

ANNUAL COUNCIL

Minutes of the Annual Meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 22rd May 2019 at 10.00 hours.

PRESENT:-

Members:-

Councillor T. Munro in the Chair

Councillors D. Adams, A. Bailey, R. J. Bowler, D. Bullock, T. E. Cannon, A. Clarke, N. Clarke, P. Clough, P. A. Cooper, D. C. Dixon, M. A. Dixon, M. J. Dooley, D. P. Downes, S. W. Fritchley, R. Heffer, N. Hoy, A. Joesbury, C. J. Kane, T. Kirkham, D. McGregor, C. R. Moesby, T. I. Munro, E. Parkin, G. J. Parkin, S. Peake, P. Roberts, D. P. Salt, E. Smyth, J. Tait, R. Turner, R. Walker, D. Watson, J. Watson and J. Wilson.

Officers:-

D. Swaine (Joint Chief Executive Officer), L. Hickin (Joint Strategic Director - People), K. Hanson (Joint Strategic Director - Place), S. Sternberg (Joint Head of Corporate Governance & Monitoring Officer), Theresa Fletcher (Interim Section 151 Officer) and Nicola Calver (Joint Governance Manager).

0001. ELECTION OF CHAIRMAN 2019/20

Councillor T Munro sought nominations for the position of Chairman of the Council for the 2019/20 municipal year.

Moved by Councillor C. Moesby by and seconded by Councillor S. Fritchley.

RESOLVED that Councillor T Munro be appointed Chairman of the Council for the 2019/20 municipal year.

Having signed the Declaration of Acceptance of Office and re-accepted the Chains of Office, Councillor T Munro was duly appointed and resumed to Chair the meeting.

0002. APPOINTMENT OF VICE CHAIRMAN 2019/20

Moved by Councillor C. Moesby and seconded by Councillor S. Fritchley.

RESOLVED that Councillor R Turner be appointed Vice Chairman of the Council for the 2019/20 municipal year.

Having made the Declaration of Acceptance of Office and re-accepted the Vice Chairman's medallion, Councillor R Turner took the Vice Chairman's seat.

0003. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bryson, J. A. Clifton and P.A. Cooper.

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0004. DECLARATIONS OF INTEREST

There were no interests declared at this meeting.

0005. CHAIR'S ANNOUNCEMENTS

Councillor T Munro thanked Members for nominating him and putting their confidence in him for a third term of office.

The Chairman invited Claire Bergman from Stubbin Wood School to address the meeting in relation to the iVenture Initiative (the Chairman's nominated charity for the 2018/19 Civic Year). Ms Bergman introduced a number of her students who had undertaken 15 months of fundraising to meet the £10,500 target required to fund 21 young people to participate in a conservation project in South Africa. Thanks were expressed to the Chairman of the Council who had raised the profile of the Charity as well as fundraising.

The Chairman thanked Ms Bergman and presented her a cheque for £2,400 in support of iVenture 19.

Members wished the young people good luck for a successful trip and looked forward to hearing from them on their return.

0006. ELECTION OF THE LEADER OF THE COUNCIL

Nominations were received for the role of Leader of the Council for the forthcoming four year term. One nomination was received from the floor for Councillor S. Fritchley to undertake this role. In accordance with Rule 14.4 of the Council's Procedure Rules, a recorded vote was requested by Councillors R. Walker, A. Bailey, and D. Salt.

For the Motion – 23 (Councillors D. Adams, R. Bowler, A. Clarke, N. Clarke, P. Clough, P. A. Cooper, M. J. Dooley, D. P. Downs, S. Fritchley, R. Heffer, A. Joesbury, C. J. Kane, T. Kirkham, D. McGregor, C. R. Moesby, T. Munro, S. Peake, P. Roberts, E. Smyth, J. Tait, R. Turner, D. Watson and J. Wilson)

Against the Motion – 8 (Councillors A. Bailey, D. Bullock, T. Cannon, E. Parkin, G. Parkin, D. Salt, R. Walker and J. Watson)

Abstentions – 3 (D. Dixon, M. Dixon and N. Hoy)

The Motion was carried.

Moved by Councillor C Moesby, seconded by Councillor D McGregor.

RESOLVED that Councillor S Fritchley be appointed as Leader of the Council for a four year term.

0007. APPOINTMENT OF DEPUTY LEADER AND THE EXECUTIVE

Councillor S. Fritchley, Leader of the Council advised of the Portfolios for the Executive Members appointed for 2019/2020. This was confirmed as follows:-

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Councillor Stephen Fritchley – Leader, Overall Policy and Strategic Planning
Councillor Duncan McGregor – Deputy Leaver, Corporate Governance
Councillor Sandra Peake – Housing and Environment
Councillor Mary Dooley – Partnerships and Transformation
Councillor Clive Moseby – Finance and Resources

Councillor S. Fritchley expressed his desire to work cross party for the betterment of the Authority and to put to one side political differences in the best interests of the people of Bolsover District.

