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To: Chair & Members of the Council

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Monday, 7<sup>th</sup> March 2022

Dear Councillor

**COUNCIL – WEDNESDAY, 9TH MARCH, 2022 AT 10:00 HOURS**

I refer to your recently circulated agenda for the above meeting and now enclose a copy of the papers which were marked 'To Follow'.

Yours faithfully



Interim Monitoring Officer



**We speak your language**  
Polish **Mówimy Twoim językiem**  
Slovak **Rozprávame Vaším jazykom**  
Chinese **我们会说你的语言**

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## COUNCIL

*Wednesday, 9th March, 2022 at 10:00 in the Council Chamber, The Arc, Clowne*

<b>Item No.</b>	<b>PART 1 – OPEN ITEMS</b>	<b>Page No.(s)</b>
<b>4.</b>	<b>Minutes</b>	<b>3 - 18</b>

To approve the Minutes of the Council meeting held on 2<sup>nd</sup> February 2022.

## **BOLSOVER DISTRICT COUNCIL**

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Wednesday 2<sup>nd</sup> February 2022 at 1000 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Rita Turner (Vice-Chair), Derek Adams, Allan Bailey, Rose Bowler, Jane Bryson, Tracey Cannon, Anne Clarke, Nick Clarke, Tricia Clough, Jim Clifton, Paul Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Stan Fox, Steve Fritchley, Donna Hales, Ray Heffer, Andrew Joesbury, Chris Kane, Tom Kirkham, Duncan McGregor, Clive Moesby, Graham Parkin, Peter Roberts, Liz Smyth, Janet Tait, Ross Walker and Deborah Watson.

Officers: - Karen Hanson (Executive Director of Resources), Grant Galloway (Executive Director of Strategy and Development), Sarah Sternberg (Monitoring Officer), Theresa Fletcher (Section 151 Officer), Pam Brown (Assistant Director of Leader's Executive, Partnerships and Communications), Matt Finn (Service Manager (Commercial & Environment), Jim Fieldsend (Solicitor) and Alison Bluff (Governance Officer).

### **CL64-21/22. APOLOGIES**

Apologies for absence were received on behalf of Councillors Dexter Bullock, Natalie Hoy, Evonne Parkin, Sandra Peake, Dan Salt and Jenny Wilson.

### **CL65-21/22. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **CL66-21/22. CHAIR'S ANNOUNCEMENTS**

The Chair provided an update to the meeting regarding ex District Councillor, Ken Walker. Members were aware of the shocking events which had taken place on 14<sup>th</sup> January 2022, which had lead to the death of Ken's wife, Freda, and serious injuries to Ken. The Chair was pleased to advise that Ken was making a gradual recovery including managing some brief time on his feet around the hospital ward. The Chair requested that the meeting observe one minutes silence in honour of Freda Walker.

*The meeting stood for one minutes silence in honour of Freda Walker.*

The Chair informed the meeting of the recent passing of Pleasley Parish Council Chair, Councillor Caroline Randall, following a long and difficult battle with cancer. The Leader added that he had known Caroline for a number of years and she was a gentle soul and always eager to do her bit for the community.

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She had recently been elected Chair of Pleasley Parish Council but was battling with ill health. The Leader noted that the last few years had been difficult for everyone and all of us had been touched with grief and sadness, losing friends and family, and this showed the fragility of life amid an uncertain future – residents had been touched in the same way. It was a time for reflection for everyone.

The Chair thanked Members who were in attendance at the Honorary Alderman presentation, which had taken place at the Van Dyk Hotel in Clowne on Wednesday 1<sup>st</sup> December 2021, where 7 ex Councillors were awarded Honorary Alderman status.

The Council was committed to the Armed Forces Covenant, which required local authorities to ensure they had appropriate provision within their authority to address the needs of service personnel who had completed their period of service and were making the transition into civilian life. Alongside an officer of the Council, the Chair regularly participated in updates from Veterans UK, and ensured that any issues raised were passed on to the relevant department. The Chair would be happy to advise any Member who encountered any ex-service personnel in their ward who required assistance or support, on how they might assist their constituent.

### **CL67-21/22. MINUTES – 3<sup>RD</sup> NOVEMBER 2021**

Moved by Councillor Rita Turner and seconded by Councillor Derek Adams  
**RESOLVED** that the Minutes of a Council meeting held on 3<sup>rd</sup> November 2021 be approved as a correct record.

