

COUNCIL

AGENDA

WEDNESDAY 6th MARCH 2019 AT 10:00 HOURS IN THE COUNCIL
CHAMBER, THE ARC, CLOWNE

Item No.		Page No.(s)
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.	Chair's Announcements To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
4.	Public Participation In accordance with Council Procedure Rule 8, to allow members of the public to ask questions about the Council's activities for a period of up to fifteen minutes. The replies to any such questions will be given by the appropriate Portfolio Holder.	None
5.	Questions from Members In accordance with Council Procedure Rule 9, to allow Members to ask questions about Council activities. The replies to any such questions will be given by the Chair of the Council or relevant Committee or the appropriate Portfolio Holder.	None

6.	Motions In accordance with Council Procedure Rule 10, to consider motions on notice from Members.	None
7.	Reports on urgency decisions taken by the Executive To receive a report from the Executive with details of any Key Decisions taken under special urgency provisions or Key Decisions which were exempt from Call In.	None
8.	Recommended Items To receive any items recommended for Council consideration from meetings of the Executive or Committees.	None
9.	Level of Council Tax 2019/2020 Report of the Portfolio Holder for Finance and Resources and Sustainable Energy.	5 to 11
10.	Joint Employment Committee and Joint Appeals Committee Report of the Monitoring Officer	12 to 17
11.	Bolsover District Council's Apprenticeships Presentation by the Strategic Director - People	Presentation

Bolsover District Council

Council

6th March 2019

Level of Council Tax 2019/20

Report of the Portfolio Holder for Finance and Resources and Sustainable Energy

This report is public

Purpose of the Report

- The Localism Act 2011 requires the billing authority to calculate a Council Tax requirement for the year.
- The approved demand on the Collection Fund for this Council should be **£3,875,302**. The Council has now received all of the Parish Precept demands which total **£2,901,778.64** which together mean the total demand on the Collection Fund in 2019/20 will be **£6,777,080.64**.
- In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority and parish councils will also need to be taken into account.
- The Council has now received all the relevant precept demands from the other local authorities that precept upon this Council as the billing authority for Council Tax.
- It should be noted that this report will be subject to a recorded vote.

1 Report Details

1.1 It should be noted that the Chief Financial Officer has calculated the following amounts as the Council Tax Base for the year 2019/20.

- **21,982.87** being the amount calculated by the Council, in accordance with section 31B of the Local Government Finance Act 1992, as amended.
- The following being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which special items relate.

Parish	Parish Tax Base
Ault Hucknall	391.22
Barlborough	1,083.36
Blackwell	1,247.83
Clowne	2,472.99
Elmton	1,528.19
Glapwell	469.14
Hodthorpe	186.13
Langwith	852.77
Old Bolsover	3,264.55
Pinxton	1,572.87
Pleasley	756.99
Scarcliffe	531.35
Shirebrook	2,408.15
South Normanton	2,907.91
Tibshelf	1,207.14
Whitwell	1,102.28
Total	21,982.87

1.2 Calculate the Council Tax requirement for the Council's own purposes for 2019/20 (excluding Parish Precepts) is **£3,875,302**.

1.3 That the following amounts be now calculated by the Council for 2019/20 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended):

- a) **£39,359,787.64** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils (Note – this is the District Council's Gross Expenditure including Parish Precepts).
- b) **£32,582,707** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (Note – this is the District Council's Gross Income).
- c) **£6,777,080.64** being the amount by which the aggregate at 1.3(a) above exceeds the aggregate at 1.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Note: - this sum is the total of the District's requirements of **£3,875,302** plus the total parish precepts of **£2,901,778.64**).
- d) **£308.29** being the amount at 1.3(c) above divided by item 1.1 calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (Note – this is a calculated average for the District Council and the Parish precepts).

- e) **£2,901,778.64** being the aggregate amount of all special items referred to in Section 34(1) of the Act (as per 1.3c) (Note – this is the total Parish Precepts amounts that will be raised through Council Tax).
- f) **£176.29** being the amount at 1.3(d) above less the result given by dividing the amount at 1.3(e) by the amount at 1.1, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates (Note – this is the District Council Band D charge for Council Tax for 2019/20).
- g) Part of the Council's Area

The following being the amounts calculated by adding the amount at 1.3(f) to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned in 1.3(d) divided in each case by the amount at 1.1(b). Calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate (Note – this is the sum of the District Council Band D and the individual Parish Band D).

