

# HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE AGENDA

**Friday 2<sup>nd</sup> August 2019 at 1000 hours in the Council Chamber, The Arc, Clowne**

Item No.	<b><u>PART A – FORMAL</u></b>	Page No.(s)
	<b><u>PART 1 OPEN ITEMS</u></b>	
1.	<b><u>Apologies for Absence</u></b>	
2.	<b><u>Urgent Items of Business</u></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><u>Declarations of Interest</u></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 urgent additional items to be considered c) any matters arising out of those items  and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes of a meeting held on 21 <sup>st</sup> June 2019.	3 to 8
5.	List of Key Decisions & Items to be Considered in Private. <i>(Members should contact the officer whose name appears on the List of Key Decisions for any further information).</i>	9 to 16
6.	Corporate Plan Targets Performance Update – April to June 2019. (Quarter 1 – 2019/20).	17 to 22
7.	Animal Welfare Policy.	23 to 41
8.	Scrutiny Work Programme 2019/20.	42 to 48
	<b><u>PART B – INFORMAL</u></b>  The formal meeting of the Healthy Safe Clean and Green Communities Scrutiny Committee ends at this point. Members will meet informally as a working party to carry out their review work. This meeting is closed to the public, so members of the public should leave at this point.	
9.	Agreement of Review Scope – Air Pollution.	
10.	Agreement of Review Scope – Care Leavers.	

## **HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE**

Minutes of a Healthy, Safe, Clean and Green Communities Scrutiny Committee held in the Council Chamber, The Arc, High Street, Clowne, on Friday, 21<sup>st</sup> June, 2019, at 1000 hours.

### **PRESENT:-**

Members:-

Councillor David Downes in the Chair

Councillors Mrs Pat Cooper, Natalie Hoy, Tom Munro, Evonne Parkin, Peter Roberts, Dan Salt and Janet Tait.

Officers:- Amar Bashir (Improvement Officer)(to minute No. 0083), Joanne Wilson (Scrutiny & Elections Officer) and Lindsay Harshaw (Partnerships Policy Officer)

Also in attendance at the meeting (to Minute No. 0083) were Councillors Nick Clarke, Mary Dooley, Sandra Peake, Liz Smyth and Deborah Watson.

### **0077. APOLOGIES**

Apologies for absence were received on behalf of Councillor Ross Walker.

### **0078. URGENT ITEMS OF BUSINESS**

There were no Urgent items of Business to consider.

### **0079. DECLARATIONS OF INTEREST**

There were no Declarations of Interest made.

### **0080. MINUTES – 18<sup>TH</sup> MARCH, 2019**

Moved by Councillor Sandra Peake and seconded by Councillor Mrs Pat Cooper.  
**RESOLVED** that the Minutes of a Healthy, Safe, Clean and Green Communities Scrutiny Committee held on 18<sup>th</sup> March, 2019, be approved as a correct record.

## HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

### 0081. LIST OF KEY DECISIONS & ITEMS TO BE CONSIDERED IN PRIVATE

Committee considered the List of Key Decisions and Items to be considered in private document.

Moved by Councillor David Downes and seconded by Councillor Mrs Pat Cooper.  
**RESOLVED** that the List of Key Decisions and Items to be considered in Private be noted.

### 0082. CORPORATE PLAN TARGETS PERFORMANCE UPDATE – JANUARY 2019 TO MARCH 2019 – QUARTER 4 – 2018/19

An explanation of the report as presented was provided and the following summary was highlighted:-

#### Supporting our Communities to be Healthier, Safer, Cleaner and Greener

- 17 targets in total (6 targets previously achieved – H05, H06, H08, H13, H14, H16, 1 target previously withdrawn – H15, 1 target suspended previously – H04)
- 1 target on track (H17 - runs until September 2019)
- 2 targets have been marked as failed as they have not achieved their intended outcomes by March 2019:
  - **H 03** - *Deliver a health intervention programme which provides 900 adults per year with a personal exercise plan via the exercise referral scheme.* - Despite not meeting the target this year, this target has been exceeded in years 1 to 3 of the corporate plan.
  - **H09** - *Achieve a combined recycling and composting rate of 49% by March 2019.* See appendix to the report for information including performance outturns for the corporate plan period.
- 6 targets have been achieved
  - **H 01** - *Deliver a minimum of 8000 hours of positive activity through community based culture and leisure engagement per year.*
  - **H 02** - *Increase participation/attendances in leisure, sport, recreation, health, physical and cultural activity by 3,000 per year.*
  - **H 07** - *Assist partners in reducing crime by delivering 12 Crime Cracking events in the community each year.*
  - **H 10** - *Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).*
  - **H 11** - *Sustain standards of dog fouling cleanliness to ensure 98% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).*
  - **H 12** - *Annually undertake 10 local environmental enforcement and educational initiatives in targeted areas to deal with dog fouling, littering or fly tipping.*

## HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

The Corporate Plan Targets Update – Q4 January to March 2019 was considered and the following comments made:-

- H 07 – *Assist partners in reducing crime by delivering 12 Crime Cracking events in the community each year* – 01.07.18 – Brookhill Hall, South Normanton be amended to Pinxton
- H 09 – *Achieve a combined recycling and composting rate of 49% by March 2019* – Further details were provided in Appendices 4 & 6. Concern was expressed in relation to transportation of waste to the Sin Fin, Derby, site and the need to reduce the carbon footprint of Bolsover District Council operations. Members discussed and agreed that clarity was needed from the Head of Service/Derbyshire County Council should be contacted to make enquires on future provision for the Bolsover/Chesterfield/ North East Derbyshire areas, in relation to distance travelled to waste transfer points. It was suggested that the Joint Head of Streetscene be invited to attend a future meeting to provide further information in relation to Derbyshire County Council's future plans.
- H 10 – *Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS)* – It was suggested that Parish/Town Councils be contacted and asked to provide details of litter-picking activity taking place within their communities to assist Bolsover District Council delivery of this target. Concern was also expressed in relation to plastics being disposed of in rivers and the need for educating residents on the effects of litter pollution. It was noted that links had been made with local schools and that this target was classed as an achievement.

Moved by Councillor Tom Munro and seconded by Councillor Mrs Pat Cooper

**RESOLVED** that (1) progress against the Corporate Plan 2015-2019 targets be noted,

(2) the Joint Head of Streetscene/Derbyshire County Council be contacted regarding future waste disposal provision for north eastern Derbyshire, and

(3) the Joint Head of Streetscene be invited to attend a future meeting to provide further information

(Improvement Officer/Scrutiny & Elections Officer)

The Improvement Officer and Councillors Nick Clarke, Mary Dooley, Sandra Peake, Liz Smyth and Deborah Watson left the meeting.

### 0083. AGREEMENT SCRUTINY COMMITTEE WORK PROGRAMME 2019/20

An updated copy of Appendix 2 of the Work Programme 2019/20 report was circulated for consideration and comment. It was explained that Appendix 1 was the schedule which set out details of the timetable and Appendix 2 provided details of the suggested topics to be reviewed.