### **CL68-21/22. QUESTIONS FROM THE PUBLIC**

#### **Question submitted to the Leader of the Council by Mrs D. Dell;**

*I would like to know please, what steps Bolsover District Council intends to take to ensure that their information is more readily accessible to the public and is kept updated so that it is correct?*

*Within Vision Bolsover, it states:*

*“Our Priorities: .....Improving customer contact and removing barriers to accessing information”*

*In particular, that its website is checked regularly for broken and indirect links, and that meeting agendas are published further ahead of the meeting than the deadline for submission of questions.*

*To explain what I mean by indirect links, if clicking takes you e.g to ‘Bolsover tv’ but not to the episode explaining the Vision Bolsover, and/or you have to scroll down far to see the item you are looking for, this makes it hard or impossible to find.*

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*As regards accessibility, I have also not found any options for varying text size or a readaloud facility although the language choice is excellent.*

### **Response from the Leader, Councillor Steve Fritchley;**

Thanks Mrs Dell for your question – it gives me an opportunity to agree more than disagree with what you're saying. In 2018 I looked at the Council's website and found it difficult to navigate, so I asked the Communications Team to change it and make it easier to navigate, and because more people use smart phones, I wanted access to be more mobile friendly. The new website was launched in 2019 with a simple A-Z format which I think works a lot better. It did in 2019. Having said that the Council provides 100s of services and functions with information and this is added to the website on a daily basis – so it's never going to be an easy task to find the information you need straight away. We use a piece of software called Silktide that monitors our website and highlights problems such as broken links, spelling errors or accessibility issues – this program is checked on a weekly basis and any errors highlighted are corrected. I completely agree with Mrs Dell that if you have a link about a specific subject, then that link should take you straight to that information – not a generic page where you have to go hunting for the information you require. I've spoken to the Communications Manager and asked them to make sure all links are directed to the specific page mentioned. Moving on to Mrs Dell's points about accessibility, the internet has progressed massively since its inception 30 years ago and especially over the past decade. I've been advised that varying the text size on the website can now be done simply by pressing control and plus or minus repeatedly. We used to pay for a specific readaloud platform but no one was using it or downloading it so we stopped it and stopped paying for it. However, today there are free browsers and apps available such as Voice dream reader, Speechify that will do it for you. We therefore do not need to pay for this functionality as it is readily available free of charge. To reassure Mrs Dell, the team have also recently undertaken an audit with the Government's cabinet office and implemented their recommendations to make the site more accessible. Finally, the Council sends out agendas in accordance with our statutory deadlines. The provision in our Constitution allowing members of the public to ask questions is there to enable questions on a large variety of subjects to be raised outside the specific items on the Council's agenda as members of the public can submit a question to Council or to Councillors at any point.

### **Supplementary question from Mrs D Dell;**

*I am still concerned that members of the public must only ask questions and each member of the public only has one question per meeting and they must only ask questions that do not cover the same material as agenda item - if you've got to get your question in before the agenda comes out you don't know that you won't have affectively wasted your one attempt because by the time you've find out the same item is on the agenda so your question is struck out, it is too late to put another one, that is my real concern.*

### **Response from the Leader, Councillor Steve Fritchley;**

Thank you again Mrs Dell – and this is a serious point and a logical point and I will be asking our Governance team to look at the Council's Constitution and look at any ways we can improve.

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### **Question submitted to the Portfolio Holder for Environmental Health and Licensing by Mr R Dell;**

*Members of the Council, I accept that the World Health Organisation (WHO) only offer advice, but their recommendations are usual accepted globally.*

*On the 22nd September 2021 they published their new guidelines on Air Pollution levels, supplanting their own levels of 2006. In these they recommended fine particulate matter (PM 2.5) to 10 microns per metre cubed ambient and 2.5 microns per 24hours.*

*At any one testing site the WHO recommend that the following four gases are tested:*

*Ozone, Nitrogen Dioxide, Sulphur Dioxide and Carbon Monoxide. This is because each is harmful in itself and harmful combined.*

*BDC only publish levels for Nitrogen Dioxide and then using the old guidelines. At the new WHO levels the BDC published Nitrogen Dioxide level now falls outside the requirements.*

*The above four gases are seriously harmful and continue to threaten particularly "pregnant women, young babies and toddlers," Will the Council increase the scope of its Air Pollution monitoring bearing in mind Death by Air Pollution is now established as a Coroner's verdict?*

### **Response from the Portfolio Holder for Environmental Health and Licensing;**

Thank you for your question Mr Dell - As you have pointed out within your question, the revised World health Organisation guidelines are in fact advisory, and are intended to inform national policies. It is inevitable, and indeed welcome, that air quality guidelines tighten up over time, as our knowledge of atmospheric chemistry and the impact of air quality on public health continues to develop.

