



The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Council

Monday, 22 February 2021

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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 (using Zoom) on 3<sup>rd</sup> March 2021 at 10:00 hours.

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

#### Virtual Attendance

I have provided all Members with advice that all meetings must be held virtually during the National Lockdown. The Council Chamber will not be available for Members to attend the meeting physically during this time, Should you decide to disregard this advice and potentially be in breach of the law, you will be deemed to have accepted the risk assessments listed for the Arc.

The Governance and ICT teams supporting the meeting will be working remotely, and can provide assistance to you for joining virtually.



**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.

## Risk Assessment Disclaimer

The following risk assessments are available on the Modern.Gov App library:

- Covid-19 ARC RTW RA001
- Working in Offices At The Arc During Covid-19 Pandemic Guidance – ARC – SSW001
- Meetings – EM001 - Committee and Council Meetings during the Covid-19 pandemic

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 Steuberg". The signature is written in a cursive, flowing style.

Solicitor to the Council & Monitoring Officer

## COUNCIL AGENDA

*Wednesday, 3 March 2021 at 10:00 hours taking place as a virtual meeting.*

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>	5 - 16
	To approve the Minutes of the Council meeting held on 3 <sup>rd</sup> February 2021.	
5.	<b>Questions from the Public</b>	NONE
	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.	
6.	<b>Questions from Members</b>	NONE
	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.	
7.	<b>Motions</b>	NONE
	In accordance with Council Procedure Rule 10, to consider motions on notice from Members.	

<b>8.</b>	<b>Level of Council Tax 2021/22</b>	17 - 23
	Report of the Portfolio Holder for Finance and Community Safety	
<b>9.</b>	<b>Review of the Constitution</b>	24 - 40
	Report of the Monitoring Officer presenting the recommendations of Standards Committee for Changes to the Constitution from the 2019/20 Municipal Year.	
	Due to the size of the file Appendix 2 can be viewed digitally <a href="#">here</a> .	
<b>10.</b>	<b>Pay Policy Statement</b>	41 - 51
	Report of the Portfolio Holder for Corporate Governance	
<b>11.</b>	<b>Calendar of Meetings 2021 - 2022</b>	TO FOLLOW
	Report of the Portfolio Holder for Corporate Governance to consider a proposed Calendar of meetings for the 2021/22 Municipal Year.	
<b>12.</b>	<b>Chairman's Closing Remarks</b>	

## COUNCIL

Minutes of a meeting of the Council of Bolsover District Council held as a Virtual Meeting on Wednesday, 3<sup>rd</sup> February 2021 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

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

Councillor Tracey Cannon joined the meeting during Minute Number CL760-20/21.

Officers: - Karen Hanson (Director of Environment and Enforcement), Theresa Fletcher (Section 151 Officer), Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Grant Galloway (Director of Development), Nicola Calver (Governance Manager), Amy Bryan (Senior Governance Officer) and Tom Scott (Governance Officer).

### **CL754-20/21      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Dan Salt.

### **CL755-20/21      DECLARATIONS OF INTEREST**

Members were reminded by the Monitoring Officer that Members in arrears of Council Tax by more than 2 months must not vote in decisions on or which might affect budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements was a criminal offence under Section 106 of the Local Government Finance Act 1992.

The Monitoring Officer added that any Members who were tenants of a Council property should declare an interest for any budget setting item, but these Members had an automatic dispensation to remain in the room to speak and vote on the items in question.

The Monitoring Officer also reminded Members that votes on budget and Council Tax setting items would be done via recorded vote as set out by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

Councillor Steve Fritchley (Leader of the Council) declared a disclosable pecuniary interest in budget setting items as he paid a service charge and ground rent for a leasehold property belonging to the Council.

Councillor Sandra Peake declared that the Section 106 Local Government Finance Act 1992 restriction could apply to her because she was unsure of being up to date with her Council Tax payments.

## **COUNCIL**

Councillor Chris Kane declared a non-significant interest in motion 7b) as a Master with the Four Shires Bloodhounds, which was a different type of hunt to the ones described in the motion.

