal was for three wards returning 4 councillors per ward.

A meeting also took place between the Clerk of Scarcliffe Parish Council, the Solicitor to the Council, the Head of Revenues and Finance and the Head of Democratic Services to discuss issues that need to be incorporated into a draft Order, e.g. land/property; staff; proposed budgets and potential shadow arrangements.

Issues Considered by the Community Governance Review Working Group

The Community Governance Review Working Group met on 13 December and considered the following matters:

- all the representations received.
- Whether Langwith Parish should be warded and the representation per ward.
- Whether Scarcliffe Parish should be warded and the representation per ward. The Working Group determined that better electoral equality could be achieved by two wards one covering Hillstown and one for Palterton and Scarcliffe each returning 4 councillors.
- Whether to convene an additional meeting of the Working Group to allow verbal representations and if the Group wish to ask any further questions.
- Transitional arrangements – in order to comply with The Local Government Finance (New Parishes) (England) Regulations 2008 any new parish needs to come into force on 1 April in the year of election. It is necessary therefore to have shadow councillors in place to take decisions for the newly created Parish and open a bank account etc.
- TUPE – there are staff employed by the Scarcliffe Parish Council who may need to be transferred from Scarcliffe Parish to Langwith Parish
- The date of implementation of the order – this was a very contentious issue with one section of the community preferring 2013 and another 2015, at the next scheduled District and Parish elections.
- The review must be completed by July 2012
- Electoral registration amendments must come into effect on 15th October in the year before the elections are due to be held.
- Any new parish needs to come into force on the 1 April in the year of the election in order to comply with The Local Government Finance (New Parishes) (England) Regulations 2008.

Report and Recommendations to Council in January 2012

The recommendations, Draft Order and maps showing warding arrangements were submitted to and considered by Council and the recommendations below were approved as the basis of the next stage consultation.

1. A new Parish of Langwith be created from the 4 Scarcliffe Parish wards of North, East, Langwith Junction and Recreation Road.
2. Langwith Parish be split into the 3 wards of Bathurst, Bassett and Poulter Wards.
3. The numbers of councillors to be elected to each ward of Langwith Parish to be 4.
4. The remaining Scarcliffe Parish be divided into 2 wards – North Ward (comprising Hillstown) and South Ward (comprising Palterton and Scarcliffe)
5. The numbers of councillors to be elected to each ward of Scarcliffe Parish to be 4.
6. There is sufficient evidence to support the proposals without the need for an additional meeting of the Working Group to consider verbal evidence or ask any additional questions.
7. The Transitional arrangements for the newly formed Langwith Parish to be the two County Councillors covering the Scarcliffe Ward of the District and the District Councillor for Scarcliffe Ward who lives outside the ward.
8. TUPE transfers of staff be considered after the next stage consultation.
9. The implementation date in the Draft Order contain the two dates of 2013 and 2015 and views be sought as part of the next stage consultation.
10. The draft order now submitted form the basis of the consultation to take place from 1st February to 30th April 2012.

Second Stage Consultation

This took place from 1st February until 30th April 2012. This was available online via www.askDerbyshire.gov.uk – to participate via this method giving a name is optional but the address is mandatory. As it turns out all 8 participants did give their name. Democratic Services also devised a feedback form, in consultation with the User Engagement Officer and in order to standardise to the online method names were optional but addresses must be given. These were provided to facilitate participation but any written form of communication expressing views would be considered.

The commencement of the second stage consultation was publicised on our website and in the In Touch magazine that would be delivered to every household encouraging people to respond. Unfortunately the way this was worded looked as though it was only for people in the Langwith Parish to respond. This was not deliberate but an oversight. A councillor for Scarcliffe Parish Council telephoned and asked how citizens of Scarcliffe could respond. In order to rectify this anomaly I agreed that a letter and feedback form should be hand delivered to every property in the Scarcliffe South Ward to ensure they were aware they could participate.

Petitions have been accepted from both areas.

In order to ensure fairness in this evaluation all responses received have been included on a spreadsheet and the following have not been included:

- Where multiple entries have been submitted only 1 has been counted
- where the citizen is not registered or lives outside the area
- where an address is incomplete – e.g. no house number
- Where nursing home or warden accommodation either contains no signatures and/or has been completed in the same hand writing these have been discounted as it is uncertain that the resident has been consulted and has agreed.

Discounted Forms

Number of forms discounted:

2013 Option – 43

2015 Option – 53

Outcome of Responses - Implementation Date

Option 1 for elections to take place in 2013 – 148 in favour (approx 6.5% of electorate of Langwith area)

Option 2 for elections to take place in 2015 – 205 in favour (approx 15% of electorate of Scarcliffe area)

Warding Arrangements

Respondents were invited to confirm if they agreed with the warding arrangements and number of councillors per ward for each Parish. If they disagreed they were invited to submit alternatives for consideration. The majority of respondents agreed with the warding arrangements for both Parishes.

Legal Advice

Concerns have been expressed at the earlier implementation date and the Council's Legal Team advise that:

Section 10(1) of The Local Government (Parishes and Parish Councils) (England) Regulations 2008 applies and all of the Councillors elected in 2011 have the right to continue in office until 2015.

The Council is required to have regard to the Guidance on Community Governance Reviews issued by the Department for Communities and Local Government and the Local Government Boundary Commission for England. Paragraph 150 makes it clear that the default position is that the changes will come into effect at the next scheduled election (in this case 2015). This is not mandatory but a decision to hold an election earlier must be supported by clear

reasoning as to why we are deviating from what the guidance describes as usual procedure.

The new arrangements could be brought into effect before 2015 (provided that it did not effect the term of office of any existing Cllr) but, it would be a deviation from what the guidance says is the usual position (“new or revised parish electoral arrangements come into force at ordinary parish elections ... so they usually have to wait until the next scheduled parish elections...”) so the Council would have to demonstrate that it had good reasons (that could be evidenced) for a decision to bring the revised arrangements in early.

Usual Arrangements

To demonstrate what the “usual arrangements are” examples are given below:

- The Local Government Boundary Commission carried out a review of all of the District Wards and Parishes and made its final recommendations in 1998, the Order bringing this into effect “The District of Bolsover (Electoral Changes) Order 1999” was made on 27 September 1999 and came into effect on 1 May 2003.
- The Parliamentary Constituencies were reviewed in 2006 the order “The Parliamentary Constituencies (England) Order 2007” was made on 13 June 2007 and came into effect into effect for the scheduled Parliamentary election held in 2010.
- There is currently an Electoral Review of the arrangements for the County of Derbyshire and the final recommendations will arrive later this year. The Local Government Boundary Commission for England advise that the County electoral arrangements will come into effect in May 2013 (next scheduled election) the consequential arrangements for Parishes will come into effect at the next scheduled elections in May 2015.

Recommendations of the Community Governance Review Working Group

The outcome from the second stage consultation would indicate there is more support for an implementation date of 2015.

Section 150 of the CLG guidance makes it clear that the default position is that the changes should come into effect at the next scheduled elections. This is evidenced as normal practice in the reviews set out under the heading Usual Arrangements. As there is a strong consultation response in favour of the date of 2015, and in the light of the legal advice outlined above, there is no need to consider the alternative date.

The Community Governance Review Working Group noted that the present councillors representing the 3 wards of the proposed new Parish have been elected by those communities to represent them for the period until elections in May 2015 and they should continue to do so.

ISSUES FOR CONSIDERATION

To agree the content of The Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1.

IMPLICATIONS

Financial :	Costs of the process have been absorbed in existing budgets.
Legal :	As in the report.
Human Resources :	Officer time in administering the review.

RECOMMENDATIONS that

(1) The Council make The Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1 including the date of 2015 for the new Parish Council to come into existence.

ATTACHMENT:	Yes – the Draft Order and Order maps
FILE REFERENCE:	
SOURCE DOCUMENT:	The 2011 Petition

LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007

The Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1

Made - - - - [day] [month] 2012

Coming into force in accordance with article 1(2)

Bolsover District Council (“the council”), in accordance with section 83 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated June 2012:

The council has decided to give effect to those recommendations and, in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The council, in accordance with section 100 of the 2007 Act, has had regard to guidance issued under that section:

The council makes the following Order in exercise of the powers conferred by sections 86, 98(3), 98(4), and 240(10) of the 2007 Act.

Citation and commencement

1.—(1) This Order may be cited as the Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1.

(2) Subject to paragraphs (4) and (5) below, this Order comes into force on 1st April 2015.

(3) Articles 7 and 8 shall come into force on the ordinary day of election of councillors in 2015

(4) For the purposes of:

(a) this article; and

(b) proceedings preliminary or relating to the elections of parish councillors for the parishes of Scarcliffe and Langwith, to be held on the ordinary day of election of councillors in 2015,

this Order shall come into force on 15th October 2014.

Interpretation

2. In this Order—

“district” means the district of Bolsover District;

“existing” means existing on the date this Order is made;

“map” means the 2 maps marked “Map referred to in the Bolsover District Council (Reorganisation of Community Governance) Order 2012 number 1” and deposited in accordance with section 96(4) of the 2007 Act: and any reference to a numbered sheet is a reference to the sheet of the map which bears that number;

“new parish” means the parish constituted by article 4;

“ordinary day of election of councillors” has the meaning given by section 37 of the Representation of the People Act 1983; and

“registration officer” means an officer appointed for the purpose of, and in accordance with, section 8 of the Representation of the People Act 1983.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Constitution of a new parish

4.—(1) A new parish, comprising the area outlined with a blue line on the map, shall be constituted within the district.

(2) The name of the new parish shall be Langwith.

(3) In consequence of paragraph (1) of this article, the area of the new parish shall cease to be part of the existing parish of Scarcliffe.

Parish council for the parish of Langwith

5.—(1) There shall be a parish council for the parish of Langwith.

(2) The name of that council shall be “The Parish Council of Langwith.”

Elections for the Langwith Parish

6. The election of all parish councillors for the parishes of Scarcliffe and Langwith shall be held on the ordinary day of election of councillors in 2015.

Wards of the parish of Langwith and numbers of parish councillors

7.—(1) The parish of Langwith shall be divided into 3 wards which shall be named Bathurst, Bassett and Poulter wards.

(2) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by orange lines

(3) The number of councillors to be elected for each ward shall be 4.

Wards of the parish of Scarcliffe and numbers of parish councillors

8.—(1) The existing wards of the parish of Scarcliffe shall be abolished.

(2) The parish shall be divided into 2 wards which shall be named North (comprising Hillstown), and South (comprising Palterton and Scarcliffe villages).

(3) Each ward shall comprise the area designated on the map by reference to the name of the ward and demarcated by orange lines.

(4) The number of councillors to be elected for each ward shall be 4.

Annual meeting of parish council

9. The annual meeting of the new Langwith Parish Council in 2015 shall be convened by the Chief Executive Officer of the Bolsover District Council. The meeting shall take place no later than 14 days after the day on which the councillors elected to the new parish council take office.

Electoral register

10. The registration officer for the district shall make such rearrangement of, or adaptation of, the register of local government electors as may be necessary for the purposes of, and in consequence of, this Order.

Transfer of property, rights and liabilities.

11. The land, property, rights, liabilities, funds and balances described in Schedules 3 and 4 shall transfer from the Scarcliffe Parish Council to the Langwith Parish Council on the date specified in column (2) of those Schedules.

Transitional provision

12. Until the councillors elected to the council of the new parish of Langwith at the elections to be held on the ordinary day of election of councillors in 2015 come into office, the new parish shall be represented by those persons who immediately before 1st April 2015 are the elected councillors for the Parish.