The Scrutiny & Elections Officer briefed Members on each of the 12 suggested topics that Members were required to choose from in turn and a discussion took place. The following comments were made:-

## HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

1. *Review of the Council's Approach to Open Water Safety* – Reference was made to the work being undertaken in schools by Leisure Services and existing safety measures in place currently on BDC property. It was suggested that a report providing details of the impact be requested during early 2020.
2. *Review of how to embed learning outcomes from the NG20 scheme across the District* – It was suggested that the Partnership Strategy & Policy Team be requested to give a presentation on the achievements made during Phase 1. It was noted that funding had been received for Phase 2 of the Building Resilience Programme. A Member asked that a summary of progress with the initiative be provided by email as soon as possible.
3. *Review of the Council's approach to mitigation of Air Pollution* – Concern was expressed at the level of air pollution around the Treble Bob roundabout, Barlborough, and Clowne. A brief explanation of the measures was provided and discussion ensued in relation to the effects of air pollution on health and in particular mental health, e.g. links to dementia. A Member asked that Environmental Health be requested to give consideration to monitoring other hot spots throughout the District and following discussion it was suggested that focus be placed on the four town centres. Concerns were also expressed in relation to air pollution near schools.

Following lengthy discussion it was agreed that a review be undertaken in relation to air pollution near schools, the M1 and the four town centres.

4. *Review of the Council's approach to Emergency Planning/Disaster Recovery* – Members had recently attended a Briefing Session on this topic. A query was raised as to whether Bolsover District Council had undergone a mock emergency.
5. *Review of the Council's approach to 'Climate Emergency'* - It was noted that the Council had recently adopted a Carbon Reduction Plan with Portfolio Holder responsibilities and it was suggested that the Executive Member and Joint Strategic Director People be requested to provide an update in three months' time.

Discussion ensued regarding the development of solar panel/wind turbine farms. A Member advised that policies within the Local Plan encouraged the development of these types of farms.

6. *Review of Facilities for Young People* – A Member advised that Derbyshire County Council would be withdrawing Youth Services in the near future, which would impact on facilities available to young people within the District. Concern was expressed that this had not been communicated effectively to local communities. It was noted that some Parish/Town Councils had linked with Bolsover District Council's Leisure Services to provide leisure activities for all ages.

The Scrutiny & Elections Officer advised that following links made with the Youth Council, consultation was currently taking place to find out how young people of

## HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

secondary school age accessed information about Council Services and their frequency of using Council Services. The results of this consultation would be available during September 2019.

A Member mentioned that their Town Council had recently undertaken a survey of young people and this had revealed that they would like somewhere safe to congregate on the local park (with CCTV cameras) and Wi-Fi.

A Member queried the process for selecting members to represent their school on the Youth Council. The Scrutiny & Elections Officer agreed to make enquiries and report back accordingly.

Concerns were expressed in relation to young people experiencing transport barriers in accessing leisure provision.

7. *Review of Council's partnership role in supporting children in care and care leavers* - Discussion took place regarding the need to ensure that all appropriate links were made with Council services, e.g. Housing Department, Human Resources (Apprenticeships), in order to provide support to children in care and care leavers.
8. *Review of Council's approach to Homelessness* – A brief explanation of Appendix 3 was provided. It was suggested that a briefing summary be provided for new Councillors.
9. *Review of the Environmental Impacts of HS2* – Agreed that this topic for review was a low priority.
10. *Review of the Authority's approach to Mental Health education and support* – An update would be provided in line with the Council's Health & Wellbeing Strategy. Concerns were expressed in relation to waiting times for support. It was noted that the Council could only signpost people to support.

Reference was made to the Building Resilience Programme and the support provided at Café 101 which was a peer led initiative. It was suggested that the Partnership Strategy & Policy Team be approached to enquire whether this scheme could be replicated in other areas within the District.

It was noted that safeguarding reference cards would be issued in the near future and Members queried whether a similar support tool could be created for Mental Health support services. It was agreed effective communication was needed to inform residents of the support available to help those experiencing mental health problems.

11. *Review of the impact of Universal Credit (UC) on school age children and the number of those children in poverty* – This item is linked into the Welfare Reform work stream of the North Derbyshire Transforming Communities Group that was working in partnership with Bolsover District Council, Chesterfield Borough Council and North East Derbyshire District Council. It was suggested that this be a future topic for a Members Briefing Session.

## HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

12. *Review of Regulations related to keeping bees in a domestic setting* – It was agreed that this item was not a priority for review.

Moved by Councillor Tom Munro and seconded by Councillor Janet Tait

**RESOLVED** that (1) the report and Programme attached at Appendix 1 be noted,

(2) within Appendix 2, Topic 3) Review of the Council's approach to mitigation of Air Pollution with a focus on the four town centres, M1 and schools, and Topic 7) Review of Council's partnership role in supporting children in care and care leavers, be subject to review simultaneously,

(3) officers from Leisure Services be invited to attend to advise on BDC activity in relation to Open Water Safety education and current safety provision on BDC sites, in early 2020.

(4) the Partnership Strategy & Policy Team be requested to give a presentation on the achievements of the Building Resilience Programme Phase 1 and plans for Phase 2,

(5) a summary of progress of the Building Resilience Programme be circulated to Members of the Healthy, Safe, Clean and Green Communities Scrutiny Committee as soon as possible,

(6) an enquiry be made to the BDC Emergency Planning Lead in relation to the testing of resilience plans,

(7) the Portfolio Holder for Environmental Impact and the Joint Strategic Director People be requested to provide an update in relation to the Review of the Council's approach to 'Climate Emergency', in three months' time,

(8) that a suggestion be passed to Member Development Steering Group for a future item on BDC Approach to Housing Needs,

(9) the Partnership Strategy & Policy Team be approached regarding the potential for rolling out the Café 101 initiative into other areas of the District, and

(10) that a suggestion be passed to Member Development Steering Group for a future item on the Impact of Universal Credit (UC) on school age children and the number of those children in poverty.

(Scrutiny & Elections Officer)

The meeting concluded at 1211 hours.



The Arc  
High Street  
Clowne  
Derbyshire  
S43 4JY

## **Key Decisions & Items to be Considered in Private**

**To be made under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

**Published on: 21<sup>st</sup> June 2019**



## INTRODUCTION

The list attached sets out decisions that are termed as “Key Decisions” at least 28 calendar days before they are due to be taken by the Executive or an officer under delegated powers.

Preparation of the list helps Executive to programme its work. The purpose of the list is to give notice and provide an opportunity for consultation on the issues to be discussed. The list is updated each month with the period of the list being rolled forward by one month and republished. The list is available for public inspection at The Arc, High Street, Clowne, S43 4JY. Copies of the list can be obtained from Sarah Sternberg, Joint Head of Service for Corporate Governance, Solicitor to the Council & Monitoring Officer at this address or by email to [sarah.sternberg@bolsover.gov.uk](mailto:sarah.sternberg@bolsover.gov.uk). The list can also be accessed from the Council’s website at [www.bolsover.gov.uk](http://www.bolsover.gov.uk).