The UK's Clean Air Strategy and the Environment Act 2021 set out an approach to revising targets that will take account of the World Health Organisation's guidelines, along with other sources of expert advice, including the UK's Independent Committee on the Medical Effects of Air Pollutants and the Air Quality Expert Group, who both provide independent scientific advice to DEFRA.

The new Environment Act requires targets to be set in priority areas including air quality, as well as a target for fine particulate matter, known as PM 2.5. These targets need to be brought forward by 31 October 2022. We understand that interim targets are likely to set a five – yearly path toward meeting long term targets in the UK.

Monitoring for the pollutants which you mention in your question is undertaken by the Automatic Urban and Rural Network, which is managed by DEFRA and which is the UK's largest monitoring network and the main network used for compliance reporting against the Ambient Air Quality Directives. It includes automatic air quality monitoring stations with high resolution hourly information which is rapidly communicated to the public. Their nearest monitoring station is in Chesterfield.

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At the moment we do not intend to increase the scope of our air pollution monitoring, because our initial screening work concluded that whilst there were some small exceedances of Nitrogen Dioxide, there were no exceedances of particulate matter and furthermore, the monitoring which we have undertaken has demonstrated continuing improvements in local Air Quality. This has in fact led to the revocation of all three of our Air Quality Management Areas included on the agenda for this very meeting of Bolsover District Council. This has also been independently validated by an expert air quality consultancy.

We will continue to undertake our own monitoring at 23 locations across the District, including in the locations which until now have been covered by the Air Quality Management Areas.

We will also continue to work in partnership with other authorities and the Environment Agency, to reduce sources of other pollutants, including particulate matter. We have also published an action plan within our Annual Status report, which is available for residents to read on our website.

### **Supplementary question from Mr R Dell;**

*Most of what was sent out in terms of publicity referred only to nitrogen dioxide – there are has has been agreed, 4 gases to consider – will all 4 gases be monitored and the results publicised and if not, why not?*

### **Response from the Portfolio Holder for Environmental Health and Licensing;**

I believe I did cover that in my response to you Mr Dell, that those gases are monitored by the automatic urban and rural network. Local authorities such as ourselves cannot be expected to do the detailed monitoring that *they* can do and we do the monitoring which is required by us. The nitrogen dioxide levels are often as a result of traffic and if they are at a lower level it is unlikely that there will be exceedances of the other gases that you mention to us. If you want any further technical response I don't know whether Matt Finn who is here representing Environmental Health could give you some further response on that or indeed we can send you a written response and any other details you require.

The Chair commented that a written response would be sent to Mr Dell.

### **Question submitted to the Portfolio Holder for Environmental Health and Licensing by Mrs A Morgan (presented to Council by Mrs D Dell in the absence of Mrs Morgan who was not able to attend the meeting);**

*Will BDC please plant many more trees in Barlborough and elsewhere, specifically chosen and located to maximise capturing pollution arising from road traffic and protecting homes, children's nurseries and schools from pollution?  
This will have health benefits for years to come and needs to be started urgently as the trees take time to grow to an effective size.*

*As a resident of Clay Pit Way Barlborough for 20 years this year, I have noticed a huge increase in the amount of vehicle exhaust fallout in the air and in my home. I have black particles on internal windowledges. Traffic along Oxcroft Way and*

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*surrounding the Links Estate has multiplied during this time and is now posing a serious health risk. We are surrounded on 3 sides by busy roads. Traffic around schools and nurseries has also increased enormously.*

*We know that trees soak up carbon dioxide, sulphur dioxide, ammonia and particulates through their leaves, bark and roots. They also provide sanctuary for wildlife. Trees slow climate change and reduce global warming.*

*World Health Organisation pollution limits to human safety have been reduced. Roads with heavy traffic are dangerous to human health and Barlborough is a pollution hotspot.*

### **Response from the Portfolio Holder for Environmental Health and Licensing;**

Whilst I entirely understand your concerns about traffic, I am afraid I cannot agree with your comment that Barlborough is a pollution hotspot. Our local air quality management work has evidenced that pollution levels are well within UK limits at that location.

