

To: Chair & Members of the Council

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Tuesday, 14 July 2020

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Dear Councillor

**COUNCIL**

You are hereby summoned to attend a meeting of the Council of the Bolsover District Council to be held as a Virtual Meeting and Live Streamed to the Council's website on Wednesday, 22nd July, 2020 at 10:00 hours.

Members will be sent the details on how to access the Virtual Meeting by email.

Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual.

I would encourage you all to attend virtually.

Members attending in person should read the disclaimer on page 2 which they will be deemed to have accepted.



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

**If you require this agenda in large print  
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001

*Both documents have been emailed to Members and are available on the Modern.Gov App library.*

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 3 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steenberg". The signature is written in a cursive, flowing style.

Solicitor to the Council & Monitoring Officer

# COUNCIL AGENDA

*Wednesday, 22 July 2020 at 10:00 hours taking place as a Virtual Meeting and Live Streamed to the Council's website.*

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	<b>Apologies For Absence</b>	
2.	<b>Declarations of Interest</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.	
3.	<b>Chair's Announcements</b>  To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
4.	<b>Minutes</b>  To approve the Minutes of the Council meeting held on 4 <sup>th</sup> March 2020	6 - 19
5.	<b>Questions from the Public</b>  In accordance with Council Procedure Rule 8, to allow members of the public to ask questions about the Council's activities for a period of up to fifteen minutes. A question may only be asked if notice of seven clear working days has been given.  No public questions have been received for this meeting.	
6.	<b>Questions from Members</b>  In accordance with Council Procedure Rule 9, to allow Members to ask questions about Council activities. A question may only be asked if notice of seven clear working days has been given.  <u>Question from Councillor James Watson to the Leader of the Council</u>  What executive powers including policy, operational and other matters does the Leader of the Council have over Bolsover District Council, and in particular whether the Leader of the Council can and does	

instruct and direct officers on operational matters and can and does direct the use of non-staff resource?

**7. Motions**

In accordance with Council Procedure Rule 10, to consider motions on notice from Members.

**a. Motion from Councillor James Watson**

Motion from Councillor James Watson

Council resolves that from the date when general membership of Committees is next determined that:

- (i) the number of Executive members sitting on any one regulatory committee is limited to less than half the total number of Executive members and;
- (ii) the Leader and Deputy Leader of the Council cannot be a member of a regulatory committee.

**b. Motion from Councillor Peter Roberts**

Motion from Councillor Peter Roberts

Can the ability to work from home become normal practice for Officers and Councillors if they request it and where it is appropriate?

**8. Political Balance Review and Changes to Committee Seats** 20 - 28

To give consideration to the Political Balance Review and changes to Committee Seats for the remainder of the Municipal Year

**9. Appointment of Vice-Chair for Healthy, Safe, Clean and Green Communities Scrutiny Committee**

To receive nominations and appoint a Vice-Chair for the Healthy, Safe, Clean and Green Communities Scrutiny Committee

**10. Member Development Annual Report** 29 - 40

To receive a report from the Chair of the Member Development Working Group on the work undertaken during the 19/20 municipal year.

**11. Contract Procedure Rules** 41 - 60

To receive a report from the Chair of the Standards Committee recommending changes to the Contract Procedure Rules as discussed at Standards Committee on 6<sup>th</sup> July 2020.

**12. Exclusion of the Public**

To move:-

That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006). *[The category of exempt information is stated below each item].*

**PART TWO - EXEMPT ITEMS**

**13. Purchase of Section 106 Properties from Rippon Homes off Ball Hill - South Normanton 61 - 70**

This report is not for publication under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

**14. Bolsover Homes Funding 71 - 102**

This report is not for publication under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

**15. Chairman's Closing Remarks**

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Minutes of a meeting of Council held in the Council Chamber, The Arc, Clowne on Wednesday 4<sup>th</sup> March 2020 at 10.00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Rose Bowler, Jane Bryson, Dexter Bullock, Tracey Cannon, Anne Clarke, Nick Clarke, Jim Clifton, Paul Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Dan Salt, Liz Smyth, Janet Tait, Ross Walker, Deborah Watson, James Watson and Jen Wilson.

Officers:-

Lee Hickin (Strategic Director - People), Karen Hanson (Strategic Director - Place), Theresa Fletcher (Head of Finance and Resources & Section 151 Officer), Sarah Sternberg (Head of Corporate Governance & Monitoring Officer)  
Grant Galloway (Director of Development)  
Pam Brown (Head of Leader's Executive)  
Richard Purcell (Head of Planning)  
Mandy Chambers (Chair of Bolsover Partnership) (partnership item)  
Pam Brown (Head of Leader's Executive and Partnerships) (partnership item)  
Lucy Sheppard (Partnerships Policy Officer) (partnerships item)  
Chief Superintendent Hayley Barnett (Derbyshire Constabulary – Divisional Commander for North Division) (police item)  
Nicola Calver (Governance Manager).

### **0696. AGENDA ORDER**

Council observed a minute's silence for the passing of Councillor Pat Cooper.

The Chair, with the consent of the meeting, changed the order of the agenda to consider the items in the order set out in these minutes.

### **0697. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Patricia Clough, Tom Kirkham and Rita Turner.

## **COUNCIL**

### **0698. DECLARATIONS OF INTEREST**

The Chair advised Council that Members who were in Council Tax arrears for more than two months would be unable to vote on items involving budget calculations, and these Members must declare this as an interest.

Councillor Natalie Hoy stated that she had sought advice from the Monitoring Officer about whether her membership of the Facebook group 'Clowne Action Group' would prevent her from voting on any of the items on the agenda. The Monitoring Officer advised her that this would not prevent any participation in voting.

Councillor James Watson declared a disclosable pecuniary interest in Item 9 (Level of Council Tax 2020/21) and Item 10 (Pay Policy Statement) due to his role as an employee for Her Majesty's Revenue and Customs. He indicated that he would not participate in the discussion or vote on either item.

### **0699. CHAIR'S ANNOUNCEMENTS**

The Chair shared the District's position on the ongoing coronavirus (COVID-19) outbreak, and stated that he had been given an update on this before the meeting by the Strategic Director – Place. It was confirmed by the Chair that there was one case in Derbyshire, which Public Health England was managing, and the Council remained fully engaged with local forums and health agencies. The Strategic Director – Place was the Council's lead for preparedness, and a business continuity plan for the Council was in place. The Chair advised Members to view the coronavirus guidance placed on the websites for the Government and Public Health England.

The Chair stated that the Modern.Gov committee system had now been live for two weeks. He requested that the Members who had not yet had the application installed on their iPads should contact Governance to arrange an appointment.

### **0700. QUESTIONS FROM THE PUBLIC**

In accordance with Council Procedure Rule 8, members of the Public were able to ask questions to an Executive Member about the Council's activities for a period of up to 15 minutes.

No questions were submitted to this meeting of Council under Rule 8 of the Council Procedure Rules.

### **0701. REPORTS ON URGENCY ITEMS TAKEN BY THE EXECUTIVE**

When appropriate, meetings of Council were to receive a report from the Executive detailing any Key Decisions taken under special urgency provisions or Key Decisions exempt from Call-in.

There were no urgency decisions to report to this meeting of Council.

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### 0702. CURRENT AND FUTURE PLANS OF DERBYSHIRE POLICE

Chief Superintendent Hayley Barnett (Derbyshire Constabulary – Divisional Commander for North Division) gave Members a presentation on operational Policing in the North of Derbyshire.

The presentation covered:

- The challenges within North Derbyshire
- Anti-social behaviour
- Firearms incidents
- Domestic abuse
- Road and car incidents
- Organised crime
- Terrorism
- Night-time economy
- Cyber crime
- Child and adult exploitation
- Current Police resources
- Substance abuse
- Violent crime
- Sexual offences
- Modern slavery
- Fraud
- Partnerships

The Chair thanked Chief Superintendent Hayley Barnett for the presentation and invited Members to ask questions on the presentation, he advised that questions after the meeting could be e-mailed to Chief Superintendent Hayley Barnett once the Governance department circulated her e-mail address.

The Leader of the Council asked Chief Superintendent Hayley Barnett if the Council's upcoming enforcement team would be something the Police would get involved with. The Chief Superintendent explained that this would be the case, and felt that the team would be beneficial for tackling community based crime.

Councillor Ross Walker asked if Police visibility in smaller communities like Clowne could be increased, and believed that sometimes it was difficult to pass on local issues to the Police. Chief Superintendent Hayley Barnett responded by stating that Operation Relentless (a campaign to target burglary, vehicle crime and robbery across Derbyshire) had been launched by the Police on 2 March 2020, and would see officers liaising closely with communities and residents. She added that there should be clear lines of communication with Police Community Support Officers (PCSOs), and contact details for all PCSOs could be found on the Derbyshire Police website. If this communication was not happening, she advised Members to report it

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via e-mail to the address that would be circulated for questions as mentioned by the Chair.

Councillor Natalie Hoy referred to discussions with the Police and Crime Commissioner for Derbyshire about Streetwatch, and asked if it was the intention of Derbyshire Police to be involved and potentially liaise with Parish Councils. Chief Superintendent Hayley Barnett stated that she would investigate this possibility.

The Strategic Director – Place spoke about the Police's role in maximising the potential of the Community Safety Partnership.

The Chair thanked Chief Superintendent Hayley Barnett for delivering the presentation.

### **0703. LOCAL PLAN FOR BOLSOVER DISTRICT**

Councillor Duncan McGregor (Portfolio Holder for Corporate Governance) presented a report recommending adoption of the Local Plan for Bolsover District (as attached to the report) as the development plan for Bolsover District.

The recommendations in the report were moved by Councillor Duncan McGregor and seconded by Councillor Liz Smyth.

Councillor Duncan McGregor explained that the proposed Local Plan had gone through the following stages of consultation:

- a) Initial Consultation on what the Plan should contain (Oct-Nov 2014)
- b) Consultation on Preferred Options and Reasonable Alternatives (Oct-Dec 2015)
- c) Consultation on the Draft Local Plan for Bolsover District (Oct-Nov 2016)

He stated that preparation work culminated in April 2018 when the Council approved its proposed Local Plan for Bolsover District in advance of carrying out further public consultation, before submitting the Local Plan to the Secretary of State for Examination. These final two steps were then carried out:

- d) Consultation on Publication Local Plan for Bolsover District (May-June 2018)
- e) Submission of the Local Plan for Bolsover District to Secretary of State (Aug 2018)

He added that following submission of the Local Plan for Bolsover District in August 2018, Inspector Karen Baker DIPTP MA DIPMP MRTPI was appointed to undertake an independent examination of the Plan. The Local Plan Examination commenced and the Inspector held Hearing Sessions between 21<sup>st</sup> January and 6<sup>th</sup> February 2019 with an additional and final session on 12<sup>th</sup> March 2019.

Inspector Baker concluded that the Local Plan was legally sound and complied with national Planning policy. The Planning Inspectorate issued the Inspector's Report to the Council on 15<sup>th</sup> January 2020 with some recommended changes, and these

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changes were approved by Planning Committee in preparation for the Local Plan being considered by Council.

Councillor Duncan McGregor believed this was an important moment for the Council, because the Local Plan would provide certainty in Planning decisions, allocate sites, protect areas from development, and deliver the Council's Planning objectives for the benefit of residents, businesses and visitors. He added that the preparation and public consultation in developing the Plan had been a rigorous exercise, which included a number of public sessions in various places in Bolsover District.