Order date

13. 1st April 2015 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

Sealed with the seal of the council on the day of 2012

Chairman

Solicitor to the Council

SCHEDULE 1

article 7

WARDS OF THE PARISH OF LANGWITH

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Name of Ward</i>	<i>Area of Ward</i>	<i>Number of Councillors</i>
Bathurst Ward	The Langwith Parish Council	4
Bassett Ward	The Langwith Parish Council	4
Poulter Ward	The Langwith Parish Council	4

SCHEDULE 2

article 8

WARDS OF THE PARISH OF SCARCLIFFE

NAMES AND AREAS OF WARDS AND NUMBERS OF COUNCILLORS

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
<i>Name of Ward</i>	<i>Area of Ward</i>	<i>Number of Councillors</i>
North Ward	Scarcliffe Parish Council	4
South Ward	Scarcliffe Parish Council	4

SCHEDULE 3

article 11

LAND AND PROPERTY TO BE TRANSFERRED

<i>Column (1)</i>	<i>Column (2)</i>
<i>Land and property to be transferred</i>	<i>Date</i>
[description]	[date]
Langwith Whaley Thorns & Langwith Village Hall	
Langwith Whaley Thorns Old Caretakers House	
Langwith Whaley Thorns Recreation Ground - off Cockshut Lane	
Langwith Whaley Thorns Recreation Pavilion	
Langwith Langwith Cricket Ground	
Langwith Langwith Cricket Pavilion	
Langwith Langwith Playground - sited on Cricket Ground	
Langwith Langwith Hardplay area - sited on Cricket Ground	
Langwith Langwith Memorial Gardens	
Langwith Phoenix Centre	
Langwith Devonshire Drive Recreation Ground	
Langwith Devonshire Drive Recreation Pavilion	
Langwith Devonshire Drive Playground - sited on Recreation Ground	
Langwith Dale Close Playground - sited on green	
Langwith Bus Shelters - Woodland View/Cockshut Lane	
Langwith Bus Shelters - North St - Opposite Nursing Home	
Langwith Bus Shelters - Main St - Adj to Hard Play area	
Langwith Bus Shelters - Main Rd - Next to Gate Hotel	
Langwith Bus Shelters - Langwith Rd opposite Dale Close	
Langwith Bus Turning area	
Langwith Allotments - Moorfield Lane	
Langwith Junction Langwith Junction Community Centre & Grounds	
Langwith Junction Langwith Junction Recreation Ground	
Langwith Junction Langwith Junction Playground (sited on Recreation Ground)	
Langwith Junction Langwith Junction Recreation Pavilion	
Langwith Junction Langwith Junction Bowling Green	
Langwith Junction Langwith Junction Allotments - Off Bramble Close	
Langwith Junction Langwith Junction Allotments - Off Recreation Road	
Langwith Junction Bus Shelter - Bassett Hill opposite School	

SCHEDULE 4

article 11

OTHER MATTERS TO BE TRANSFERRED

Column (1)			Column (2)
[Other matters] to be transferred			Date
[description]			[date]
Location	Land/Property	Site	
Langwith	Litter Bin	West Street	
Langwith	Dog Foul Bin	West Street	
Langwith	Notice Board	Main Road (Attached to Gate Hotel Pub)	
Langwith	Notice Board	Dale Close	
Langwith	Stone Planter - with name plate	Main Road - Dale Close	
Whaley Thorns	Litter Bin	North Street (near Phoenix centre)	
Whaley Thorns	Litter Bin	North Street - Memorial Gardens	
Whaley Thorns	Stone Planter - with name plate	Bottom of Pitt Hill	
Langwith Junction	Dog Foul Bin	Recreation Road	
Langwith Junction	Notice Board	Recreation Road	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order gives effect to recommendations made by Bolsover District Council for the new parish of Langwith, and the creation of a council for the parish of Langwith within the district of Bolsover.

The parish of Langwith will be created with effect from 1 April 2015. The electoral arrangements apply in respect of parish elections to be held on and after the ordinary day of election of councillors in 2015.

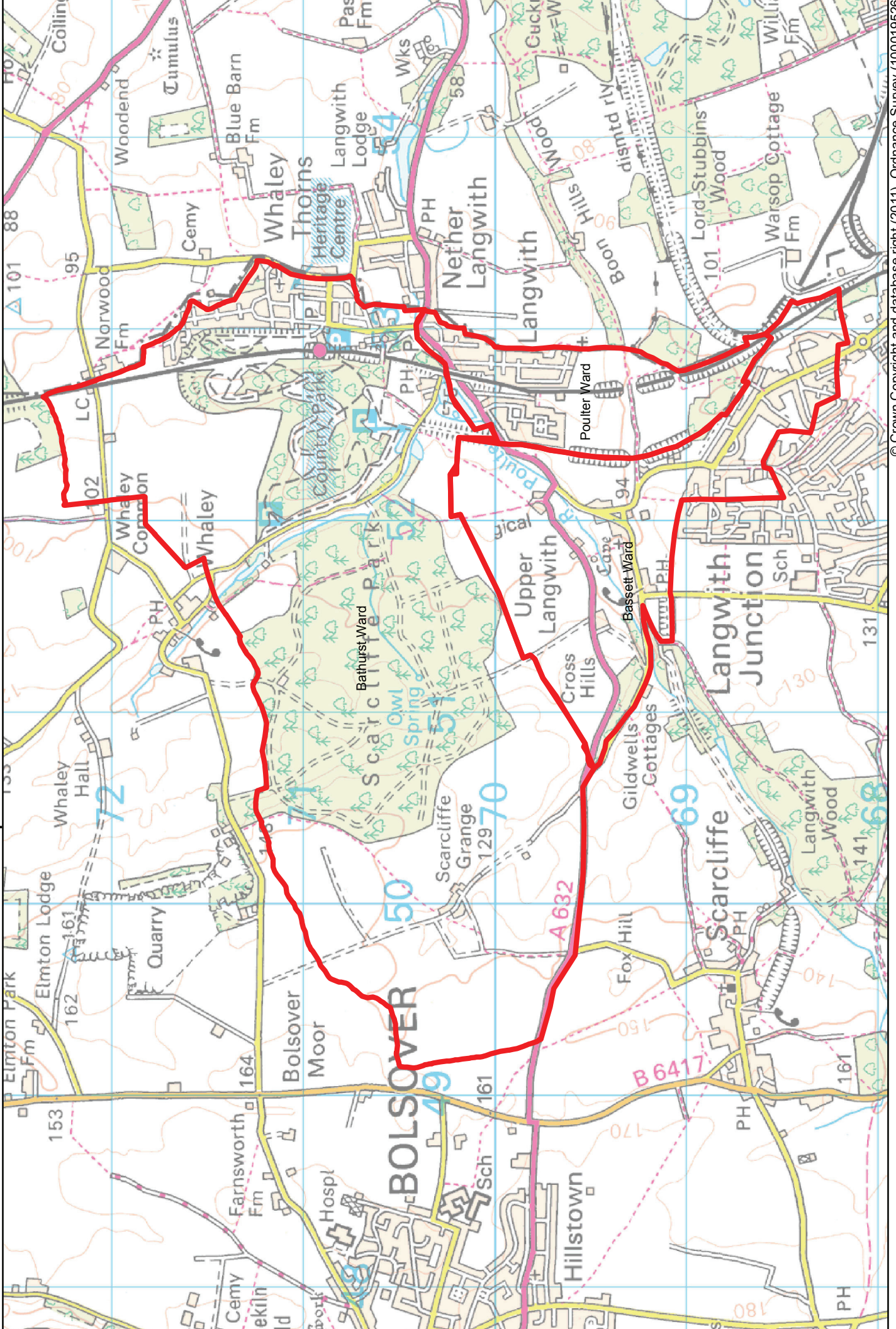
Article 6 provides for parish elections in the parish of Langwith in 2015, and then to continue according to the established system of parish elections every four years.

Articles 7 and 8 and the map establish the names and areas of the wards of the new parish of Langwith and the altered parish of Scarcliffe and the numbers of councillors for each ward.

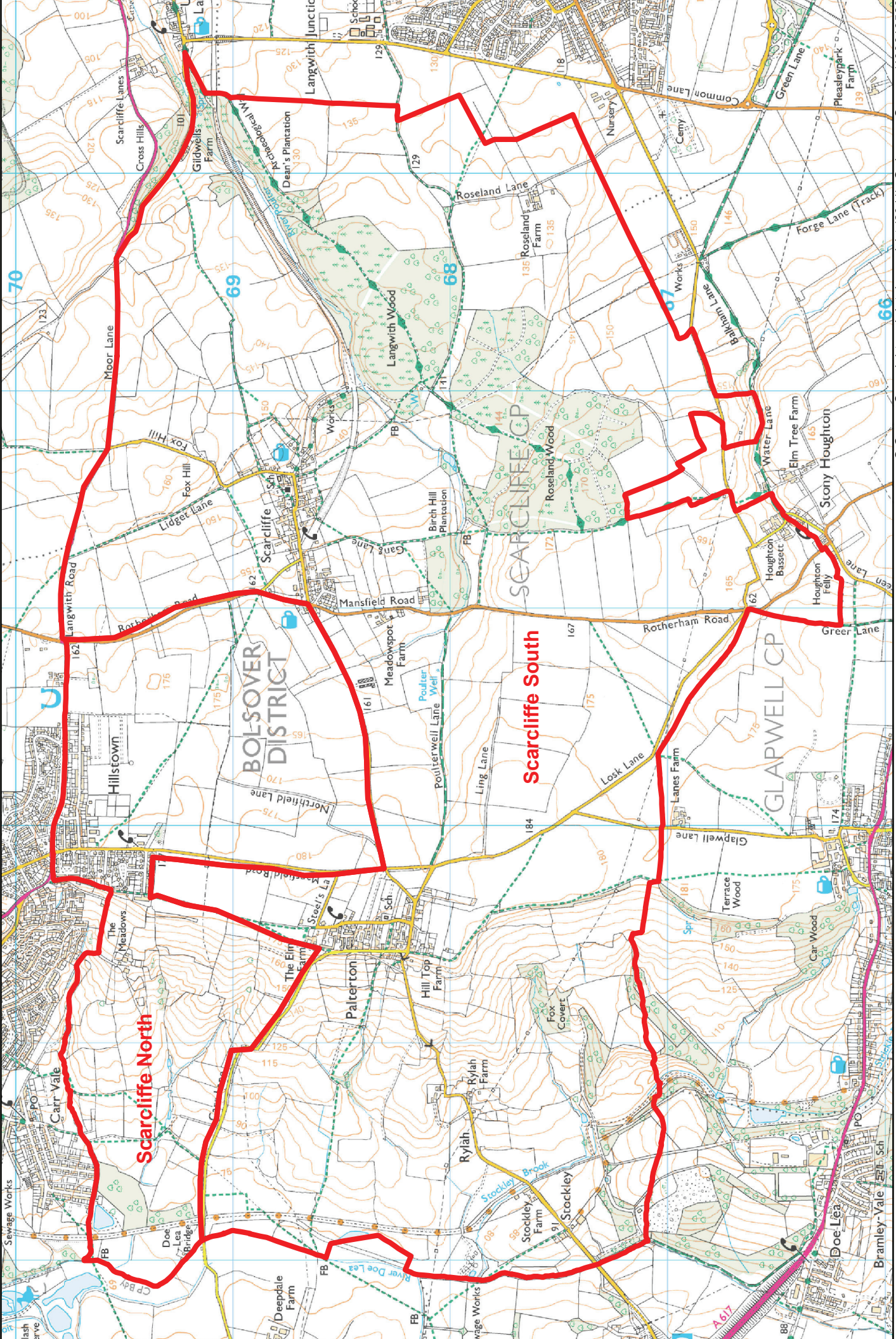
Article 10 obliges the Electoral Registration Officer to make any necessary amendments to the electoral register to reflect the new electoral arrangements.

