

The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

Date: 25th October 2016

Dear Sir or Madam,

You are summoned to attend a meeting of the Bolsover District Council on Wednesday 2<sup>nd</sup> November 2016 at 1000 hours in the Council Chamber, The Arc, High Street, Clowne.

**Notes for Members:**

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 to 4.

Yours faithfully,



Assistant Director – Governance & Solicitor to the Council & Monitoring Officer  
To: Chairman & Members of the Council

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**Tel** 01246 242424    **Fax** 01246 242423    **Minicom** 01246 242450  
**Email** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)    **Web** [www.bolsover.gov.uk](http://www.bolsover.gov.uk)

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# COUNCIL

## AGENDA

WEDNESDAY 2<sup>ND</sup> NOVEMBER 2016  
IN THE COUNCIL CHAMBER AT 1000 HOURS

Item No.		Page No.(s)
	<b>PART 1 – OPEN ITEMS</b>	
1.	<b>Apologies for Absence</b>	
2.	<b>Urgent Items of Business</b>  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.	<b>Declarations of Interest</b>  Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:-  a) any business on the agenda b) any 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.	<b>Questions</b>  (a) Questions submitted by the Public pursuant to Rule 4.1.10 of the Council Procedure Rules.	None
	(b) Questions submitted by Members pursuant to Rule 4.1.10 of the Council Procedure Rules.	None

5.	<b>Reports on special urgency decisions</b>	None
	In any event the Leader will submit reports to the Council on the Executive decisions taken in the circumstances set out in Rule 17 (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.	
6.	<b>Minutes of Last Meeting</b>	See Minute Book
	To approve and the Chairman to sign the minutes of the Extraordinary Council Meeting held 26 <sup>th</sup> September 2016 and the Council Meeting held on 5 <sup>th</sup> October 2016.	
7.	<b>Minute Books</b>	To Follow
	Members may put questions for clarification in respect of the minutes contained within the latest Minute Book dated 2 <sup>nd</sup> November 2016.	
8.	<b>Recommended Items</b>	
	None.	
9.	The role of the Peak District National Park Authority <b><i>(Presentation from Sarah Fowler (Peak District National Park Authority))</i></b>	
10.	The UK Healthy Cities Network <b><i>(Presentation from Mandy Chambers (Derbyshire County Council – Public Health))</i></b>	
11.	Update on Affordable Warmth and Sustainable Energy in Bolsover District Council <b><i>(Presentation from Edward Leddy-Owen (Fuel Poverty Coordinator))</i></b>	
12.	To appoint a Vice Chair of Growth Scrutiny Committee	
13.	Procurement of External Auditors	5 to 8
14.	Treasury Management Update	9 to 13
15.	Licensing Enforcement	To Follow

16. **Chairman's Announcements**

To receive any announcements that the Chair of the Council may desire to lay before the meeting.

1. White Ribbon Campaign

**Bolsover District Council**

**Council**

**2 NOVEMBER 2016**

**Procurement of External Auditors**

**Report of the Assistant Director – Finance, Revenues & Benefits**

This report is public

**Purpose of the Report**

- To recommend to Council that this Council opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the procurement of external auditors.

**1 Report Details**

- 1.1 Following the demise of the Audit Commission new arrangements were needed for the procurement of external auditors. The Local Audit and Accountability Act 2014 requires authorities to either opt in to the appointing person regime or to establish an auditor panel and conduct their own procurement exercise.
- 1.2 As part of closing the Audit Commission the Government novated external audit contracts to PSAA on 1 April 2015. The audits were due to expire following conclusion of the audits of the 2016/17 accounts, but could be extended for a period of up to three years by PSAA, subject to approval from the Department for Communities and Local Government.
- 1.3 In October 2015 the Secretary of State confirmed that the transitional provisions would be amended to allow an extension of the contracts for a period of one year. This meant that for the audit of the 2018/19 accounts it is necessary for authorities to either undertake their own procurements or to opt in to the appointed person regime.
- 1.4 There was a degree of uncertainty around the appointed person regime until July 2016 when PSAA were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. The appointing person is sometimes referred to as the sector led body and PSAA has wide support across most of local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission and is a company owned by the Local Government Association's Improvement and Development Agency (IDeA).