Councillor Duncan McGregor stressed that efforts had been made to keep the costs of the process as low as possible, and some approximate estimates of the costs were:

- a) Evidence-based Legal advice – £238,500
- b) Housing – £20,000
- c) Employment – £33,000
- d) Retail – £9,500
- e) Green belt – £20,000
- f) Transport – £33,000
- g) Viability – £22,000
- h) Council advice – £7,000
- i) Habitats Regulations Assessment – £94,000
- j) Inspectorate and programme officer – £17,000
- k) Staffing – £1m

He also stated the approximate number of jobs that would be created as a result of the Plan:

- a) Employment plots – 2,500
- b) One-off issues – 1,075
- c) General industrial uses – 930
- d) Storage and distribution uses – 494
- e) Retail, health and leisure – 218
- f) Education – 45

Councillor Duncan McGregor advised Council of a correspondence exchange with the Government where the Government had stated they would intervene if the Bolsover District Local Plan was delayed. He stated that the Council had responded to the Government by stressing that the Council was already far along with the process.

Councillor James Watson was concerned that Members would not be given the appropriate time to speak on the proposals, considering the amount of detail in Councillor Duncan McGregor's presentation. The Chair assured him that he would allocate time for other Members to speak regardless of this.

Councillor Liz Smyth spoke as seconder to the motion, and recognised the hard work that had gone into producing what she felt was a very comprehensive Local Plan.

Councillor Allan Bailey spoke and expressed his concerns with the Plan in five areas in relation to Clowne. He felt that:

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- a) The Plan did not include enough farms when considering the impact Brexit could have on Britain having to produce more of its own food.
- b) Clowne was a 21<sup>st</sup> century village with an 18<sup>th</sup> century road system, and road infrastructure must be considered in the Plan to a greater extent.
- c) The Plan did not consider the potential dangers of building on places in Clowne that flood easily (like Harlesthorne Dam).
- d) Clowne Parish Council wanted to engage with the Council in producing a Neighbourhood Plan (Neighbourhood Plans are discussed on page 15 of the Local Plan), but the Council refused and then spent £8,000 on what could have been an unnecessary Housing Needs Assessment.
- e) The Plan had not considered the increase in pollution in Clowne that the Local Plan's additional housing would create.

Councillor Ross Walker spoke and expressed his concern that the Plan included mention of major development in Clowne North, but did not appear to include specific detail beyond this, like provisions for schools or social housing.

Councillor Duncan McGregor responded by stating that the Local Plan had its focus on Bolsover District as a whole, as opposed to one area. He assured Members that if any development proposed in the Plan was pursued, the Members representing the relevant area would be heavily involved. He requested that the Head of Planning speak to provide further detail.

The Head of Planning explained that the Planning Inspectorate found the proposed Plan to be legally sound and sustainable. He added that the Plan included District-wide provisions for schools and affordable social housing.

Councillor Peter Roberts spoke and asked how the Council would calculate required school places for new developments. The Chair advised him that Derbyshire County Council had a formula for calculating required school places that they applied to all new developments in the County.

Councillor James Watson spoke on the Plan and complimented the officers involved for their hard work in drawing up the proposed Plan. He believed the Local Plan was not worth the paper it was written on if the guidelines within it were not implemented or followed correctly, and gave two examples of this already happening:

- a) The Wincobank Farm land for development in South Normanton application
- b) The Glapwell application

Councillor James Watson was concerned that the advice within the Local Plan was not followed in these two Planning applications, and this could mean that similar situations occur when the Local Plan is approved.

The Chair informed Councillor James Watson that this agenda item was for discussion of the Local Plan rather than individual Planning applications. In addition, he advised that the Local Plan had always been referred to as the 'emerging Local

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Plan' in past Planning Committee meetings, meaning that the Local Plan was only advisory at that point because it had not yet been completed or approved.

Councillor James Watson acknowledged the Chair's point, but believed that an 'emerging' Local Plan should still be considered at Planning Committee regardless of its state of completion. He added that the emerging Local Plan not being honoured made him concerned that the same would happen with the approved Local Plan, and he could not vote in favour of the proposal as a result.

The Chair informed Members that if the proposed Local Plan was approved, it would remain under regular review in line with Government policies and would not be set in stone.

Councillor Allan Bailey, Councillor Ross Walker and Councillor James Watson requested that a recorded vote be taken. The Chair put the report recommendations to the vote and advised that a recorded vote would be taken as the threshold of three Members had been met.

For the motion – 24

*(Councillors Derek Adams, Rose Bowler, Jane Bryson, Dexter Bullock, Anne Clarke, Nick Clarke, Jim Clifton, Paul Cooper, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Tom Munro, Evonne Parkin, Graham Parkin, Sandra Peake, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson.)*

Against the motion – 6

*(Councillors Allan Bailey, Tracey Cannon, Natalie Hoy, Peter Roberts, Ross Walker and James Watson.)*

Abstentions – 3

*(Councillors David Dixon, Maxine Dixon and Dan Salt.)*

On being put to a recorded vote it was **RESOLVED** that;

(1) Council adopts the Local Plan for Bolsover District (see Appendix A) as the development plan for Bolsover District and that it replaces the Bolsover District Local Plan (February 2000) and the saved policies within it;

(2) Council approves the updated Policies Map (see Appendix B) which illustrates geographically the application of the policies in the adopted development plan.

(Joint Strategic Director – Place)

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### 0704. BOLSOVER SUSTAINABLE COMMUNITY STRATEGY 2020

The Chair of Bolsover Partnership presented a report proposing the Bolsover Sustainable Community Strategy 2020-2023 (attached to the report) for approval. The report recommended that Council endorse the Sustainable Community Strategy 2020-2023 with a view to an official launch at Bolsover Partnership's AGM in April 2020.

She explained that the Partnership Strategy and Policy team had direct responsibility for producing a Sustainable Community Strategy (SCS) for Bolsover District, and the team also ensured consultation took place via Bolsover Partnership as the vehicle that brought together the four sectors of public, private, community and voluntary to agree the priorities within the Strategy. This SCS spanned the same period of time as the Council Plan to promote alignment of priorities and to assist the performance monitoring element for the Council and its partners.

The Chair invited Members to ask any questions about the report.

Councillor James Watson asked Councillor Mary Dooley (Portfolio Holder for Partnerships and Transformation) why there appeared to be no mention in the proposed Strategy about air quality and the impact it could have on residents. Councillor Mary Dooley assured him that other areas and bodies outside the Bolsover Partnership did address air pollution, particularly Planning Committee. The Chair added that it was a topic also covered by Healthy, Safe, Clean and Green Scrutiny Committee.

Councillor James Watson believed that by not including air quality in the Strategy as a priority, it did not reflect the importance of the issue.

The recommendation in the report was moved by Councillor Mary Dooley and seconded by Councillor Sandra Peake. Councillor Sandra Peake reserved the right to speak.

Councillor Mary Dooley spoke on the motion by stating her belief that the proposed Strategy reflected the commitment Members had made to their communities.

Councillor James Watson requested that his disapproval of the recommendation be recorded.

On being put to a vote it was **RESOLVED** that Council endorses the Sustainable Community Strategy 2020-2023 with a view to an official launch at Bolsover Partnership's AGM in April 2020.

(Head of Leader's Executive)

**NB:** Cllr James Watson left the meeting at this point.

### 0705. LEVEL OF COUNCIL TAX 2020/21

Councillor Clive Moesby (Portfolio Holder for Finance and Resources) presented a report to Members recommending the approval of the Levels of Council Tax for the 2020/21 financial year.

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He explained that in order to calculate the Council Tax requirement for Bolsover District Council at the relevant bands, the demand of Derbyshire County Council, the Police Authority, the Fire Authority and local Parish Councils had been taken into account in the report.

The report noted that the Council had now received all the relevant precept demands from the other local authorities that precept upon the Council as the billing authority for Council Tax.

The report also noted that in line with the provisions set out within the Council's Constitution, a recorded vote had to be taken on matters affecting the Council's budgets or where Council Tax was considered.

The recommendations in the report were moved by Councillor Clive Moesby and seconded by Councillor Steve Fritchley (Leader of the Council). Councillor Steve Fritchley reserved the right to speak.

For the motion – 27

*(Councillors Derek Adams, Rose Bowler, Dexter Bullock, Anne Clarke, Nick Clarke, Jim Clifton, Paul Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Tom Munro, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson.)*

Against the motion – 3

*(Councillors Allan Bailey, Tracey Cannon and Ross Walker.)*

Abstentions – 2

*(Councillors Jane Bryson and Dan Salt.)*

On being put to a recorded vote it was **RESOLVED** that;

(1) Council formally approves the Council Tax for the Financial Year 2020/21 as set out in this report;

(2) Council authorises the officers as set out in section 1.6 above to undertake the identified duties in accordance with section 223 of the Local Government Act 1972, and delegates to the Council's Chief Financial Officer the authority to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year.

(Section 151 Officer)

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### 0706. PAY POLICY STATEMENT

Councillor James Watson remained outside the meeting during consideration of this item.

Councillor Duncan McGregor (Portfolio Holder for Corporate Governance) presented a report to Members recommending publication of the draft Pay Policy Statement 2020/21 attached to the report. He explained that the first Pay Policy Statement was produced in 2012 for the Council in response to the requirement in the Localism Act 2011, and this Policy was updated annually taking account of available guidance.

He added that the Pay Policy Statement for the Council had now been reviewed and updated for 2020/21, and the information contained within the original Pay Policy Statement was collated from a variety of difference sources, but there was no new information that had not been through an appropriate process of approval at the Council.

The recommendation in the report was moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley (Leader of the Council). Councillor Steve Fritchley reserved the right to speak.

On being put to a vote it was **RESOLVED** that Council approves for publication the draft Pay Policy Statement 2020/21 attached at Appendix One.

(Human Resources and OD Manager)

**NB:** At this point Councillor James Watson re-joined the meeting.

### 0707. QUESTIONS BY MEMBERS

In accordance with Council Procedure Rule 9, Members were allowed to ask questions about Council activities. A question could only be asked if notice of seven clear working days had been given.

a) Question submitted by Councillor Peter Roberts to Councillor Steve Fritchley, Leader of the Council:

*When a tenant moves on from a council property we tend to refurbish it before the next occupant can move in. Why can't we leave the properties and rent as seen, especially where the property is in reasonable order, similar to the private sector, leaving carpet curtains etc to help the new tenant where acceptable. Modernising them thereafter on a time scale in line with long standing tenants. Thus enabling the council to offer social housing more quickly to the market place by staggering the refurbishment and by spreading the cost, this could allowing existing tenants, in more need, to be modernised first, before they become urgent.*

The Leader of the Council thanked Councillor Peter Roberts for his question, and believed that the suggestion was a sensible approach that the Council should adopt and that the possibility was already being investigated by Scrutiny and the Portfolio Holder for Housing and Community Safety.

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Councillor Peter Roberts did not submit a supplementary question.