Councillor Graham Parkin declared a disclosable pecuniary interest in agenda item 9 (Treasury Strategy Reports 2021/22-2024/25) because the Capital Strategy report mentioned Lloyds Bank as the bank of the Council, and he held shares in Lloyds Bank.

Councillor Mary Dooley declared a disclosable pecuniary interest in budget setting items as a Council tenant.

Councillor Janet Tait explained that she recently moved house and there had been an administrative problem with Council Tax being collected from her new house, leading to her being behind in Council Tax payments for 2 months.

The Monitoring Officer advised Members that the interests submitted would be recorded in the minutes but none of them would prevent Members from voting on items apart from the ones submitted by Councillor Janet Tait and Councillor Sandra Peake. The Monitoring Officer added that because there was a possibility of them both being in arrears of Council Tax for more than 2 months, they should not vote on budget setting items as per Section 106 of the Local Government Finance Act 1992.

### **CL756-20/21 CHAIR'S ANNOUNCEMENTS**

The Chair asked Members to join him in a moment of silence for all of those in the District and the country impacted by COVID-19, including the recently passed Captain Sir Thomas Moore.

The Chair reminded Members to be aware of their backgrounds in virtual meetings, particularly any visible advertising paraphernalia.

### **CL757-20/21 MINUTES**

The minutes were moved by Councillor Tom Munro and seconded by Councillor Chris Kane.

**RESOLVED** that the minutes of a meeting of Council held on 9<sup>th</sup> December 2020 be approved as a true and correct record.

### **CL758-20/21 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.

The Chair indicated that no questions had been submitted.

### **CL759-20/21 QUESTIONS FROM MEMBERS**

In accordance with Council Procedure Rule 9, Members of Council were able to ask questions about the Council's activities to either the Chair of the Council, the Chairman of

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a specific Committee or a relevant Portfolio Holder.

The Chair indicated that no questions had been submitted.

### **CL760-20/21            MOTIONS**

In accordance with Council Procedure Rule 10, Councillors were able to submit Motions on Notice for consideration at this meeting.

The Chair noted that three motions had been submitted.

#### **a) Motion from Councillor Steve Fritchley:**

*The All Party Parliamentary Group on British Muslims was established in 2017 to highlight the aspirations and challenges facing British Muslims; to celebrate the contributions of Muslim communities to Britain and to investigate prejudice, discrimination and hatred against Muslims in the UK.*

*The APPG's most recent publication is a 'Report on the inquiry into a working definition of Islamophobia / anti-Muslim hatred'. This inquiry acknowledges that across policy domains, from employment, education and criminal justice to housing, healthcare and hate crime, Islamophobia has a significant negative impact on the life chances and quality of life enjoyed by British Muslims.*

*To demonstrate its commitment to tackling Islamophobia in all forms, Council is asked to adopt the following definition, as proposed in the APPG Report;*

*"Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness."*

Councillor Steve Fritchley (Leader of the Council) moved the motion, adding his belief that the Council had a proud anti-prejudice tradition and this definition was in the same vein.

Councillor Duncan McGregor (Deputy Leader of the Council) seconded the motion and reserved the right to speak.

No other Members wished to speak on the motion.

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

**RESOLVED** that Council adopts the following definition of Islamophobia, as proposed in the All Party Parliamentary Group on British Muslims Report:

*"Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness."*

(Head of Paid Service/Monitoring Officer)

#### **b) Motion from Councillor Nick Clarke:**

*Bolsover District Council notes that fox hunting, deer hunting and hare hunting with dogs*

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*has been illegal under the terms of the Hunting Act 2004, except where an exemption applies.*

*Most registered hunts claim to now be trail hunting, an activity 'invented' after the ban which allows hunts to claim that any chase of a wild mammal is purely accidental rather than intentional.*