The Executive is allowed to make urgent decisions which do not appear in the list, however, a notice will be published at The Arc and on the Council’s website explaining the reasons for the urgent decisions. Please note that the decision dates are indicative and are subject to change.

Members of Executive are as follows:

Councillor Steve Fritchley - Leader and Portfolio Holder - Policy, Strategy, Resources and Media  
Councillor Duncan McGregor - Deputy Leader and Portfolio Holder - Corporate Governance  
Councillor Mary Dooley - Portfolio Holder - Partnerships and Transformation  
Councillor Clive Moesby - Portfolio Holder - Finance and Resources  
Councillor Sandra Peake Portfolio Holder - Housing and Community Safety  
Councillor Nick Clarke - Portfolio Holder - Environmental Impact  
Councillor Deborah Watson - Portfolio Holder – Street Scene and Environmental Health  
Councillor Liz Smith - Portfolio Holder – Economic Development

The Executive agenda and reports are available for inspection by the public five clear days prior to the meeting of the Executive. The papers can be seen at The Arc at the above address. The papers are also available on the Council’s website referred to above. Background papers are listed on each report submitted to the Executive and members of the public are entitled to see these documents unless they contain exempt or confidential information. The report also contains the name and telephone number of a contact officer.

Meetings of the Executive are open to the public and usually take place in the Council Chamber at The Arc. Occasionally there are items included on the agenda which are exempt and for those items the public will be asked to leave the meeting. This list also shows the reports intended to be dealt with in private and the reason why the reports are exempt or confidential. Members of the public may make representations to the Joint Head of Service for Corporate Governance, Solicitor to the Council & Monitoring Officer about any particular item being considered in exempt and why they think it should be dealt with in public.

The list does not detail *all* decisions which have to be taken by the Executive, only “Key Decisions” and “Exempt Reports”. In these Rules a “Key Decision” means an Executive decision, which is likely:

(1) **REVENUE**

- (a) Results in the Council making Revenue Savings of £75,000 or more; or
- (b) Results in the Council incurring Revenue Expenditure of £75,000 or more

(2) **CAPITAL**

- (a) Results in the Council making Capital Income of £150,000 or more; or
- (b) Results in the Council incurring Capital Expenditure of £150,000 or more

(3) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

In determining the meaning of “significant” the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is significant.

**The dates for meetings of Executive for 2019/20 are as follows:**

Monday 24th June 2019	Monday 20th January 2020
Monday 22nd July 2019	Monday 10th February 2020
Monday 16th September 2019	Monday 24th February 2020
Monday 14th October 2019	Monday 9th March 2020
Monday 18th November 2019	Monday 30th March 2020
Monday 16th December 2019	Monday 27th April 2020
	Tuesday 26th May 2020

The Council hereby gives notice of its intention to make the following Key Decisions and/or decisions to be considered in private:

<b>Matter in respect of which a decision will be taken</b>	<b>Decision Maker</b>	<b>Date of Decision</b>	<b>Documents to be considered</b>	<b>Contact Officer</b>	<b>Is this decision a Key Decision?</b>	<b>Is this key decision to be heard in public or private session</b>
<b>Combined Heat &amp; Power Investment</b>	Executive	22 <sup>nd</sup> July 2019	Report of the Portfolio Holder - Finance & Resources	Joint Head of Partnership and Transformation	Yes - involves revenue income or expenditure of £75,000 or more and/or capital income or expenditure of £150,000 or more.	Exempt Paragraph 3
<b>Decision to award contract to successful bidder in respect of tender for 'Raising Aspirations'</b>	Executive	22 <sup>nd</sup> July 2019	Report of the Portfolio Holder - Partnerships and Transformation	Pam Brown, Partnerships, Strategy and Policy Manager	Yes - involves revenue income or expenditure of £75,000 or more and/or capital income or expenditure of £150,000 or more.	Public
<b>New Bolsover New Beginnings and Alder House Demolition - Additional work</b>	Executive	22 <sup>nd</sup> July 2019	Report of the Portfolio Holder – Housing & Community Safety	Property Services Manager	Yes, results in expenditure in excess of £75k	Exempt Paragraph 3

**SCHEDULE 12A**  
**ACCESS TO INFORMATION: EXEMPT INFORMATION**

**PART 1**  
**DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND**

1. Information relating to any individual.
  2. Information which is likely to reveal the identity of an individual.
  3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
  4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
  5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
  6. Information which reveals that the authority proposes –
    - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
    - (b) To make an order or direction under any enactment.
  7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
-

**Executive**

**22<sup>nd</sup> July 2019**

**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Notice is hereby given in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the following exempt report is intended to be considered in private at the above Meeting of Executive. This was not included the List Of Key Decisions And Items To Be Considered In Private which was issued on 21<sup>st</sup> June 2019.

**Dedicated Bolsover District Council Head of Service – Finance and Resources  
(Including Section 151 Officer Role)**

Compliance with the requirement to give 28 clear days notice in accordance with the above Regulation is impracticable as the matter is urgent and cannot reasonably be deferred.

**Reason for urgency:** Section 151 of the Local Government Act 1972 requires all Councils to make arrangements for the proper administration of its financial affairs and to secure that one of its officers has the responsibility for the administration of those affairs. Whilst the existing interim arrangements are both satisfactory and appropriate as a temporary measure, the Council would better meet its statutory requirement if permanent arrangements are in place. The temporary arrangements have already been in place for 3.5 months - as there will not be an Executive until September beyond the July meeting, it is felt that to wait until September would have a negative impact upon this position.

This report is exempt and it is proposed that it be considered in private to avoid the disclosure of exempt information as defined in paragraphs 1,2,3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to information)(Variation) Order 2006).

The Chair of the Customer Service and Transformation Scrutiny Committee has been informed of the decision to be taken in respect of the exempt report and has consented to consideration of the report being held in private at the above meeting of Executive.

A handwritten signature in black ink that reads "Sarah Sternberg".

Sarah Sternberg  
Assistant Director – Governance & Solicitor to the Council & Monitoring Officer

11<sup>th</sup> July 2019

**Executive**

**22<sup>nd</sup> July 2019**

**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Notice is hereby given in accordance with Regulations 5 and 10 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the following key decision to be made in private at the above Meeting of Executive. This was not included the List Of Key Decisions And Items To Be Considered In Private which was issued on 21<sup>st</sup> June 2019.

**Safe & Warm Upgrade Scheme Park View Barlborough**

Compliance with the requirement to give 28 clear days notice in accordance with the above Regulations is impracticable as the matter is urgent and cannot reasonably be deferred.

**Reason for urgency:** To avoid delay in appointment of the contractor and the carrying out of the upgrade scheme.

This report is exempt and it is proposed that it be considered in private to avoid the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to information)(Variation) Order 2006).

The Chair of the Healthy, Safe, Clean and Green Scrutiny Committee has been informed of the key decision to be taken in respect of the exempt report and has consented to consideration of the report being held in private at the above meeting of Executive.

A handwritten signature in black ink that reads "Sarah Sternberg".