The map defined in article 2 shows the new wards of the parish of Langwith and the wards of the altered parish of Scarcliffe. It is available, at all reasonable times, at the offices of Bolsover District Council.

Proposed Parish Ward Boundaries



Scarcliffe Parish Ward Boundaries



BOLSOVER DISTRICT COUNCIL

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday, 25th April, 2012 at 1000 hours.

PRESENT:-

Members:-

Councillor K.F. Walker in the Chair

Councillors A. Anderson, J.E. Bennett, R.J. Bowler, K. Bowman, Mrs. P.M. Bowmer, R. Brooks, J.A. Clifton, T.J. Connerton, T. Cook, , M.G. Crane, M. Dooley, S.W. Fritchley, H.J. Gilmour, J.E. Hall, R.A. Heffer, D. Kelly, D.A. Kerr, D. McGregor, C. Munks, B.R. Murray-Carr, S. Peake, J.J.P. Phelan, K. Reid, T. Rodda, J.E. Smith, A.M. Syrett, A.F. Tomlinson, R. Turner, S. Wallis, D.S. Watson, E. Watts
G.O. Webster and J. Wilson

Officers:-

W. Lumley (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council), B. Mason (Director of Corporate Resources) K. Hopkinson (Director of Development), A. Grundy (Assistant Director of Human Resources and Payroll) J. Fieldsend (Senior Principal Solicitor), I. Collis (Planning Policy Manager), J. Arnold (Assistant Director of Planning), D. Eccles (Assistant Director of Regeneration), N. Etches (Projects Officer (Policy & Research), and A. Saxby (Assistant Democratic Services Manager)

M. Broughton (Commercial Property & Development Manager)
G. Galloway (Buildings & Contract Manager) - in the public gallery
P. Campbell (Head of Housing)

1073. APOLOGIES

Apologies for absence have been submitted on behalf of Councillor C.P. Cooper, B. W. Hendry and G.J. Parkin

1074. URGENT ITEMS OF BUSINESS

The Chair had agreed to two urgent items of business being raised, a recommended item from Executive, 5th March, 2012 – Project Horizon (March 2012) and Project Horizon (April 2012) and these would be taken in exempt following agenda item No. 11. The reason for the urgency was that following the Executive meeting on 5th March, 2012 the intention was to call an Extraordinary meeting of the Council to consider this report once Morrisons and the Council were in a position to exchange contracts. The timing of this fell appropriately to meet the timescales on the 25th April, 2012 Council therefore, negating the need to arrange another meeting around what is already a busy council meeting schedule.

BOLSOVER DISTRICT COUNCIL

Members were also advised that they should have received a copy of questions from a Member and agenda item 10 and 11.

1075. DECLARATIONS OF INTEREST

The following declarations of interest were made:-

Minute. No.	Members	Level of Interest
1018	A. Anderson	Personal and Prejudicial
1018	S.W. Fritchley	Personal and Prejudicial
1080/1086	B.R. Murray-Carr	Personal and Prejudicial
1018	S. Peake	Personal and Prejudicial
1080/1086	K.F. Walker	Personal and Prejudicial
1018	J. Wilson	Personal and Prejudicial

1076. QUARTERLY REPORTS

There were no quarterly reports to consider.

1077. COUNCIL MINUTES

(1) 1st March, 2012

Moved by Councillor K.F. Walker, seconded by Councillor M. Dooley

RESOLVED that the minutes of a meeting held on 1st March, 2012 be approved as a true and correct record.

(2) 1st March, 2012

Moved by Councillor K.F. Walker, seconded by Councillor M. Dooley

RESOLVED that the minutes of an extraordinary meeting held on 1st March, 2012 be approved as a true and correct record.

(3) 28th March, 2012

Moved by Councillor K.F. Walker, seconded by Councillor M. Dooley

RESOLVED that the minutes of an extraordinary meeting held on 28th March, 2012 be approved as a true and correct record.

BOLSOVER DISTRICT COUNCIL

1078. EXECUTIVE AND COMMITTEE MINUTES CONTAINED IN THE MINUTE BOOK – 25th APRIL, 2012

- (1) Safety Committee – 2nd March, 2012
- (2) Executive – 5th March, 2012
- (3) Union/Employee Consultation Committee – 7th March, 2012
- (4) Scrutiny Management Board – 12th March, 2012
- (5) Audit Committee – 12th March, 2012
- (6) Improvement Scrutiny Committee – 19th March, 2012
- (7) Safe & Inclusive Scrutiny Committee – 21st March, 2012
- (8) Sustainable Communities Scrutiny Committee – 26th March, 2012
- (9) Executive – 2nd April, 2012

Moved by Councillor E. Watts, seconded by Councillor A.F. Tomlinson

RESOLVED that Executive/Committee/Joint minutes as reproduced in the Council Minute Book dated 25th April, 2012 be received.

1079. GREEN SPACE STRATEGY

The Planning Policy Manager presented the report and gave a presentation on the Green Space Strategy, a copy of the Green Space Strategy document dated April 2012 was attached to the report.

Members were advised that there was an increasing awareness that green open spaces played an essential part in creating a balanced and agreeable quality of life and the background to the strategy met the national guidance that planning policies on green spaces should be based on robust and up to date green space assessments.

Various workshops were held and surveys were sent out in 2010 before the Strategy document was drafted and in November 2011 Cabinet approved a Draft Strategy for public comment and considered responses in April 2012.

The Planning Policy Manager explained what was meant by 'Green Space', e.g. a formal green space including amenity green space, outdoor sports and play areas; semi natural green space e.g. woodlands and meadows where the primary purpose was recreation rather than forestry or agriculture, allotments, cemeteries and golf courses. An audit of existing green spaces had been undertaken, there were 303 sites covering 885ha. There was a green space hierarchy consisting of different levels which were as follows: level 1 - Large country parks, level 2 – town park, level 3 - neighbourhood/village parks and level 4 - local green spaces, the biggest gap is at town park level.

The Strategy proposed a minimum standard for every town and village and the Strategy proposed a minimum of 2.4ha of formal green space per 1,000 residents and 1.2ha of semi-natural green space per 1,000 residents with the minimum walking distances from residential areas for both equipped play areas and local green spaces being 400 metres, with 800 metres for a neighbourhood park and 2,000 metres for a town park.

BOLSOVER DISTRICT COUNCIL

One of the main issues of providing green spaces was that they should be good quality; this was just as important as the quantity of provision.

Surveys showed that the average quality scores for green spaces in the District were between 50 to 55%, so the Strategy set the basic standard at 60% and standards for town parks at 70%. The proposed planning policy would require that developers contribute to ensure standards were achieved.

The LSP were exploring whether a Green Space Action Group could be formed with providers and managers of green space as at present there were many organisations in the District responsible for the Green Space function and a group to foster understanding and a common sense of purpose was desirable.

Members voiced concerns about the achievability of some of the standards in certain parts of the District and were advised that planning policies would help to gradually reduce disparities by new requirements for provision in new residential developments.

Moved by Councillor D. Kelly, seconded by Councillor E. Watts

RESOLVED that (1) the Green Space Strategy be approved and adopted and the publication is authorised, together with the factual information contained in the Green Space Audit: Quantity and Accessibility report,

(2) the Assistant Director of Planning be authorised to make any minor changes to the Strategy and Audit to ensure factual accuracy or amend errors in the text prior to their publication.

(3) the Green Space Strategy be endorsed as a material consideration in the determination of applications for planning permission.

(Assistant Director of Planning)

Councillor A. Anderson, S.W. Fritchley, B.R. Murray-Carr, S. Peake, K.F. Walker and J. Wilson declared a Level 2 interest in Minute No. 1018 and left the meeting.

Councillor M. Dooley in the Chair

1080. DISPOSAL OF PUBLIC OPEN SPACE AT KISSINGATE AND THE SHIREBROOK TOWN PARK IN CONJUNCTION WITH THE REGENERATION OF SHIREBROOK THROUGH PARTNERSHIP WORKING

The Assistant Director of Regeneration presented the report on the disposal of the public open space at Kissingate and Shirebrook Town Park.

BOLSOVER DISTRICT COUNCIL

Members were advised that at Council, 14th December, 2011 it was agreed to approve the proposal to transfer Kissingate Leisure Centre and the markets operation at Shirebrook to Shirebrook Town Council, the transfer was to include all appropriate freeholds, fittings and the TUPE transfer of the staff with effect from 1st April 2012. Any contractual arrangements would be made by the Director of Development in consultation with the Chief Executive Officer, Leader and Deputy Leader of the Council.

As the Town Council was not a principal authority, the proposals needed to be advertised locally for two consecutive weeks in local papers and for Council to consider any representations received.

The advert was placed in the CHAD newspaper for the editions of the 4th and 11th April and details of the advertisement were contained in the report.

Copies of the two representations received had been circulated prior to the meeting.

Moved by Councillor A. F. Tomlinson, seconded by Councillor E. Watts

RESOLVED that the Council proceed with the disposal of the land in Shirebrook to Shirebrook Town Council.

(Solicitor to the Council/Assistant Director of Regeneration)

Councillors A. Anderson, S.W. Fritchley, B.R. Murray-Carr, S. Peake, K.F. Walker and J. Wilson returned to the meeting.

The Chair suggested that Members take a break to allow them time to read the responses received for the four questions from Councillor Kerr.

Councillor K.F. Walker in the Chair

1081. CHAIRMAN'S COMMUNICATION

(1) CHAIRMAN'S COMMUNICATION

The Chair advised Members that Councillor Bennett had a sponsorship form for Jack Barker, a 12 year old boy, who was to undertake a Sponsored Swim at Creswell Swimming Baths for the Marie Curie Cancer Care Charity.

There was also a petition being circulated asking for support for the young people living in the District of Bolsover to provide cycle routes for them to get to school as Derbyshire County Council had withdrawn buses.

BOLSOVER DISTRICT COUNCIL

(2) QUESTIONS SUBMITTED BY THE PUBLIC PURSUANT TO RULE 4.1.10 OF THE COUNCIL PROCEDURE RULES.

There were no questions raised by the public.

(3) QUESTIONS SUBMITTED BY MEMBERS PURSUANT TO RULE 4.1.14 OF THE COUNCIL PROCEDURE RULES.

Question No. 1

1. Question to Cllr Bowman

In a report to the Executive on the 2nd of April the Director of Corporate Resources states that: "It should be noted that the loans that have been agreed have been undertaken at significantly below the level of interest rates assumed within the HRA Business Plan (4.5%)".

Can he tell the Council how much money will now be saved in the HRA from these reduced rates and what this would mean for average rents in 2012/13 if the Council decided to return this money to the tenants it has taken it from?

Response from Councillor Bowman

The Director of Corporate Resources indicated at the meeting that on the 2nd April 2012 the loans which had been taken out at the end of March would secure financial savings of some £1.2m. While this was clearly a significant financial benefit to the Housing Revenue Account the impact of this needs to be considered within the context of the overall HRA Business Plan and as reported to Executive. Officers are currently working with our external advisors in order to refresh that Business Plan. In broad terms the figure of £1.2m equates to some 6% of the overall rent debit in respect of 2012/13.