Despite that, anything more that can be done to bring about further improvements should be welcomed and tree planting would certainly be beneficial, both in terms of air quality and climate change.

I am pleased to confirm that at Bolsover District Council, we take our obligations to combat climate change very seriously, and we are seeking effective ways to both reduce our own carbon emissions and to reduce existing carbon dioxide levels in the atmosphere.

As part of this we ambitiously aim to see one million trees planted in Bolsover District over the next few years in order to help reduce existing carbon dioxide levels in the atmosphere.

The main focus of the Council's tree planting efforts is the Bolsover Community Woodlands project, utilising funds from the Woodland Trust, and I am pleased to say that the Council planted the first 1,000 trees just before Christmas on the project's flagship site on former colliery land in Creswell.

The Council is looking to increase the number of tree planting projects and we are working in the first instance with other public bodies to bring forward tree planting on publicly owned land, although we have also received a large number of community suggestions of where additional trees could be planted.

With this in mind I am happy to advise you that your suggestion of additional tree planting in Barlborough to help combat air pollution has been added to the list of community suggestions for further consideration in April or May this year.

**As Mrs Morgan was not present at the meeting, no supplementary question was allowed.**



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### CL69-21/22. QUESTIONS FROM MEMBERS

#### **Question submitted by Councillor Peter Roberts to the Leader of the Council;**

The meeting was advised that since the publication of the agenda, Councillor Peter Roberts had withdrawn his question to the Leader of the Council as a response in writing had been provided to him.

#### **Question submitted by Councillor Tom Kirkham to the Leader of the Council;**

As a Pleasley Parish Councillor, Councillor Kirkham firstly spoke about Caroline Randall - *She was the first female chair that we had at the council and shortly after being elected she found out she was ill – she fought the illness with bravery and courage – she was somebody who would go out of their way to do anything for anybody and she raised money during her illness and continued to attend meetings and she will be missed.*

*My question is regarding sale of land in Glapwell –*

*Last summer the sale of land at the top of Park Ave in Glapwell raised around a quarter of a million pounds for Bolsover District Council. What has this money been spent on?*

#### **Response from the Leader of the Council;**

Yes it's a serious question and obviously were looking at what benefits are going to accrue and this is the point of the question – well the proceeds of the sale, like any other capital receipt, goes to the General Fund in support of the future capital programme. As regards benefits, I'm going to ask Duncan here because a lot of these benefits that will accrue to Glapwell are enshrined in the planning permission and the development itself. So with your permission Chair, I will invite the Deputy Leader, Duncan McGregor to comment on the planning benefits.

#### **Councillor Duncan McGregor;**

Thank you Chair, Councillor McGregor, Member on the Planning Committee when the decision was made as well. But to be helpful, the benefits that would be derived eventually is as following. Under the section 106 agreement that was agreed on that planning application: Affordable housing - 10% would be on dwellings, Public open space would accrue 0.25hectare per dwelling for open space, plus children's play facilities, £136 per dwelling will be allocated towards children's play facilities in that area, percent for art is 1% of art or overall development cost to provide a piece of art work on site. Off site, sports facilities contribution is £995 per dwelling towards sports development in the Glapwell area. Education is £227,996.01k towards the Bolsover School which is for the older children from that area, and the travel plan is £3,750k for monitoring the process of these particular section 106 agreements. I thought this would be interesting for Councillors to know Chair, and hopefully that will help Councillor Kirkham and the residents of Glapwell to understand that there are benefits derived from that particular decision.

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### **Supplementary Question form Councillor Kirkham;**

Thank you – so the 106 money as we all know is further on down the line when the houses are built it could be 10/20 years when that money is realised. The community is recovering from the pandemic, we've lost a resource which was much needed use for the carnival and other events, so my question is, can we borrow the equivalent of the 106 money now to address the needs in our community and I appreciate it would be a loan from BDC, and looking at the BDC accounts, loans to other parish councils and town councils have happened in the past and with that in mind would it be possible to receive a copy of the business case made by Shirebrook Town Council for a loan so we can refer to that when making our application for a loan – thank you.

