

## **BOLSOVER DISTRICT COUNCIL**

Minutes of the Annual Meeting of the Bolsover District Council held in the Chamber Suites, The Arc, Clowne, on Thursday, 21 May 2015 at 10.00 hours.

### **PRESENT:-**

Councillor K F Walker.....Chair  
Councillor R Turner.....Vice Chair

### **Members:-**

Councillor T Alexander, A Anderson, P Barnes, R J Bowler, P M Bowmer, D Bullock, G Buxton, T Cannon, J A Clifton, T J Connerton, C P Cooper, M G Crane, M Dooley, S W Fritchley, H J Gilmour, J E Hall, R A Heffer, A Joesbury, D McGregor, C Moesby, T Munro, B R Murray-Carr, S Peake, K Reid, J Ritchie, J E Smith, P Smith, S J Statter, A M Syrett, B Watson, D Watson and J Wilson.

### **Officers:-**

W Lumley (Chief Executive Officer), B Mason (Executive Director - Operations), P Hackett (Executive Director - Transformation), S Sternberg (Assistant Director - Governance and Monitoring Officer), S Chambers (Communications Manager) and M Kane (Governance Manager)

### **0001. ELECTION OF CHAIRMAN 2015/16**

The Chief Executive sought nominations for the position of Chairman of the Council for the 2015/16 municipal year.

**RESOLVED** that Councillor K Walker be appointed Chairman of the Council for the 2015/16 municipal year.

*Having signed the Declaration of Acceptance of Office and taken on the Chains of Office, Councillor K Walker took the Chair, thanking Members for nominating him.*

### **0002. APPOINTMENT OF VICE CHAIRMAN 2015/16**

**RESOLVED** that Councillor R Turner be appointed Vice Chairman of the Council for the 2015/16 municipal year.

*Having made the Declaration of Acceptance of Office and taken the Vice Chairman's Medallion, Councillor R Turner took the Vice Chairman's seat.*

### **0003. APOLOGIES FOR ABSENCE**

Apologies for absence had been received on behalf of Councillors T Bennett, M Dixey and E Stevenson.

## **BOLSOVER DISTRICT COUNCIL**

### **0004. DECLARATIONS OF INTEREST**

Councillor J Wilson declared a significant other interest in item 16 on the agenda, Motions on Notice, arising from her position as a magistrate. She would leave the meeting prior to consideration of the item and not seek to influence or vote on it.

### **0005. CHAIR'S ANNOUNCEMENTS**

The Chair thanked members for supporting his charity appeal in 2014/15.

### **0006. APPOINTMENT OF THE LEADER**

**RESOLVED** that Councillor A Syrett be appointed Leader of the Council for a four year term.

*Having been appointed as Leader of the Council, Councillor A Syrett thanked members for their faith in her and took the Leader's position at the top table.*

### **0007. ANNOUNCEMENT OF EXECUTIVE AND THEIR PORTFOLIOS**

**RESOLVED** that Council notes the Cabinet positions and Portfolios for 2015/16 as set out in **Appendix A**.

### **0008. CALCULATION OF POLITICAL BALANCE AND ALLOCATION OF SEATS TO COMMITTEES**

Council considered a report of the Assistant Director – Governance and Monitoring Officer, which sought approval of the allocation of seats on committees in accordance with the statutory requirements concerning political balance.

Following the elections held on 7 May 2015 the political balance of the Council was:-

Labour Group	-	32
Independent Group	-	4
Non Aligned Independent	-	1

For the purposes of calculating the entitlement of each political group to seats on committees, in line with the statutory regulations, it was proposed that the following committees and joint committees be included:-

Audit Committee  
Customer Services and Transformation Scrutiny Committee  
Growth Scrutiny Committee  
High Hedges Committee  
Healthy, Safe, Clean and Green Scrutiny Committee,  
Licensing Committee  
Planning Committee  
Safety Committee

## BOLSOVER DISTRICT COUNCIL

Standards Committee  
Union and Employee Consultation Committee  
ICT Shared Services Committee (three members)  
New Bolsover Joint Committee (10 members)  
Shared Services Scrutiny Committee (three members)  
Strategic Alliance Joint Committee (nine members)

On the basis that the Council appointed to the committees set out above, the total number of seats available would be 117. Following the necessary calculations, it was proposed that the allocation of seats to committees be as follows:-