Parish	Council Tax at Band D £
Ault Hucknall	272.14
Barlborough	268.36
Blackwell	279.31
Clowne	313.11
Elmton	304.94
Glapwell	304.67
Hodthorpe	332.35
Langwith	334.13
Old Bolsover	287.72
Pinxton	285.32
Pleasley	266.50
Scarcliffe	318.27
Shirebrook	417.01
South Normanton	262.26
Tibshelf	300.24
Whitwell	374.83

- h) being the amounts given by multiplying the amounts at 1.3(f) and 1.3(g) by the number which in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in the different valuation bands

(Note – this is the same as above but shown over all Valuation Bands).

Part of the Council's Area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Ault Hucknall	181.42	211.66	241.90	272.14	332.61	393.09	453.56	544.27
Barlborough	178.90	208.72	238.54	268.36	327.99	387.63	447.26	536.71
Blackwell	186.20	217.24	248.27	279.31	341.38	403.44	465.51	558.61
Clowne	208.74	243.53	278.32	313.11	382.69	452.27	521.85	626.21
Elmton	203.29	237.17	271.06	304.94	372.70	440.47	508.23	609.87
Glapwell	203.11	236.96	270.82	304.67	372.37	440.08	507.78	609.33
Hodthorpe	221.56	258.49	295.42	332.35	406.20	480.06	553.91	664.69
Langwith	222.75	259.88	297.00	334.13	408.38	482.63	556.88	668.25
Old Bolsover	191.81	223.78	255.75	287.72	351.65	415.59	479.53	575.43
Pinxton	190.21	221.91	253.62	285.32	348.72	412.13	475.53	570.63
Pleasley	177.66	207.28	236.89	266.50	325.72	384.94	444.16	532.99
Scarcliffe	212.18	247.54	282.90	318.27	388.99	459.72	530.45	636.53
Shirebrook	278.00	324.34	370.67	417.01	509.68	602.34	695.01	834.01
South Normanton	174.84	203.98	233.12	262.26	320.54	378.82	437.10	524.51
Tibshelf	200.16	233.52	266.88	300.24	366.96	433.68	500.40	600.47
Whitwell	249.88	291.53	333.18	374.83	458.12	541.42	624.71	749.65

1.4 That it be noted that for the year 2019/20 Derbyshire County Council, the Police and Crime Commissioner for Derbyshire and the Derbyshire Fire and Rescue have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992 for each of the categories of dwellings shown in the following table:

Precepting	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Derbyshire County Council	818.33	954.73	1,091.11	1,227.50	1,500.27	1,773.06	2,045.83	2,455.00
DCC - Adult Social Care	63.59	74.18	84.78	95.38	116.58	137.77	158.97	190.76
Police + Crime Commissioner	144.40	168.47	192.53	216.60	264.73	312.87	361.00	433.20
Fire + Rescue Service	50.81	59.28	67.75	76.22	93.16	110.10	127.03	152.44
	1,077.13	1,256.66	1,436.17	1,615.70	1,974.74	2,333.80	2,692.83	3,231.40

1.5 That, having calculated the aggregate in each case of the amounts at 1.3(h) and 1.4, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2019/20 for each of the categories of dwellings (Note – this is the total charge for 2019/20 i.e. when all the individual precepts are added together.)

Council's Chief Financial Officer to authorise amendments to the above list should this prove necessary.

2 Conclusions and Reasons for Recommendation

- 2.1 This report set out for approval by Council the precepts of the relevant public authorities operating in the area of Bolsover District Council in order for Council to agree the Council Tax liability for local residents in respect of 2019/20.

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 The Council is legally obliged to approve the council tax for the financial year 2019/20.

5 Implications

5.1 Finance and Risk Implications

Bolsover District Council administers the Collection Fund for all of the precepting authorities operating within the area of Bolsover. In order to pay the amounts requested by the various precepting authorities – including Bolsover District Council – it is necessary to set a Council Tax which raises sufficient funding to ensure that the Collection Fund can meet the financial demands placed upon it.

