



The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 5 September 2017

Dear Sir or Madam,

You are summoned to attend a meeting of the Bolsover District Council on **Wednesday 13 September 2017 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 3.

Yours faithfully,

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

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COUNCIL

AGENDA

WEDNESDAY 13 SEPTEMBER 2017 AT 1000 HOURS

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	Apologies for Absence	
2.	Declarations of Interest	
	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.	
3.	Questions	
	a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.	4 to 11
	b) Questions submitted by Members pursuant to Rule 9 of the Council Procedure Rules.	None
4.	Reports on special urgency decisions	
	In any event the Leader will submit 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.	None

5. **Minutes of Last Meeting** Pages
12 to 15
- To approve and the Chairman to sign the minutes of the Council Meeting held on 19 July 2017
6. **Minute Books**
- Members may put questions for clarification in respect of the minutes contained within the latest Minute Books dated 13 September 2017.
7. **Recommended Items**
- None
8. **Building Resilience Programme – Department for Communities and Local Government’s Controlling Migration Funding**
- (Presentation from Pam Brown, Chief Executive’s and Partnership Manager) Presentation
9. **Appointment of Independent Person** Pages
16 to 18
- Recommendations on page 17*
10. **Chair’s Announcements**
- To receive any announcements that the Chair of the Council may desire to lay before the meeting.
-

Item 3 (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.

1. Question from Mr Gary Smith to Councillor Ann Syrett, Leader and Portfolio Holder for Strategic Planning and Regeneration

My family home is in the direct path of the proposed HS2 spur line which cuts through the heart of Newton. We are very concerned about the level of compensation that we the residents of Alfreton Road whose homes will be compulsory purchased by HS2 will be offered. The Anxiety and stress that we feel is immense, we have had zero contact from HS2 in relation to the compulsory purchase of our home of over 25 years, a home that we have never had any intention of moving out of.

To this end can I ask if the Council you will support us in ensuring that we are treated fairly by HS2, and that we are offered the correct level of compensation to allow us to move to a like for like property in the area.

Item 3 (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.

2. Question from Ms Kate Heasman to Councillor Ann Syrett, Leader and Portfolio Holder for Strategic Planning and Regeneration

I am aware from BDC's Response to the HS2 Route Refinement Consultation, that the Council has shown concern on the impact the spur line will have on the villages of Newton and Old Blackwell and as an alternative to the spur line, the Council asked HS2 to consider using the Erewash Line/Midland Mainline from Toton to serve Sheffield and believed this alternative would be cost effective and lessen the impact. This was also included in the response from DCC.

Have BDC commissioned or how would you consider commissioning a mitigation report showing the cost savings and reduction in impact by using the Erewash Line/Midland Mainline?

By having such a report this would still provide a link to Chesterfield and Sheffield, capacity would be the same as the proposed spur line and Derbyshire would benefit by having this section of the Midland Mainline electrified. Such a report could be a joint venture with DCC.

Item 3 (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.

3. Question from Mr Graeme Heasman to Councillor Ann Syrett, Leader and Portfolio Holder for Strategic Planning and Regeneration

How have the consequences of the decision to cut a separate new high speed train rail route through the parish of Blackwell been examined by Bolsover District Council in recent months?

Item 3 (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.**4. Question from Ms Dorothy Mellors to Councillor Ann Syrett, Leader and Portfolio Holder for Strategic Planning and Regeneration**

It appears that the decision has now been made by HS2 to accept the spur route to Sheffield. This is a massive blow for our parish of Blackwell with two new High speed train lines going through the parish. This is going to cause major disruption not only on most of the roads through the parish but to services such as water and sewerage, gas, electricity and media cabling which will have to be re-routed. What steps do the Council have planned to minimise and mitigate the effects of this proposed "double HS2 route" through the parish of Blackwell and do the Council propose a site visit so that they are aware of all the difficulties we are going to be facing?

Item 3 (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.**5. Question from Mr Tony Mellors to Councillor Brian Murray-Carr, Portfolio Holder for Community Safety & Street Services**

Have BDC undertaken or do you plan to undertake a study of the route through Blackwell Parish, in order to assess the method of tunnelling you will press HS2 to adopt at the points where the route crosses roads, and impacts upon homes?