It does, however, need to be recognised that under HRA reform that this Council will receive no further funding from central government and therefore needs to take appropriate steps to maintain our housing stock in a good condition. That will require that we increase our level of investment in our housing stock above the level that is currently provided for in the base HRA budget. These savings on interest payments will feed directly into investment in maintaining the quality of our tenants' homes. The shift towards self financing shifts a significant amount of risk away from the government and towards the Council. During the consultation period there was recognition that council housing was underfunded and that management allowances and that the major repair allowance was around 19% less than was needed.

<http://www.communities.gov.uk/documents/housing/pdf/1290222.pdf>

The self financing settlement allows the Council the opportunity to develop a robust business plan to improve standards of council housing over the next few years, and to ensure this is adequately funded. The Council is currently in consultation with our tenants regarding what investment they want to see in their homes, and this will result in a Housing Asset Management Strategy being brought to this Council within the next couple of months. This will enable the Council to increase its investment in

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tenants home's, but before we commit further expenditure we need to ensure that we will be carrying out the repairs and undertaking the improvement that our tenants want.

If Members had decided not to pass on the rent increase for this year (assuming a 6% increase rather than a 9% increase) the impacts would have been
Loss of Income to the HRA of £3.239million
Average rent increases of 3.18% above inflation for 5 years
Borrowing headroom reduced to £0.6m (from £2.8m)

Councillor Bowman asked to present additional information that there are currently 170 stock owning local authorities and I'm afraid we don't have figures for how many of them are not following guideline rent increases. The CLG statistics people might be their best bet.

The LGA had heard of examples where they are not, but anyone considering setting rent increases lower than guidelines should remember that the amount of debt government thinks they can sustain in the move to self-financing is based on assumption that they will increase rents in line with government's increase. So if they don't increase rents that much there is a danger of creating a black hole in rental income that may never be made up. See page 17 of the LGA self financial booklet. http://www.local.gov.uk/c/document_library/get_file?uuid=751e265c-55ec-499b-930f-2c142f56e7fc&gr970od=10161.

Councillor Kerr asked a supplementary question and the Member advised that the answer would be given in writing.

Question No. 2

2. Question to Cllr Kelly

Can he tell the Council whether

- a. The Cabinet has suspended its climate change strategy as recommended by the Strategic Management Team in January?, and
- b. What progress has been made in the installation of PVC on the Council's housing stock as approved by Council at its meeting in December?

Response from Councillor Kelly

2(A) The minute referred to was, to suspend the Climate Change Group and NOT the Strategy. Some officers, and myself are still engaged in meetings in connection with our objectives e.g. monitoring fuel use where some 45,000 litres has been saved and addressing Fuel Poverty within the District.

Note: Press Release 16th April (I believe all Councillors were sent a copy).

2(B) I am aware that the Council made any decisions in December relating to (PVC) which relates to replacement windows and doors. I suspect Councillor Kerr is referring to the decision to grant delegated powers to the Director of Neighbourhoods

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in consultation with various Members and Officers to progress a potential project for the installation of Solar PV (Photo Voltaic panels) on some Council properties which the Council would need to finance. Due to the uncertainty at the time surrounding the Governments announcement to reduce the Feed In tariffs (FITs) in December, the likely impact upon the Council's finances to service and borrowing required for any potential project and the anticipated payback period from FIT's and electricity savings, it was concluded that the project should not be pursued. The Council is, however, opening later today (25th April) tenders for a potential rent and roof scheme for Solar PV on Council houses that anticipates involving no upfront expenditure by the Council. This potential partnership with NEDDC will depend upon the amount of savings offered by tenderers, their ability to maximise income for the Council and the potential impact upon the HRA finances (in particular the borrowing headroom under the new HRA financing arrangements).

Councillor Kerr asked a supplementary question and was advised that the answer would be provided in writing.

Question No. 3

3. Question to Cllr Tomlinson

I understand that the Bolsover Civic Society were contacted on the 14th of April and invited to a pre-meeting before the next consultation by Morrisons. As of this date no such approach has been made to Bolsover Town Council and no further information has been given to all the members of this Council either. Can he explain why the Council is giving preference to contacting such voluntary groups ahead of keeping the elected members of this Council and Bolsover Town Council informed?

Response from Councillor Tomlinson

Response to Question 3

Following the Bolsover District Council/Morrisons public consultation in November Bolsover Civic Society wrote to both the Council and Morrisons with comprehensive comments and concerns regarding the proposed scheme. At the time neither BDC nor Morrisons were in a position to respond to the questions fully due to the scheme design still being under considered. Therefore, it was felt it would be appropriate to allocate a short time period during the public consultation period specifically for Bolsover Civic Society to fully address the issues raised. This offer was included in the response to the Civic Society and the letter (14th April 2012) is Morrisons fulfilling the commitment made. Councillors have received an invite to the public consultation event on the 27th and 28th April.

Question No. 4

Question to Cllr Watts

According to research undertaken by the BBC and broadcast on Panorama earlier this month more than 1 in 10 of all apprenticeships created in England last year were a single company, Morrisons. By offering "short" apprentices of just six months the company is now in a situation where nearly 4 in 10 of their entire workforce are now classed as apprentices.

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They also reported that Elmfield Training, the private company that accredits Morrison's apprentices being given over £37 million of public money and returning profits of over £12 million in 2010 with a CEO, Ged Syddall, being awarded a dividend of nearly £3 million even though the company secured only a satisfactory OFSTED rating.

May-be the process used by Bolsover Cabinet members to select Morrisons as its preferred partner were not as rigorous as those used by the BBC, but now that this information has come to light will he now suspend the entire scheme until the employment practices have been fully investigated and proper safeguards put in place to ensure that such practices are not followed in Bolsover.

Response from Councillor Watts

It is felt that the issues raised in the documentary are for Morrison's and its training provider to comment on which is a process which has been identified by the BBC documentary through the government select committee (27 March 2012) and the minister for further education as outlined in the programme.

The Council's evaluation criteria for the selection of the retailer for the Sherwood Lodge development is included in the report (25 April 2012) and is still considered appropriate in light of the recent documentary. BDC are already in discussion with Job Centre Plus and Chesterfield college to learn and build on the recruitment processes delivered and the recent superstore developments in Ashfield (Morrisons) and Clay Cross (Tesco). An appropriate labour clause is included in the Morrison's contract to ensure local people received maximum employment opportunity from this development.

Councillor Kerr asked a supplementary question and was advised that the answer would be provided in writing.

1082. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor D. McGregor, seconded by Councillor E. Watts

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

1083. SHIREBROOK ENTERPRISE CENTRE FACILITIES MANAGEMENT EXEMPT – PARAGRAPH 1

The Projects Officer (Policy and Research) presented the report on the Shirebrook Enterprise Centre Facilities Management.

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Members were advised that the Council had secured funding through ERDF Priority Axis 2 (ERDF PA2) and Working Neighbourhoods Fund (WNF) for the development of a new enterprise centre facility at Shirebrook. The application/business case, based on a detailed feasibility study assessment, included the purchase of the development plot, the design and construction of the building, internal fit-out and the revenue costs for an initial period of operation through to December 2013. The funding also included an allocation prior to the Centre opening to facilitate marketing and publicity.

The business case/funding application was finalised and submitted in April 2010 and following a detailed appraisal process, was approved in December 2010. The full submission was appended to a signed Deed of Grant which the Council signed in January 2011 and this formed a contractual agreement between the Council and both ERDF and WNF.

The Council worked with the appointed project's Employers Agent to detail a schedule of requirements for the provision of Facilities and Property Management Services, which were tendered in a recent procurement exercise, which included proposals for centre management and staffing. Due to the high revenue expense outlined in the tender responses received, an alternative more cost effective option has been considered and presented to members. Additional income generation had also been considered as a result of this alternative option, and revenue could be increased by provision of a meeting facility.

The Portfolio Holder for Regeneration thanked Regeneration for a fantastic job; this project was one of the District's highlights and provided top class facilities for business.

Moved by Councillor A.F. Tomlinson, seconded by Councillor E. Watts

RESOLVED that (1) Council delegate authority to the Director of Development to enter formal discussions with J. Tomlinson to carry out the facilities and property management services element of the original tender exercise, as an alternative delivery option to the recently completed procurement exercise. This contract will not include the management services as originally included within the tender exercise,

(2) Council approve the establishment and recruitment of two administrative officers (each for 30 hour per week) to be located at the Centre to provide support during operational hours, subject to job evaluation,

(3) an office be provided at the Centre to allow for the provision of a property management function to use at the Centre on an ad-hoc basis.

(Assistant Director of Human Resources and Payroll/Assistant Director of Corporate Resources)

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1084. THIRD TIER APPOINTMENTS EXEMPT – PARAGRAPH 1

The Chief Executive Officer advised Members that at Council in March 2012 Members had approved the appointment of seven Joint Assistant Directors posts.

No applications had been received for the post of Joint Assistant Director – Financial Services from the ring fenced Heads of Service/Assistant Directors. The post was advertised for suitable personnel in both Authorities and one application was received.

The candidate was required to make a presentation which was followed by supplementary questions being asked by the Members on the Recruitment Panel.

Following the organisational review, the Head of Finance and Revenues post was disestablished, this post undertook the role of Deputy Section 151 Officer, it was proposed that the Chief Accountant be designed as the Deputy Section 151 Officer with effect from 1st May, 2012.

Moved by Councillor E. Watts, seconded by Councillor A.F. Tomlinson

RESOLVED that (1) Council appoint Mr. Geoff Bagnall as Assistant Director - Financial Services at Bolsover District Council with effect from 23rd April 2012 on the basis that this is a joint post with North East Derbyshire District Council as agreed by both Councils. The appointment to be made on SCP 10 of the previously agreed Senior Management pay scale based on his current salary and normal pay progression policy,

(2) with effect from 1st May 2012 the post of Chief Accountant be designated as the Council's Deputy Section 151 Officer.

(Assistant Director of Human Resources and Payroll)

1085. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Moved by Councillor D. McGregor, seconded by Councillor A.F. Tomlinson

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they may involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

Councillor B.R. Murray-Carr and K. Walker declared a Level 2 – personal and prejudicial interest in Min. No. 1086 and left the meeting.

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Councillor M. Dooley in the Chair

**1086. RECOMMENDED ITEM FROM EXECUTIVE – 5TH MARCH, 2012 –
MINUTE NO. 945 - PROJECT HORIZON (MARCH 2012)
EXEMPT – PARAGRAPH 3**

The Director of Development submitted a recommended item from Executive held on 5th March, 2012 which informed Members of the progress and potential impact of the proposed sale of the Council Offices in Bolsover and the acquisition of Clowne College and creation of a new Bolsover mini-hub and sought delegated authority to enter into associated sale and leasing agreements.

Moved by Councillor A.F. Tomlinson, seconded by Councillor E. Watts

RESOLVED that Council approve the expenditure in accordance with the report and associated presentation, to develop new Council premises in Bolsover, convert/refurbish Clowne Campus, Partner relocation costs and Council relocation costs.

(Director of Development)

**1087. PROJECT HORIZON (APRIL 2012)
EXEMPT – PARAGRAPH 3**

The Director of Development submitted a report advising Members of the progress made with regard to the sale of Sherwood Lodge, Bolsover

The Director of Corporate Resources advised Members of Appendix H, which referred to the expenditure for the sale of Sherwood Lodge and the purchase of Clowne College.

Members were advised that in the recommendation 3, these should read

Authorised Borrowing Limit, Operational Boundary and Capital Financing Limit rather than Capital Financing Limit, Authorised Borrowing Limit and Capital Financing Limit.

Members were advised that a presentation would be taking place at the Assembly Rooms, Bolsover on Friday, 27th April and Saturday 28th April.

Members asked questions.