### **Response from the Leader of the Council;**

Yes that's not a problem Chair, in actual fact, I visited Glapwell Parish Council in 2019, to offer the same facilities at that particular time. The arrangements between Shirebrook and BDC are slightly different because BDC has a share in the land and the other interests which were transferred in 2010. There's no problem Chair, if Councillor Kirkham wants to make an application to BDC, I'm sure that will be considered.

### **CL70-21/22. MOTIONS**

No motions had been submitted for consideration.

### **CL71-21/22. REVOCATION OF AIR QUALITY MANAGEMENT AREAS**

Council considered a report which proposed to make Orders under the Environment Act 1995 to revoke the South Normanton and Barlborough Air Quality Management Areas.

Between 2001 and 2007, three AQMA's were declared due to high levels of Nitrogen Dioxide in the air outside a small number of residential properties and levels which were well above the national Air Quality Objectives of 40 µg/m<sup>3</sup> (micrograms per cubic metre). These AQMA's were known as Barlborough No1, Barlborough No2, and South Normanton.

The Council and partners had used a mixture of local planning policy and road network management to compliment changes to vehicle technology to assist in reducing pollution levels in these areas, and there had been significant reductions over the last 7 years in pollution levels, with the annual mean being well below the 40 µg/m<sup>3</sup> limit. These reductions were also showing a continual annual reduction.

The Council's monitoring data for all the AQMA's had been independently verified and subject to critical review by an independent consultancy as shown in appendix 2 and 3 to the report. It should be noted that the data on which the

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reductions had been based, originated from before the Coronavirus pandemic reduced traffic volumes.

A statutory public consultation took place for a 12 week period for each AQMA on whether they should be revoked. The Barlborough AQMA's were subject to a consultation in 2019, and the South Normanton consultation took place in March 2021. Responses to the consultations could be found in Appendix 4 to the report.

While concerns were raised about the cessation of monitoring and the risks future development may bring in Barlborough, there were no responses indicating a need to continue with any of the AQMA's.

The report noted that monitoring at these locations would continue, although at a reduced capacity to allow for other locations of concern to be monitored, so that the Council could continue to measure the air quality in the areas and consider future actions based on those results.

Councillor Andrew Joesbury noted that although the pollution rate had reduced at South Normanton, it was still higher than the rate at which Barlborough had started out at in 2013. He requested that a letter be sent to the MP and also Highways England urging that the improvement works at Junction 28, be expedited as soon as possible.

Councillor Tom Kirkham queried if there were any future plans to put monitoring points in around areas such as schools.

The Service Manager (Commercial & Environment), advised the meeting that the air quality management area monitoring stations were not necessarily in relation to the motorway – they were with regard to the local areas and small streets outside residential properties. So the intention of the monitoring was solely about the impact of air quality on residential properties and people in the local area. The M1 was not part of the monitoring network.

Moved by Councillor Deborah Watson and seconded by Councillor Ray Heffer  
**RESOLVED** that (1) the significant improvements in air quality within the District and the outcome of the independent reviews and public consultations be noted,

(2) the Council makes orders to revoke the three Air Quality Management Areas under section 83 of the Environment Act 1995.

(Assistant Director of Environmental Health)

### **CL72-21/22. MEDIUM TERM FINANCIAL PLAN 2022/23 to 2025/26**

Council's approval was sought for the proposed budget for 2022/23 for the General Fund, Housing Revenue Account and Capital Programme as part of the Council's Medium Term Financial Plan covering the years 2022/23 to 2025/26.

The detailed report also provided an overview of the Council's financial position in order to inform the decision making process.

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In particular financial projections were provided for:

- 2021/22 Current Budget Position – this was the current year budget, revised to take account of changes during the financial year that would end on 31<sup>st</sup> March 2022.
- 2022/23 Original Budget – this was the proposed budget for the next financial year, on which the Council Tax would be based, and would commence from 1<sup>st</sup> April 2022.
- 2022/23 Original Budget, this included proposed increases to rents and fees and charges for the next financial year for the Housing Revenue Account.
- 2023/24 to 2025/26 Financial Plan – In accordance with good practice the Council agreed its annual budgets within the context of a Medium Term Financial Plan (MTFP). This included financial projections in respect of the next three financial years.