Sarah Sternberg  
Assistant Director – Governance & Solicitor to the Council & Monitoring Officer

9<sup>th</sup> July 2019

**Executive**

**22<sup>nd</sup> July 2019**

**The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

Notice is hereby given in accordance with Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the following exempt report is intended to be considered in private at the above Meeting of Executive. This was not included the List Of Key Decisions And Items To Be Considered In Private which was issued on 21<sup>st</sup> June 2019.

**Proposed Restructure of the Communications, Marketing and Design Team**  
*Change in establishment for the Communications, Marketing and Design Team*

Compliance with the requirement to give 28 clear days' notice in accordance with the above Regulation is impracticable as the matter is urgent and cannot reasonably be deferred.

**Reason for urgency:** 'The new structure needs to be in place within the Communications, Marketing and Design Team within the next month to enable the team to meet the Council's growing demands of Bolsover TV, documentaries and digital communication (especially during the summer and events season) required to promote the Council, the District and its communities.'

This report is exempt and it is proposed that it be considered in private to avoid the disclosure of exempt information as defined in paragraph 1 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to information)(Variation) Order 2006).

The Chair of the Customer Service and Transformation Scrutiny Committee has been informed of the decision to be taken in respect of the exempt report and has consented to consideration of the report being held in private at the above meeting of Executive.

A handwritten signature in black ink that reads "Sarah Sternberg".

Sarah Sternberg  
Head of Corporate Governance & Monitoring Officer

9<sup>th</sup> July 2019

**Bolsover District Council**

**Healthy, Safe, Clean and Green Communities Scrutiny Committee**

**2<sup>nd</sup> August 2019**

<p><b>Corporate Plan Targets Performance Update – April to June 2019 (Q1 – 2019/20)</b></p>
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**Report of the Information, Engagement & Performance Manager**

This report is public

**Purpose of the Report**

- To report the quarter 1 outturns for the Corporate Plan 2019-2020 targets.

**1 Report Details**

- 1.1 The attached contains the performance outturn for targets which sit under the 'supporting our communities to be healthier, safer, cleaner and greener' corporate aim as of 30<sup>th</sup> June 2019. (Information compiled on 24<sup>th</sup> July 2019)
- 1.2 A summary is provided below:
- 1.3 **Supporting our Communities to be Healthier, Safer, Cleaner and Greener**
  - 8 targets in total
  - 8 target on track

**2 Conclusions and Reasons for Recommendation**

- 2.1 All 8 targets are on track
- 2.2 This is an information report to keep Members informed of progress against the corporate plan targets noting achievements and any areas of concern.

**3 Consultation and Equality Impact**

- 3.1 Not applicable to this report as consultation was carried out on the original Corporate Plan.

**4 Alternative Options and Reasons for Rejection**

- 4.1 Not applicable to this report as providing an overview of performance against agreed targets.



## **5 Implications**

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

No finance or risk implications within this performance report.

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

No legal implications within this performance report.

### **5.3 Human Resources Implications**

No human resource implications within this performance report.

## **6 Recommendations**

6.1 That progress against the Corporate Plan 2019-2020 targets be noted.

## **7 Decision Information**

<b>Is the decision a Key Decision?</b> 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: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	Not applicable
<b>Links to Corporate Plan priorities or Policy Framework</b>	Links to all Corporate Plan 2019-2020 aims and priorities

## 8 Document Information

Appendix No	Title
1.	Corporate Plan Performance Update – Q1 April to June 2019
Background Papers	
All details on PERFORM system	
Report Author	Contact Number
Kath Drury, Information, Engagement and Performance Manager	01246 242280

**Bolsover District Council**  
**Corporate Plan Targets Update – Q1 April to June 2019**

**Status key**

<b>Target Status</b>	Usage
On Track	The target is progressing well against the intended outcomes and intended date.

**Aim – Supporting our Communities to be Healthier, Safer, Cleaner and Greener**

Key Corporate Target	Directorate	Status		Progress	Target Date
H 01 - Deliver a minimum of 8000 hours of positive activity through community based culture and leisure engagement per year.	People	On Track		The target figure for the year is 8000 hours, actual performance to end of financial year is 9223.	Mar-19
H 02 - Increase participation/attendances in leisure, sport, recreation, health, physical and cultural activity by 3,000 per year.	People	On Track		Q1: Actual 95,155, on track to exceed annual target of 300,000 attendances.	Mar-19
H 03 - Deliver a health intervention programme which provides 485 adults per year with a personal exercise plan via the exercise referral scheme.	People	On Track		Q1: The Council is commissioned by Bolsover Partnership and County Public Health to deliver a Health Intervention programme, the combined number of people starting this programme in the first quarter is 154, against an annual target of 485, slightly ahead on quarter target.	Mar-19
H 09 - Achieve a combined recycling and composting rate of 47% by March 2019.	People	On Track		Q1: 47% (approx.) Estimated on performance ending June 2018 (based on 4,600 tonnes collected between April and June 2018), due to Waste Data Flow information not being	Mar-19

Key Corporate Target	Directorate	Status		Progress	Target Date
				available until September 2019. Additional information: Q4 (2018\19) Actuals - 2,305 tonnes of recyclable\compostable waste was collected January to March 2019, yielding Q4 recycling rate of 30.6 % with an overall annual combined recycling rate of 40.3% (approx.)	
H 10 - Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).	People	On Track		Q1: LEQS's established 4% of streets and relevant land surveyed for litter fell below grade B cleanliness standards resulting in 96% meeting the target standard.	Mar-19
H 11 - Sustain standards of dog fouling cleanliness to ensure 98% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).	People	On Track		Q1: LEQS's established 0% of streets and relevant land surveyed for dog fouling fell below grade B cleanliness standards resulting in 100% meeting the target standard.	Mar-19
H 12 - Annually undertake 15 local environmental enforcement and educational initiatives in targeted areas to deal with dog fouling, littering or fly tipping.	Place	On track		Q1: 1 initiative held in Bolsover - joint enforcement patrol with CAN Rangers.  (A number of initiatives are programmed for Quarter 2)	Mar-19
H 17 - To deliver the Building Resilience Programme by September 2019	People	On track		Q1 - The Building Resilience programme continues to make good progress across all strands of activity. The decision on the funding for 19/20 has been confirmed however official confirmation from the Treasury is awaited and is subsequently embargoed until this is received.	Sep-19

Key Corporate Target	Directorate	Status		Progress	Target Date
				Examples of the work being achieved can be found in the Bolsover Partnerships Bi annual report together with case studies. The ongoing evaluations continues throughout the programme with a further evaluation document expected in September 2019.	

**Bolsover District Council**

**Healthy, Safe, Clean and Green Communities Scrutiny Committee**

**2<sup>nd</sup> August 2019**

<p><b>Animal Welfare Policy</b></p>
-------------------------------------

**Report of the Environmental Health Manager**

This report is public

**Purpose of the Report**

- The purpose of this report is for Communities Scrutiny Committee to consider and feedback on the proposed Animal Welfare Policy. Committee's comments will be consideration as part of the formal consultation of the Policy.