Moved by Councillor A.F. Tomlinson, seconded by Councillor E. Watts

RESOLVED that (1) Members' approve expenditure in accordance with this report and in accordance with appendix H which relates to:

- a) the disposal of Sherwood Lodge
- b) the purchase and refurbishment of Clowne Campus
- c) the Development of a new Bolsover Mini-hub

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(2) Members acknowledge the financial appraisal (Appendix H) and it's monitoring to ensure that benefits are fully realised.

(3) Council agrees to make the following changes to the Borrowing Limits as agreed by Council at its meeting on 1st March 2012.

- The **Authorised Borrowing Limit** be increased by £6,689,000 to £132,115,000.
- The **Operational Boundary** be increased by £6,689,000 to £127,115,000.
- The **Capital Financing Requirement** be increased by £6,689,000 to £122,115,000.

(4) the Capital Programme be amended to incorporate

- An overall expenditure requirement of £5.884m in respect of the relocation to Clowne Campus.
- Expenditure of £2.433m in respect of the building of the mini hub at Bolsover.
- Expenditure of £0.347m in relation to the ICT infrastructure
- Expenditure of £0.5m in relation to the Asset Management Plan With the actual schemes to be funded from this work to be subject to the approval of Executive.

(5) Council agrees to undertake prudential borrowing in order to fund the expenditure outlined in the above recommendation (with the exclusion of the £2.433m in respect of the Bolsover mini hub), on the basis that this borrowing will be reduced at the earliest opportunity by funding this expenditure from the Capital Receipt in respect of the Shirebrook site, or from that arising from the sale of Sherwood Lodge.

(Director of Development/Director of Corporate Resources)

The meeting concluded at 1225 hours.

BOLSOVER DISTRICT COUNCIL

Minutes of an Extraordinary meeting of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday 9th May 2012 at 0900 hours.

PRESENT:-

Members:-

Councillor K. Walker in the Chair

Councillors J.E. Bennett, R.J. Bowler, K. Bowman, P.M. Bowmer, J.A. Clifton, T.J. Connerton, T. Cook, C.P. Cooper, M. Dooley, S.W. Fritchley, H.J. Gilmour, R.A. Heffer (from Minute No. 1118), D. Kelly, D.A. Kerr, D. McGregor, C. Munks, B.R. Murray-Carr, G.J. Parkin, J.J.P. Phelan, K. Reid, T. Rodda, J.E. Smith, A.M. Syrett, A.F. Tomlinson, S. Wallis, D.S. Watson, E. Watts, G.O. Webster, J. Wilson

Officers:-

W. Lumley (Chief Executive Officer), B. Mason (Director of Corporate Resources), K. Hopkinson (Director of Development) J. Fieldsend (Senior Principal Solicitor), S. Chambers (Communications Officer) and A. Brownsword (Democratic Services Officer)

Also in attendance were Mr. S. Elanchelian and Mr. C. Christopher to present the petition and members of the public in the public gallery.

1117. APOLOGIES

Apologies for absence were received from Councillors R. Brooks, J.E. Hall, B.W. Hendry, S. Peake and R. Turner

1118. DECLARATIONS OF INTEREST

The Senior Principal Solicitor confirmed that Members of the Planning Committee had no need to declare an interest in the following item of business and there were no declarations of interest made.

Councillor Heffer entered the meeting during discussion of the following item of business.

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1119. TO RECEIVE AND CONSIDER A PETITION;

'THAT THE CURRENT DEVELOPMENT PLANS (MORRISON'S) FOR SHERWOOD LODGE BE SCRAPPED. THAT SHERWOOD LODGE BE CONVERTED INTO A LEISURE CENTRE IF BOLSOVER DISTRICT COUNCIL RELOCATES.'

The Chair advised Members that a Petition had been received and explained the procedure for receiving the petition. The petition organisers would be given five minutes each to present the petition; the petition would then be discussed by Council for a maximum of 30 minutes.

Council would then decide how to respond to the petition at the meeting. Council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Mr. Elanchelian and Mr. Christopher presented the petition asking the Council to scrap the current development plans for Sherwood Lodge and to convert Sherwood Lodge into a Leisure Centre if the Council relocated.

Mr. Elanchelian explained that the petition had been put together on behalf of all the small traders in Bolsover. He strongly believed that a large supermarket was not needed and would not bring the expected boom in business. The opposite would happen as had been seen in Clowne and other small towns, where Tesco had undercut local businesses until they had closed and then raised their prices. 200 jobs would be created by Morrisons, but other people would be made unemployed by the closure of other local businesses. Tradesmen used by the small businesses such as plumbers and electricians would also suffer. There was no need for another petrol station in Bolsover. He was sorry that the Council were putting personal gain first and hoped that Sherwood Lodge could be converted into a leisure centre for children as they currently have nowhere to socialise and this would also create jobs. He requested that a public meeting be held to enable small businesses to be able to put their point across.

Mr. Christopher explained that he was proud to say that he had been born and brought up in Bolsover and still lived in the town. He had worked in a local newsagent for 10 years and had a small green grocers and had knowledge and understanding of the issues facing small businesses in Bolsover. The petition asked for people's preference for a leisure centre and there had been an overwhelming response. He had liaised with the National Federation of Retail Newsagents who had drawn attention to an LGA Poll which showed how leisure centres contributed to local economies. This showed that a leisure centre at Sherwood Lodge was a viable option and ERDF Grants were available. This could help to stimulate and support local infrastructure and was a worthy cause to put forward. There were 1300 pupils at Bolsover Schools which gave a lot of potential for leisure centres to become involved in local education of children and young adults and could also assist Bolsover in creating tourism. There would also be scope for community sports teams. Mr. Christopher thanked the Council for the opportunity to put his point across.

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Members debated the petition.

Councillor Kerr congratulated the Speakers and noted that they had not just given people's perceptions, but had backed those perceptions with research on the impact of supermarkets on local businesses. The decision to build a supermarket should be given careful consideration by the Council. Morrisons said that the supermarket would create 200 jobs, but many would not be full time. It should be asked how many of those were full time equivalent. People's livelihoods depended on the small businesses and it was a good idea to hold a public meeting in order for people to put their views forward and have a dialogue. An exhibition was not a dialogue and it was the least the Council could do to hold a meeting. Why should small traders pay the price. If the Council felt that their fears were unfounded, a public meeting should be held with the traders to explore them.

Councillor Reid spoke to dispel the myths regarding Clowne. Clowne used to be an area of deprivation, but had turned around. Small businesses did not disappear as a result of the supermarkets opening and more sustainable shops and businesses had opened as the footfall in the town centre had increased. Clowne was now a thriving town. Businesses and the Council had worked together and moved forward. The Morrisons development should be used as a stepping stone. Small businesses should look to beat supermarkets on quality and customer service.

Councillor Crane explained that he had been a Councillor for the Scarcliffe Parish area for 25 years and spoke for the majority. People in Scarcliffe Parish were mainly in favour of the development once it had been explained that there would still be a Council presence in the town. There was currently only one petrol station in the town and another would give people the opportunity to shop around. There were currently no shopping facilities at all within Hillstown, Palterton and Scarcliffe and not everyone has access to transport. Currently people still have to go further afield for their shopping.

Councillor Parkin felt that he had sympathy with the petitioners, but that other towns had built supermarkets and their town centres were doing well. Leisure centres were not always well used and it was better to stay in the District to shop. The development would also attract people into Bolsover.

Councillor Bennett explained that Old Bolsover Town Council had done a lot of work in 2007 with the government and Sport England to try to build a leisure centre in Bolsover. They had looked at selling land and had also offered money to Derbyshire County Council if they would build a leisure centre along with the new school. At that time there had been very little support from the public.

Councillor Heffer entered the meeting.

Councillor Clifton noted that even though Morrisons was looking to build on the Sherwood Lodge site, a leisure centre could be built elsewhere in Bolsover if land was available. The problem was finding the funding.

Councillor Syrett noted that she was glad that so many people had shown an interest in the subject and wished they would get involved more often. The Council was not taking the decision lightly, but there were financial pressures forcing the Council to

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take action. The Council was working hard to ensure that there were as few cuts in services or jobs as possible and was coming up with solutions to help weather the financial storm. It must also be borne in mind that the Council was here for the District not just for Bolsover and was trying to do its best for the whole area.

Councillor McGregor noted that he had supported the move to Bolsover and now the Council was under financial pressure he would support another move. Since the supermarkets had been built in Clowne, Creswell was improving with help from the Council and its regeneration policies. He was in support of the two speakers comments and had supported the previous efforts to build a leisure centre in Bolsover which the Council had invested in, but a new build leisure centre on the Sherwood Lodge site would cost the Council at least £10 million. The Council also had to be aware that it represented 15 parishes, not just one.

Councillor Tomlinson explained that he was Deputy Leader and Portfolio Holder for Regeneration which included town centres. The Morrisons development represented an opportunity to create 200 new jobs and also an opportunity for existing businesses by increasing footfall to the town centre. Small businesses needed to think differently and look to see how they could differ from the large supermarkets. This could be by offering good customer service and quality. People like to feel that they are getting a personal service which did not happen in large supermarkets. Currently 50% of disposable income was spent outside the District and the Council needed to address this problem. There were currently two leisure facilities in the District which cost the Council £0.5 million every year to run as not enough people went to them. Another leisure centre would only increase the bill. At the two day event held by Morrisons, 800 residents had attended and of the feedback forms received, 50% had been in favour and 33% were not. An independent Retail Capacity Assessment carried out for the Planning Department had indicated a pressing need for a supermarket in Bolsover town centre.

Councillor Watts thanked the Speakers and explained that the Council was not against the development of a leisure centre, but ERDF funding could only be obtained for sustainable developments, which leisure centres were not. None of the Bolsover District leisure facilities ran at a profit. The Council needed to build a working relationship with small businesses as had happened in Clowne. As Leader, he thanked the public for their petition.

Moved by Councillor E. Watts and seconded by Councillor A.F. Tomlinson

RESOLVED that after debating the petition for 30 minutes, the Council should not take the action requested in the petition for the reasons outlined in the debate.

The meeting concluded at 0950 hours.

BOLSOVER DISTRICT COUNCIL

Minutes of the Annual Meeting of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday, 16th May, 2012 at 1000 hours.

PRESENT:-

Members:-

Councillor A. Anderson, J.E. Bennett, K. Bowman, Mrs. P.M. Bowmer, J.A. Clifton, T.J. Connerton, T. Cook, C.P. Cooper, M.G. Crane, M. Dooley, S.W. Fritchley, H.J. Gilmour, J.E. Hall, R.A. Heffer, D. Kerr, D. McGregor, C. Munks, B.R. Murray-Carr, G.J. Parkin, K. Reid, T. Rodda, J.E. Smith, A.F. Tomlinson, R. Turner, K.F. Walker, D.S. Watson, G.O. Webster, J. Wilson

Officers:-

W. Lumley (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council), P. Hackett (Director of Health & Wellbeing), K. Hopkinson (Director of Development), B. Mason (Director of Corporate Resources), S. Chambers (Communications Officer) and A. Saxby (Assistant Democratic Services Manager)

K. Whittingham (Head of Democratic Services), K. Rodda (Democratic Services Officer), C. Doy (Development Control Manager), P. Sawdon (Principal Planner), L. Hickin (Assistant Director of Leisure) in attendance for the extraordinary meeting to take place at the conclusion of the Annual Meeting.

Members of public in the public gallery

1. ELECTION OF CHAIRMAN

The Chief Executive Officer asked for nominations for Chairman.

On a motion proposed by Councillor K. Bowman,
seconded by Councillor A.F. Tomlinson

RESOLVED that Councillor K.F. Walker be elected as Chairman of the Council for the ensuing year.