The report and appendices had been considered by Audit and Corporate Overview Scrutiny Committee at its meeting on 20<sup>th</sup> January 2022, and by the Executive at its meeting on 31<sup>st</sup> January 2022.

Councillor Peter Roberts queried why rents and heating charges were being raised for tenants when the Housing Revenue Account showed a £2.2m surplus, and there was a current cost of living crisis with food, fuel and energy, inflation and national insurance all rising.

The Portfolio Holder for Finance advised the meeting that in September 2021 CPI was at 3.1% and the Council had an obligation to increase its costs by the CPI figure plus 1%. The Council had no control over energy companies increasing their costs. The Section 151 Officer added that rents and heating charges needed to be increased to ensure the Council's 30 year Housing Business Plan continued to be sustainable. If the Council did not pass its costs on, the £2.2m would soon be depleted. She added that the 2% proposed in the report for 2022/23 was an estimated figure.

Councillor Roberts proposed an amendment to the recommendation in the report that a freeze be put on the 4.1% increases on rent and heat.

Moved by Councillor Peter Roberts and seconded by Councillor Ross Walker.  
That a freeze be put on the 4.1% increases on rent and heat.

On being put to the vote, the motion was lost.

Councillor Ross Walker queried that the revised budget 2021/22 showed Dragonfly Joint Venture shares at £519k and Dragonfly Joint Venture Loan at £1.7m and a total of £2.2m, however, in the original forecast programme it was down to zero.

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The Section 151 Officer advised that a £2.2m loan had been approved for Dragonfly in 2021/22 but the facility had not yet been drawn down thus no figures were shown for 2022/23.

The Chair reminded Members that a recorded vote would be taken on this budget setting motion as per the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

Moved by Councillor Clive Moesby and seconded by Councillor Tom Munro

For the Motion (28);

Councillors Rita Turner, Derek Adams, Rose Bowler, Jane Bryson, Tracey Cannon, Anne Clarke, Nick Clarke, Tricia Clough, Jim Clifton, Paul Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Stan Fox, Steve Fritchley, Donna Hales, Ray Heffer, Andrew Joesbury, Chris Kane, Tom Kirkham, Duncan McGregor, Clive Moesby, Graham Parkin, Liz Smyth, Janet Tait and Deborah Watson.

Against the Motion (3);

Councillors Allan Bailey, Peter Roberts and Ross Walker

Abstentions (0)

**RESOLVED** that (1) in the view of the Chief Financial Officer, the estimates included in the Medium Term Financial Plan 2022/23 to 2025/26, are robust and that the level of financial reserves whilst at minimum levels are adequate, be accepted,

(2) officers report back to Executive and to the Audit and Corporate Overview Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets. These reports to include updates on achieving savings and efficiencies for 2022/23 and future years.

### **GENERAL FUND;**

(3) a Council Tax increase of £5.00 is levied in respect of a notional Band D property (2.68%).

(4) the Medium Term Financial Plan in respect of the General Fund as set out in Appendix 1 of this report be approved as the Revised Budget 2021/22, as the Original Budget in respect of 2022/23, and the financial projection in respect of 2023/24 to 2025/26.

(5) any further under spend in respect of 2021/22 is transferred to the Council's General Fund Reserves.

(6) on the basis that income from Planning Fees may exceed £0.500m in 2021/22, the Head of Paid Service in consultation with the Leader, be granted delegated powers to authorise such additional resources as are necessary to effectively manage the resultant increase in workload.

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### **HOUSING REVENUE ACCOUNT;**

(7) Council sets its rent levels in line with government policy, increasing rent levels by CPI (3.1%) plus 1% to apply from 1<sup>st</sup> April 2022.

(8) the increases in respect of other charges as outlined in Appendix 3 Table 1 be implemented with effect from, 1<sup>st</sup> April 2022.

(9) the Medium Term Financial Plan in respect of the Housing Revenue Account as set out in Appendix 3 of this report be approved as the Revised Budget in respect of 2021/22, as the Original Budget in respect of 2022/23, and the financial projection in respect of 2023/24 to 2025/26.

(10) under spends in respect of 2021/22 to 2025/26 are transferred to the HRA Revenue Reserve.