Committee	Labour	Independent Group	Non Aligned Independent	Total
Audit Committee	5	1		6
Customer Services and Transformation Scrutiny	8	1	1	10
Growth Scrutiny	9	1		10
Healthy, Safe, Clean and Green Scrutiny	9	1		10
High Hedges	4	1	1	6
ICT Shared Services	3			3
Licensing	13	1	1	15
New Bolsover Joint Committee	9	1		10
Planning	16	2		18
Safety	4	1		5
Shared Services Scrutiny	3			3
Standards	5	1		6
Strategic Alliance Joint Committee	8	1		9
Union and Employee Consultation Committee	5	1		6
<b>Total</b>	<b>101</b>	<b>13</b>	<b>3</b>	<b>117</b>

Members were advised that although a single member was not entitled to any allocation of seats under the Regulations, political groups were not entitled to have more than their allocated share of seats. It was at the Council's discretion how the remaining two seats were filled by a Councillor that was not in a group. The legislation was often interpreted that a single member was entitled to fair representation and any decision not to allocate seats to the single member would need to be made with no member of the Council voting against.

Moved by Councillor C Moesby and seconded by Councillor B Murray-Carr.

**RESOLVED** that the allocations of seats to political groups and size of committees as set out in the table above be agreed.

(Governance Manager)

### 0009. APPOINTMENT OF COMMITTEES AND ADVISORY GROUPS 2015/16

Moved by Councillor C Moesby and seconded by Councillor B Murray-Carr.

**RESOLVED** that the nominations of members to committees and advisory groups for the municipal year 2015/16 as set out in **Appendix B** to these minutes be approved.

## BOLSOVER DISTRICT COUNCIL

### 0010. APPOINTMENT OF CHAIRS AND VICE CHAIRS OF COMMITTEES 2015/16

Moved by Councillor C Moesby and seconded by Councillor B Murray-Carr.

**RESOLVED** that the Labour nominations for the municipal year 2015/16 as set out in **Appendix C** to these minutes be approved.

(Governance Manager)

### 0011. APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES 2015/16

Moved by Councillor C Moesby and seconded by Councillor B Murray-Carr.

**RESOLVED** that the nominations to outside bodies for the municipal year 2015/16 as set out in **Appendix D** to these minutes be approved.

(Governance Manager)

### 0012. REVIEW OF THE CONSITUTION

Council considered a report of the Assistant Director – Governance and Monitoring Officer, which sought approval of a revised Constitution, including Scheme of Delegation.

Members were advised that they had approved the latest version of the Constitution in Summer 2014. Since then a number of legislative and internal changes had necessitated a further review and these were considered by Standards Committee on 27 March 2015. Standards Committee recommended the changes to Council, which included the following:-

- (a) Changes to the names and functions of Scrutiny Committees. The new committees proposed were *Growth, Customer Services and Transformation* and *Healthy, Safe, Clean and Green*.
- (b) Changes to Procurement Rules. The Public Contracts Act 2015 came into force at the end of February 2015 and the Council's Contract Procedure Rules had been amended accordingly.
- (c) Changes to procedures governing statutory officer dismissal. The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 removed the "statutory protection" afforded to the statutory officer posts of Head of Paid Service, Section 151 Officer and Monitoring Officer which required the appointment of a Designated Independent Person who made a binding recommendation to the Council on disciplinary matters brought against those officers. It was now a matter for the Council meeting to decide on the dismissal of a statutory officer having regard to the advice, views and recommendations of a Panel of at least two Independent Persons. These were the Independent Persons appointed under Section 28 of the Localism Act for the purposes of complaints against members under the Code of Conduct.

## **BOLSOVER DISTRICT COUNCIL**

- (d) Changes to councillors' access to information. The Local Government (Electronic Communications) (England) Order 2015 had clarified the position with regard to members being summoned to meetings. Members may receive Council summonses by hard copy or by email to a specified address. They may change their minds about method of delivery at any point by notice.

In addition, the Government were consulting on new functions and responsibilities regulations. Details of the implications were set out within the report.

Moved by Councillor Watson and duly seconded that:-

- (1) The revised Constitution attached as Appendix A to the report, including the Scheme of Delegation be approved, with an additional paragraph inserted into Section 4.5.16 in the Scrutiny Rules strongly discouraging the use of Party Whip in scrutiny.
- (2) 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.

Amendment by Councillor J Smith and duly seconded that the paragraph inserted into the Scrutiny Rules as outlined above be deleted.

Upon being put to the vote the amendment was carried and it was then:-

### **RESOLVED:-**

- (1) The revised Constitution attached as Appendix A to the report, including the Scheme of Delegation, be approved.
- (2) 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.

(Governance Manager)

## **0013. KEY DECISIONS THRESHOLD AND DECISIONS TAKEN UNDER URGENCY**

Council considered a report of the Assistant Director – Governance and Monitoring Officer, which advised of decisions taken under special urgency rules over the past 12 months and considered whether the threshold for Key Decisions remained appropriate.