- 1.5 The date by which authorities will need to opt in to the appointing person arrangements is not yet finalised. However, it is anticipated that invitations to opt in will be issued in December 2016 with a requirement to respond early in 2017.
- 1.6 Full details of the proposals are set out on the PSAA website, however the main advantages may be summarised as follows. These can also be viewed as the disadvantages that would arise if the Council was to decide to undertake its own procurement.
- \* Assure timely auditor appointments
  - \* Manage independence of auditors
  - \* Secure highly competitive prices
  - \* Save on procurement costs
  - \* Save time and effort needed on auditor panels
  - \* Focus on audit quality
  - \* Operate on a not for profit basis and distribute any surplus funds to scheme members.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 It is likely that a sector wide procurement conducted by PSAA will produce better outcomes for the Council than any procurement we undertook by ourselves or with a limited number of partners. Use of the PSAA will also be less resource intensive than establishing an auditor panel and conducting our own procurement.
- 2.2 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by Full Council.

## **3 Consultation and Equality Impact**

- 3.1 There are no consultation and equality impact implications from this report.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 To establish an auditor panel and conduct our own procurement. This is not recommended as it will be a far more resource intensive process and, without the bulk buying power of the sector led procurement, would be likely to result in a more costly service.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 The current revenue budget includes a sum of £76,000, of which £67,500 relates to the auditing the statement of accounts and £8,500 for auditing the subsidy claim.
- 5.1.2 While the PSAA option will require some additional staff time this will be significantly below that which would be necessary if we undertook our own procurement. Until either procurement exercise is completed it is not possible to state what additional resource may be required for audit fees for 2018/19, although it is anticipated that any increase will be minimised through using PSAA.
- 5.1.3 As set out in the report, use of PSAA minimises the risks inherent in undertaking our own procurement.

### **5.2 Legal Implications including Data Protection**

- 5.2.1 The process as set out above and the recommendation should ensure compliance with the Local Audit and Accountability Act 2014.

### **5.3 Human Resources Implications**

- 5.3.1 These are covered throughout the report.

## **6 Recommendations**

- 6.1 That Council approves that Bolsover District Council opts into the appointing person arrangements made by Public Sector Audit Appointments for the procurement of external auditors which will ensure that the Council complies with the Local Audit and Accountability Act 2014.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None directly.
<b>Links to Corporate Plan priorities or Policy Framework</b>	Providing Excellent customer focussed services.

8 **Document Information**

Appendix No	Title
None	
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Dawn Clarke – Assistant Director Finance, Revenues and Benefits	(01246) 242214

<http://www.cipfa.org/~media/files/partners/sdct/psaa-prospectus.pdf?la=en>



**Bolsover District Council**

**Council**

**2 NOVEMBER 2016**

**Treasury Management Update**

**Report of the Assistant Director – Finance, Revenues & Benefits**

This report is public

**Purpose of the Report**

- To update Council on the treasury management activities for the half year period April to September 2016.

**1 Report Details**

- 1.1 The Council approved the 2016/17 Treasury Management Strategy at its meeting in February 2016. This monitoring report details the treasury management activity during the first half year. Reporting the position is in line with recommended best practice as outlined in the CIPFA Treasury Management Code of Practice.
- 1.2 The treasury management function covers the borrowing and investment of Council money. This includes both the management of the Council's day to day cash position and the management of its long term debt. All transactions are conducted in accordance with the Council's approved strategy and the CIPFA Code of Practice. Good treasury management plays an important role in the sound financial management of the Council's resources.
- 1.3 Appendix 1 of this report, details the treasury management activities that have taken place between April and September 2016, which are in line with the Council's approved strategy.
- 1.4 The Council uses external treasury advisors who provide a range of services which include:
  - Technical support on treasury matters, capital finance issues and the drafting of Member reports;
  - Economic and interest rate analysis;
  - Debt services which includes advice on the timing of borrowing;
  - Debt rescheduling advice surrounding the existing portfolio;
  - Generic investment advice on interest rates, timing and investment instruments;
  - A number of places at training events offered on a regular basis.
  - Credit ratings/market information service comprising the three main credit rating agencies.

The current contract for the service came to an end on 30 September 2016. Following a joint procurement exercise with three other local authorities, the new contract was awarded to Arlingclose and took effect from 1 October 2016.

## **2 Conclusions and Reasons for Recommendation**

2.1 The report details the treasury management activities for the period April to September 2016 in line with the CIPFA Treasury Management Code of Practice.