### **CAPITAL PROGRAMME;**

(11) the Capital Programme as set out in Appendix 4 be approved as the Revised Budget in respect of 2021/22, and as the Approved Programme for 2022/23 to 2025/26.

(12) the Assistant Director of Property Services and Housing Repairs be granted delegated powers in consultation with the Portfolio Member and the Asset Management group to approve the utilisation of the £260,000 of AMP Refurbishment Work allocation, with such approvals to be reported back to Executive through the Quarterly Budget Monitoring Report.

(Section 151 Officer)

### **CL73-21/22. TREASURY STRATEGY REPORTS 2022/23 - 2025/26**

Council considered a detailed report which provided Members with the necessary information to approve the Authority's suite of Treasury Strategies for 2022/23 to 2025/26.

The report and appendices had been considered by Audit and Corporate Overview Scrutiny Committee at its meeting on 20<sup>th</sup> January 2022.

As in previous years, the Authority's Treasury Management Strategy provided the framework for managing the Authority's cash flows, borrowing and investments, and the associated risks for the years 2022/23 to 2025/26. The Treasury Management Strategy set out the parameters for all borrowing and lending as well as listing all approved borrowing and investment sources. Prudential indicators aimed at monitoring risk were also included.

The Capital Strategy was intended to be a high level, concise overview of how capital expenditure, capital financing and treasury management activity contributed to the provision of the Authority's services. The report also provided an overview of

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the associated risk, its management and the implications for future financial sustainability. The Capital Strategy set out the capital expenditure plans for the period and how they would be financed. It also provided information of the minimum revenue provision, capital financing requirement and prudential indicators aimed at monitoring risk.

The Corporate Investment Strategy focused on investments made for service purposes and commercial reasons, rather than those made for treasury management. Investments covered by this strategy included earning investment income through commercial investments or by supporting local services by lending to or buying shares in other organisations.

Councillor Peter Roberts raised a query in relation to how the Council invested its money, in particular around the bail-in and bail-out of banks. The Section 151 Officer advised the meeting that criteria for the Council's Treasury Management Strategy was carried out by Arlingclose, the Council's Treasury Management Advisors, and the Council only invested where ratings were very low risk. The bail-in or bail-out of banks and institutions had no part in the decision of where the Council invested.

Moved by Councillor Clive Moesby and seconded by Councillor Duncan McGregor  
**RESOLVED** that (1) the Treasury Management Strategy at Appendix 1 to the report be approved and in particular;

- a) the Borrowing Strategy
- b) the Treasury Management Investment Strategy
- c) the use of the external treasury management advisors Counterparty Weekly List – or similar – to determine the latest assessment of the counterparties that meet the Authority's Criteria before any investment is undertaken
- d) Approve the Prudential Indicators.

(2) the Capital Strategy as set out in Appendix 2 to the report be approved and in particular:

- a) the Capital Financing Requirement.
- b) the Minimum Revenue Provision Statement for 2022/23.
- c) the Prudential Indicators for 2022/23 detailed in the Capital Strategy, in particular:

Authorised Borrowing Limit	£127.888m
Operational Boundary	£122.888m
Capital Financing Requirement	£117.888m

(3) the Corporate Investment Strategy as set out in Appendix 3 to the report be approved.

(Section 151 Officer)

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### **CL74-21/22. SEX ESTABLISHMENT POLICY**

Council's approval was sought to adopt relevant legislation and a final draft Sex Establishment Policy, which would give the Authority the power to control the number and location of sex establishments in the District.

Under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (the 1982 Act) and section 27 of the Crime and Policing Act 2009 (the 2009 Act) the Council could adopt legislation and policies which gave them the power to control the number and location of sex establishments in its area.

Following consideration of a draft Sex Establishment policy by the General Licensing Committee, a 13 week public consultation opened with partners, stakeholders and the public. This consultation took place between 1<sup>st</sup> March 2021 and 28<sup>th</sup> May 2021.

A full evaluation of the responses was carried out and along with the subsequent amended draft policy, were considered by the General Licensing Committee on 7<sup>th</sup> October 2021.

Licensing Committee Members had noted that whilst the responses to the consultation showed an overwhelming objection to sex establishments being established within the District, the adoption of the legislation and the final draft policy were necessary to ensure the Council had sufficient powers to regulate such premises.