Background information provided by Mr Mellors

Our MP Mr Dennis Skinner arranged for a group from Blackwell to meet the Junior Minister for Transport Andrew Jones in March, and we made a presentation to him. In Parliament and at that meeting Mr Jones stated HS2's claim that in Newton, there were only 5 residential properties which would require to be removed for the HS2 line. We strongly dispute this figure and believe the Department for Transport have been misled by HS2.

In the safeguarded zone, there are actually 30 properties in Newton and 2 in Old Blackwell: In Newton 20 on Alfreton Rd, and 10 newly constructed on Newton Fields. We understand that Safeguarded does not necessarily mean that these would be demolished.

However where the route crosses Alfreton Road Newton, a cut and cover tunnel in a cutting of 11.6m finished depth is proposed by HS2, requiring an "Open Cut". With the engineering principles which HS2 have published, an Open Cut would require battering back removing a length of 80m or 90m of Alfreton Rd, depending upon coal measures found; that would involve the demolition of 14 or 18 homes respectively.

An alternative is for earth retaining piling to be used temporarily to support the ground during construction and reduce the length of Alfreton Rd requiring removal. But it would have to be reduced to as little as 20m in order to require the removal of only 5 homes. Since the final width of the track is to be 19m, such a small metrage is impossible to achieve, and more likely a minimum of 40 m would be required meaning the demolition of at least 9 homes.

Another alternative is to change the proposal and employ a Tunnel Boring Machine to bore a tunnel underneath Alfreton Rd, thus requiring no demolition of homes, and reduced disruption of services for the whole community.

Reference Information

1.HS2 Map HSL15A showing Spur line through Blackwell Parish with crossing, viaduct, cutting , and level details:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534606/C321-MMD-RT-DPP-165-581501.pdf

Also see Pages 65 and 66 of the following HS2 Engineering report

Item 3 (a) Questions submitted by the Public pursuant to Rule 8 of the Council Procedure Rules.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/629036/CS8_69_P03_West_Midlands_to_Leeds_Route_Engineering_Report_170714.pdf

2. Extract :

From HS2 Document (Link below) the definition is given: *“cut-and-cover tunnel (also referred to as green tunnel) – where a trench is excavated and roofed over, then the land on top of the tunnel is restored so it blends into the landscape.”*

http://assets.hs2.org.uk/sites/default/files/hb_pdf/D7%20-%20Tunnel%20Construction%20and%20Methodology.pdf

3. HS2 also state (Link below) that :

“Building HS2 will involve the construction of several open cuts as well as tunnels. Open cuts will be constructed both as temporary works (e.g. for the construction of an underground station, cut-and-cover tunnel, etc.) and permanent works (e.g. for the construction of a tunnel portal). In areas with abundant construction space, unsupported sloping open cuts can be considered. However, in an urban environment or where there is lack of available space, the open cuts will be vertical – these will need to be supported with an earth retaining structure that will help to control and reduce ground movement.”

<http://assets.hs2.org.uk/sites/default/files/inserts/Impacts%20of%20tunnels%20in%20the%20UK.pdf>

4. Extract from Railsystem.net:

“For depths of 30 to 40 feet (about 10 m to 12 m), cut-and-cover is usually more economical and more practical than mined or bored tunneling. The cut-and-cover tunnel is usually designed as a rigid frame box structure. In urban areas, due to the limited available space, the tunnel is usually constructed within a neat excavation line using braced or tied back excavation supporting walls. Wherever construction space permits, in open areas beyond urban development, it may be more economical to employ open cut construction.”

<http://www.railsystem.net/cut-and-cover/>

5. Extract from Wikipedia:

“Shallow tunnels are often of the cut-and-cover type (if under water, of the immersed-tube type), while deep tunnels are excavated, often using a tunneling shield. A major disadvantage of cut-and-cover is the widespread disruption generated at the surface level during construction.

Tunnel boring machines (TBMs) and associated back-up systems are used to highly automate the entire tunnelling process, reducing tunnelling costs. In certain predominantly urban applications, tunnel boring is viewed as quick and cost effective alternative to laying surface rails and roads. Expensive compulsory purchase of buildings and land, with potentially lengthy planning inquiries, is eliminated.”

PART 4 RULES OF PROCEDURE

Council Procedure Rules

8. Questions by the Public

8.1 General.

- (a) Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.
- (b) Time allowed for questions and answers shall not, without the consent of the Council, exceed 15 minutes, or in the case of one questioner, 5 minutes.
- (c) Questions and responses shall not be a matter of debate.