Councillor K.F. Walker in the Chair

Councillor Walker made the Statutory Declaration of Acceptance of Office and the Chain of Office was placed around his neck.

The Chairman requested that Members and Officers stand for a minute's silence for ex-Councillor W. Adams, who had recently passed away. He had been a Bolsover District Councillor for over 30 years.

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Councillor Walker wished to thank Members for their continued support and he pledged to do his best for the Authority. It was a privilege to accept the position of Chairman as it was, the first time in 2004. He also wished to thank the Chief Executive Officer, Directors and Heads of Department and the Assistant Democratic Service Manager and the staff in top office, who continued to book his civic duties.

There are a number of good things coming the Council's way; the Shirebrook Enterprise Centre at Shirebrook is continuing to grow and Sports Direct is expected to double in size and increase the number of staff employed there, Tesco is coming to Shirebrook and Morrisons to Bolsover. The development in Bolsover will assist with the Council's move to Clowne.

The Deputy Leader offered his thanks on behalf of all Councillors, Ken and Freda are very experienced and great ambassadors for the District and promote the Council at every function they attend. They have attended over 70 civic functions throughout the last year, attending functions in the evening and at weekends and never turning down an offer to promote the District. He is also a hard working ward councillor.

In his position of Chair, he has presided over the meetings in a fair and proper manner and raised considerable funds for his chosen charity 'Prostate Cancer'.

2. APPOINTMENT OF VICE-CHAIRMAN

Councillor Walker asked for nominations for Vice-Chair.

On a motion proposed by Councillor K. Bowman,
seconded by Councillor A.F. Tomlinson.

RESOLVED that Councillor M. Dooley be appointed as Vice-Chairman of the
Council for the ensuing year.

Councillor Dooley thanked Members for their continued support for the coming year and stated it was a privilege to be at the side of Councillor Walker. She was extremely proud to accept the office of Vice-Chair.

Councillor M. Dooley made the Statutory Declaration of Acceptance of Office and the Chain of Office was placed around her neck.

3. APOLOGIES

Apologies for absence were submitted on behalf of Councillors R.J. Bowler, R. Brooks, B.W. Hendry, D. Kelly, S. Peake, J.J.P. Phelan, A.M. Syrett, S. Wallis and E. Watts.

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4. DECLARATIONS OF INTEREST

There were no declarations of interest made.

5. EXECUTIVE

The Deputy Leader advised the meeting that the Members to serve on the Executive would be the same as last year and these are as follows:-

Councillor E. Watts	- Leader & Policy, Strategy, Finance, Customer Service & Human Resources
Councillor A.F. Tomlinson	- Deputy Leader & Regeneration
Councillor K. Bowman	- Housing Management
Councillor D. Kelly	- Environment
Councillor D. McGregor	- Corporate Efficiencies
Councillor B.R. Murray-Carr	- Community Safety
Councillor A.M. Syrett	- Social Inclusion

6. APPOINTMENT OF COMMITTEES

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson
RESOLVED that (1) the Committees and membership as set out below be approved for the ensuing year

(1)

Scrutiny Committee		
Sustainable Communities Improvement		10 Members
Safe and Inclusive		10 Members
Scrutiny Management Board		8 Members
Budget		30 Members
Planning Committee		18 Members
Licensing Committee		15 Members
Standards Committee		5 elected Members 8 independently elected representatives + 3 parish council representatives
Audit Committee		3 elected Members + 3 co-optees
Union/Employee Consultation Committee		24 Members (12 Councillors /12 Union side)
Safety Committee		5 Members
High Hedges Committee		6 Members

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Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson
(2) the number of Members to serve on the respective Committees, in accordance with the procedures in Appendix B to the Council Procedure Rules be as follows:-

Scrutiny Committees:-

Sustainable Communities Scrutiny Committee
(Labour 8, Independent Group 1, District Residents Group 1)

Improvement Scrutiny Committee
(Labour 8, Independent Group 1, District Residents Group 1)

Safe and Inclusive Scrutiny Committee
(Labour 9, plus one Councillor not in a political group)

Scrutiny Management Board (8 Members)
(Chair and Vice-Chairs of the three Scrutiny Committees plus 1 Independent Group and, as a non-voting Member the Leader, with the Deputy Leader as substitute)

Budget Scrutiny Committee (30 Members)
All Scrutiny Members
(Labour 25, Independent Group 2, District Residents Group 2, plus one Councillor not in a political group)

Planning Committee
(Labour 16, Independent Group 1, District Residents Group 1)

Licensing Committee
(Labour 13, Independent Group 1, District Residents Group 1)

Standards Committee
(5 elected Members (Labour 4, Independent 1)
(Plus 3 previously appointed Parish Council representatives and 8 co-optees)

Audit Committee
(3 elected Members (Labour 2, Independent 1)
(Plus 3 co-optees)

Union Employee Consultation Committee (24 members)(12 councillors)(12 union side)
(Labour 10, Independent Group 1, District Residents Group 1)

Safety Committee (5 Members)
(Labour 4, Independent Group 1)

High Hedges Committee (6 Members)
(Labour 4, Independent Group 1, District Residents Group 1)

BOLSOVER DISTRICT COUNCIL

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

- (3) (a) the Members of the various Committees be as specified on the schedule on pages 8 to 11, excluding himself from the Licensing and Union/Employee Consultation Committee

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor

that Councillor K. Bowman be appointed to serve on both Licensing and Union/Employee Consultation Committee

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

- (4) Members to serve on the following Joint/Advisory Committees

(a) Strategic Alliance Joint Committee

All Cabinet Members, Chair of Scrutiny Management Board and Independent Member - Councillor J.A. Clifton

(b) Joint/Shared ICT Service Committee

Deputy Leader, Cabinet Member for Corporate Efficiencies and Cabinet Member for the Environment

(c) Pleasley Park & Vale Conservation Area Joint Liaison Committee

Chair and Vice-Chair of Planning plus three local Members (6 Members)
(Labour 5, Independent 1)

Chair and Vice-Chair of Planning, Councillors A. Anderson, P.M. Bowmer, B.R. Murray-Carr

Bolsover Conservation Area Advisory Committee (8 Members)

Chair and Vice-Chairman of Planning Committee plus local Bolsover Members – Councillors J.E. Bennett, R.J. Bowler, C.P. Cooper, J.E. Hall, T. Rodda, J.A. Clifton

(Labour 6, Independent Group 1, District Residents Group 1)

(d) Local Development Framework Advisory Group

Chair and Vice-Chair of Planning Committee

Councillors T. Connerton, D. McGregor, B.R. Murray-Carr, S. Wallis

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor

- (f) that Councillor K. Bowman be appointed to serve on the Bolsover Conservation Area Advisory Committee

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

- (5) Members to serve on the Tenant Participation Review and Development Group (Labour 4, Independent 1)

Councillors D. McGregor, R. Turner, D. Watson, J. Wilson

Moved by Councillor A.F. Tomlinson, seconded by Councillor D. McGregor

- (g) that Councillor K. Bowman be appointed to serve on the Tenants Participation Review and Development Group

BOLSOVER DISTRICT COUNCIL

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson
(6) Members to serve on the Member Development Working Group
Chairs of three Scrutiny Committees
Member Development Champion
Portfolio Holder for Social Inclusion
Independent Group (1 from each)

7. CYCLE OF MEETINGS

A copy of the schedule of meetings was circulated as a separate document this included a sheet showing various changes made to the schedule.

Members were advised that a replacement schedule would be circulated electronically to the majority of Members and hard copies to other Members.

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson
RESOLVED that the schedule of meetings of the Council, Executive, Committees and other meetings be approved in accordance with the circulated schedule, a replacement schedule would be circulated both electronically and in hard copies to other Members.

(Head of Democratic Services)

8. CONSTITUTION

The Solicitor to the Council advised Members that this item referred to Terms of Reference of Committees and the Delegation Scheme as it appears in the Constitution. It is necessary that these are considered and approved every year.

Members were advised that there had been no changes to the scheme since Council last approved them.

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson
RESOLVED that the Terms of Reference and the Delegation Scheme as they appear in the Constitution be accepted.

(Head of Democratic Services)

BOLSOVER DISTRICT COUNCIL

9. TO APPOINT REPRESENTATIVES TO SERVE ON OTHER BODIES - COUNCIL

A list of representatives to serve on outside bodies had been circulated prior to the meeting.

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

RESOLVED that the Members listed on the circulated schedule at pages 12 to 14 be appointed as the Council's representatives on outside bodies for the ensuing year with a term of office expiring at the next Annual Council meeting unless otherwise stated.

(Head of Democratic Services)

10. TO APPOINT THE FOLLOWING CO-OPTees TO AUDIT COMMITTEE

Moved by Councillor K. Bowman, seconded by Councillor A.F. Tomlinson

RESOLVED that the following names be appointed as co-optees to Audit Committee for the forthcoming year:-

John Yates
Robert Lilley
Joanne Hill

(Head of Democratic Services)

11. CHAIRMAN'S COMMUNICATIONS

There were no Chairman's Communications.

The meeting concluded at 1030 hours.

BOLSOVER DISTRICT COUNCIL

BOLSOVER DISTRICT COUNCIL 2012 - 13

Chairman: Councillor K. Walker
Vice Chairman: Councillor M. Dooley
Leader: Councillor E. Watts
Deputy Leader: Councillor A.F. Tomlinson

STANDING COMMITTEES

1. EXECUTIVE (7)

Chairman: Councillor E. Watts
Vice Chairman: Councillor A.F. Tomlinson

Councillors K. Bowman, D. Kelly, D. McGregor, B.R. Murray-Carr,
A.M. Syrett

2. SCRUTINY COMMITTEES

1. SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE (10)

Chairman: Councillor K. Reid
Vice Chairman: Councillor C. Munks

Councillors T. Bennett, R. Bowler, S.W. Fritchley, G. Parkin, S. Wallis,
D.S. Watson, J. Wilson, G.O. Webster

2. IMPROVEMENT SCRUTINY COMMITTEE (10)

Chairman: Councillor H. Gilmour
Vice Chairman: Councillor J. E. Smith

Councillors P.M. Bowmer, R. Brooks, J.A. Clifton, T. Cook, M.G. Crane,
R.A. Heffer, T. Rodda, R. Turner

3. SCRUTINY MANAGEMENT BOARD

Chairman: Councillor K. Reid
Vice Chairman: Councillor H.J. Gilmour
Chairs and Vice Chairs of Scrutiny Committees
Councillor J.A. Clifton
Leader of the Council – Non-voting Member
Substitute – Deputy Leader of the Council – Non-voting Member

BOLSOVER DISTRICT COUNCIL

4. AUDIT COMMITTEE (3 + 3 co-optees)

Chairman: Independent representative of the Committee

Vice Chairman: to be decided

Cabinet Member for Corporate Efficiencies – Councillor D. McGregor

Deputy Leader of the Council – Councillor A. Tomlinson

Leader of the Independent Group – Councillor J.A. Clifton

5. BOLSOVER CONSERVATION AREA ADVISORY COMMITTEE

Chairman and Vice Chairman of Planning Committee

Local Bolsover Members (Councillors J.E. Bennett, R.J. Bowler, K. Bowman, C.P. Cooper, J.E. Hall, T. Rodda, J.A. Clifton)

6. HIGH HEDGES COMMITTEE (6)

Chairman and Vice Chairman of Planning Committee

Two Labour Members to be determined by Chair and Vice Chair of Planning as and when required

Councillors R.A. Heffer, D.S. Watson

7. LICENSING COMMITTEE (15)

Chairman: Councillor J.E. Bennett

Vice Chairman: Councillor J.E. Hall

Councillors A. Anderson, R.J. Bowler, K. Bowman, C.P. Cooper, M. Dooley, R.A. Heffer, B.W. Hendry, S. Peake, J.J.P. Phelan, J.E. Smith, R. Turner, K.F. Walker, D.S. Watson

8. PLANNING COMMITTEE (18)

Chairman: Councillor D. Kelly

Vice Chairman: Councillor A.M. Syrett

Councillors P.M. Bowmer, R. Brooks, J.A. Clifton, T. Connerton, T. Cook,

M.G. Crane, S.W. Fritchley, D. McGregor, C. Munks, B.R. Murray-Carr.