*This has been shown to be nothing more than a smokescreen in an attempt to deflect from the real truth which is that that trail hunting is in reality illegal fox hunting. If trail hunts were genuine there would be no need for the presence of terrier men who shore up Fox Earths and Badger Setts to prevent foxes going to ground. Last summer there were a series of training webinars where senior members of the hunting fraternity openly admitted how they flout the 2004 Hunting Act. This has been suspected for many years but has now been confirmed. It has been admitted by the Hunting fraternity themselves, that trail hunting where the chase of a wild mammal occurs is deliberate, pre-planned and intentional rather than accidental as they falsely claim.*

*In order to prevent any "illegal" hunting on Council owned land, Bolsover District Council will ban all trail hunting, hound exercise and hunt meets in the district of Bolsover with immediate effect.*

*This motion calls on the leader to write to hunt masters in and around the district, neighbouring districts and Derbyshire Constabulary making clear that while investigations into trail hunting are ongoing hunts will not be permitted to cross public or council controlled land or cause a nuisance on public highways within the district of Bolsover and that we will expect any such encroachments to be investigated expeditiously and prosecuted to the fullest extent.*

Councillor Nick Clarke moved the motion and spoke in further detail about the intent behind it. He stated his belief that trail hunting was often a way to cover up illegal hunts under a different name, and trail hunting only began in 2005 as way to get around the 2004 Hunting Act, so the motion was an attempt to stop illegal hunts which often ended up on Council land. He added that the motion would also build upon some of the aspects about dogs included in the Council's dog management 2020 Public Spaces Protection Order.

*(N.B. Councillor Tracey Cannon joined the meeting at this point.)*

Councillor Nick Clarke also spoke about the negative attention the motion had received from the Countryside Alliance by sending a press release to the local press (Derby Telegraph), a letter to the Leader of the Council and e-mails to all Members. Councillor Nick Clarke believed that the robustness of the response from the Countryside Alliance in the press was the group's tacit acknowledgement that the majority of the public do not support fox/deer/hare hunting. He also believed that the letter sent to the Leader of the Council was inaccurate and disingenuous because it quoted case law rendered moot by the 2004 Hunting Act, and the e-mails sent to Members claimed a scent was simply laid for hounds to track with their noses, but the fact that trail hunts crossed highways, cemeteries, public parks and private gardens (places where foxes are found) appeared to contradict this.

Councillor Nick Clarke felt that the Countryside Alliance was an unelected lobbyist group and hoped Members would not be swayed by the group's intimidatory tactics. He asked Members to bear in mind that six major private UK land owners had suspended trail



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hunting on their land since the training webinars in Summer 2020 where senior members of the hunting fraternity admitted flouting the 2004 Hunting Act, and urged Members to do the same on Council owned land by supporting the motion.

Councillor Ross Walker seconded the motion and reserved the right to speak until Members had finished their discussions.

Councillor Tom Kirkham stated he would support the motion, and spoke about how the e-mails to Members from the Countryside Alliance (mentioned by Councillor Nick Clarke) had mentioned that opposition to hunting in Bolsover District was a matter of Labour Members waging a class war. He believed that this had missed the point because Bolsover currently had a Conservative MP and combined majority of Independent/Community Independent/Conservative Councillors at Bolsover District Council. He felt that opposition to hunting in Bolsover District was more a matter of District residents being passionate about their countryside, and Council Members supporting the protection of animals as they had done in the past.

Councillor Andrew Joesbury stated he would support the motion because he felt fox hunting was barbaric, and added that he would also like to see the Leader of the Council send the letter mentioned in the motion to the Government.

Councillor Tricia Clough stated she would support the motion and read correspondence received from residents about how hounds from the Barlow Hunt trail hunt had gone through their gardens in Scarcliffe. She felt that this was a cover up of illegal hunting because the large distance between Barlow and Scarcliffe made hounds being so far out of the way for trail hunting unlikely.

Councillor Ross Walker used his right to speak as seconder of the motion by stating his belief that the letter in the motion from the Leader of the Council should be sent to the MP for Bolsover and include the fact that the Hunting Act 2004 included a loophole that Parliament needed to close, which was that it did not cover the use of dogs in the process of flushing out unidentified wild animals.