In line with the final draft policy a Local Area Profile had been prepared and would be published on the Council's website together with the policy. A copy of the Local Area Profile was attached to the report.

Moved by Councillor Deborah Watson and seconded by Councillor Ray Heffer  
**RESOLVED** that (1) the Council adopts Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended) and the associated statutory notices be published,

(2) the final draft Sex Establishment Policy be adopted.

(Assistant Director of Environmental Health)

### **CL75-21/22. AUDITOR'S ANNUAL REPORT 2020/21**

Council considered a report in relation to the Auditor's Annual Report in respect of 2020/21. The report had been prepared by MAZARS, the Council's External Auditors.

The Annual Report had been considered by the Audit and Corporate Overview Scrutiny Committee at its meeting held on 20<sup>th</sup> January 2022 and was also available on the Council's website.

Moved by Councillor Clive Moesby and seconded by Councillor Tom Munro



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**RESOLVED** that the Annual Report be noted.

The Solicitor left the meeting at this point.

### **CL76-21/22. ROLE OF THE RETURNING AND INTERIM ROLE OF MONITORING OFFICER**

Council considered a report in relation to provision for the appointment of a new Returning Officer for the Council and for interim arrangements for the Monitoring Officer.

As Members were aware, the Council was recruiting a new Assistant Director of Governance and Monitoring Officer. This post holder was currently also the Council's Returning Officer.

It was necessary for the Council to have a Returning Officer to handle all elections (both planned and unplanned) and an Electoral Registration Officer to deal with electoral registration and the annual publication of Electoral Registers together with the rolling register. These posts were usually held by the same officer.

The Council already had in place an Elections Team led by an Electoral Services Manager. The Electoral Services Manager would still report to and be managed by the Assistant Director Governance and Monitoring Officer (when appointed). However, it was proposed that the role of Returning Officer and Electoral Registration Officer be held by the Executive Director of Strategy and Development - this officer had the seniority and experience to carry out the role.

If approved, the change would come into force on the 5<sup>th</sup> February 2022.

The appointment would be referred to the next Standards Committee as a change to the Delegation Scheme in the Council's Constitution. This would enable all the relevant changes to be made in the Delegation Scheme. However, this would not affect the change occurring on the 5<sup>th</sup> February 2022.

With regard to the Monitoring Officer role, the current post holder was due to leave the Authority on 5<sup>th</sup> February 2022. The Post Holder's management responsibilities could be picked up on a temporary basis by the Executive Director of Strategy and Development. However, the Monitoring Officer was a statutory role and there must be no gap in the appointment. It was therefore necessary to appoint a temporary Monitoring Officer until the new Post Holder was in place.

It was proposed that this statutory role be given to the Team Leader, Non contentious, Jim Fieldsend, from 5<sup>th</sup> February 2022, until Council appointed a new Monitoring Officer.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor  
**RESOLVED** that the Executive Director of Strategy and Development be appointed as Returning Officer and Electoral Services Manager for the Council, and that

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the changes to the Delegation Scheme be recommended to Standards Committee for inclusion in the Council's Constitution,

(2) Jim Fieldsend be appointed as Monitoring Officer from 5<sup>th</sup> February 2022 until the Council appoints a permanent Monitoring Officer.

The Leader congratulated Sarah Sternberg and wished her well in her new role. He added that Sarah had been the Solicitor to the Council for many years and he thanked her for all her hard work.

Councillor Ross Walker stated that he wished to personally thank Sarah for all the help she had given to him.

The Chair also thanked Sarah for all her hard work and dedication to the Authority.

Council was advised that the following item, Councillor Dispensation, had been withdrawn from the agenda so it would not be necessary to move in to exempt business.

### **CL77-21/22. COUNCILLOR DISPENSATION**

This item had been withdrawn from the agenda.

### **CL78-21/22. CHAIRMAN'S CLOSING REMARKS**

The Chair noted that on Saturday 26th March, he would be holding a Coffee Morning at Whitwell Community Centre between 9:30am and 11am to raise funds for his appeal which was Ashgate Hospice Care. All Members were invited to attend and kindly contribute any raffle prizes they could. The Chair also wished to encourage Members to visit his JustGiving site, details of which would be circulated to all Members, and to make whatever donation they could for Ashgate Hospice.

The meeting concluded at 1100 hours.