He further advised that the appointment of his Cabinet was an interim measure and he would be exploring an extension of the Cabinet over the forthcoming weeks.

Councillor D. Watson congratulated Councillor S Fritchley on his appointment as Leader of the Council and welcomed the invitation to work cross party in partnership. Councillor D. Dixon spoke of his disappointment that opposition Members had been unable to collaborate to create an alternative Cabinet.

Moved by Councillor C Moesby, seconded by Councillor D. Downes.

RESOLVED that the Cabinet positions and Portfolios for the 2019/2020 municipal year as set out in Appendix A to these Minutes be noted.

0008. REVIEW OF THE COUNCIL'S CONSTITUTION

Members gave consideration to a report of the Joint Head of Corporate Governance and Monitoring Officer suggesting proposed amendments to the Council's Constitution for adoption as part of the Annual Review.

New Members were advised that the Constitution was the Council's Rule Book, setting out how the Council operated and how it was to make its decisions. Council approved the latest version of the Constitution at the Annual Meeting in May 2018. Further, the Council was required by law to prepare and keep up to date a Constitution, and ensure that all procedures to be followed were efficient, transparent, and accountable to local people.

Under the guidance of the Monitoring Officer the Standards Committee had undertaken an annual review of the Constitution to ensure that it was up to date and in line with legislation. Each of the areas for review had been set out in detail along with a rationale for the amendments proposed within Appendix 1 to the report and a tracked changes version of the Constitution detailing all amendments had been available to all Members prior to the meeting.

Proposed by Councillor C Moesby and seconded by Councillor D. Downes.

RESOLVED that:

- (1) that the amendments of the Constitution detailed in Appendix 1 as set out in Appendix 2 be approved, and
- (2) that delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors, or conflicts in interpretation.

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0009. ESTABLISHMENT AND APPOINTMENT OF COMMITTEES AND ADVISORY GROUPS 2019/2020

In line with the provisions within the Council's Constitution, the Annual Meeting of Council is required to appoint to Committees as the Council considers appropriate to deal with matters which are only reserved to the Council meeting nor are executive functions, decide the terms of reference for those Committees, and decide the allocation of seats to political groups in accordance with the political balance rules.

The report of the Chief Executive Officer, setting out this information was tabled at the meeting. Within the report it was explained that the Terms of Reference for each Committee had been presented earlier in the meeting as part of the Review of the Constitution and was deemed as accepted.

Members gave consideration to Appendix 1 to the report which set out the allocation of Committee seats which best met the requirements of Section 15 of the Local Government and Housing Act 1989 as far as reasonably practicable. Within this allocation, political groups were requested to nominate Members to serve on Committees and Advisory Groups with effect from 22 May 2019 for the 2019/2020 Municipal Year.

Nominations received prior to the meeting were set out in Appendix 2 to the report. The report presented was verbally updated advising of nominations received from the Conservative Group for Councillor M. Dixon to sit on the Licensing Committees and Councillor D. Dixon to sit on the New Bolsover Joint Committee.

Moved by Councillor C Moesby, seconded by Councillor S Fritchley.

RESOLVED that:

- 1) the Council's Committees, along with their Terms of Reference, as set out in the revised Constitution, presented to this meeting, be established for the 2019/2020 Municipal Year in accordance with Council Procedure Rule 1.1K; (2) the size of the Committees as set out within the Appendices to the report be agreed for the 2019/2020 Municipal Year in accordance with Council Procedure Rule 1.1K;
- 2) the size of the Committees as set out within the Appendices to the report be agreed for the 2019/2020 Municipal Year in accordance with Council Procedure Rule 1.1K;
- 3) it be agreed that the allocation of seats on Committees is in accordance with the political balance rules; and
- 4) the appointment of Committees as set out in Appendix 2 and amended verbally at the meeting be agreed, and that any vacancies within agreed proportionality, be agreed between Group Leaders and the Chief Executive.

The report circulated at the meeting is attached as Appendix B to these Minutes.

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0010. APPOINTMENT OF CHAIRS AND VICE CHAIRS OF COMMITTEES 2019/20

The nominations received for Chairs and Vice-Chairs of Committees and Advisory Bodies in relation to Agenda Item 10 was marked to follow and circulated at the meeting.

Nominations were received verbally at the meeting for the position of Chair and Vice-Chair and after having been moved by Councillor D Watson and seconded by Councillor E Smith, Councillor R Heffer was appointed as Chairman of the Licensing Committee and Councillor A Joesbury was appointed as the Vice-Chairman of the Licensing Committee.

All other nominations were moved en bloc by Councillor C. Moesby and seconded by Councillor S. Fritchley.