A Key Decision was an executive decision which was likely to:-

- Result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- Be significant in terms of its effects on communities living or working in an area comprising two or more Wards within the District.

## **BOLSOVER DISTRICT COUNCIL**

In determining the meaning of “significant” the Council had regard to any guidance issued by the Secretary of State. The Council has decided that income or expenditure of £50,000 or more was significant.

Legislation required all Key Decisions to be publicised 28 days in advance and where this was not possible special rules applied. Where a Key Decision was required to be made and it was impractical to give at least five days notice permission from the relevant Scrutiny Chair should be sought. The Council had not made any such decisions in the preceding 12 months.

All Key Decisions were required to include provision for scrutiny call-in unless the relevant Scrutiny Chair had waived the requirement. Such decisions should only be taken where any delay caused by the call-in process would seriously prejudice the Council's or the public's interest. Four such decisions had been taken in the past 12 months and a summary was provided at Appendix A to the report.

Finally, the report dealt with the threshold for Key Decisions which was currently set at £50,000. It was considered that this was sufficiently high enough to cover material expenditure without going so low as to hamper administrative efficiency. It was proposed that this threshold be maintained at the current level.

Moved by Councillor C Moesby and seconded by Councillor B Murray-Carr.

**RESOLVED** that:-

- (1) Those decisions where scrutiny call-in was waived as set out in Appendix A to the report be noted.
- (2) The threshold for Key Decisions be maintained at £50,000.

### **0014. MINUTES**

**RESOLVED** that the following minutes be approved as a correct record:-

- (a) Scrutiny Management Board, 28 January and 18 February 2015;
- (b) Improvement Scrutiny Committee, 13 April 2015;
- (c) Safe and Inclusive Scrutiny Committee, 14 April 2015;
- (d) Sustainable Communities Scrutiny Committee, 15 April 2015;
- (e) Council, 29 April 2015.

### **0015. ANNUAL SCRUTINY REPORT**

Council considered a report of the Chairs of the Safe and Inclusive Scrutiny Committee and Improvement Scrutiny Committee highlighting the work of the scrutiny committees over the past year.

Scrutiny reviews in 2014/15 included enforcement, the impact of welfare reform and other issues on the contact centres, street cleanliness, the scrutiny webpage, hard to let properties and business support.

## **BOLSOVER DISTRICT COUNCIL**

The report also set out details of the number of recommendations made by Scrutiny to the Executive and how many of these had been accepted and implemented. All but two recommendations in the past four years had been accepted by Executive, but the degree to which these had been implemented varied.

Scrutiny chairs placed on record their thanks to scrutiny members and officers for their contributions and support throughout the year.

Moved by Councillor H Gilmour and seconded by Councillor S Fritchley.

**RESOLVED** that the Annual Scrutiny report be noted.

*Councillor J Wilson left the meeting at this point having declared a significant other interest.*

### **0016. MOTIONS ON NOTICE**

Moved by Councillor B Murray-Carr and seconded by Councillor J Clifton.

**RESOLVED** that the issues highlighted in the letter attached to these minutes at **Appendix E** be submitted to Dennis Skinner, MP for Bolsover, on behalf of the Council.

*Councillor J Wilson rejoined the meeting at this point.*

### **0017. PROCESS FOR CONSIDERING CAPABILITY AND CONDUCT ISSUES IN RELATION TO JOINT DIRECTORS AND ASSISTANT DIRECTORS**

Council considered a report of the Assistant Director – Governance and Monitoring Officer, which provided a process for the consideration of capability and conduct issues for the Joint Chief Executive Officer, Directors and Assistant Directors, including processes for the statutory officers.

The report proposed to establish a Joint Employment Committee and a Joint Appeals Committee with the Council's Strategic Alliance partner North East Derbyshire District Council to deal with the initial and appeal stages of capability and conduct issues at both Councils. Suggested terms of reference were attached as an appendix.

The panels would consist of three members from each Council to be chosen proportionately by the two political group leaders.

Moved by Councillor C Moesby and seconded by Councillor B Murray-Carr.

**RESOLVED** that:-

- (1) Council establishes a Joint Employment Committee and a Joint Appeals Committee with the attached terms of reference.
- (2) The membership be chosen by the two Leaders under the proportionality rules.

## **BOLSOVER DISTRICT COUNCIL**

- (3) Delegated power be given to the Assistant Director – Governance and Monitoring Officer to establish a Hearings Procedure for both committees.

(Assistant Director – Governance and Monitoring Officer)

### **0018. CHAIR’S URGENT ITEMS OF BUSINESS**

There were no items of urgent business considered at this meeting.

The meeting concluded at 1050 hours.

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