### 0708. MOTIONS

In accordance with Council Procedure Rule 10, Council considered motions on notice from Members.

a) Motion from Councillor James Watson:

*Bearing in mind Council's adoption at its 19 February 2020 meeting of the mileage and related travel expenses policy for employees. Council now resolves to incorporate the stated paragraph below from that policy into the Members Allowance Scheme. The stated paragraph to be inserted as the first paragraph of section 6.4 of the Members Allowance Scheme with subsequent paragraphs of the section renumbered accordingly.*

*The stated paragraph is:*

*Official travel must always be conducted in an economical manner and alternative means such as telephone/video conferencing, public transport, pool cars etc must be considered as a first option. This approach supports the Council's Climate Change and Transformation agendas.*

The motion was moved by Councillor James Watson and seconded by Councillor Ross Walker. Councillor Ross Walker reserved the right to speak.

Councillor James Watson spoke in support of his motion by stating his belief that if the stated paragraph was good enough to be in the officer policy, it was good enough to be in the Member one as well.

Councillor Andrew Joesbury spoke on the motion and expressed his belief that Members already did conduct official travel economically. He felt that Councillor James Watson's travelling carbon footprint might not be high because of his attendance record at meetings.

The Chair reminded Councillor Andrew Joesbury not to make personal remarks.

Councillor Ross Walker responded to Councillor Andrew Joesbury by stating how some Members were unable to attend meetings because of what he felt was the Council's failure to consider changing meeting times for working people.

The Leader of the Council spoke on the motion. He stated that he did not think the motion was unreasonable, but he felt it would be better served as something for the Standards Committee to consider instead, so the Committee could discuss the issue in a coherent and reasonable manner.

### AMENDMENT

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In accordance with Council Procedure Rule 12.6, Councillor Steve Fritchley (Leader of the Council) moved an amendment to the motion to refer the motion to the Standards Committee for consideration. The amendment was seconded by Councillor Duncan McGregor.

Councillor James Watson exercised his right of reply by stating his belief that this was not an issue that required referral to Standards Committee, and it should instead simply be adopted by Members. He felt that the amendment was palming the issue off to another body instead of actually considering it, and was concerned that some past motions that were referred to other bodies by Council appeared to never be dealt with, like the one he submitted to Council about air quality on 11<sup>th</sup> September 2019, or the social media live streaming motion submitted to Annual Council on 22<sup>nd</sup> May 2019 by Councillor Natalie Hoy.

On being put to the vote, the amendment to the motion was carried.

On being put to the vote, the substantive motion was carried. Councillor James Watson wished his disapproval of the substantive motion to be recorded.

**RESOLVED** that the motion be referred to the Standards Committee for consideration.

(Governance Manager)

b) Motion from Councillor Peter Roberts:

*That the District send a letter from the Council, to the Secretary of State for the Environment and the Prime Minister to express the Council's deep concerns at the lack of progress in addressing Environmental issues.*

*That in addition a letter is sent to all other councils, district and county across the whole UK and all MPs asking them to do the same with the example we have sent.*

*The reasons for this are many*

- *Take a look at what has happened over the past few weeks floods etc and the growing awareness that there really are environmental problems.*
- *The media has reported that the Prime Minister doesn't get this whole global warming thing and that he is not alone within Government. Let him know we do.*
- *In relation to the climate conference in Scotland later in the year let's show the world we want action.*
- *Some don't believe this is manmade but 30,000 people a year die in the UK from pollution. Action on the environment saves lives.*
- *The letter should also contain the following initiatives that could be adopted.*
  - ✓ *Really ban plastic bags*
  - ✓ *Add a duty of care to water industry to prevent flooding,*
  - ✓ *Upstream measures to be taken to prevent flooding,*
  - ✓ *More tree planting up to the tree line in many areas and join them up where possible,*
  - ✓ *Get rid of most of the grouse shoots in Scotland and plant Scots pine,*
  - ✓ *Restore moorlands and peat bogs and stop their erosion and exploitation.*
  - ✓ *Produce more energy from renewables solar, hydro and wind turbines including off shore,*

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- ✓ *Using better house insulation across the UK and better more efficient new housing.*
- ✓ *Business should be given incentives to be green in the form of grants. This should include BP and Shell to get on with Carbon capture charging points etc.*

The motion was seconded by Councillor Dan Salt, who reserved the right to speak.

The Leader of the Council felt there would be support from Council for the principle of the motion, but suggested instead that Councillor Peter Roberts liaise with the Portfolio Holder for Environment Impact and the Leader of the Council after the meeting with a view to the Leader sending a letter to the Government with the content of the motion within it.

Councillor Peter Roberts and Councillor Dan Salt as mover and seconder of the motion were satisfied to withdraw the motion and discuss the issue with the Portfolio Holder for Environment Impact and the Leader of the Council as suggested.

### **0709. EXCLUSION OF THE PUBLIC**

Councillor Duncan McGregor moved and Councillor Sandra Peake seconded that the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**RESOLVED** that the public be excluded from the meeting during discussion of the following items of business.

### **0710. MANAGEMENT STRUCTURE PROPOSALS**

Members gave consideration to a report of the Leader seeking approval from Council to implement a proposed new management structure.

**RESOLVED** that:

- (1) Council support and agree to implement the new structure.
- (2) The role of Joint Chief Executive Officer be removed from the establishment with effect from the 6th March 2020 and the post holder be made redundant subject to the completion of the agreed Settlement Agreement.
- (3) With effect from 1 September 2020, and subject to a review of the structure implementation, the Directors receive an increase in salary of £2,000 per annum to the top of the pay grade to reflect additional responsibility as a result of removing the Chief Executive Officer's post from the establishment.

## **COUNCIL**

- (4) The Director of People be renamed the Director of Corporate Resources and be designated Head of Paid Services for 6 months commencing on 6 March 2020.
- (5) The Director of Place be renamed the Director of Environment and Enforcement and be designated Deputy Head of Paid Services for 6 months commencing on 6 March 2020.
- (6) The Leaders will review arrangements for the Head of Paid Services before the end of the 6 months.
- (7) In consultation with the Leader, the Head of Paid Services is given delegated authority to review the Directors' roles and put measures in place to ensure the Joint Chief Executive's duties are fully covered this to include the allocation of responsibilities in the Delegation Scheme in the Constitution.
- (8) In consultation with the Leader, the Head of Paid Services is given delegated authority to deal with issues, as they arise, to ensure the implementation of the new structure is completed this to include the allocation of responsibilities in the Delegation Scheme in the Constitution including Proper Officer appointments.
- (9) The Joint Head of Corporate Governance and Monitoring Officer is appointed to the role of Returning Officer and Electoral Registration Officer and takes on all related responsibilities and powers as set out in the Council's Scheme of Delegation including Proper Officer appointments.

(Human Resources and OD Manager)

### **0711. CHAIR'S CLOSING REMARKS**

The Chair had no closing remarks.

The meeting closed at 12.00 hours.

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## Bolsover District Council

### Council

22 July 2020

<b>Appointment to Committees and Advisory Groups</b>
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### Report of the Monitoring Officer and Solicitor to the Council

This report is public

#### Purpose of the Report

- To establish and appoint Members to the Council's Committees and Advisory Groups for the 2020/21 Municipal Year.

#### **1** Report Details

- 1.1 The Coronavirus Act 2020 removes the requirement on Authorities to hold an Annual Meeting and all appointments made in May 2019 stand for the 20/21 Municipal Year. However, the absence of an Annual Meeting in May 2020 meant that the Authority was unable to review its allocation to committees following changes to the political make-up of the Authority.
- 1.2 This report therefore brings forward the allocation of seats to political groups in accordance with the Political Balance rules. This is needed following changes to political alignments, and a seat becoming vacant following the sad passing of Councillor Pat Cooper.
- 1.3 **Appendix 1** to the report sets out the allocation of committee seats which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 as far as is reasonably practicable.
- 1.4 **Appendix 2** amends the current appointments to committees following the changes to allocations as identified in Appendix 1. Political Groups are able to make changes where necessary to their appointments to Committees, and nominations to and removals from committees are requested in some instances.
- 1.5 The Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. The Advisory Groups are not subject to the political balance requirements.

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

- 2.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of section 15 of the Local Government and Housing Act a far as reasonable practicable.
- 2.2 Existing appointments to Committees are detailed in **Appendix 2** requesting amendments from political groups.

## **3 Consultation and Equality Impact**

- 3.1 Statutory officers, the Leader and the Governance Team have be consulted on the political balance.
- 3.2 An Equality Impact Assessment has not been necessary.

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

- 4.1 The Council may make amendments to the nominations to committees within the proportionality agreed before and up to the discussion of this matter at the meeting. Mid-year revisions will be brought before a meeting of Council.

## **5 Implications**

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

- 5.1.1 None

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

- 5.2.1 The Council is required to decide the allocation of seats to political groups in accordance with the Political Balance rules.

### **5.3 Human Resources Implications**

- 5.3.1 None.

## **6 Recommendations**

- 6.1 That the Council agrees the allocation of seats of Committees as detailed in Appendix 1 is in accordance with the political balance rules; and
- 6.2 That the appointment to committees as set out in Appendix 2 be agreed.

## 7 Decision Information

<p><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:</p> <p><i>BDC:</i>     <i>Revenue - £75,000</i>   <input type="checkbox"/>                    <i>Capital - £150,000</i>   <input type="checkbox"/></p> <p><i>NEDDC:</i> <i>Revenue - £100,000</i> <input type="checkbox"/>                    <i>Capital - £250,000</i>   <input type="checkbox"/></p> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	N/A
<p><b>District Wards Affected</b></p>	None directly
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	Demonstrating good governance

## 8 Document Information

Appendix No	Title
1	Proportionality on Committees
2	Appointments to Committees
<p><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)</p>	
None	
<b>Report Author</b>	<b>Contact Number</b>
Nicola Calver, Governance Manager	01246 217753

# APPENDIX 1

	Seats on Council	Proportion
<b>Total seats</b>	<b>37</b>	100.00%
Labour Group	17	45.946%
Independent Group	10	27.027%
Community Independents	6	16.216%
Conservative	3	8.108%
Vacant Seats	1	2.70%

<b>Executive</b>	8
<b>Non-Exec</b>	29

Ordinary Committees	Total seats on Committee	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Audit Committee	6	2.76	3	1.62	1	0.97	1	0.49	1	0.16	0	6
Employment Appeals Committee	3	1.38	2	0.81	1	0.49	0	0.24		0.08		3
Employment Appeals Deputies	3	1.38	2	0.81	1	0.49	0	0.24		0.08		3
General Licensing Committee	15	6.89	6	4.05	4	2.43	3	1.22	1	0.41	1	15
Licensing and Gambling Acts Committee	15	6.89	6	4.05	4	2.43	3	1.22	1	0.41	1	15
Planning Committee	18	8.27	8	4.86	5	2.92	3	1.46	1	0.49	1	18
Safety Committee	5	2.30	2	1.35	1	0.81	1	0.41	1	0.14		5
Standards Committee	6	2.76	3	1.62	2	0.97	1	0.49		0.16		6
Union/Employee Consultation Committee	6	2.76	2	1.62	2	0.97	1	0.49	1	0.16		6
<b>Total Seats on Ordinary Committees</b>	<b>77</b>	<b>35.38</b>	<b>34</b>	<b>20.81</b>	<b>21</b>	<b>12.49</b>	<b>13</b>	<b>6.24</b>	<b>6</b>	<b>2.08</b>	<b>3</b>	<b>77</b>