G. Parkin, T. Rodda, R. Turner, S. Wallis, G.O. Webster, J. Wilson

1. Local Development Framework Advisory Group

Chair and Vice Chair of Planning Committee

Councillors T. Connerton, D. McGregor, B.R. Murray-Carr, S. Wallis

BOLSOVER DISTRICT COUNCIL

9. **PLEASLEY PARK AND VALE CONSERVATION AREA JOINT LIAISON COMMITTEE (6)**

Chairman and Vice Chairman of Planning Committee
Councillors A. Anderson, P.M. Bowmer, B.R. Murray-Carr

10. **SAFETY COMMITTEE (5)**

Councillors P.M. Bowmer, D. McGregor, B.R. Murray-Carr, K.F. Walker,
G.O. Webster

(1) Safety Visits Panel

To be determined by Safety Committee.

11. **STANDARDS COMMITTEE (5 + 8 Independently elected representatives + 3 Parish Council representatives)**

Chairman: Independent representative of the Committee

Vice Chairman: Councillor M. Dooley

Councillors M.G. Crane, H.J. Gilmour, A.M. Syrett, D.S. Watson

12. **TENANT PARTICIPATION REVIEW AND DEVELOPMENT GROUP (5)**

Chairman:

Councillors K. Bowman, D. McGregor, R. Turner, D. Watson, J. Wilson

13. **UNION/EMPLOYEE CONSULTATION COMMITTEE (24)**

Chairman: Councillor E. Watts

Vice Chairman: Union Side

Councillors R. Bowler, K. Bowman, P.M. Bowmer, J.A. Clifton, H. Gilmour,
D. McGregor, B.R. Murray-Carr, K. Reid, A. Syrett, A.F. Tomlinson.

G.O. Webster

Plus 12 Members from the Union side

14. **SHARED SERVICES ICT JOINT COMMITTEE (3)**

Deputy Leader

Cabinet Member for Corporate Efficiencies

Cabinet Member for Environment

BOLSOVER DISTRICT COUNCIL

15. **STRATEGIC ALLIANCE JOINT COMMITTEE (9)**

All Cabinet Members

Chair of Scrutiny Management Board

BOLSOVER DISTRICT COUNCIL

**REPRESENTATIVES ON OUTSIDE BODIES 2011/2012
COUNCIL FUNCTIONS**

Organisation and Representative(s)	Term of Office Expires On
Arthur Townrow Pensions Fund Councillor M.G. Crane Councillor J. Wilson	4 year term expiring on 1 st January 2015
Association of Councillors (a) National Councillor M.G. Crane J.E. Bennett (Substitute) (b) English Regional Councillor M.G. Crane Councillor J.E. Bennett (Substitute)	Annual Meeting of the Council Annual Meeting of the Council
Chesterfield Borough Council – Best Value Scrutiny Panel	Annual Meeting of the Council NOMINATION REQUIRED FROM SCRUTINY MANAGEMENT BOARD – DECIDED NOT TO NOMINATE UNLESS REP REQUESTED BY CBC
Clowne and District Community Transport Councillor R. Turner	Annual Meeting of the Council
Creswell Heritage Trust Councillor R. Turner	Annual Meeting of the Council
Derby and Derbyshire Strategic Leadership Forum Leader of the Council Chief Executive Officer (non voting)	Annual Meeting of the Council
Derbyshire Rural Community Council Councillor M. Dooley	Annual Meeting of the Council
Derbyshire Scrutiny Liaison Group	Annual Meeting of the Council NOMINATION REQUIRED FROM SCRUTINY MANAGEMENT BOARD

BOLSOVER DISTRICT COUNCIL

Organisation and Representative(s)	Term of Office Expires On
Doe Lea Management Committee Councillor P. Bowmer	Annual Meeting of the Council
Engine Site Liaison Committee Councillor Alan Tomlinson	Annual Meeting of the Council
English Heritage Councillor Kelly	Annual Meeting of the Council
Glapwell Waste Disposal Site Liaison Committee Councillor P. Bowmer Councillor M.G. Crane Councillor A.M. Syrett Plus relevant Cabinet Member	Annual Meeting of the Council
Isabella Smithson's Charity Councillor R. Bowler Councillor E. Hall Councillor T. Rodda	Annual Meeting of the Council
Joint Working Board (BDC/NEDDC/CBC) Leader of the Council Deputy Leader of the Council Chief Executive Officer Representative from Scrutiny Management Board (Observer) Representative from Scrutiny Management Board (Substitute Observer)	Annual Meeting of the Council NOMINATIONS REQUIRED FROM SCRUTINY MANAGEMENT BOARD
Langton Colliery Spoil Heap Reclamation Scheme Councillor Kelly Councillor Murray-Carr (substitute)	

BOLSOVER DISTRICT COUNCIL

Organisation and Representative(s)	Term of Office Expires On
Local Government Association National Leader of the Council Deputy Leader of the Council (Substitute)	Annual Meeting of the Council
National Coal Mining Museum Liaison Committee Councillor E. Watts	Annual Meeting of the Council
Pleasley Colliery Tip Liaison Committee Councillor Mrs. P. Bowmer	Annual Meeting of the Council
South Normanton Local Action Group Councillor S. Wallis	Annual Meeting of the Council
Stonebroom Liaison Committee Councillor A.F. Tomlinson	Annual Meeting of the Council
Whitwell Quarry Liaison Councillor D. McGregor Councillor R. Turner	Annual Meeting of the Council

EXTRAORDINARY COUNCIL

Minutes of an extraordinary meeting of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Wednesday, 16th May 2012 at 1030 hours.

PRESENT:-

Members:-

Councillor K.F. Walker - Chair

Councillors A. Anderson, J.E. Bennett, K. Bowman, P. M. Bowmer, J.A. Clifton, T.J. Connerton, T. Cook, C.P. Cooper, M.G. Crane, M Dooley, S.W. Fritchley, H.J. Gilmour, J.E. Hall, R.A. Heffer, D.A. Kerr, D. McGregor, C. Munks, B.R. Murray-Carr, G.J. Parkin, K. Reid, T. Rodda, J.E. Smith, A.F. Tomlinson, R. Turner, D.S. Watson, G.O. Webster and J. Wilson

Officers:-

W. Lumley (Chief Executive Officer), S. E. A. Sternberg (Solicitor to the Council) K. Hopkinson (Director of Development), B. Mason (Director of Resources), P. Hackett (Director of Health and Well Being), L. Hickin (Assistant Director of Leisure), K. Whittingham (Head of Democratic Services), S. Chambers (Communications Officer), C. Doy (Development Control Manager), P. Sawdon (Principal Planner) and K. Rodda (Democratic Services Officer)

12. APOLOGIES

Apologies for absence were submitted on behalf of Councillors R. J. Bowler, R. Brooks, B.W. Hendry, D. Kelly, S. Peake, J.J.P. Phelan, A. M. Syrett, S. Wallis and E. Watts.

13. DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

EXTRAORDINARY COUNCIL

14. RECOMMENDED ITEM FROM STANDARDS COMMITTEE – AMENDMENT TO TERMS OF REFERENCE FOR SAFETY COMMITTEE

The Solicitor to the Council presented the recommended item from Standards Committee to the meeting. The amendments to the Terms of Reference were to take into account the new partnership arrangements with Bassetlaw District Council for health and safety.

Moved by Councillor M. Dooley, seconded by Councillor H. Gilmour

RESOLVED that the amendment to the Terms of Reference for Safety Committee be approved for inclusion in the Council's Constitution.

(Constitution)

15. RECOMMENDED ITEMS FROM STANDARDS COMMITTEE – DRAFT BUDGET SCRUTINY TERMS OF REFERENCE

The Solicitor to the Council presented the recommended item from Standards Committee to the meeting, which was to approve the Terms of Reference for the Budget Scrutiny Committee.

Moved by Councillor M. Dooley, seconded by Councillor H. Gilmour.

RESOLVED that the Terms of Reference for the Budget Scrutiny Committee be approved for inclusion in the Council's Constitution.

(Constitution)

16. 12/00112/VARMAJ - VARIATION TO APPLICATION 09/00217/OUTMAJ TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF RESIDENTIAL DEVELOPMENT INCLUDING ACCESS (ACCESS DETAILS AS AMENDED BY THE LATER PLANNING PERMISSION REF 10/00360/DISCON) – HIGH ASH FARM, MANSFIELD ROAD, CLOWNE.

The Development Control Manager presented the planning application to the meeting. It had been referred to Council for a decision as it was a departure from the Local Plan.

EXTRAORDINARY COUNCIL

Moved by Councillor B. R. Murray–Carr, seconded by Councillor D. McGregor
RESOLVED that application number 12/00112/VARMAJ be approved and the final decision be delegated to the Assistant Director of Planning, in consultation with the Chairman and Vice Chairman of the Planning Committee, subject to the conditions covering the following issues, given in precis form and to be formulated in full by the Assistant Director of Planning:-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the layout, scale, appearance, access (except for the new junction identified on drawing no. 10/027-51, dated Aug 2010, as submitted with application ref. 10/00360/DISCON) and landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The plans and particulars submitted for landscaping in accordance with conditions 1 and 2 above shall include full details of settlement edge treatment on the site boundaries that do not abut common boundaries with existing residential properties, including a programme of implementation, maintenance and proposals for its long term management, shall have been submitted to and approved in writing by the Local Planning Authority. The planting shall be carried out, and thereafter maintained, in accordance with the approved plans and programme, unless written approval to any variation is given by the Local Planning Authority.

Reason: To reduce the visual intrusion of the development and make a positive contribution to the development and in compliance with Policies GEN1 (4), GEN2(1) and GEN11 of the Bolsover District Local Plan.

EXTRAORDINARY COUNCIL

4. Unless otherwise approved in writing by the Local Planning Authority, reserved matters application(s) shall include details of the location and layout (to include details of play equipment and all hard and soft landscaping) of an area of public open space in a single location at a rate of at least 20m² per property as per Bolsover District Council's 'Housing Layout and Design Supplementary Planning Guidance'. The play equipment shall be located within an activity area to include a 5m buffer zone to adjoining housing and shall be fenced, unless approval to an alternative detail is given in writing by the Local Planning Authority. The details of the public open space shall be included in a landscape management plan that shall detail the timescales for provision of the area and shall specify arrangements for the management and maintenance of that area in perpetuity, which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The open space shall only be provided in accordance with any details approved under this condition and maintained in accordance with the approved management plan at all times thereafter, unless approval of any alternative arrangements is given in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of open and recreational space is provided within a reasonable period in the interests of the amenity of future residents and in compliance with Policy HOU5 of the Bolsover District Local Plan.

5. Unless otherwise approved in writing by the Local Planning Authority, any reserved matters submission(s) shall include details of the environmental performance of the development, i.e. details of how it is proposed to address the issue of minimising or reducing impact on climate change and measures to adapt the development to possible future climate change, along with a programme of implementation and long term management. Unless otherwise approved in writing by the Local Planning Authority, any details and measures approved shall be implemented in accordance with the details and timescales approved under this condition.