## **3 Consultation and Equality Impact**

3.1 There are no consultation and equality impact implications from this report.

## **4 Alternative Options and Reasons for Rejection**

4.1 It is considered good practice by the CIPFA Treasury Management Code of Practice that Council receive a half year monitoring report therefore there are no alternative options to consider.

## **5 Implications**

### **5.1 Finance and Risk Implications**

5.1.1 These are considered throughout the report.

### **5.2 Legal Implications including Data Protection**

5.2.1 Having a Treasury Management Strategy in place complies with the requirements of the Local Government Act 2003 and updated advice and guidance from the Government and CIPFA.

### **5.3 Human Resources Implications**

5.3.1 These are covered throughout the report.

## **6 Recommendations**

6.1 That Council note the treasury management activities undertaken during the period April to September 2016 as outlined in Appendix 1.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>District Wards Affected</b>	None directly.
<b>Links to Corporate Plan priorities or Policy Framework</b>	Providing Excellent customer focussed services.

8 **Document Information**

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None	
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Report Author	Contact Number
Dawn Clarke – Assistant Director Finance, Revenues and Benefits	(01246) 242214

**Activity 2016/17**

**PWLB Borrowing**

The Council has not taken any new loans from the PWLB during the first six months.

As at 1 April 2016 the Authority's total outstanding PWLB debt amounted to £104,100,000. The profile of the outstanding debt is analysed as follows: -

<b>PWLB Borrowing Term</b>	<b>Maturity Profile 30-Sep-16</b>
	£
12 Months	0
1-2 years	1,000,000
2-5 years	5,000,000
5-10 years	20,300,000
10-15 years	22,800,000
over 15 years	54,000,000
<b>Total PWLB Debt</b>	<b>103,100,000</b>

At 30 September 2016 £1,000,000 has been repaid to the PWLB.

**PWLB Interest**

The total interest cost to the Council of the PWLB debt for 2016/17 is estimated at £3,669,878. This cost is split between the HRA and General Fund based on the level of debt outstanding. Interest paid to the PWLB in the six months was £1,837,775.

**Temporary Borrowing**

Cash flow monitoring and management identifies the need for short term borrowing to cover delays in the receipt of income during the year. £49.08 interest charges were incurred during the first six months on overdrawn bank balances. At the 30 September 2016 the only temporary borrowing undertaken by the Council is £637,678.74 which is the investment balances held on behalf of Parish Councils.

**Temporary Investments**

The following tables show the investments and interest earned to 30 September 2016:

Investments on call

<b>Counterparty</b>	<b>Balance at 1/4/16</b>	<b>Deposits</b>	<b>Withdrawals</b>	<b>Interest received</b>	<b>Balance at 30/09/16</b>
	£	£	£	£	£
Barclays	5,000,000		(5,000,000)	1,713	1,713
Santander	4,000,000		(4,000,000)	2,893	2,893
NatWest	0	2,000,000	(2,000,000)	206	206
BNP Paribas (MMF)	5,000,000			12,550	5,012,550
Standard Life (MMF)	5,000,000			12,097	5,012,097
SSGA (MMF)	0	5,000,000		2,436	5,002,436
Aberdeen (MMF)	2,000,000	3,000,000		8,397	5,008,397
Invesco (MMF)	3,000,000	2,000,000		10,428	5,010,428
Blackrock (MMF)	0	5,000,000	(2,000,000)	2,833	3,002,833
	<b>24,000,000</b>	<b>17,000,000</b>	<b>(13,000,000)</b>	<b>53,553</b>	<b>28,053,553</b>

Fixed-term investments

Counterparty	Balance at 1/4/16 £	Deposits £	Withdrawals £	Interest received £	Balance at 30/09/16 £
Goldman Sachs International Bank	5,000,000	5,000,000	(5,000,000)	14,712	5,014,712
Nationwide BS	5,000,000	5,000,000	(5,000,000)	16,014	5,016,014
Close Brothers	5,000,000	0	(5,000,000)	7,767	7,767
Barclays	0	5,000,000	0	1,460	5,001,460
	15,000,000	15,000,000	(15,000,000)	39,953	15,039,953

**Interest Received**

Interest received on investments at 30 September 2016 was £93,506. This level of interest is above the profiled estimate for the annual investment interest of £84,104.