Scrutiny Committees	Total seats on Committee		Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Customer Service and Transformation Scrutiny Committee	9.67	10	4.59	5	2.70	3	1.62	1	0.81	1	0.27		10
Growth Scrutiny Committee	9.67	11	5.05	5	2.97	3	1.78	2	0.89	1	0.30		11
Healthy, Safe, Clean & Green Scrutiny Committee	9.67	11	5.05	5	2.97	3	1.78	2	0.89	1	0.30		11
<b>Total seats</b>	<b>29.00</b>	<b>32</b>	<b>14.70</b>	<b>15</b>	<b>9</b>	<b>9</b>	<b>5</b>	<b>5</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>0</b>	<b>32</b>
Budget Scrutiny Committee	29	29	13.32	11	7.84	8	4.70	6	2.35	3	0.78	1	29

\*includes all non-executive Members, so political balance cannot strictly apply

Joint Committees*	Total seats on Committee	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Joint ICT	3	1.38	1	0.81	1	0.49	1	0.24		0.08		3
Joint Scrutiny Panel	3	1.38	1	0.81	1	0.49	1	0.24		0.08		3
New Bolsover Joint Committee	10	4.59	5	2.70	3	1.62	1	0.81	1	0.27		10

\* Note – For political balance to apply, there must be at least three seats to be filled on joint committees (excl executive committees)

Joint Employment and Appeals Committee Membership set within Constitution	Total seats on Committee	Majority		Minority	
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats
	4	1.84	3	1.08	1

Advisory/Working Groups*	Total seats on Group	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
MDWG	7	3.22	3	1.89	2	1.14	1	0.57	1	0.19		7
Local Plan Steering Group	9	4.14	4	2.43	2	1.46	2	0.73	1	0.24	0	9
Pleasley Park and Vale Conservation Area Working Group	5	2.30	3	1.35	1	0.81	1	0.41		0.14		5
Tenant Participant Review and Development Group	5	2.30	3	1.35	1	0.81	1	0.41		0.14		5
<b>Total seats</b>	<b>26</b>	<b>11.95</b>	<b>13</b>	<b>7.03</b>	<b>6</b>	<b>4.22</b>	<b>5</b>	<b>2.11</b>	<b>2</b>	<b>0.70</b>	<b>0</b>	<b>26</b>

**APPOINTMENT OF COMMITTEES AND ADVISORY GROUPS**

**COMMITTEES**

<b>COMMITTEE:</b>	<b>LABOUR GROUP (17)</b>	<b>INDEPENDENT GROUP (10)</b>	<b>COMMUNITY INDEPENDENTS (6)</b>	<b>CONSERVATIVE GROUP (3)</b>	<b>VACANCY (1)</b>
	Cllrs S.Fritchley (L), D.McGregor (DL), R.Bowler, M.Dooley, D.Downes, A.Clarke, N.Clarke, T.Clough, C.P.Cooper, C.Kane, T.Kirkham, C.Moesby, T.Munro, S.Peake, J.Tait, R.Turner, J.Wilson	Cllrs D.Watson (L), J. Clifton, D.Adams, D.Bullock, R.Heffer, A.Joesbury, P.Roberts, L.Smyth, E.Parkin, J.Bryson	Cllrs R.Walker (L), T. Cannon, A.Bailey, D.Salt, J.Watson, G.Parkin	Cllrs D.Dixon, M. Dixon, N. Hoy	
<b>Audit Committee</b> (6 plus co-opted Members) <b>No change</b>	(3) Cllrs Christopher Kane, Tom Munro, Tom Kirkham	(1) Cllr Jim Clifton	(1) Cllr Dan Salt	(1) Cllr David Dixon	(0)
<b>Employee Appeals Committee</b> (3) <b>Deputies</b> (3)	(2) Cllrs Nick Clarke and Janet Tait  (2) Cllrs Sandra Peake and Rita Turner	(1) Cllr Liz Smyth  <b>(1) – NOMINATION REQUIRED</b> <b>+ 1 additional seat</b>	(0)  (0) <del>Cllr Tracey Cannon</del> <b>- lose 1 seat</b>	(0)  (0)	(0)  (0)
<b>General Licensing / Licensing and Gambling Acts Committee</b> Sub-Committees of these Parent Committees will be appointed at the first meeting (15 and 15)	(6) Cllrs Rose Bowler, Paul Cooper, Mary Dooley, Steve Fritchley, Sandra Peake, Rita Turner <b>- lose 1 seat</b>	(4) Cllrs Ray Heffer, Andrew Joesbury, Peter Roberts, <b>1 NOMINATION REQUIRED</b> <b>+ 1 additional seat</b>	(3) Cllrs Tracey Cannon, Ross Walker and Jane Bryson	(1) Cllr Maxine Dixon	(1) <b>Vacancy</b>
<b>Planning Committee</b> (18)	(8) Cllrs Anne Clarke, Nick Clarke, Paul Cooper, Steve Fritchley, Christopher Kane, Duncan McGregor, Tom Munro, Janet Tait, Jen Wilson <b>PLEASE REMOVE 1 MEMBER</b> <b>- lose 1 seat</b>	(5) Cllrs Liz Smyth, Deborah Watson, Jim Clifton, Derek Adams, <b>1 NOMINATION REQUIRED</b> <b>+ 1 additional seat</b>	(3) Cllrs Dan Salt, Allan Bailey, Graham Parkin, James Watson <b>PLEASE REMOVE 1 MEMBER</b> <b>- lose 1 seat</b>	(1) Cllr Natalie Hoy <b>+ 1 additional seat</b>	(1) <b>Vacancy</b>
<b>Safety Committee</b>	(2)	(1)	(1)	(1)	(0)

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<b>(Safety Visits Panel to be determined by Safety Committee)</b>  (5) No changes	Cllrs Nick Clarke and Tricia Clough	Cllr Andrew Joesbury	Evonne Parkin	Cllr David Dixon	
<b>Standards Committee</b>  (6) No changes	(3)  Cllrs Tricia Clough, David Downes, Clive Moesby	(2)  Cllr Deborah Watson, Cllr Andrew Joesbury	(1)  Cllr James Watson	(0)	(0)
<b>Union Employee Consultation Committee</b>  (6 plus union reps)	(2)  Cllr Mary Dooley, Tom Kirkham, Rita Turner <b>PLEASE REMOVE 1 MEMBER</b>  - lose 1 seat	(2)  Cllr Derek Adams, <b>1 NOMINATION REQUIRED</b>  + 1 additional seat	(1)  Cllr Ross Walker and Graham Parkin <b>PLEASE REMOVE 1 MEMBER</b>  - lose 1 seat	(1)  <b>1 NOMINATION REQUIRED</b>  + 1 additional seat	(0)
<b>High Hedges Committee</b>					
<b>Scrutiny Committees</b>					
<b>Customer Services and Transformation Scrutiny Committee</b>  (10)	(5)  Cllrs Rose Bowler, Anne Clarke, Tricia Clough, Paul Cooper, Rita Turner	(3)  Cllrs Andrew Joesbury, Ray Heffer, Jane Bryson	(1)  Cllr Allan Bailey	(1)  Cllr David Dixon	(0)
<b>Growth Scrutiny Committee</b>  (11)  No changes required	(5)  Cllrs Tricia Clough, Christopher Kane, Tom Kirkham, Tom Munro, Jen Wilson	(3)  Cllrs Jim Clifton, Derek Adams, Peter Roberts	(2)  Cllrs James Watson and Graham Parkin	(1)  Cllr David Dixon	(0)
<b>Healthy, Safe Clean and Green Scrutiny Committee</b>  (11)	(5)  Cllrs Anne Clarke, David Downes, Tom Munro, Janet Tait <b>1 NOMINATION REQUIRED</b>	(3)  Cllrs Dexter Bullock, Peter Roberts, Evonne Parkin	(2)  Cllrs Dan Salt and Ross Walker	(1)  Cllr Natalie Hoy	(0)
<b>Budget Scrutiny Committee</b>  (29)	(11)  All Non- Executive Members	(8)  All Non- Executive Members	(6)  All Non- Executive Members	(3)  All Non- Executive Members	(1)  <b>VACANCY</b>

## JOINT COMMITTEES

COMMITTEE:	LABOUR GROUP	INDEPENDENT GROUP	COMMUNITY INDEPENDENTS	CONSERVATIVE GROUP	VACANCY
<b>ICT Shared Services Committee</b> (3 from BDC plus CBC and NEDDC) No changes required	(1) Cllr Steve Fritchley	(1) Cllr Ray Heffer	(1) Cllr Dan Salt	(0)	(0)
<b>Joint Employment and Appeals Committee</b> (4)	Leader, Deputy Leader and relevant Portfolio Holder Cllr Steve Fritchley, Duncan McGregor + relevant Portfolio Holder	* Leader of Largest Minority Group Cllr Deborah Watson		(0)	(0)
<b>Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel)</b> (3) No changes required	(1) Cllr Jen Wilson	(1) Cllr Ray Heffer	(1) Cllr Tracey Cannon	(0)	(0)
<b>Strategic Alliance Joint Committee</b> (9 from BDC and 9 from NEDDC)					
<b>New Bolsover Joint Committee</b> (10)	Cllrs Rose Bowler, Anne Clarke, Christopher Kane, Tom Munro, Sandra Peake	Cllr Derek Adams, Pete Roberts 1 NOMINATION REQUIRED + 1 additional seat	Cllr Allan Bailey, Cllr Graham Parkin PLEASE REMOVE 1 MEMBER Lose 1 seat	(1) Cllr David Dixon	(0)

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## ADVISORY GROUPS

GROUP:	LABOUR GROUP	INDEPENDENT GROUP	COMMUNITY INDEPENDENTS	CONSERVATIVE GROUP	VACANCY
<b>Local Plan Steering Group</b> (9) Increase to 9 to ensure all groups represented	(4) Cllrs Nick Clarke, Christopher Kane, Tom Munro, Janet Tait	(2) Cllrs Jim Clifton, Derek Adams	(2) Cllrs Allan Bailey, Graham Parkin	(1) 1 NOMINATION REQUIRED  1 additional seat	(0)
<b>Pleasley Park and Vale Conservation Area Working Group</b> (5) No changes required	(3) Cllrs Christopher Kane, Tom Kirkham, Tom Munro	(1) Cllr Liz Smyth	(1) Cllr Allan Bailey	(0)	(0)
<b>Member Development Working Group</b> (7)	(3) Cllrs David Downes, Tom Munro, Sandra Peake	(2) Cllr Deborah Watson 1 NOMINATION REQUIRED  + 1 additional seat	(1) Cllr Tracey Cannon	(1) Cllr David Dixon	(0)
<b>Tenant Participation review and Development Group</b> (5) No changes required	(3) Cllrs Rose Bowler, Sandra Peake, Jen Wilson	(1) Cllr Peter Roberts	(1) Cllr Dan Salt	(0)	(0)

## **Bolsover District Council**

### **Council**

**22<sup>nd</sup> July 2020**

<b>Member Development Annual Report 2019/20</b>
---

### **Report of the Chair of Member Development Working Group**

This report is public

#### **Purpose of the Report**

- The purpose of the Member Development Annual Report is to enable Council to consider the Member Development work that was undertaken during the municipal year 2019/20.

#### **1 Report Details**

- 1.1 The Annual Report of the Member Development Working Group is attached at **Appendix 1**.
- 1.2 The report sets out the member development activities that took place during the year 2019/20, including the 2019 Induction Programme, opportunities that were made available to Members and information on the evaluation of member development activities that took place.
- 1.3 A number of sessions at the end of the year were postponed due to the Coronavirus lockdown. These will hopefully be rescheduled later in 2020/21 or they may be delivered as virtual sessions or online learning.
- 1.4 A final programme for 2020/21 has not yet been produced and options for delivery of the programme continue to be explored. Further details of the programme will be circulated in due course.