5.2 Legal Implications including Data Protection

The Council is legally required to set a council tax for its area.

5.3 Human Resources Implications

There are no human resource issues arising directly out of this report

6 Recommendations

- 6.1 That, Council formally approves the Council Tax for the Financial Year 2019/20 as set out in this report.
- 6.2 The Council authorises the officers as set out in section 1.6 above to undertake the identified duties in accordance with section 223 of the Local Government Act 1972, and delegates to the Council's Chief Financial Officer the authority to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed?</p>	Yes
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	<p>Excellent Services, High Performance and ensure value for money</p> <p>Ensure the Council is efficient and fit to meet future challenges</p>

8 Document Information

Appendix No	Title
None	
<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>	
Local Government Finance Act 1992	
Localism Act 2011	
Estimate Working Papers	
Report Author	Contact Number
Chief Accountant	2458

Bolsover District Council

Council

6th March 2019

Joint Employment Committee and Joint Appeals Committee

Report of the Monitoring Officer

This report is public

Purpose of the Report

- To revise the process for the hearing of disciplinary and capability matters in relation to members on the Strategic Alliance Management Team (SAMT) to ensure the process is fit for purpose.

1 Report Details

- 1.1 Members of the Strategic Alliance Management Team (SAMT) are subject to a disciplinary and capability process that requires disciplinary and capability hearings to be heard by the Joint Employment Committee (JEC). The JEC's membership comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council.
- 1.2 Any appeal against a decision by the JEC would be made to the Joint Appeals Committee (JAC). The JAC's membership also comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council. An appeal cannot be heard by the same Members that heard the original disciplinary or capability case so revised arrangements are required.
- 1.3 In order to resolve the issue the following proposals are recommended.
 - The JEC and the JAC become one Committee entitled the Joint Employment and Appeals Committee (JEAC). The JEAC would sit as an 8 Member Committee to deal with appointments of SAMT members. This membership proposed is as follows.

Bolsover District Council (BDC)	North East Derbyshire District Council (NEDDC)
Leader	Leader
Deputy	Deputy
Cabinet Member	Cabinet Member
Leader of principal opposition	Leader of principal opposition

- In order to address the issues set out at para 1.2, capability and disciplinary cases for Directors and Heads of Service would be heard by a more senior officer, with a right of appeal to Members. If an appeal against any decision as a result of such a hearing is made then a sub-committee of the JEAC would be arranged. This sub-committee would comprise of 4 members, being 2 members from each Council (including at least one Opposition Member) in order to provide an equal representation of Elected Members from each Council. In such cases the sub-committee could comprise of the following:

Option 1	Option 2
Leader BDC	Leader NEDDC
Deputy NEDDC	Deputy BDC
Cabinet member BDC	Cabinet member NEDDC
Leader of principal opposition NEDDC	Leader of principal opposition BDC

- The proposals as set out in the report require amendment to the terms of reference for the JEC removing reference to dealing with disciplinary and capability matters for members of SAMT other than in relation to appeals against the initial decision. An amended set of the Terms of Reference is attached at **Appendix 1**.
- Amendment to the Scheme of Delegation to officers is also proposed to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive officer, or the Strategic Directors in his absence. This would amend paragraph 10.28 (ii) as follows

To determine all staffing matters including but not limited to:

- ...
- (ii) *the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, **in the case of statutory officers, their dismissal.***

This has the effect of removing the power to dismiss statutory officers only from the delegation, leaving all other dismissal decisions within the scope of the power.

- For dismissals arising from the decision of the senior officer there would be a right of appeal to this sub-committee of the JEAC.
- 1.6 The proposed changes as set out in the report outline a mechanism for ensuring Members remain independent by not being engaged in the matter prior to any appeal. This ensures a fair and transparent process with a clear and separate appeal process.

2 Conclusions and Reasons for Recommendation

- 2.1 The current arrangements for hearings of disciplinary and capability issues relating to SAMT Members must be changed to meet the requirements of Natural Justice by providing a fair and independent appeal mechanism.