8.2 Notice of Questions.

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer no later than midday seven clear working days before the day of the meeting. Each question must give the name and address of the questioner and must name the Member of the Council to whom it is to be put.

8.3 Number of Questions.

At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

8.4 Scope of Questions.

The Monitoring Officer may reject a question if:

- (a) it is not about a matter for which the Council has a responsibility or which affects the District;
- (b) it is defamatory, frivolous or offensive;
- (c) it is substantially the same as a question which has been put at a meeting of the Council in the past six months;
- (d) it requires the disclosure of confidential or exempt information;
- (e) it breaches any procedure rule;
- (f) it relates to an item on the agenda for that Council meeting; or
- (g) it relates to a District Council planning application that is in the process of being determined.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

8.5 Record of Questions.

The Monitoring Officer will enter each question in a book open to public inspection and will immediately send a copy of the question to the member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all members and will be made available to the public attending the meeting.

8.6 Order of Questions.

Questions will be asked in the order of which notice of them was received, except that the *Chairman of the Council* may group together similar questions.

8.7 Asking the Question at the Meeting.

The *Chairman of the Council* will invite the questioner to put the question to the member named in the notice. If a questioner who has submitted a written question is unable to be present, the question will not be dealt with.

8.8 Supplementary Question.

A questioner who has put a question in person may also put one brief supplementary question without notice to the member who has replied to his or her original question. A supplementary question must arise directly out of the original request or reply. The *Chairman of the Council* may reject a supplementary question on any of the grounds in rule 8.5 above or if the question takes the form of a speech.

8.9 Response

An answer may take the form of:

- (a) a direct oral answer
- (b) where the desired information is in a council publication or another published work, a reference to that publication; or
- (c) a written answer circulated later to the questioner.

8.10 Reference of Question to the *Executive* or a Committee.

Unless the *Chair of the Council* decides otherwise, no discussion will take place on any question, but any Councillor may move that the matter raised by a question be referred to the *Executive* or the appropriate board or Committee. Once seconded, such a motion will be voted on without discussion.

BOLSOVER DISTRICT COUNCIL

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 19 July 2017 at 1000 hours.

PRESENT:-

Councillor T Munro..... Chair
Councillor R Turner..... Vice Chair

Members:-

Councillors T Alexander, A Anderson, J E Bennett, R J Bowler, P M Bowmer, G Buxton, T Cannon, J A Clifton, T J Connerton, C P Cooper, P A Cooper, M G Crane, M Dixey, M Dooley, S W Fritchley, R A Heffer, A Joesbury, D McGregor, T Munro, B R Murray-Carr, S Peake, K Reid, J Ritchie, J E Smith, P Smith, S J Statter, E Stevenson, A M Syrett, K.F. Walker, D Watson and J Wilson.

Officers:-

D Swaine (Chief Executive Officer), S Sternberg (Assistant Director of Governance, Solicitor to the Council & Monitoring Officer), D Clarke (Assistant Director – Finance, Revenues and Benefits) and D Cairns (Governance Manager - Acting)

Also present:-

R Jaffray (Chair of Standards Committee) Until Minute No. 0110

0101. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors P Barnes, H J Gilmour, C Moesby and B Watson.

0102. DECLARATIONS OF INTEREST

There were no interests declared at this meeting.

0103. QUESTIONS

There were no questions from the public or members at this meeting.

0104. REPORTS ON SPECIAL URGENCY DECISIONS

There were no special urgency decisions submitted at this meeting.

0105. MINUTES OF LAST MEETING

Moved by Councillor R Turner and seconded by Councillor A M Syrett.

BOLSOVER DISTRICT COUNCIL

RESOLVED that the minutes of the meeting of Council held on 21 June 2017 be approved as a correct record and signed by the Chairman.

(Governance Manager - Acting)

0106. MINUTE BOOKS

Moved by Councillor R Turner and seconded by Councillor K Reid.

RESOLVED that the minutes as printed in the Minute Books dated 19 July 2017 be noted.

(Governance Manager - Acting)

0107. RECOMMENDED ITEMS ANNUAL REPORT OF THE STANDARDS COMMITTEE

Council considered a report of the Chair of the Standards Committee, co-opted member, Ruth Jaffray, which set out the Committee's Annual Report for 2016/17.

Ruth Jaffray had been appointed Chair of the Committee in November 2016, after the former chair, John Yates passed away earlier in the year.