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

- 2.1 To enable Council to consider the Annual Report on Member Development during 2019/20.

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

- 3.1 Consultation is carried out with Members during the Training Needs Survey and on an ad hoc basis as necessary in relation to the organisation of one off events. Feedback is also sought on all sessions.
- 3.2 The Strategic Alliance Management Team and other officers are also consulted on the Member Development Strategy and Member Development Programme.

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

- 4.1 Council could determine to no longer receive a Member Development Annual Report however this option is not recommended as the Annual Report publicises to all Members the activities that have been undertaken and provides an opportunity for them to consider any future issues that may arise that they would like to see included in future programmes.

#### **5 Implications**

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

- 5.1.1 There are no finance or risk implications arising from this report.

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

- 5.2.1 There are no legal implications arising from this report.

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

- 5.3.1 There are no human resources implications arising from this report.

#### **6 Recommendations**

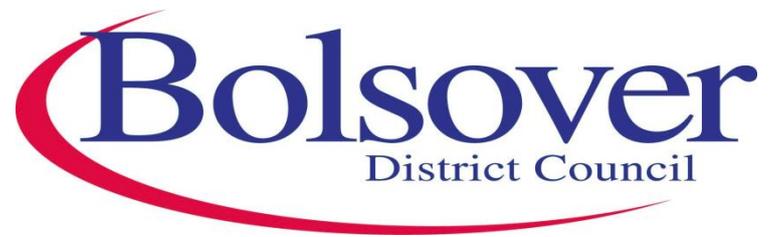
- 6.1 That Council note the Member Development Annual Report 2019/20.

#### **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:</i> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <i>NEDDC:</i> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	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>	None Directly
<b>Links to Corporate Plan priorities or Policy Framework</b>	All

**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
1	Member Development Annual Report
<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)	
<b>Report Author</b>	<b>Contact Number</b>
Senior Governance Officer	01246 242529



**Member Development  
Annual Report 2019/20**

Forward from Councillor Sandra Peake, Portfolio Holder – Housing and Community Safety and Chair of Member Development Working Group 2019/20

This year I have been appointed as the Chair of Member Development Working Group. It has been a busy year, following the Induction Programme in May 2019 and with many Member Development sessions and activities taking place throughout the year.

The Council continues to be committed to Member Development: to offer all Councillors an opportunity to build on their knowledge and experience, to learn new skills and to find out more about policies and proposals affecting the Council and our communities. This year Member Development Working Group have looked at how Member Development is delivered and supported, using new methods such as online platforms and e-learning. Following the addition of mandatory training requirements to the Constitution in May 2019, a review of the Member Development Strategy was carried out, which was approved by Council in September 2019.

Also during the year, all Members were invited to complete training needs surveys to assess learning and development priorities for future programmes.

I would like to thank Members for their support this year, particularly those on the Working Group, and all Members who have attended and contributed to Member Development activities. And to the many officers who have delivered training and briefing sessions, and governance officers who have organised and scheduled all the activities.

*Councillor Sandra Peake*

**The Annual Report covers the following subjects:**

- 1. Introduction**
- 2. Member Development Working Group**
- 3. Member Induction Programme 2019**
- 4. Member Development Programme 2019/20**
- 5. Other Member Development Opportunities**
- 6. Member Development Strategy**
- 7. Members' ICT Training**
- 8. Member Development Budget 2019/20**

## **1. Introduction**

The purpose of this annual report is to report on member development work undertaken in the municipal year 2019/20.

Member development activities are designed to support the learning and development of Members so that they have the appropriate knowledge, skills and confidence to carry out their various roles and represent the public they were elected to serve.

## **2. Member Development Working Group**

The Council has a cross-party working group to oversee, monitor and make recommendations on member development. The Group is committed to supporting the development of Councillors and to enable them to engage effectively in the modernisation of local government and to deliver the Council's statutory functions and corporate objectives, and to represent the people of Bolsover District.

The Working Group was chaired by Councillor Sandra Peake and its membership in 2019/20 was as follows:

- [Councillor Sandra Peake](#) (Chair)
- [Councillor Tracey Cannon](#)
- [Councillor David Dixon](#)
- [Councillor David Downes](#)
- [Councillor Natalie Hoy](#)
- [Councillor Tom Munro](#)
- [Councillor Deborah Watson](#)

## **3. Member Induction Programme 2019**

Following the District Council Election in May 2019, new Members were provided with a welcome pack containing practical information on how the Council works and a programme of introductory briefing sessions was arranged.

The induction sessions were presented by a range of officers, all covering different topics, to give members, especially newly elected members, an introduction to the Council and the key issues that they needed to be aware of in their first two weeks of being elected. The programme consisted of the following sessions, all held in the Council Chamber at 10am, save for the Tour of the District and the Market Place event.

### **Session 1 – A brief presentation and completion of essential paperwork**

37 Members (100%) attended this session.

### **Session 2 - 'How the Council Works': Roles and Responsibilities of Council, Councillors and Officers and Corporate Priorities, understanding our financial position, and the Transformation Agenda**

25 Members (68%) attended this session.

### **Session 3 - Code of Conduct / Member Officer Protocol, Planning, Licensing, Freedom of information and Data Protection**

24 Members (65%) attended this session.

### **Session 4 – Safeguarding, Handling the Media and Social Media, and Emergency Planning**

26 Members (70%) attended this session.

### **Session 5 – Tour of the District**

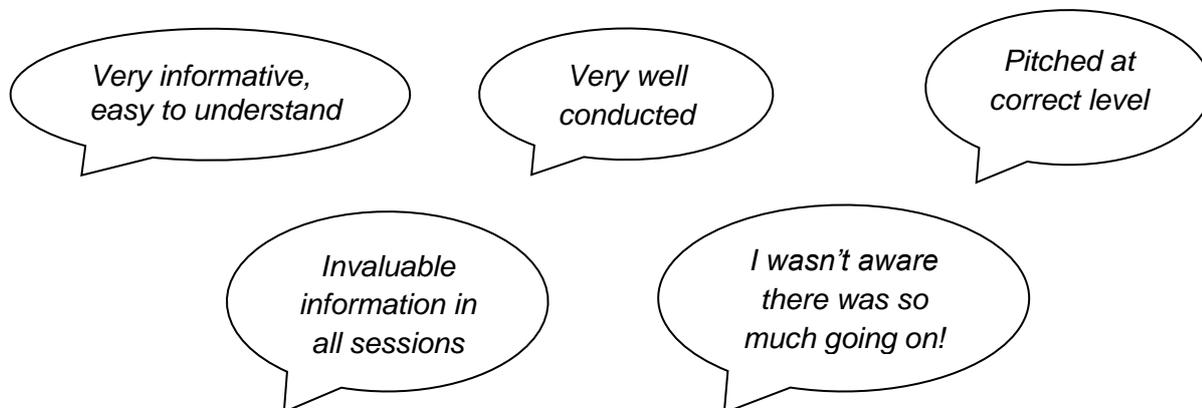
A tour of the District was also organised to enable Members to see a number of development/ regeneration sites within the District.

13 Members (35%) attended this session.

### **Session 6 - Market Place event**

Approximately 15-20 Members attended, an attendance sheet was not completed.

Evaluation forms were given to all Members at each session. Member Development Working Group considered a full report on all the feedback at its meeting in July 2019. Overall the feedback was very positive, with the following comments on the sessions:



Feedback on the length and timing of sessions, as well as the information provided in the Candidate and Induction Packs was also considered for implementation in future programmes.

## **4. Member Development Programme 2019/20**

Following on from the Induction Programme, Member Development sessions and briefings were scheduled throughout the year, to build on and supplement Members' knowledge and skills.

The sessions offer an opportunity for Members and officers to discuss the latest developments in local government in terms of policy, legislation and initiatives from

Government and to undertake development work in an informal environment which supports learning.

The following sessions were held during the year:

<b>Date</b>	<b>Topic</b>	
<b>7 – 16 May 2019</b>	Induction Programme	See Section 3.
<b>29 May 2019</b>	Planning Committee Briefing <i>(before 1<sup>st</sup> meeting)</i>	12
<b>28 May 2019</b>	Audit Committee Briefing <i>(before 1<sup>st</sup> meeting)</i>	13
<b>3<sup>rd</sup> June 2019</b>	Scrutiny Committee Training at the Scrutiny Conference	28
<b>Member Development 10 June 2019 – 2.00pm</b>	Safeguarding	23
	Equalities	
	Accessing information online	
<b>13 June 2019</b>	Licensing Committee Briefing <i>(before 1<sup>st</sup> meeting)</i>	14
<b>23 July 2019 and 2 September 2019 Both at 10am</b>	iPad Training	12
		4
<b>25 July 2019</b>	Taxi Licensing and Premises Licensing Training	15
<b>Member Development 17<sup>th</sup> September 2019 10am</b>	Housing Service	21
	Homelessness Service	
	Universal Credit/Benefits Briefing	
<b>2 October 2019</b>	Carbon Literacy Training	19

<b>Date</b>	<b>Topic</b>	
<b>10am</b>		
<b>Member Development 9 October 2019 – 10.00 am</b>	Meeting Procedures/Constitution	20
	Data Protection	
<b>15 October 2019 9.30am</b>	Planning Training	20
<b>17 October 2019 2pm</b>	Casework and Effective Ward Councillor Skills	15
<b>30<sup>th</sup> October 2019 AM</b>	Community Leadership	20
<b>Member Development 5 November 2019 10.00 am</b>	Transformation Programme and Medium Term Financial Plan	22
	Lone Worker	
<b>7<sup>th</sup> November 2019 PM</b>	Financial Scrutiny	18
<b>28<sup>th</sup> November 2019 PM</b>	Media Skills	10
<b>Member Development 14 January 2020 - 2.00pm</b>	Licensing Service Update	18
	Customer Service and Complaints Handling	
<b>20<sup>th</sup> January 2020 PM</b>	Chairing Skills	10
<b>4<sup>th</sup> March 2020</b>	Fraud Awareness	24

Date	Topic	
Following conclusion of Council		
Member Development 23 March 2020 10.00 am	Risk Management Street Scene Service	Postponed
2 <sup>nd</sup> April 2020	Public Speaking	Postponed

## **5. Other Member Development Opportunities**

### *Local Government Association E-Learning Modules*

The Local Government Association offers a number of E-Learning Modules which could be accessed through [www.local.gov.uk](http://www.local.gov.uk) with a username and password which was available by emailing E-Learning. Information on how to access these modules was provided to all Members in August 2019 and again in April 2020.

The course catalogue has the following modules available:-

- Community engagement and leadership
- Councillor induction
- The Data Protection Act 2018 for Councillors
- Commissioning of services
- Equality, Diversity and Unconscious Bias
- The Effective Ward Councillor
- Facilitation and Conflict Resolution
- Handling complaints for service improvement
- An Introduction to Housing (Non-Audio)
- An Overview of the Data Protection Act 1998 for Councillors
- Influencing skills
- Licensing and regulation
- Planning
- Police and crime panels
- Scrutiny for Councillors
- Stress management and personal resilience
- Supporting your constituents

The modules do not have to be completed at any one time, allowing ongoing progress to be saved. Access to these modules provides alternative method and opportunity for Member training and Development in addition to the programme of events scheduled at the Council Offices.