**1 Report Details**

- 1.1 Bolsover District Council is responsible for the licensing and inspection of Animal Welfare establishments (Pet Shops, Boarding Kennels and Catteries, Home Boarding of Dogs, Doggy Day Care, Dog Breeding, Riding Establishments and Keeping or training animals for exhibition) across the District.
- 1.2 On 1<sup>st</sup> October 2018 the **Animal Welfare (Licensing of Activities involving Animals) (England) Regulations 2018** came into force and replaced the previous legislation applicable to:
  - Pet Shops
  - Kennel / Cattery Boarding of Dogs and Cats
  - Home Boarding of Dogs
  - Breeding of Dogs
  - Riding Establishments
  - Keeping or training animals for exhibition
- 1.3 This new legislation is designed to raise standards and promote consistency in Animal Welfare, and to ensure that those who participate in any of the above Trades **"where there is a view to make financial gain; or where a commission or fee is taken"** are licensed and monitored.
- 1.4 Under the new laws, animal boarding businesses (including home boarders and day carers), dog breeders, pet shops riding establishments and keeping or training animals for exhibition will be covered under a single type of licence from that date. This Animal Activity Licence has nationally-set licence conditions for businesses providing animal-related services, and can be granted for periods of 12 months to 3 years.

- 1.5 Those businesses operating under licences issued prior to 1st October 2018 will be able to continue to do so until the expiry date as shown on their licence. All applications to renew licences will be made under the new legislation, and as such deemed to be “**new applications**”.
- 1.6 Applications made by businesses from 1st October 2018 for an Animal Activity Licence will need to comply with the mandatory conditions of the new legislation, and will be assessed by way of an inspection before the new licence is granted, in order to ensure that the businesses are compliant with the mandatory conditions.
- 1.7 The draft policy sets out the legislative framework, the fees and charges which have already been approved in Delegated Decision DD/046/18PC the application process, the inspection process, and how premises with lower star ratings can appeal these decisions.

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

- 2.1 It is considered good practice to have a policy which sets out how the Council will inspect and licence establishments under these new regulations.
- 2.2 The proposed policy is fit for purpose, follows the best guidance contained within The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities October 2018.

## **3 Consultation and Equality Impact**

- 3.1 The approved draft policies will be subject to a full public consultation. Current licence holders and relevant agencies/organisations will be consulted via the Council's website and by direct mailing. The list of consultees can be found at Annex 2.

The feedback will be presented to members of the cabinet later this year to approve final versions of the policies.

- 3.2 Similarly an equality impact assessment will be undertaken once feedback has been received, before the matter goes to Cabinet.

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

- 4.1 The policy is considered necessary so that members of the public are aware of the standards and how we operate and so that animal licensed premises are aware of what is expected of them.

## **5 Implications**

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

- 5.1.1 There will be a minor cost associated with carrying out the consultation, which can be accommodated from existing budgets.

## 5.2 Legal Implications including Data Protection

- 5.2.1 Having a policy which is up to date and complaint with the legislation, and fit for purpose and clearer to Applicants could assist in implementing the new regulations.

## 5.3 Human Resources Implications

- 5.3.1 The introduction of this legislation has had ongoing implications to workloads due to the application and inspection regime. It is essential that staffing levels of suitably qualified inspectors and support staff are provided and then maintained to ensure these regulations are complied with.

## 6 Recommendations

- 6.1 That Members review the attached policy documents and provide comments for consideration as part of the consultation.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> 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: Revenue - £75,000</i> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: 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
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	All indirectly
<b>Links to Corporate Plan priorities or Policy Framework</b>	All



## 8 Document Information

Appendix No	Title
1.	Bolsover District Council – Animal Welfare Policy
2.	List of consultees
<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)	
<ul style="list-style-type: none"> <li>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities October 2018.</li> </ul>	
Report Author	Contact Number
Victoria Dawson, Solicitor (Contentious Team Manager)	Ext 2231
Helen Rawson, Senior Environmental Health Officer (Commercial)	Ext 7849

Report Reference –

# **Animal Welfare and Licensing Policy**

**August 2019**



**We speak your language**

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**Polish**

**Mówimy Twoim językiem**

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**Slovak**

**Rozprávame Vaším jazykom**

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**Chinese**

**我们会说你的语言**

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**large print** or another format  
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### CONTROL SHEET FOR [policy title here]

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Animal Welfare and Licensing Policy
Current status – i.e. first draft, version 2 or final version	Draft V1
Policy author (post title only)	Senior /Environmental Health Officer
Location of policy (whilst in development) – i.e. L-drive, shared drive	NEED TO UPDATE
Relevant Cabinet Member (if applicable)	Councillor Deborah Watson
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Scrutiny Committee, Cabinet
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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## **ANIMAL WELFARE AND LICENSING POLICY**

### **1. Introduction**

#### **1.1 Background**

Bolsover District Council ("The Council") have responsibility for licensing all operators of businesses, also known as licence holders, where the activities of that business, relates to the care, sale, hiring, or exhibition of animals. It also includes the breeding of dogs, the keeping of dangerous wild animals and extends to the licensing of Zoos. These are defined as licensable activities.

When considering the granting of a license relating to a licensable activity, the contents of this policy, the appropriate legislation and guidance notes for conditions applicable to that licensable activity must be considered.

The Council is also the enforcing authority for those activities relating to animal welfare that are subject to the above licence process. Licensing, compliance and enforcement of the legislation will be the responsibility of the Environmental Health Commercial Section.

Legislative changes introduced on the 1<sup>st</sup> October 2018 will impact on how businesses and the Council's animal welfare licensing process interact in the future. At the heart of the legislation is a drive to raise the standards relating to animal welfare, but it also aims to reduce the legislative burden, and therefore costs, on those businesses meeting the higher standards of animal welfare care.

#### **1.2 Scope**

In setting out its policy the Council seeks to promote the following objectives -

- The protection and promotion of animal welfare standards
- The protection of staff and public safety
- The establishment of a professional and respected animal activities licensing regime.
- Access to a safe and effective service for all activities defined in the legislation involving animals
- The protection of the environment

The licensing of activities involving animals aims to protect the public, to promote animal welfare.

The licensing process includes inspection of establishments. For establishments arranging and / or boarding cat and dogs, selling animals, hiring out of horses, breeding dogs and exhibiting animals, the process also includes allocating a risk-based "Star Rating" to each establishment based on the findings at the inspection visit. This will enable the public to make an informed choice when selecting which establishment to use.

Its purpose therefore, is to ensure the operator is a fit and proper person, that any conditions applicable to the individual activity are being met, that welfare standards and management controls are in place and being maintained, so the animals are protected from harm.

### **1.3 Role of Animal Welfare Establishments – Operators/Licence Holder**

The operators of animal welfare establishments have an important role to play not only in the licensing process, but by maintaining and improving standards at their premises ensuring the highest level of animal welfare protection as possible.

The level of compliance with the relevant licence conditions has a direct effect on the “Star Rating” allocated to the establishment, and therefore, the operator. In turn the “Star Rating” influences the duration of the licence and therefore the overall licensing cost to the operator as fewer licence fees need to be paid for a longer-term licence.

Responsibility for ensuring that the correct licence has been obtained and is kept up to date with the relevant local authority, falls to the licence holder or prospective licence holder.