2.2 In addition there is need for a formal procedure to be agreed.

3 Consultation and Equality Impact

3.1 The Unions will be consulted as part of the process before this matter comes to the Council.

3.2 Equality implications are dealt with within the proposed documents.

4 Alternative Options and Reasons for Rejection

4.1 The existing arrangements are unreasonable and therefore an alternative mechanism that provides an independent appeal mechanism is required.

5 Implications

5.1 Finance and Risk Implications

5.1.1 There are no Finance implications.

5.2 Legal Implications including Data Protection

5.2.1 These are dealt with in the report.

5.3 Human Resources Implications

5.3.1 There are no direct Human Resources implications.

5.3.2 Members of SAMT are already subject to the JNC Conditions of Service in their contracts of employment.

6 Recommendations that Council

That Council:

6.1 Merge the Joint Employment Committee and the Joint Appeals Committee so that it becomes the Joint Employment and Appeals Committee (JEAC);

6.2 Approve the proposed membership and Terms of Reference for the JEAC appended to this report and the proposed amendment to the Scheme of Delegation to Officers;

6.3 Refer the Terms of Reference and the amendment to the Scheme of Delegation to the Standards Committee to note and for inclusion in the Constitution;

6.4 Approve the membership of the Committee as 8 members, 4 from each of the two Councils;

- 6.5 Appoints the additional Cabinet member representative to Committee; and
- 6.7 Give delegated authority to the Chief Executive and Head of Paid Service to make any minor alterations required to the process.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	All indirectly
<p>Links to Corporate Plan priorities or Policy Framework</p>	All indirectly

8 Document Information

Appendix No	Title
Appendix 1	Proposed Terms of Reference for the Joint Employment and Appeals Committee (JEAC)
<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>	
None	
Report Author	Contact Number
Sarah Sternberg Joint Head of Corporate Governance and Monitoring Officer.	01246 242414

JOINT MEMBER PANELS FOR STAFFING MATTERS

(1) Joint Employment and Appeals Committee (JEAC)

There will be a Joint Employment and Appeals Committee (JEAC) of four Councillors from North East Derbyshire District Council and four Councillors from Bolsover District Council.

One named substitute is made for each appointed Member of the Committee who can be called upon to replace an existing Member for the duration of an employment procedure in its entirety. At its conclusion, appointment reverts to the Member originally appointed.

The membership from Bolsover District Council shall include the Leader of the Council and Deputy Leader, a Cabinet Member and the Leader of the Largest Minority Group. The Members shall be appointed at the Annual Meeting. The rules of proportionality shall apply to this Committee.

The Joint Employment and Appeals Committee will meet as a Committee in relation to all appointments of the Strategic Alliance Management Team which includes the Statutory Officers and other Chief Officers/Deputy Chief Officers (employed by the Council under Joint Negotiating Committee (JNC) terms and conditions).

The Joint Employment and Appeals Committee will meet as a Sub Committee of 4 comprised as one of the options below when dealing with a disciplinary or capability issue:

Option 1	Option 2
Leader BDC	Leader NEDDC
Deputy NEDDC	Deputy BDC
Cabinet member BDC	Cabinet member NEDDC
Leader of principal opposition NEDDC	Leader of principal opposition BDC

The Joint Employment and Appeals Committee will have the following roles and functions:-

- (a) To interview candidates for posts within the Strategic Alliance Management Team
- (b) To appoint candidates to posts within the Strategic Alliance Management Team, with the exception of the Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (c) To recommend to the Councils' the appointment of the Head of Paid Service, Chief Finance Officer and Monitoring Officer
- (d) To deal with the final stages of the grievance and harassment procedures for all Statutory Officers and other Chief Officers/Deputy Chief Officers

- (e) To deal with appeals from the Chief Executive Officer and Chief Officers/Deputy Chief Officers including Statutory Officers, against action taken against them

- (f) In respect of the dismissal of any of the Statutory Officers, namely the Head of Paid Service, the Monitoring Officer and the Section 151 Officer, the Joint Employment and Appeals Committee shall make a recommendation to the Councils which will be supported via a report from two of the Councils' Standards Committee Independent Persons