## **6. Member Development Strategy**

The Working Group at its meeting in July 2019 considered the development of a new Member Development Strategy for 2019-2023, which was approved by Council in September 2019.

This Strategy is designed to provide an overall framework for member development that reflects best practice, such as the East Midlands Council Charter standards, and seeks to achieve the following objectives:

- Identifying Members priority learning and development needs
- Promoting Leadership Development
- Linking Member learning and development with the Council's corporate priorities
- Delivering learning and development in innovative ways to make the best use of resources available to the Council
- Enabling Members to support community initiatives and act as advocates as appropriate
- Ensuring equality of access to member development opportunities, meetings and resources
- Evaluating member development to ensure priority needs are being met, value for money is achieved and the performance of the Council is improved.

The Strategy contains an Action Plan for how the objectives will be implemented. Performance against these actions will be monitored by the Member Development Working Group and the progress achieved at the end of each year will be outlined in future Annual Reports.

## **7. Members' ICT Training**

The Members IT and Training Officer provides regular support and training to members as part of the induction process when issuing iPads and on-going through servicing on a regular basis and one-to-one support on any issued Members encounter.

Formal training on iPad Apps such as Pages, Numbers, Keynote, and Modern.Gov is available and sessions can be scheduled when there is a demand for any particular topic or feature of the iPads.

During 2019/20, the Members IT and Training Officer supported the roll out of iPads to all new Members following the May 2019 election and provided two training sessions during the year, as well as regular training and support to Members on a one-to-one basis.

This year also saw the roll out of Modern.Gov and training for all Members on accessing committee papers via the new App with improved functionality. More recently, Members have received training on the GoToMeeting App to support virtual meetings and remote attendance.

Members are encouraged to request any specific topics they wish to see covered by videos that can be added to the suite available to all Members.

## **8. Member Development Budget 2019/20**

The Member Development Budget for 2019/20 was set at £6480. It was increased to £10,000 for the year as part of the revised budget setting process. Details of expenditure from the 2019/20 budget were reported to the Working Group on a regular basis.

## **9. Member Development Evaluation**

The Working Group receives reports on a regular basis detailing statistical evaluation, together with Members' comments, on training and development events.

## **10. Member Development Programme 2020/21**

In November 2019 a Learning and Development Needs Survey was sent out to all Members which asked Members to identify training priorities for the forthcoming two years.

The top 10 priorities identified were:

Rank	Subject
1.	Planning (inc. Local Plan; decisions conflicting with climate change; and challenging planning decisions on behalf of ward)
2.	Housing (inc. allocations)
3.	IT/iPad training
4.	Finance (including rates changes)
5.	Environmental Health
6.	Audit
7.	Communication
8.	Holding officers to account
9.	Leisure
10.	Meeting procedures

Taking account of the priorities members had identified during the survey, together with wider legislative issues, corporate aims and organisational requirements, a draft member development programme for 2020/21 was produced. The draft programme will be reviewed by Member Development Working Group and the Strategic Alliance Management Team. This is a living document and may change over the year as policy/legislative changes occur or other issues arise that it is important Members receive briefings on as soon as possible

## Bolsover District Council

### Council

Wednesday 22<sup>nd</sup> July 2020

<b>Amendments to Council's Contract Procedure Rules</b>
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### Report of the Chair of Standards Committee

This report is public

#### Purpose of the Report

- To seek approval to amendments to the Contract Procurement Rules.

#### **1** Report Details

- 1.1 Following a recent internal audit recommendation an officer review has taken place of the Contract Procedure.
- 1.2 As a result of the review a number of changes are suggested mainly for clarification purposes and to ensure that the rules do not conflict with the Council's Procurement Policy. The proposed changes are shown as tracked changes on the attached appendix. A number of changes do however require further explanation:
- All contracts should follow the procurement route as set out in the rules unless one of the exemptions in paragraph 4.8.4. It is expected that an exemption should apply only in exceptional circumstances and officers consider that approval to use all the exemption needs to be approved by senior officers and recorded appropriately. The proposed changes now require that if the Council wishes to utilise an exemption a senior officer must approve it by way of a formal Delegated Decision.
  - An additional paragraph to clause 4.8.10 clarifies the approval route for contract. All contracts with a value above the key decision limit is an Executive decision. Any other contract can be approved by delegated decision.
  - Paragraph 4.8.17(4) requires completed contracts to be kept in Legal Services. Until recently there has been no safe central storage area at the Arc for signed contracts and these are sent to the relevant department for safe keeping. A deeds store room has however been created on the top floor of the Arc and so all completed contracts will now be kept in one place.
- 1.3 The proposed changes have been discussed at Standards Committee on 6<sup>th</sup> July 2020 and were approved subject to the additional change that will require a published delegated decision to include details of the procurement process as well as the results of the procurement. It is proposed that the following additional clause is added to give effect to Standard Committee's recommendation

“4.8.11 Any DD that authorises the approval of a contract shall set out the procurement process that was undertaken”.

- 1.4 A further change not recommended to Standards Committee is proposed. Paragraphs 4.8.17(1) and (2) requires all contracts above £50,000 be executed as deed. The subsequent paragraph 4.8.17 (3) states that the threshold is £75,000. It is recommended that the threshold in 4.17 (1) and (2) is increased to £75,000 in line with sub paragraph (3). Standards Committee were aware of the £75,000 limit.

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

- 2.1 The proposed changes will result in clearer procurement rules and ensure that all the exemptions are approved at a high level

## **3 Consultation and Equality Impact**

- 3.1 Procurement, Finance, the Monitoring Officer and Director have been consulted

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

- 4.1 To not amend the Rules. This will result in differences between the Procurement Rules and Procurement Policy

## **5 Implications**

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

- 5.1.1 Failure to have clear and robust procurement rules in place could result in a failure to obtain best value.

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

- 5.2.1 Failure to have clear and robust procurement rules in place could result in a challenge from unsuccessful contract bidders.

### **5.3 Human Resources Implications**

- 5.3.1 None

## **6 Recommendations**

- 6.1 That Council approve the proposed changes to the Council's Procurement Rules

## 7 Decision Information

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

## 8 Document Information

Appendix No	Title
A	Contract Procedure Rules
<p><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)</p>	
Report Author	Contact Number
Jim Fieldsend Solicitor, Non-Contentious Team Manager	01246 242472

## Part 4.8 Procurement Rules

### Agenda Item 6a

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## 4.8 CONTRACT PROCUREMENT RULES

### 4.8.1 Introduction

- (1) These Contract Procedure Rules (the Rules) provide a corporate framework for the procurement of all goods, services and works for the Council. The Rules are designed to ensure that all procurement activity is conducted with openness, probity and accountability. Above all, the Rules are designed to ensure both that the Council complies with the statutory framework and obtains value for money including the required level of quality and performance from all contracts that are let. Every contract for the supply of goods and services and for the execution of works made by or on behalf of the Council shall comply with these Rules and the Public Contracts Regulations 2015 (“the Regulations”).
- (2) E-procurement procedures shall be used wherever possible. These include e-tendering, purchase cards, etc. Where appropriate e-auctions may be used, so long as provision is made for this in the advert. Requests for quotations, pre-qualification questionnaires and invitations to tender should wherever practical be issued to tenderers by electronic means. Where e-tendering is utilised then this must be undertaken by way of the corporate e-tendering system which is managed on the Council’s behalf by the Procurement Unit.
- (3) Before any tendering exercise is considered, reference must be made to the Council’s procurement and equalities guidelines. The Council is committed to dealing fairly with all relevant discrimination groups as defined in the Equalities Act 2010. A failure to take into account special requirements for these groups in a tender would be a significant corporate failure, affecting the reputation and standing of the Council.
- (4) All procurement arrangements must ensure compliance with the Council’s responsibility in respect of the Freedom of Information Act, Environmental Information Regulations 2004 and the Data Protection Act and the General Data Protection Regulation.
- (5) [Generally the rules set out in part 4.8.5 must be followed when procuring all good, services or works. Part 4.8.4 contains the exemptions to the normal rules](#)

(6) Any employee who fails to comply with Contract Procedure Rules may be subject to disciplinary action.

Commented [JF1]:

(7) [A-Definitions of terms used in these rules;](#)

Commented [JF2]: I have moved the definitions section to the start of these rules from the glossary at the back

[Code of Practice Means the Council’s Code of Practice for Procurement including accompanying guidance.](#)

## Part 4.8 Procurement Rules

**Contract** Means any form of contract, agreement or other arrangement for the supply of goods, services or works.

**Contracting Officer** Means any officer who proposes to procure goods services or works.

**Goods** Covers all supplies and materials that the Council purchases or obtains.

**Senior Officer** Means one of the following: Chief Executive, Strategic Directors, Assistant Directors and Heads of Service.

**Services** Includes all services which the Council purchases or obtains including advice, specialist consultancy work, agency staff, etc.

**Works** Includes all construction and repairs in respect of physical assets (buildings, roads, etc.). Glossary of Terms can be found at the end of this section.

**Commented [JF3]:** Theresa has suggested adding Heads of Service to this. Is this agreed? Do we want to extend the ability to agree an exemption to a Head of Service or do we want to reserve this to Directors, and Assistant Directors

### 4.8.2 Compliance with Contract Procedure Rules

- (1) The provisions contained in these Rules are subject to the statutory requirements of both the European Union and the United Kingdom. The European rules will remain in place following Britain's departure from EU until at least 31<sup>st</sup> December 2020. A review of the legal requirements will need to be carried out following the end of the EU transitions period. However it should be noted that the majority of Council contracts are below the thresholds set by the EU and so will not be affected by Brexit  
The letting and content of contracts shall conform to all statutory requirements and be subject to any over-riding directives of the

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European Union relating to contracts and procurement. These Rules cannot be waived, since a failure to comply with legislation may result in a legal challenge with consequent reputational and financial risk. If you are uncertain, advice should be sought from a member of the Procurement Service or the Monitoring Officer/Legal Services.

- (2) In estimating relevant contract values, officers shall have regard to the following rules regarding aggregation. See Appendix A. The estimated or proposed contract value is the value or consideration for the contract as a whole (not an annual value) and any contract with an option to extend the contract period will be valued to include any provision for such extension period. For example, a three year option to extend for a further two years will be valued as the consideration for a five year contract.

**Commented [JF4]:** I have copied the aggregation rules from Appendix A as I thought they should also be in the main body of this document

Partnerships

## Part 4.8 Procurement Rules

- (3) These Rules apply, in addition to other procurements, to any proposal for the Council to become involved in a joint venture or partnership, including the monitoring of any such arrangement.

Where Partnership arrangements, or working with other public bodies, are used in order to procure goods or provide services then consultation must take place with both the Monitoring Officer and the [Chief Financial Officer/Head of Finance and Resources](#) prior to entering into such arrangements. Such arrangements should only be pursued on the basis that appropriate approval from the Council's statutory officers and from appropriate Council bodies have been secured prior to any formal commitments being given.