In addition to the licence application and fee, the applicant is required to provide supporting documents to the Council. Failure to supply such documents may delay the process or may result in the application being refused.

The licence holder must apply to renew their licence at least 10 weeks before their current licence expires if they wish to continue to operate the licensable activity without a break.

### **1.4 Criminal Record Checks & Safeguarding**

Before an application for a licence will be considered, the applicant (or the controlling mind and/or manager in the case of a business) must provide a current (less than 3 months old) Disclosure & Barring Scheme basic criminal disclosure.

Where the applicant is a company, any person with day to day control of that company or partnership (where appropriate) will be required to submit the information above.

If at any time the Council considers it appropriate to require a further DBS disclosure be provided the relevant individual must provide one, at their own expense, as soon as reasonably practical.

### **1.5 Best Practice Guidance**

A number of guidance documents have been produced by DEFRA, aimed at assisting local authority officers and business operators interpret the legislation and what is needed in applying the relevant conditions to their particular licensable activities. They can be used by those who currently have a licence or wish to apply for one.

All guidance documents should be read in conjunction with the relevant legislation such as:

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018  
<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>
- The Dangerous Wild Animals Act 1976 (as amended)  
<http://www.legislation.gov.uk/ukpga/1976/38>
- Zoo Licensing Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/37>
- The Animal Welfare Act 2006  
<http://www.legislation.gov.uk/ukpga/2006/45/contents>

## **1.6 Departure from policy**

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy.

Notwithstanding the existence of the policy and any other relevant Council policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from its policy, it will give the reasons for so doing and retain a record of the decision.

## **1.7 Organisational arrangements**

The process for the licensing of animal welfare establishments includes not only the administrative process of the licence application and collection of the appropriate fee but also includes a physical inspection of the premises to verify compliance with welfare standards and management controls.

The inspecting officer will complete a relevant inspection pro forma and report.

For licence activities coming under the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, the inspection also informs the risk score and star rating allocated to the business and therefore the duration of the licence period.

All administration processes will be the responsibility of the Environmental Health Technical Support Section.

All inspections and enforcement will be the responsibility of the Environmental Health Commercial Section.



## 1.8 Enforcement

All enforcement activities will have due regard to the Animal Welfare legislative framework, any relevant guidance documents issued by central government (e.g. DEFRA) and the Councils Corporate Enforcement Policy.

[https://www.bolsover.gov.uk/images/LIVE/C/CEP\\_Policy\\_Sep\\_2018.pdf](https://www.bolsover.gov.uk/images/LIVE/C/CEP_Policy_Sep_2018.pdf)

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 not only introduce new enforcement powers and measures that officers may use to secure compliance of some licensable activities, such as variations and suspensions of licences, but also provide safeguards to applicants and operators if they feel aggrieved by the process or decisions of the Council.

Wherever possible, the Council will adopt a graduated, education approach to enforcement however, where necessary it will take appropriate and proportionate action against non-compliant businesses.

### Special Vet Requirements

Where ever the legislation specifies that a veterinary inspection must be carried out then the charge for this will be the responsibility of the applicant/operator. In certain situations and at the discretion of the Council a veterinary inspector will be used and this will be charged to the licence operator/applicant where applicable. The veterinary inspector used will be at the discretion of the Council who may use an appointed Veterinary or enlist the help of a specialist in certain situations.

## 1.9 Delegated Powers and Authorisations

Those Officers of the Council, duly authorised under the Council's Scheme of Delegations, are responsible for the day to day operation of the Council's Animal Welfare Policy, and the enforcement of the legislation and conditions relating to the licensable activities.

In order for the Council to function and to inspect specified licensable activities, a "listed veterinarian" will be duly appointed to undertake such inspections and provide any necessary report as required by the legislation.

## 1.10 Fees

The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations requires to set any fees and charges on a full cost recovery basis. Regulation 13 explains the criteria that should be considered. The Council has used this guidance in setting the fees and charges for animal licensing but has also ensured that they are consistent with other enforcement activities where we charge for a service.

This reflects current government policy whereby none compliant businesses are required to contribute more towards enforcement cost.

The structure of the new licensing systems allows those businesses who are fully compliant to have a 3-year licence and therefore benefit from a saving over the period.

The setting of fees and charges in relation to animal welfare activities is the subject of delegated authority (see DD/046/18PC) giving powers to duly authorised officers to determine the fees and charges in respect of that function.

The fees and charges are published on the Animal Welfare pages of the Council's website.

#### **1.11 Register of Animal Welfare Establishments**

The Council holds a register of premises licensed under animal welfare legislation which is available on the Council's website.

The register will be amended to include the Star Rating allocated to premises licenced under The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

### **2. Licensable Activities and Legislative Framework**

#### **2.1 The Animal Welfare (Licensing of Activities involving Animals) Regulations 2018**

The Animal Welfare (Licensing of Activities Involving Animals) Regulations provides the legal framework for the following licensable activities:

- Dog Breeding
- Boarding of Dogs in Kennels
- Home Boarding of Dogs
- Dog Day Care
- Boarding of Cats
- Selling Animals as Pets
- Hiring of Horses
- Keeping or Training of Animals for Exhibition

Along with the regulations, guidance documents for each licensable activity have been published. All of which are available on the Council's website.

#### **2.2 Dangerous Wild Animals Act 1976**

The Dangerous Wild Animals Act 1976 defines all the species that require the owner to have a licence to keep such animals. The controls required to keep individual species will vary dependant on that species.

The licensing process will include veterinary inspection of the animals. The contents of the veterinary officer's report will inform the decision-making process when considering such applications.

### 2.3 **Zoo Licensing Act 1981**

The Zoo Licensing Act 1981 specifically sets out the licensing process for Zoos. The licensing process will include extensive contributions by veterinary officers including veterinary inspection of the animals. The contents of the veterinary officer's report will inform the decision-making process when considering such applications.

### 2.4 **Licensing Process**

All licence applications include the following:

- Administration of licence and payment of fee
- Processing of licence application and an initial inspection of the premises
- Placing appropriate conditions on licence
- Issue of licence

The duration of the licence may be legislative specific, however, The Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 requires inspecting officers to produce a risk rating score and a star rating to every licensable activity. The star rating allocated will have a direct impact on the duration of the licence and therefore the costs to the operator and the enforcement burden placed on the licence holder. See 2.5 below.

The enforcement of Animal Welfare licences will generally include a secondary inspection of the business during the life of the licence, which may include a visit by the veterinary officer. Officers may also visit where the Council receives information or a complaint raising concern about animal welfare issues.

### 2.5 **Risk Scoring, Star Rating and Duration of Licences**

The officer must assess the standards on animal welfare and the management controls in place, including previous compliance. The process includes ascertaining whether the business is meeting the minimum or higher standards and whether some minor failing exists. The officer completes a risk score matrix and the star rating will be determined from those findings. Where a veterinary inspection is required, the contents of the report will have a direct influence on the star rating allocated to that activity.

The star rating allocated will have a direct impact on the business, therefore it is in the interest of the operator to have and maintain the highest possible welfare standards and management controls in place.