RESOLVED that the nominations for the positions of Chairs and Vice Chairs of Committees and Advisory Bodies in the municipal year 2019/20 as set out in **Appendix C** to these minutes be approved.

0011. APPOINTMENT OF REPRESENTATTIVES TO SERVE ON OUTSIDE BODIES 2019/20

Nominations to the positions as representatives of the Council to serve on Outside Bodies (for Council functions only) were presented. It was noted that those representatives for Executive Functions would be considered at the next meeting of the Executive.

Agenda Item No 11 marked to follow on the Agenda was circulated hard copy at the meeting. A verbal update to the nominations was given at the meeting to replace Councillor Tom Munro with Councillor Tom Kirkham on the National Coal Mining Museum Liaison Committee.

Moved by Councillor C Moesby and Seconded by Councillor S Fritchley.

RESOLVED that the nominations to Outside Bodies for the municipal year 2019/20 as set out in **Appendix D** to these minutes be approved.

0012. THE SCHEME OF DELEGATION

Members gave consideration to a report of the Joint Head of Corporate Governance and Monitoring Officer requesting for Council to approve the Scheme of Delegation as outlined in Part 3 of the Council's Constitution. The Monitoring Officer advised that it was a requirement under Council Procedure Rule 1.1 of the Council's Constitution that the Annual Meeting agrees the Scheme of Delegation. This Scheme also outlined Proper Officer provisions. It was noted that the Scheme of Delegation had been amended as set out in the review of the Constitution Report considered earlier in the meeting.

Moved by Councillor C. Moesby and seconded by Councillor S. Fritchley.

RESOLVED that the Council's Scheme of Delegation as set out the Council's Constitution be approved.

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0013. OPERATION OF URGENCY RULES AND FINANCIAL LIMITS FOR KEY DECISIONS

Council considered a report of the Joint Head of Corporate Governance and Monitoring Officer, which advised of decisions taken under special urgency rules over the previous 12 months and the revised financial limits for Key Decisions.

The Council was required under legislation to report instances where Special Urgency Rules had been utilised in respect of Key Decisions. This was where it was impracticable to give the requisite notice of Key Decisions before they were made. One decision had been taken under special urgency rules and was detailed in Appendix 1 to the report.

The Council also had a constitutional requirement to advise of those occasions when it had taken decisions where Call-In provisions had been waived. The Council had not taken any such decisions in the previous 12 months.

Council noted that it was a requirement at its annual meeting to review the thresholds for Key Decisions.

The current thresholds for Key Decisions were recommended to continue and were as follows:-

- Revenue (Income, Savings or Expenditure) - £75,000
- Capital (Income or Expenditure) - £150,000

Moved by Councillor C Moseby and seconded by Councillor R Walker.

RESOLVED that

1. the decisions taken over the past 12 months under Special Urgency Rules be noted;
2. the decisions taken over the past 12 months under Urgency Provisions in the Council's Scrutiny Rules be noted; and
3. the financial thresholds for Key Decisions be maintained at £75,000 (Revenue) and £150,000 (Capital)

0014. MINUTES OF PREVIOUS MEETINGS

Members gave consideration to the Minutes of the meeting of Council held on 3 April 2019 and an amendment was requested on page 62 so that the final line would read

"a presentation of flowers was made from the opposition group".

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

RESOLVED that the Minutes of the meeting of the Council held on 3th April 2019 be approved as a correct record and signed by the Chair.

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0015. QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule No 8, Members of the Public were allowed to ask questions about the Council's activities for a period of up to 15 minutes. The replies to any such questions would be given by the appropriate Cabinet Member. Questions must be received in writing or by e-mail to the Monitoring Officer by 12 Noon, seven clear working days prior to the meeting. Members were in receipt of one question for consideration at the meeting, which was set out at pages 63 to 65 of the report pack.

The Chairman of the Council invited Mrs Kate Heasman to ask her question of Leader of the Council which was as follows:-

i) Question submitted by Kate Heasman directed to the Leader of the Council

A significant number of councils along the proposed HS2 route have written to the Government urging Ministers to halt all work on HS2 amid warnings of the destruction being caused to communities. I have attached a letter from Buckinghamshire County Council for your information.

They have requested that HS2 be banned from carrying out further work, including ground investigations, demolitions and construction of access roads until the end of the year when ministers are due to decide on issuing a formal 'Notice to Proceed' to HS2 Ltd. (which was previously due to be issued in June).

It is important that this district, which it has been acknowledged, will be a 'net loser' from HS2, seeks written assurances that no preliminary works, removal of trees, hedgerows and demolitions of properties takes place within its boundaries until such time as formal 'Notice to Proceed' has been given to HS2 Ltd. by the Government.