Reason: To reduce the impact of the development on climate change and incorporate measures to adapt the development to possible future climate change in accordance with the principles contained in Planning Policy Statement: Planning and Climate Change, Supplement to Planning Policy Statement 1.

EXTRAORDINARY COUNCIL

6. No development shall take place until the site has been subject to a detailed scheme for the investigation and recording of contamination of the land and risks to the development, its future users and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into buildings shall be submitted to and approved in writing by the Local Planning Authority. The report shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposal and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures approved in writing by the Local Planning Authority have been implemented.

Reason: To protect surface and groundwater quality in the area and to ensure the site is suitable for its intended use and in compliance with Policies GEN2 (9) and (14) and GEN4 of the Bolsover District Local Plan.

7. In the event that it is proposed to import soil onto site in connection with the development, unless otherwise approved in writing by the Local Planning Authority, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for consideration. Only soil(s) approved in writing by the Local Planning Authority under this condition shall be imported onto site.

Reason: To protect surface and groundwater quality in the area and to ensure the site is suitable for its intended use and in compliance with Policies GEN2 (9) and (14) and GEN4 of the Bolsover District Local Plan.

8. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

EXTRAORDINARY COUNCIL

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and in compliance with Policies GEN2 (9) (11) and (13) and GEN5 of the Bolsover District Local Plan.

9. Unless otherwise approved in writing by the Local Planning Authority, prior to the commencement of development, further bat survey work shall be carried out in accordance with paragraphs 4.15 to 4.20 of the Updated Ecological Appraisal dated February 2012 that shall have been completed by a suitably qualified ecologist at an appropriate time of the year to determine the presence or absence of bats and provide details of appropriate mitigation and/or compensation measures, along with proposed timescales for their provision, which shall be implemented in accordance with the details and timescales approved under this condition.

Reason: To establish the presence or otherwise of species of bats prior to the commencement of development, and where necessary to provide suitable replacement habitats for those lost as part of the development and in accordance with Policies GEN2 (11) and ENV5 of the Bolsover District Local Plan.

10. Unless otherwise approved in writing by the Local Planning Authority, any vegetation clearance is undertaken outside of the main bird breeding season (March to August inclusive). If this is not possible, any vegetation should be surveyed immediately prior to removal by a suitably experienced ecologist. If nests are discovered they should be left undisturbed until all the young have fledged.

Reason: In order to ensure that appropriate protection and mitigation measures are provided for birds, their eggs, nest and young and in accordance with Policies GEN2 (11) and ENV5 of the Bolsover District Local Plan.

11. Unless otherwise approved in writing by the Local Planning Authority, before any other operations are commenced, a new estate street junction shall be formed to Mansfield Road, (B6417) located, designed, laid out, constructed and provided with 2.4m x 120m, critical direction and 2.4m x 95.5m non critical direction, visibility splays all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

EXTRAORDINARY COUNCIL

Reason: In the interests of highway safety and in compliance with Policies GEN1, GEN2 and TRA10; of the Bolsover District Local Plan.

12. Before any other operations are commenced (excluding Condition 11 above), a scheme shall be submitted for the provision of pedestrian refuges and linking paths, in general accordance with the application drawing, for approval. Once approved the scheme shall be fully implemented prior to the occupation of any dwellings.

Reason: In the interests of highway safety and in compliance with Policies GEN1, GEN2 and TRA10; of the Bolsover District Local Plan.

Summary of Reason for Granting Permission

1. Whilst there has been new national guidance (National Planning Policy Framework), the impacts of the change in circumstances are not considered to result in the need to resist this proposal. Consideration has been given to the principle of the development, including issues of impact on privacy and residential amenity, impact on the streetscene, impact on biodiversity and impact on highway safety interests. An incursion of development into the open countryside outside of the defined settlement framework is regrettable and there are concerns in respect of the visual impacts of the development in this important settlement edge location; the ability of the development of this site to integrate into the existing settlement pattern and potential future development patterns of Clowne; and the loss of existing employment facilities. However, it was considered that the design issues can be at least partially addressed at reserved matters stage through careful design and settlement edge treatment (to which Policy GEN11 of the Bolsover District Local Plan relates). Consideration was also given to the site's partial brownfield status on the edge of the settlement of Clowne, being a settlement where the East Midlands Regional Plan envisages further housing development to be located and the preference generally given to the development of appropriately located brownfield sites over greenfield development. It is considered that the absence of a five year housing supply mitigates the weight that should be attached to the issues of concern to a point that, in principle, a need for the residential development of this site as part of the five year supply is now identified that is sufficient to outweigh the concerns identified. It is considered that a development can be achieved that will generally satisfy the requirements of the Housing Layout and Design Supplementary Planning Guidance published by the Council. The impacts of the proposal are not so great as to justify refusal.

EXTRAORDINARY COUNCIL

Conditions have been imposed where appropriate to generally address the issues raised.

Summary of the main development plan policy applicable:

East Midlands Regional Plan Policies 2 (Promoting Better Design), 3 (Distribution of New Development), 7 (Regeneration of the Northern Sub Area, which gives priority to the regeneration of this area) and Northern SRS 1 (Sub-regional Development Priorities).

Bolsover District Local Plan Policies GEN1 (Minimum Requirements for Development), GEN2 (Impact of Development on the Environment), GEN4 (Development on Contaminated Land), GEN5 (Land Drainage), GEN6 (Sewerage and Sewage Disposal), GEN8 (Settlement Frameworks), GEN11 (Development Adjoining the Settlement Framework Boundary), GEN17 (Public Art), HOU2 (Location of Housing Sites), HOU5 (Outdoor Recreation and Play Space Provision for New Housing Developments), HOU6 (Affordable Housing), HOU9 (Essential New Dwellings in the Countryside), EMP5 (Protection of Sites and Buildings for Employment Uses), TRA1 (Location of New Development), TRA7 (Design for Accessibility by Bus), TRA10 (Traffic Management), TRA13 (Provision for Cyclists), TRA15 (Design of Roads and Paths to Serve New Developments), ENV2 (Protection of Best and Most Versatile Agricultural Land and the Viability of Farm Holdings), ENV3 (Development in the Countryside), ENV5 (Nature Conservation Interests Throughout the District) and ENV8 (Development Affecting Trees and Hedgerows).

Notes

1. The Crime Prevention Design Advisor has recommended a layout that is less reliant on shared parking courts than that shown on the indicative layout drawings originally submitted.
2. In order to maintain and enhance the biodiversity of the site, soft landscaping should incorporate native species that will support wildlife and other features, including bat and bird boxes etc. should be incorporated in the development. As much as possible of the existing mature landscaping, particularly the perimeter trees and hedgerows, should be maintained.
3. In respect of condition 6, prior to the preparation of any additional studies any developer is strongly encouraged to contact the Council's Environmental Health Department for advice about the site history and requirements for such study work. A copy of the

EXTRAORDINARY COUNCIL

Environmental Health Officer's comments on this application, along with other consultation responses can be viewed on the Council's website at www.bolsover.co.uk

4. In preparing any reserved matters that incorporate highways that are intended to be adopted, attention should be had to the latest design guide of the Derbyshire County Highways Authority, along with the following guidance of that Authority:-

* Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Director of Environmental Services at County Hall, Matlock (tel.: 01629 580000, ext 7582, Mr Chris Allwood). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

* Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Director of Environmental Services at County Hall, Matlock (tel.: 01629 580000 and ask for Development Control North).

* Highway surface water shall be disposed of via a positive, gravity fed system (i.e.; not pumped) discharging to an approved point of outfall (e.g.; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

* Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (tel.: 01629 580000 and ask for the New Roads and Street Works Section).

* Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the

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carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and/or are for a duration of more than 11 days require a three months notice. Developers' Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

(Assistant Director of Planning)

17. DRAFT RECOMMENDATIONS ON THE NEW ELECTORAL ARRANGEMENTS FOR DERBYSHIRE COUNTY COUNCIL

The Head of Democratic Services presented the report, which informed the meeting that the Local Government Boundary Commission for England had carried out an electoral review of Derbyshire County Council. The main reason for this was to equalise the number of electors each County Councillor represents, reflecting community identity and providing for effective and convenient local government.

Full details of the proposed changes were identified in the report. Most of the changes would be minor, and in order to facilitate them it would be necessary to amend warding arrangements for two parishes, Old Bolsover Town Council and South Normanton Parish Council.

The impact on the affected parishes and the councillor to elector ratio were also explained in detail.

The Head of Democratic Services explained however that the situation for South Normanton could be improved and after further discussion it was agreed that the electorate would be better served by the East and Central wards each electing 3 Parish Councillors and the West Ward unchanged with 7. This would mean a reduction of 1 Councillor for the Parish, but this would not come into effect until the next scheduled elections in 2015.

Councillor Cook requested that South Normanton East and Tibshelf did not have a change of name and the Head of Democratic Services would incorporate this in her response to the Local Government Boundary for England.

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Moved by Councillor A. Tomlinson, seconded by Councillor K. Bowman

RESOLVED that (1) the Local Government Boundary for England be advised that the Council supports the draft recommendations in the Draft Recommendations for the Electoral Review of Derbyshire County Council with the exception of the representation for South Normanton Parish which should be 3 Councillors to represent the Central ward, 3 Councillors to represent the East ward and 7 Councillors to represent the West Ward.

(2) it be requested that the name of the South Normanton East and Tibshelf Ward remains unchanged.

(Head of Democratic Services)

18. LEADER REPORT

The Deputy Leader presented the report to the meeting. The report was for Members information and advised them of actions that had arisen from a meeting of the Bolsover and North East Derbyshire LEADER Local Action Group.

The Group had been established in 2007 to help deliver funding for small businesses and an appendix to the report detailed how some of that funding had been allocated.

The report also informed the meeting that further funding had been made available due to the Euro exchange fluctuation rates and Councillor Tomlinson commented how the funding had helped local businesses and tourism in the area.

Moved by Councillor A. Tomlinson, seconded by Councillor D. McGregor

RESOLVED that the report be noted

19. OLYMPIC TORCH PRESENTATION

The Director of Health and Well Being and the Assistant Director of Leisure gave a presentation on the Olympic Torch relay that was occurring as part of the celebrations for the Olympic and Paralympics games that will be taking place in London this year. The Olympic Torch relay will be passing through Glapwell, Hillstown and Bolsover on 29th June and details were given of the route, and the events that will be taking place.

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Many schoolchildren had been given time off to attend the event and they were also being encouraged to make and display banners etc.

Councillor Crane informed the meeting that Scarcliffe Parish Council had made a small budget available to help with bunting etc. along the route and the Assistant Director of Leisure was asked to contact the Clerk to Scarcliffe Parish Council to discuss this further.

Bolsover will also be hosting an 'Olympicnics event' in and around Bolsover Castle and details were given of some of the events that will be taking place, including a ticketed event from the Tredegar Town Band.

The BBC will be present in Derbyshire on the day and it was hoped that there would be a reasonable amount of coverage from Bolsover.

Members asked questions about the costs of the event, advertising and parking.

The Director of Health and Well Being advised the meeting that the ticketed event would offset some of the costs of the day and also how the Projects Officer (Tourism) had been encouraging local businesses to get engaged in the day.

Members thanked the Director of Health and Well Being and the Assistant Director of Leisure for the presentation, and congratulated everyone involved in the event.

20. JOINT STREET SCENE SERVICE REVIEW – SENIOR MANAGEMENT PROPOSALS

Councillor Walker advised the meeting that this item had been deferred.

The meeting closed at 1131 hours.