Further information is available in the DEFRA document - Procedural guidance notes for local authorities, which is available on the Council's website.

### 2.6 **Competent Officers**

The Council must appoint suitably qualified and competent officers to undertake any inspections and enforcement activities in relation to animal welfare. This duty extends to the Council in respect of the appointment of suitable qualified and "listed" veterinary officers to undertake inspections of specified licensable activities.

### **3. Grievance Safeguarding Processes**

The Council has in place a customer complaints and comments procedure which allows all users of the Council's services to raise concern about the way they have been treated by the Council.

The business operator has recourse to the complaints procedure (including taking the matter to the Local Government Ombudsman where appropriate) if they consider that a council service has not been properly delivered and in accordance with its policy.

In addition, the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 contain a number of safeguarding measures where a business operator who is aggrieved by the process can appeal a rating or ask for a re-score, and to ensure business operators are treated appropriately.

#### **3.1 Right to Appeal Star Rating**

The business operator has the right to appeal the star rating allocated to their business through the licencing process.

The procedures on the right to appeal the star rating are available on the Bolsover District Council website, along with the appeal form.

#### **3.2 Requesting a Star Rating Re-Score Visit**

The business operator can request a re-score visit, where they have completed the work outlined in their inspection report.

There are no limits on the number of re-score visits a business operator can request.

The procedures on the requesting of a re-score visit are available on the Bolsover District Council website, along with the request form.

#### **3.3. Right to Appeal – Suspensions and Variations**

Where the business operator is aggrieved by the decision of the Council to vary or suspend an animal welfare licence, they have the right to appeal that decision, in the first instance to the Council and secondly to a first-tier tribunal.

The procedures for varying or suspending a licence are available on the Council's website.

#### **3.4 Right to Appeal, First-tier Tribunal – Refusal, Suspensions, Variations and Revocations**

Where the business operator is aggrieved by the decision of the Council to refuse, revoke, suspend or vary an animal welfare licence, they have the right to appeal that decision to a First-tier tribunal.

The procedures for refusing, revoking, varying or suspending a licence are available on the Council's website.

### **3.5 Transfer of Licence in the case of the Death of the Licence Holder**

If a licence holder dies, the procedure in regulation 12 of the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 applies. It allows the personal representative of the deceased to take on the licence provided that they inform the Council, within twenty-eight days of the death, that they are now the operators of the licensable activity. The licence will then remain in place for three months from the death of the former holder, or for the rest of the time it was due to remain in force, if that time period is shorter. The new licence holder should then apply for a new licence one month before the expiry of this new period.

Additionally, the Council can extend the three-month period by up to another three months, if requested by the representative and if they believe this time is needed to wind up the estate of the former licence holder.

If the personal representative does not notify the Council within 28 days of the death of the licence holder the licence will cease to have effect after those 28 days.

### **3.6 Transitional Arrangements**

Any unexpired licences granted under the Pet Animals Act 1951, Animal Boarding Establishments Act 1963, Riding Establishments Act 1964 and Riding Establishments Act 1970 will continue in force for the rest of their terms under the relevant Act.

An unexpired licence granted under the Breeding of Dogs Act 1973 will continue in force for the rest of its term subject to the provisions of that Act, the Breeding of Dogs (Licensing Records) Regulations 1999, the Breeding and Sale of Dogs (Welfare) Act 1999 and the Breeding and Sale of Dogs (Welfare) Act 1999.

Any registration of a person under the Performing Animals (Regulation) Act 1925 will continue in force, for six months from the date on which the Animal Welfare (Licensing of Activities Involving Animals) Regulations 2018 came into force, i.e. 1 October 2018, so the previous registration will expire on 1 April 2019.

## **4. References and Access to Information**

The Animal Welfare list of fees and charges, licence application forms, legislation and guidance documents referred to within this Policy can be found on the Animal Welfare page of the Council's website at;

[INSERT BDC LINK](#)

## DEFRA Website

The Animal Welfare legislation and guidance documents referred to within this Policy can be found at;

<http://www.cfsg.org.uk/layouts/15/start.aspx#/The%20Animal%20Welfare%20Licensing%20of%20Activities%20Involvi>

## 5. Glossary of terms

Within the application of The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the “Regulations”) - A **“licensable activity”** means one of five activities involving animals: selling animals as pets, providing for or arranging for the provision of boarding for cats or dogs (includes boarding in kennels or catteries, home boarding for dogs and day care for dogs), hiring out horses, dog breeding and keeping or training animals for exhibition.

For the purposes of this Policy a **“licensable activity”** will also include activities involving animals where such activities are licensable under the Dangerous Wild Animals Act 1976 (as amended) and the Zoo Licensing Act 1981

An **“operator”** means an individual who—

(a) carries on, attempts to carry on or knowingly allows to be carried on a licensable activity, or

(b) where a licence has been granted or renewed, is the licence holder;

**“working day”** means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971(c).

A **“listed veterinarian”** means a veterinarian who for the time being is listed as being authorised to carry out an inspection on the list of veterinarians drawn up by the Royal College of Veterinary Surgeons.

**‘puppy’** means a dog aged less than 6 months

## 6. Appeals and Complaints

Any appeals in relation to enforcement action should be taken in accordance with the statutory appeals process as outlined in the relevant legislation. Where there is a right of appeal, we will ensure individuals/business are made so aware.

The Council has its own Compliments, Comments and Complaints procedure.

We want you to complain if you feel you've been poorly or unfairly treated by any of our services and we will do our best to put things right when things have gone wrong. Please be aware if you are unhappy with a decision, you should follow the appropriate appeal procedure, further information can be found from the appropriate service area. If you are unhappy with the *process* then you can make a complaint about us or any

of our services by completing the on-line Compliments, Comments and Complaints form.

You can write to us at The Arc, High Street, Clowne, Derbyshire S43 4JY, call into any one of our Contact Centres and asking one of our employees to put your complaint in writing for you, or call the Contact Centre on 01246 242424.

DRAFT

## **Animal Welfare Policy – appendix 2**

### **Consultee List**

All premises currently licensed by BDC

Vets in the district or those to be used for inspections as follows:

- Park Hall Vets Park Hall Stables, Park Hall Road, Mansfield NG19 8QX
- Portland House Vets 53 Churchgate, Retford DN22 6PA
- Matt Smith Vets 6 Florence Rd, Clay Cross, Chesterfield S45 9ND
- The Charlesworth Veterinary Surgery 55-59 Broadleys, Clay Cross, Chesterfield S45 9JN
- The Charlesworth Veterinary surgery 11 Market Pl, South Normanton, Alfreton DE55 2BN
- Dronfield Veterinary Clinic Unit 5, 39 Pentland Rd, Dronfield S18 8ZQ
- Carrick Veterinary Group Holywell House, Holywell St, Chesterfield S41 7SD
- Vets4pets Littlemoor, Chesterfield S41 8QN
- Croft Veterinary Centre 36 Market Pl, Bolsover, Chesterfield S44 6PN
- Morley Vets, 261 High Lane East, West Hallam, Ilkeston DE7 6HZ
- Premier Pets Hotel, Asher Lane, Ruddington, Nottingham, NG11 67X



**Bolsover District Council**

**Healthy, Safe, Clean & Green Communities Scrutiny Committee**

**2<sup>nd</sup> August 2019**

<b>Scrutiny Committee Work Programme 2019/20</b>
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**Report of the Scrutiny & Elections Officer**

This report is public

**Purpose of the Report**

- To provide members of the Scrutiny Committee with an overview of the meeting programme of the Committee for 2019/20.