**Compliance with Treasury Limits**

During the financial year the Council continued to operate within the treasury limits set out in the Council's Borrowing and Investment Strategy.

	Actual to Date 2016/17	Approved limits 2016/17
Authorised Limit (total Council external borrowing limit)	98,830,000	112,989,000
Operational Boundary	98,830,000	107,989,000

**Bolsover District Council**

**Council**

**2<sup>nd</sup> November 2016**

**Licensing Enforcement – making arrangements with other local authorities.**

**Report of the Assistant Director – Legal and Governance,  
Solicitor to the Council and Monitoring Officer**

This report is public

**Purpose of the Report**

- To enable Sheffield City Council to carry out enforcement action on behalf of the Council in relation to Bolsover District Council licensed hackney carriage vehicles (taxis) and private hire vehicles operating in Sheffield City Council's area.
- To delegate authority to the CEO to authorise other Councils and their officers to undertake licensing enforcement in relation to taxis and private hire vehicles on behalf of the Council and to authorise the officers of those Councils to take enforcement action.

**1 Report Details**

- 1.1 Under section 101 of the Local Government Act 1972 the Council may arrange for the discharge of any Council functions by another local authority.
- 1.2 Licensing functions including enforcement are the responsibility of the Council (as part of Environmental Health) rather than the Executive. It is therefore for Council to decide whether to arrange for another Council to carry out licensing enforcement.
- 1.3 Under section 101, the Council can also authorise an officer to decide upon and make these arrangements with other local authorities.
- 1.4 The reason that this course of action is being recommended is that Bolsover licensed taxis and private hire vehicles operate in the Sheffield City Council area. As Sheffield's enforcement officers will be carrying out their functions in respect of Sheffield licensed vehicles where this Council's vehicles will also be working, it is helpful if they are also able to deal with any enforcement issues which arise. This would include the serving of formal notices. The alternative would be that they alert the Bolsover Team each time, which is bureaucratic and slow and may allow enforcement problems to continue for longer than necessary.
- 1.4 The recommendation is that the Chief Executive Officer is given authority to make arrangements with Sheffield City Council and any other local authority for their officers to take enforcement action against taxis and private hire vehicles licensed

by Bolsover District Council. In addition, the authorisation would include the necessary requirement for the specific authorisation of Sheffield City Council employees to take enforcement action. It follows that this is necessary for any other local authority which is authorised under this delegation.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 That authority should be given to the Chief Executive Officer to make arrangements with Sheffield City Council for the licensing enforcement function to be carried out by them.
- 2.2 That this should be done so that enforcement issues can be dealt with efficiently at the time they occur and not have to wait. It also effectively increases the number of enforcement officers in relation to taxis and private hire vehicles.

## **3 Consultation and Equality Impact**

- 3.1 This is an extension to the number of enforcement officers with powers to deal with breaches. It is not a new role. Therefore there has been no need for consultation or an equality impact assessment.
- 3.2 However there is a need to inform licensees that Sheffield City Council employees have been authorised. Licensing will need to deal with this following consideration of this report. This will need to include making sure the Sheffield City enforcement officers are aware of the existing licensing policy and conditions they are working to.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 That no such arrangements are made. The affects of this are described in the report. It is not considered to be a good approach.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 None

### **5.2 Legal Implications including Data Protection**

- 5.2.1 Legal implications are contained in the report. There are no Data Protection issues, although data sharing arrangements will have to be formally agreed.

### **5.3 Human Resources Implications**

- 5.3.1 None

## **6 Recommendations**

- 6.1 That the following delegation is given to the Chief Executive Officer with immediate effect:-

- (a) To authorise another local authority to carry out the licensing enforcement function in respect of hackney carriage vehicles and private hire vehicles for the Council as well as the Council retaining those functions, and
- (b) To authorise the enforcement officers of that local authority to issue notices relating to enforcement, make decisions or do anything required in respect of the hackney carriage and private hire licensing enforcement function.

6.2 Standards Committee is asked to include this within the Delegation Scheme in the Constitution as a permanent delegation.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> (A Key Decision is an executive decision which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Affected</b>	None directly
<b>Links to Corporate Plan priorities or Policy Framework</b>	Supporting our communities to be healthier, safer, cleaner and greener.

## 8 Document Information

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Correspondence held by the Licensing section.	
Report Author	Contact Number
Sarah Sternberg	2414