Council were advised that one of the independent persons, Mike Wood, also passed away during the year, after several years of service to the Council. Another independent person would be recruited during this year.

The report detailed the number of complaints that had been received during 2016 and 2017 to date.

During 2016/17, the Committee had carried out a review of the Constitution and also considered articles and reports related to ethical standards across local authorities to consider the impact on this Council's standards framework.

The Leader of the Council, Councillor A M Syrett, commented that the Council recognised the importance of the role of the Committee and thanked the Chair and the Members of the Committee for their work.

Moved by Councillor A M Syrett and seconded by Councillor M Dixey.

RESOLVED that the report be received.

0108. MOTIONS ON NOTICE

The following motion was moved by Councillor B R Murray-Carr and seconded by Councillor A M Syrett.

BOLSOVER DISTRICT COUNCIL

This Council:

- Notes the importance of commemorating the anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica.

Members discussed that it was important to remember the extraordinary and awful events that had occurred and to learn lessons from them in today's society.

RESOLVED that this Council:

- (1) Notes the importance of commemorating the anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces
- (2) Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- (3) Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica

0109. CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised Members that the Member Development Session would be taking place on Thursday 27 July 2017 at 10am.

The Chairman also informed Council that as Clowne and District Community Transport would be dissolved from September 2017, he would be changing the charity that he supports to Sight Support Derbyshire. He would also continue to support Namibia Bound.

0110. EXCLUSION OF THE PUBLIC

Moved by Councillor R Turner and seconded by Councillor J Ritchie.

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information

BOLSOVER DISTRICT COUNCIL

as defined in paragraph 1, 3 and 4 of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

0111. APPLICATION OF KEY DECISIONS

Council considered a report of the Executive which was provided following a request from the Customer Service and Transformation Scrutiny Committee. The report provided the view of the Executive stipulating why three exempt reports considered at the Extraordinary meeting of Executive held on 10 May 2017 were not classed as key decisions.

Moved by Councillor A M Syrett and seconded by Councillor M Dooley.

RESOLVED that the report be received.

The meeting concluded at 1015 hours.

Bolsover District Council**Council****13th September 2017****Appointment of Independent Person****Report of the Deputy Monitoring Officer****Purpose of the Report**

- To approve the appointment of an Independent Person for a term of four years.

1 Report Details

- 1.1 At its meeting on 20 June 2012 the Council received a report setting out the changes made to the Standards Regime under the Localism Act 2011. Council agreed to approve the new arrangements, which included the statutory requirement to appoint an Independent Person.
- 1.2 Under the legislation, the Council is required to have at least one Independent Person (IP). However the Council decided to have two Independent Persons. Each member who is the subject of a complaint has the right to discuss the matter with one of the IPs, and the Monitoring Officer has an obligation to consult one of the IPs on each case. Clearly it is better to have the consultations with two different IPs. In addition it ensures as best as is possible that the Council is not left without an IP if one is unable to fulfil their duties.
- 1.3 As members may be aware, one of the Council's two Independent Persons sadly died last year and a vacancy therefore arose.
- 1.4 On 3 October 2016, Standards Committee approved the recruitment process and adverts were subsequently placed in "In Touch", on the Council's website and on Parish Council notice boards.
- 1.5 On 3 August 2017 the Joint Chief Executive and Deputy Monitoring Officer interviewed shortlisted applicants for the role of Independent Person and selected Mr Ian Kirk as the successful candidate.

3 Consultation and Equality Impact

- 3.1 Equality issues were taken into account of during the recruitment process.

4 Alternative Options and Reasons for Rejection

- 4.1 To continue with just one IP. For the reasons given in the report this is not considered satisfactory.

5 Implications

5.1 Finance and Risk Implications

5.1.1 An Independent Person receives an allowance of £800 per annum. There are no additional costs above those experienced now.

5.2 Legal Implications including Data Protection

5.2.1 Section 28(7) of the Localism Act 2011 requires the appointment of Independent Persons for the purpose described above.

5.3 Human Resources Implications

5.3.1 None

6 Recommendations

6.1 That the Council appoints Mr Ian Kirk as Independent Person to the Standards Committee for a four year term.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC:</i> <i>Revenue - £75,000</i> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Affected	None
Links to Corporate Plan priorities or Policy Framework	N/A

8 Document Information

Appendix No	Title
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
Report Author	Contact Number
Deputy Monitoring Officer	2477/7141