### 4.8.3 Normal Procedure

- (1) **These Rules relate to five categories of procurement based on the estimated value of the contract:-**

- ~~(a)~~ £1 to £1,000
- ~~(b)~~ £1,001 to £5,000
- ~~(c)~~ £5,001 to £25,000
- (d) £25,001 to £50,000
- (e) £50,001 to ~~£~~EU Threshold
- (f) Over the EU Threshold

[The specific rules for each of the above categories is contained in part 4.8.5 of these rules.](#)

- (2) **In all instances, goods, services or works should be obtained via one of the methods outlined below:-**

- (a) in-house services (for example, printing and design etc.)
- (b) established corporate contracts or framework agreements
- (c) request for quotation
- (d) Tender
- (e) framework contracts established by Purchasing Consortia or other Local Authorities (following advice from the Procurement Service)
- (f) for low-value purchases, Purchasing Cards can be used provided they are not used with the intention of undermining

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#### Part 4.8 Procurement Rules

the use of approved or corporate contracts, or to circumvent the procedures set out within this document.

In considering whether to utilise any of the above options officers must take into account the fact that their use is subject to EU and/or UK Statutory requirements.

- (3) **Orders and payments for goods, services and works shall be undertaken in accordance with the Financial Procedure Rules.**
- (4) **Before entering into a contract, the authorised Contracting Officer must:-**
  - (a) Be satisfied that a specification (where appropriate) that will form the basis of the contract has been prepared (the specification should be retained on the appropriate contract file held within the service), and
  - (b) Have prepared and documented an estimate of the cost of the contract including, where appropriate, any maintenance and on-going costs (the estimate should be retained on the appropriate contract file held within the service), and
  - (c) Ensure that all evaluation criteria have been determined in advance, put into order of relative importance with weightings for each element and published in the tender pack; and
  - (d) For contracts where there are clear risks, and for all contracts over £750,000, produce and maintain a documented risk register for the procurement process and for the eventual contractual relationship. As a minimum documentation should be maintained analysing all risks, identifying how they will be managed, and naming responsible officer(s).
- (5) **Before entering into a contract the Contracting authorised Officer must:-**
  - (a) Be satisfied about the technical capability of such proposed contractor and be satisfied that s/he has the power and authority to enter into the contract; and
  - (b) Ensure that these Rules have been complied with, and that the proposed contract represents value for money; and
  - (c) For all contracts that exceed £750,000, the Contracting authorised Officer shall undertake appropriate checks to ensure that the proposed contractor has the financial and resource capacity (taking account of contract value and risk) to perform the contract (unless the contractor

## Part 4.8 Procurement Rules

has already been subjected to a recent satisfactory financial check). Financial vetting shall be undertaken by a designated financial officer, who shall advise on what, if any, security should be provided by the contractor.

### (6) Advertising;

All tenders shall be advertised and, where appropriate, full details should be available for download from the website <http://www.sourcederbyshire.co.uk/>. As part of the Government's Transparency Agenda details of all forthcoming contracts should be published on the Council's website at the earliest opportunity. Such details should be notified via email to the Chief Financial Officer. Where the contract value is above £25,000 details must also be published on the **Government's Contracts Finder website**. Details of such contracts must be provided to the Procurement Service who will arrange for appropriate advertising to be undertaken. Again such communication should be via email. Contract award notices shall also be published on the website and on Contracts Finder within 90 days of the contract being advertised.

Officers should consider whether the contract will be of benefit to other public sector bodies. If so, consideration should be given to including text along the following lines in the advert;

**"Tenderers should be aware that although the contracting authority for the purposes of this procurement is Bolsover District Council, one or more other local authorities and/or public bodies from the Counties of Derbyshire and Nottinghamshire may choose to access the concluded contract, without creating any obligation on behalf of any of them to do so."**

Such text should only be incorporated with the approval of the Procurement Service.

- (7) All EU notices shall be referred, in advance of sending to the OJEU, to the Procurement Service to advise on wording.
- 8) Where the contract is over the OJEU threshold the Council must offer unrestricted and full direct free of charge access online to the procurement documents from the date of publication of the notice in OJEU.

### 4.8.4 Exemptions to Contract Procedure Rules

- (1) In exceptional circumstances and ~~S~~subject to statutory requirements tenders need not be invited in accordance with these Rules in the following cases:-
  - (a) In the case of the supply of goods:-

#### Part 4.8 Procurement Rules

- ~~(i) the goods or materials are proprietary articles and, in the opinion of the appropriate Senior Officer (which should be put in writing and retained on the project file), no reasonably satisfactory alternative is available, and A proprietary article is an item which the vendor has exclusive rights to sell.~~
    - ~~(ii) Exemptions under this rule have been notified to the Procurement Service.~~
  - (b) The work to be executed or the goods or services to be supplied are controlled by a statutory body and there is no reasonable prospect that works, goods or services can be executed or supplied by another statutory or non-statutory body.
  - (c) The work to be executed or the goods or services to be supplied constitute an extension to an existing contract and ~~it is the view of the Senior Officer that~~ it would not be in the interests of the service or the Council to tender the contract. ~~The Senior Officer or his or her nominee should consult with the Procurement Service and a record of the decision must be placed in the project file.~~
  - (d) The contract is for the execution of work or the supply of goods or services ~~certified by the appropriate Senior Officer~~ to be required so urgently as to preclude the invitation of tenders. ~~The appropriate Portfolio Holder shall be kept informed of such decisions and a record of the decision shall be retained by the service and a copy sent to the Procurement Service.~~
  - (e) The contract relates to commissioning, ~~such as of~~ projects funded by external grant where, for example, there is no (or insufficient) marketplace to tender for the supply of goods, services or works required.  
OR  
The contract relates to a project where there is no (or insufficient) marketplace to tender for the supply of goods, services or works required
- A decision on whether any of the above exemptions applies shall be made only by a Senior Officer by a formal Delegated Decision. In making the decision the Senior Officer shall consult with the Procurement Service and the relevant Porfolio Holder**
- (2) ~~Nothing contained in the above exceptions exempts officers either from using the Council's internal services, where appropriate, or from following established arrangements in Rule 4.8.3. Officers should ensure that the best possible balance of value for money and quality is obtained for the Council.~~

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## Part 4.8 Procurement Rules

- (3) Tenders need not be invited where they have been undertaken by any consortium, collaboration or similar body, where the Council is able to access contracts. Officers should contact the Procurement Service to ensure that any contracts let by such a consortium, collaboration or similar body are in accordance with UK and EU procurement directives and regulations.
- (4) Where the Council acts as lead body on a consortium or collaborative arrangement, the procedures for tendering contained within these Rules shall be followed.

### 4.8.5 Contracting & Financial Guidelines

- (1) Contracting Officers should look to order goods and services that are required in-house or through a framework or consortium arrangement as illustrated in Rule 4.8.3.(2) If, however, the Council or the consortium providing them do not have the goods or services or resources available to meet the reasonable needs of the service or there is no suitable framework then an alternative supply may be sourced following the rules set out below. In these circumstances the authorised officer must record why the goods or services have been procured through other means, and retain a formal copy of that document. In all circumstances a purchase order must be issued as required by financial regulations.
- (2) It is good practice (for all but small value and routine purchases) to obtain a written quotation. For further information on this, please contact a member of the Procurement Service.
- (3) **Contracts £1 to £1,000**  
Procurement of goods and services estimated to be for amounts up to £1000 shall be by oral or written quotation and preferably from at least three suppliers ~~unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required~~. There is no mandatory procurement involvement.
- (4) **Contracts £1,001 to £5,000**  
Procurement of goods and services estimated to be for amounts in the range £1,001 to £5,000 shall be by written quotation from at least three suppliers, ~~unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required~~. There is no mandatory procurement involvement.
- (5) **Contracts £5,001 to £25,000**  
Procurement of goods and services estimated to be for amounts in the range £5,001 to £25,000 shall be by ~~formal written~~ request for quotation (RFQ) from at least three suppliers, ~~unless an arrangement under 4.8.3.(2) has already been established for the~~

## Part 4.8 Procurement Rules

~~goods, services or works required. There is no mandatory procurement involvement. Contracting Officers should seek advice from Procurement prior to commencing the procurement~~

- (6) **Contracts £25,001 to £50,000**  
Procurement of goods and services estimated to be for amounts in the range £25,001 to £50,000 shall be by formal ~~written~~ request for quotation (RFQ) from at least three suppliers, ~~unless an arrangement under 3.2 has already been established for the goods, services or works required. Unless Procurement Services advises that a formal Invitations to Tender should be undertake.~~ Details must also be published on the Government's Contracts Finder website, which must be done through the Procurement Service.
- (7) **Contracts £50,001 to EU Threshold**  
Procurement of goods and services estimated to be for amounts in the range of £50,001 to EU THRESHOLD shall be by formal open Invitation to Tender (ITT), ~~unless an arrangement under 4.8.3.(2) has already been established for the goods, services or works required,~~ whereupon mini competition will be encouraged with all appropriate suppliers. For evaluation purposes, a standing invitation to the evaluation meeting shall be made to officers from Finance, Legal and Audit, along with the relevant Portfolio Holder or substitute and the appropriate commissioning officer.
- (8) **Contracts EU Threshold and above**  
Procurement of goods and services estimated to be for amounts in the range EU THRESHOLD AND ABOVE shall be by formal open Invitation to Tender (ITT). Where contracts of this value are undertaken then appropriate professional support must be secured from either the Procurement Service or from an appropriately qualified external advisor. Both the Monitoring Officer and the Chief Financial Officer must be made aware of the position.

In considering whether or not a procurement exercise is subject to OJEU requirements you must consult with ~~Procurement~~ Legal Services. In particular you should consider whether extensions to a contract, or operating it for a period in excess of one year, will breach OJEU financial limits. Where any contract has a value above or approaching OJEU limits it is the responsibility of the client officer to ensure that appropriate legal advice is secured throughout the tendering and contractual process.

- (9) **SME Participation**  
To facilitate SME participation in awards of contracts consideration should be given to dividing contracts into smaller lots where appropriate. Procurement Services will advise on whether a contract could be divided. Where a contract may be divided the relevant officer shall consult with a Senior Officer. If a decision is taken not to divide a contract into lots then the

## Part 4.8 Procurement Rules

responsible officer must maintain a written summary of the reasoning underlying that decision.

### 4.8.6 Probity

- (1) In every instance appropriate written documentation must be retained together with the rationale for the decision making process. This documentation shall meet as a minimum the requirements specified in the 2015 Public Contract Regulations. In addition, any information that may be required for submitting annual reports to the Government or other agencies must be maintained.
- (2) Documentation in either paper or electronic format must be appropriately filed and retained for an appropriate period of time. The Council's Document Retention Policy will provide appropriate background guidance but ultimately the senior officer involved must determine the retention period.
- (3) All contracts for goods, services and works must be registered on the Contracts Register and the original contract documents held centrally and securely in Legal Services.
- (4) Tenderers may be offered a debrief, to assist them in preparing future bids. The ~~Contractingrelevant~~ Officer should also keep a record of all debrief requests and responses.
- (5) In accordance with EC Procurement Directive 2004/18/EC, any company responding to an EU tender shall be excluded from the tender process if it, or its directors have been convicted of; corruption, bribery, cheating the revenue, fraud or theft, fraudulent trading, an offence in connection with taxation, an offence under Counter Terrorism legislation or money laundering. Where a service has information relating to the above, contact ~~the Monitoring Officer~~ [Legal Services](#) or the Procurement Service for advice.

### 4.8.7 Receipt and Custody

- (1) Tenders are managed by way of a corporate e-tendering system operated on the Council's behalf by the Procurement Service. This provides a clear electronic audit trail of the tender process.
- (2) Responses to pre-qualification questionnaires (PQs) and quotations (RFQs) are not deemed to be tenders and should be returned to the originating officer, either via hard copy or electronically via email or e-tendering system.