**1 Report Details**

- 1.1 The main purpose of the report is to inform members of the meeting programme for the year 2019/20 and planned agenda items (Appendix 1).
- 1.2 This programme may be subject to change should additional reports/presentations be required, or if items need to be re-arranged for alternative dates.
- 1.3 Review Scopes will be submitted agreed within Informal Session in advance of the designated meeting for Member approval to ensure that there is sufficient time to gather the information required by Members and to enable forward planning of questions.
- 1.4 Members may raise queries about the programme at the meeting or at any time with the Scrutiny & Elections Officer should they have any queries regarding future meetings.

**2 Conclusions and Reasons for Recommendation**

- 2.1 This report sets the formal Committee Work Programme for 2019/20 and the issues identified for review.
- 2.2 The Scrutiny Programme enables challenge to service delivery both internally and externally across all the Corporate Plan Ambitions.
- 2.3 Part 3.6(2) of the Council's Constitution requires each Scrutiny Committee to set an annual work plan.

### **3 Consultation and Equality Impact**

- 3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.
- 3.3 As part of the scoping of Reviews, consideration is given to any consultation that could support the evidence gathering process.

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

- 4.1 There is no option to reject the report as Part 3.6(2) of the Council's Constitution requires each Scrutiny Committee to set an annual work plan.

### **5 Implications**

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

- 5.1.1 None from this report.

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

- 5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

#### **5.3 Human Resources Implications**

- 5.3.1 None from this report.

### **6 Recommendations**

- 6.1 That Members note this report and the Programme attached at Appendix 1. All Members are advised to contact the Scrutiny & Elections Officer should they have any queries regarding future meetings.

## 7 Decision Information

<b>Is the decision a Key Decision?</b> 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:      Revenue - £75,000    <input type="checkbox"/></i> <i>Capital - £150,000    <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000   <input type="checkbox"/></i> <i>Capital - £250,000    <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	N/A
<b>District Wards Affected</b>	N/A
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

## 8 Document Information

Appendix No	Title	
1.	Work Programme 2019/20	
<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)		
Previous versions of the Committee Work Programme.		
Report Author		Contact Number
Joanne Wilson, Scrutiny & Elections Officer		2385

Report Reference –

**Healthy, Safe, Clean and Green Communities Scrutiny Committee**

**Work Programme 2019/20**

**Vision: To enhance and improve the wealth profile, well-being and quality of life for the communities of Bolsover District**

**Corporate Aim: Supporting our Communities to be Healthier, Safer, Cleaner and Greener**

Performance Review	Policy Development	Policy/Strategy Programme Monitoring	Review Work	Call-In/Review of Executive Decisions	Petition

Date of Meeting	Items for Agenda		Lead Officer
<b>21<sup>st</sup> June 2019</b>	<b>Part A – Formal</b>	• Corporate Plan Targets Performance Update – January to March 2019 (Q4 – 2018/19)	Information, Engagement and Performance Manager
		• Agreement of Work Programme 2019/20	Scrutiny & Elections Officer
	<b>Part B – Informal</b>	• Scoping of Review Work	Scrutiny & Elections Officer
<b>2<sup>nd</sup> August 2019</b>	<b>Part A – Formal</b>	• Corporate Plan Targets Performance Update – April to June 2019 (Q1 – 2019/20)	Information, Engagement and Performance Manager
		• Joint Animal Welfare Policy	Team Leader (Contentious); Senior Environmental Health Officer (Commercial)
		• Work Programme 2019/20	Scrutiny & Elections Officer
	<b>Part B – Informal</b>	• Review Work – Scoping of Review s	Scrutiny & Elections Officer

Date of Meeting	Items for Agenda		Lead Officer
13 <sup>th</sup> September 2019	Part A – Formal	<ul style="list-style-type: none"> <li>Health and Wellbeing Strategy – Monitoring Update</li> </ul>	HR& OD Manager
		<ul style="list-style-type: none"> <li>Post-Scrutiny Monitoring: Review of Authority's Perception of Young People – Interim Report</li> </ul>	Chair/Scrutiny & Elections Officer
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer
18 <sup>th</sup> October 2019	Part A – Formal	<ul style="list-style-type: none"> <li>Briefing on BDC Approach to Climate Emergency</li> </ul>	Portfolio Holder for Environmental Impact/ Joint Strategic Director - People
		<ul style="list-style-type: none"> <li>Post-Scrutiny Monitoring: Review of Enforcement action undertaken by Bolsover District Council to improve the quality of the environment across the District – Final Report</li> </ul>	Scrutiny & Elections Officer/ Environmental Health Manager
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer
15 <sup>th</sup> November 2019	Part A – Formal	<ul style="list-style-type: none"> <li>Briefing on Building Resilience Programme Phases 1 and 2</li> </ul>	Partnerships, Strategy & Policy Manager
		<ul style="list-style-type: none"> <li>Corporate Plan Targets Performance Update – July to September 2019 (Q2 – 2019/20)</li> </ul>	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer

Date of Meeting	Items for Agenda		Lead Officer
		<ul style="list-style-type: none"> <li>Training Session – Analysis/Evidence Interpretation Skills (TBC)</li> </ul>	Monitoring Officer/Legal Team
13 <sup>th</sup> December 2019	Part A – Formal	<ul style="list-style-type: none"> <li>Briefing on BDC Approach to Open Water Safety</li> </ul>	Leisure Services
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer
7 <sup>th</sup> February 2020	Part A – Formal	<ul style="list-style-type: none"> <li>Corporate Plan Targets Performance Update – October to December 2019 (Q3 – 2019/20)</li> </ul>	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer
		<ul style="list-style-type: none"> <li>Preparation for Annual Review of the Community Safety Partnership.</li> </ul>	Scrutiny & Elections Officer
6 <sup>th</sup> March 2020	Part A – Formal	<ul style="list-style-type: none"> <li>Annual Review of Community Safety Partnership</li> </ul>	Joint Strategic Director – Place/ Housing Enforcement Manager/ Community Safety Officer
		<ul style="list-style-type: none"> <li>Post-Scrutiny Monitoring: Review of Authority's Perception of Young People – Final Report</li> </ul>	Chair/Scrutiny & Elections Officer
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer

Date of Meeting	Items for Agenda		Lead Officer
1 <sup>st</sup> May 2020	Part A – Formal	<ul style="list-style-type: none"> <li>Corporate Plan Targets Performance Update – January to March 2020 (Q4 – 2019/20)</li> </ul>	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> <li>Work Programme 2019/20</li> </ul>	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> <li>Review Work</li> </ul>	Scrutiny & Elections Officer