To this end, would Bolsover District Council write to the Secretary of State for Transport, Chris Grayling, the Secretary of State for the Environment and HS2 Ltd asking to gain written confirmation of such assurances for its residents and in support of fellow councils?

Mrs Heasman wished to express her thanks to Councillor A Syrett, former Leader of Bolsover District Council for her support in relation to HS2 matters and concerns expressed by Newton and Blackwell Parishes.

Councillor S Fritchley in responding to the question also pledged his support in regard of HS2 matters and advised that Councillor C Moesby had been appointed to the HS2 Mitigation Group for a further year. In accordance with the question put, he gave assurance that a letter would be drafted and read out some extracts from a draft response. He gave assurance that no preliminary works would take place within Bolsover District until the Notice to Proceed had been issued to HS2 Ltd.

0016. QUESTIONS FROM MEMBERS UNDER PROCEDURE RULE 9.2

In accordance with Council Procedure Rule 9.2 Members were permitted to ask the Chair of Council, or relevant Committee or the appropriate Executive Member, questions about Council activities. No questions had been submitted under Council Procedure Rule 9.2 for this meeting.

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0017. MOTIONS FROM MEMBERS UNDER PROCEDURE RULE 10

In accordance with Council Procedure Rule 10 Councillors were able to submit Motions on Notice for Consideration at meetings of Council. The following Motion was submitted for consideration by Councillor N. Hoy.

'Bolsover District Council resolves that all public meetings and sub committees (excluding those items held in exemption) are live streamed through all supported media outlets that it currently manages, as well as any future social media platforms it may use.

Council resolves to evaluate if all public meetings and sub committees (excluding those items held in exemption) should be live streamed through all supported media outlets that it currently manages, as well as any future social media platforms it may use.'

In presenting her Motion, Councillor N. Hoy advocated transparency for consideration of Council business and advised that some members of the public were unable to attend meetings of Council or Committees to watch meetings due to barriers such as health, transport and time restrictions. With 85% of the population being active internet users it was hoped that recording and live streaming meetings would provide the level of openness expected by residents of the District.

Councillor R Walker duly seconded the motion.

The Leader of the Council, Councillor S Fritchley agreed wholeheartedly with the motion put, and in advance of the meeting, he had made arrangements for the Annual Meeting to be filmed.

An amendment was proposed by Councillor S Fritchley and seconded by Councillor D McGregor which amended the final paragraph to state

“Council resolves to evaluate if all public meetings and sub-committees (excluding those held in exemption) should be live streamed through all supported media outlets that it currently manages, as well as any future and social media platforms it may use.”

A further amendment was made to the amendment to stipulate that the evaluation would take place within a ***'3 month period.'*** On being put to the vote the amendment to the amendment was accepted and the amendment agreed as the substantive motion.

RESOLVED that

1. the details set out in the motion be noted, and;
2. it be agreed to evaluate within a 3 month period if all public meetings and sub-committees (excluding those held in exemption) should be live streamed through all supported media outlets that it currently manages, as well as any future social media platforms it may use.

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0018. PART 2 OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS ACT) 1976 WITHIN THE DISTRICT OF BOLSOVER

On 3 April 2019 Council approved the intention to pass a resolution to adopt, to the extent it was not already in force, the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Members gave consideration to a report explaining what steps had been taken so far to set out the final stages of the legal process to confirm the re-adoption of the 1976 Act for the whole of Bolsover District Council administrative area. The Deputy Monitoring Officer explained that there was no intention to change the existing position with respect to Part 2 of the 1976 Act, therefore all policies, practices, conditions and delegations would continue unchanged where applicable.

It was confirmed that arrangements had been made for the Notice of the Council's Intention to pass this resolution had been published for two consecutive weeks in a local newspaper in order to evidence compliance with certain matters prior to the adoption resolution. The wording of the Notice was set out in Appendix 1 to the report. Further a copy of the Notice was served by e-mail to the Clerks of the relevant Parish and Town Councils and a list of these Councils was set out in Appendix 2.

Proposed by Councillor T Munro, seconded by Councillor S Fritchley.

RESOLVED that;

- 1) the Council adopt, to the extent that they are not already in force, the provisions of Part 2 of the 1976 Act in relation to the whole District as set out in Annex 3 to the report; and
- 2) it be agreed that adoption of Part 2 of the 1976 Act shall come into effect on 23 June 2019, this being a date not less than one month after the day the resolution was passed.

0019. CHAIR'S URGENT BUSINESS

The Chairman of the Council advised Members of the final Member Induction Session which would commence at 1.00 pm that day – "Know your Council". Further he advised that he had chosen "Just Good Friends Clubs" as his chosen charity for the 2019/2020 Civic Year. These Clubs had been set up 20 years previous where two members of the community had identified a lack of opportunities for people with learning difficulties to socialise. It was noted that a network of Clubs had been established across the District.

The meeting closed at 11.09 am.