### 4.8.8 Opening and Evaluation of Tenders

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**Commented [JF5]:** I propose to draft a form/checklist that assists all officers undertaking a procurement exercise in complying with all the requirements

## Part 4.8 Procurement Rules

- (1) Where e-tendering is used, all tenders will be submitted to and held in a secure electronic vault. This may only be opened by the Procurement Service after the due date for tenders has closed.
- (2) The lead officer of the evaluation team is responsible for ensuring that the team is adequately resourced to ensure compliance with the Public Contract Regulations and with accepted good practice. A report outlining the results of the evaluation process will then be presented to Executive, if necessary, to approve the award of the contract.

### 4.8.9 Extension of Deadline for Receipt of Tenders

Where a tender is submitted in competition and is received after the specified time then it shall be disqualified. Before the specified time has been reached, the Monitoring Officer may determine whether to extend the deadline.

### 4.8.10 Acceptance

- (1) Contracts shall be evaluated and awarded in accordance with the evaluation criteria issued with the tender documentation. Only those tenders that comply with the evaluation criteria shall be considered for acceptance. Tenders must be evaluated on the basis of “most economically advantageous” tender (MEAT) that complies with the requirements of tender documents, is not excluded by virtue of Regulation 57 of the Regulations and meets the selection criteria. Cost-effectiveness and price quality ratio may be taken into account when determining MEAT.
- (2) A tenderer who submits a qualified or conditional tender shall be given the opportunity to withdraw the qualification or condition without amendment to the tender. If the tenderer fails to do so the tender must be rejected.
- (3) Prior to final contract award, the contractor must provide evidence of adequate insurance to cover both public and employers' liability, and produce such evidence during the life of the contract at the reasonable request of the authorised officer.
- (4) For all procurements covered by the EU Directives, a statutory minimum standstill period after the award decision is issued is required to allow companies an opportunity to challenge the decision. The standstill time depends on the circumstances and is set out in Regulation 87 of the Regulations.
- (5) A voluntary waiting period is operated for procurements below the EU threshold, at the discretion of the Procurement Service.

## Part 4.8 Procurement Rules

- (6) The notification of the award decision to unsuccessful bidders, based on the most economically advantageous tender, must be issued in line with the timescales of the standstill period and should contain:-

- the award criteria
- the reasons for the decision, including the characteristics and relative advantages of the successful tender and the score (if any) obtained by the recipient and the successful tender;
- the name of the winning tenderer
- confirmation of the dates and duration of the standstill period.

For all sub-OJEU threshold contracts, the following details of contracts that have been awarded should be advertised on the Contracts Finder website:-

- name of contractor;
- date contract entered into;
- contract value;
- whether contractor was SME or VCSE.

- (7) All contracts must be notified to the Procurement Service, including performance monitoring information, with a copy to the [Chief Financial Officer/Head of Finance and Resources](#).

[\(8\) All contracts with a value above the Key Decision threshold must be approved by the Executive. All other contracts may be authorised by a Senior Officer](#)

### 4.8.11 Nominated/Named Sub-Contractors and Suppliers

It is recommended that contracts are awarded to a single entity or lead contractor, who in turn will take contractual responsibility for the performance (and risks) for all sub-contractors and supply-chains. This reduces the risk of the Council becoming party to disputes between contractors.

### 4.8.12 Engagement of Consultants

- (1) ~~An authorised officer~~[The Council](#) may only appoint external consultants or advisors providing professional or consulting services if such services are not available within the Council or if Council officers providing them do not have the resources to meet the needs of the service. Where such services are available in-house, the ~~Contracting authorised Officer~~ must consult with a Senior Officer before taking any decision to make an external appointment.

## Part 4.8 Procurement Rules

- (2) Consideration should be given to using appropriate framework agreements for business, professional, and ICT consultancy services. Advice should be sought from the Procurement Service.
- (3) External consultants and technical officers engaged to supervise contracts must follow these Rules as applicable and their contracts for services must state this requirement.
- (4) Procurement plans and/or tenders prepared by external consultants on behalf of the Council **must** be referred to the [Monitoring Officer, Legal Services and Head of Finance and Resources Chief Financial Officer](#), for approval and advice and the relevant Portfolio Holder be informed.
- (5) The [Contracting relevant Officer](#) is required to submit a Request for Service form (found on the intranet) to the Procurement Service in respect of all consultancy and advisor contracts where the value of the contract is above £5,000. In estimating relevant contract values, officers shall have regard to the rules regarding aggregation. ~~See Appendix 'A' - see rule 4.8.2.~~
- (6) All contracts for external consultants and advisors shall explicitly require that the consultants or advisors provide without delay any or all documents and records maintained by them relating to the services provided on request of the authorised officer, and lodge all such documents and records with the [Contracting authorised Officer](#) at the end of the contract.
- (7) The [Contracting authorised Officer](#) shall ensure that any consultant working for the Council has appropriate indemnity insurance.

### 4.8.13 Contract Conditions

Every contract for goods and services regardless of value shall be in writing and shall specify:

- (1) the work, materials, matters or things to be furnished had or done;
- (2) the price to be paid, with a statement of discounts or other deductions; and
- (3) the time, or times within which the contract is to be performed

Part 4.8 Procurement Rules

Every contract over £750,000 shall be in a form approved by ~~the Team Manager—Solicitor or their nominee~~ Legal Services.

4.8.14 Extending Existing Contracts

- (1) ~~The authorised officer, subject to the budget being available, and after consultation with the appropriate Senior Officer, may extend a contract subject to the extension being within the scope of the original scheme (subject to Rule 4.8.4 (1)(c) enables contracts to be extended. The Contracting Officer must ensure that there is sufficient budget available for the extension.~~
- (2) If the original contract was subject to the EU procurement regulations, the contract can only be extended if it meets one or more of the six statutory grounds as set out in Regulation 72 of the Regulations.

4.8.15 Performance Bonds and Guarantees

- (1) In the case of all contracts valued above £750,000 the authorised officer shall determine, based on advice from the ~~Chief Financial Officer~~ Head of Finance, the degree of security (if any) required to protect the Council from a contractor default. This may be a performance bond or some other form of financial or performance guarantee.
- (2) Where an order is placed with an in-house service and work forming part of that order is sub-contracted to an external company, then the provisions of Rule 4.8.15 (1) will apply.
- (3) Where a performance bond and/or parent company guarantee is required, then the tender documents must provide for this.

4.8.16 Liquidated Damages

Any contract which is estimated to exceed £100,000 in value or amount, and is for the execution of works, or for the supply of goods or materials by a particular date or series of dates, shall provide for

liquidated damages. The amount to be specified in each such contract shall be determined by a Senior Officer in consultation with Legal Services.

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4.8.17 Further Information

- (1) **Agreements shall be completed as follows:-**

<b>Total Value</b>	<b>Method of Completion</b>
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## Part 4.8 Procurement Rules

Up to £50,000	Signature	<del>Solicitor to the Council</del> <u>an officer authorised to sign contracts</u>
£50,001 and above	Sealed	See (3) below

(2) **Signature**

The ~~Contracting authorised~~ Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind it, i.e. an Executive minute or a formal Delegated Decision or if below the DD limit (£50,000) a written authorisation from the Senior Officer.

(3) **Sealing**

Where contracts are completed by each side adding their formal seal, the affixing of the Council's seal will be attested by the Monitoring Officer or anyone authorised by the Monitoring Officer together with ~~the Chairman or in their absence, the Vice-Chairman of the Council, or in their absence, another~~ a Councillor.

An entry of every sealing shall be made and consecutively numbered in a book kept for the purpose. The seal must not be affixed without the authority of the Council, Executive, a committee or under delegated powers. A contract must be sealed where:

- the Council may wish to enforce the contract more than six years after its end; or
- the price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
- where there is any doubt about the authority of the person signing for the other contracting party; or
- the Total Value exceeds £75,000

(4) **Archiving and lodgement of records**

The original signed/sealed contract must be ~~deposited with the relevant department and~~ recorded on the Contracts Register and stored securely within Legal Services.

## Appendix A - Financial Thresholds and Aggregation Rule

Contract Value		Process	Award Procedure based on	Contract Opportunity Publication/Route	Documentation
From	To				
£0	£1,000	Oral quotation	<a href="#">Preferably At least 3 oral quotations</a>	No mandatory procurement involvement	Employee identifying need to record details on quotation database.
£1,001	£5,000	Written quotation	Minimum of three written quotations	No mandatory procurement involvement	Employee identifying need to record details on quotation database.
£5,001	£25,000	RFQ (Request for quotation)	<del>Three written</del> Quotations based on a RFQ document with simplified Ts&Cs	<del>No mandatory p</del> <a href="#">Advis to be obtained from Procurement Services before commencing procurement involvement.</a>	Must be based on a written specification provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs must be accepted.
£25,001	£50,000	RFQ (Request for quotation)  <a href="#">Procurement may advise to undertake a formal tender in which case the procedure below should be followed.</a>	<del>Three written</del> Quotations based on a RFQ document with simplified Ts&Cs	Mandatory procurement involvement. Advertised in Source Derbyshire and the electronic RFQ system (INTEND). Contracts over £25,000 also published on Contracts Finder.	Must be based on a written specification provided to the supplier by the Council. Quotation may be delivered by e-mail or provided through an electronic RFQ system. Council Ts&Cs must be accepted.
£ 50,001	Up to EU Threshold as amended each year	Formal tender <a href="#">(report to Executive if over the Key Decision Threshold)</a>	Full tender process	Mandatory procurement involvement. Advertised in Source Derbyshire and Contracts Finder, if appropriate INTEND, Specialist publication if appropriate	ITT documentation as relevant with sealed bids which may be submitted via an electronic tendering process. Must be based on a written specification provided to the supplier by the Council. Council Ts&Cs must be accepted.

Part 4.8 Procurement Rules

EU Threshold	above	Formal tender	Full tender process	Mandatory procurement involvement. OJEU, Advertised in Source Derbyshire , if appropriate INTEND, Specialist publication if appropriate	PQQ and ITT documentation as relevant with sealed bids which may be submitted via an electronic tendering process. Must be based on a written specification provided to the supplier by the Council. Council Ts&Cs must be accepted.
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**NB The Contract Value shall be calculated as follows:** The estimated or proposed contract value is the value or consideration for the contract as a whole (not an annual value) and any contract with an option to extend the contract period will be valued to include also any provision for such extended period (e.g. a three year contract with an option to extend for a further two years will be valued as the consideration for a five year contract).

## Part 4.8 Procurement Rules

### Appendix B – Glossary of Definitions;

~~—— **Authorised Officer** Means any officer who by the nature of his or her job, or as directed by a manager, is authorised to place orders.~~

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~~**Code of Practice** Means the Council's Code of Practice for Procurement including accompanying guidance.~~

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~~**Contract** Means any form of contract, agreement or other arrangement for the supply of goods, services or works.~~

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~~**Goods** Covers all supplies and materials that the Council purchases or obtains.~~

~~**Senior Officer** Means one of the following: Chief Executive, Strategic Directors and Assistant Directors.~~

~~**Services** Includes all services which the Council purchases or obtains including advice, specialist consultancy work, agency staff, etc.~~

~~**Works** Includes all construction and repairs in respect of physical assets (buildings, roads, etc.).~~

# Agenda Item 13

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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# Agenda Item 14

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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