Councillor Steve Fritchley (Leader of the Council) spoke about the motion and stated that based on legal advice he had sought on how much land the Council had powers to ban trail hunting in, and the suggestions made by Councillor Andrew Joesbury and Councillor Ross Walker, he would propose an amendment to the motion which would:

(i) Send a letter capturing the sentiment of the original motion to hunt masters in and around the district, neighbouring districts, Derbyshire Constabulary, the MP for Bolsover and MPs of neighbouring areas.

(ii) Adjourn Council's debate on the original motion (and the Council's powers to ban trail hunting) until his letters had been sent.

The Monitoring Officer confirmed this amendment was viable because the Constitution stated that one of the reasons an amendment could be presented without notice was to adjourn a debate.

## AMENDMENT

In accordance with Council Procedure Rule 11.1 (Motions and Amendments Without

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Notice) Councillor Steve Fritchley moved an amendment to motion b) proposing that debate on the motion be adjourned until he had sent a letter capturing the sentiment of the original motion to hunt masters in and around the district, neighbouring districts, Derbyshire Constabulary, the MP for Bolsover and MPs of neighbouring areas. Once this had been sent, the Council's debate on the original motion and the Council's powers to ban trail hunting would be reconvened.

Councillor Duncan McGregor seconded the amended motion and stated his belief that a national view had to be taken on animal cruelty rather than one just focusing on Bolsover District.

Councillor David Dixon stated his support for the amended motion and believed that the issue had to be looked at in a national context, which is what adding MPs to the distribution targets would achieve.

Councillor Ross Walker stated he would not support the amended motion because he felt the original motion showed the Council wanted to take quick and decisive action, which would prove the Council's seriousness on the issue.

Councillor Andrew Joesbury stated he would not support the amended motion because he felt that by accepting the original motion it would set a precedent about the Council's view. He also stated that he could not understand why the original motion and the amended motion could not be carried out right now.

Councillor Peter Roberts stated he would not support the amended motion because he agreed with Councillor Andrew Joesbury's point about how there was nothing to stop Council from taking action on the original and amended motion.

Councillor Janet Tait stated she would not support the amended motion because she also agreed with Councillor Andrew Joesbury's point. She stated that both original and amended motion could be carried out now, and there appeared to be no reason why the Council could not act upon the original motion and then undertake the points in the amended motion.

Councillor Anne Clarke stated she would not support the amended motion because she believed the residents she represented wanted her and the Council to take immediate action and send a clear message about the Council's intentions.

Councillor Chris Kane stated he would support the amended motion because he did not think the powers the Council had to ban trail hunting (as stated in the original motion) amounted to anything. He felt that there were no Council owned lands that hunt activities took place on, meaning the Council had no power to ban it.

Councillor Maxine Dixon stated she would support the amended motion because she felt adjourning the debate would mean Members being able to listen to views from both sides.

Councillor David Downes stated he would not support the amended motion because he felt that even if the Council did not have land or powers to ban trail hunts, the Council could set the precedent of banning whichever trail hunts it can and then lobby Derbyshire County Council to ban it on the Bolsover District land the Council did not own. He added that an example to follow had been set by Nottinghamshire County Council, who had banned all trail hunting on land it owned.

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Councillor Tom Kirkham stated he would not support the amended version, and believed that because of the sheer number of residents that had contacted him asking to ban trail hunting, he felt the Council owed it to residents to approve the original motion now and consider correspondence afterwards.

Councillor Steve Fritchley thanked Members for their comments on his amended motion. He stated that it was not his intention to stifle debate about the issue, but he was mindful of the fact that the Council only owned 5 and a half acres of its own land, meaning that any powers the Council had would be minimal. The Monitoring Officer clarified this by advising that the Council owned no land where trail hunts actually took place.

The Chair invited the mover of the original motion (Councillor Nick Clarke) to sum up and bring an end to the debate. Councillor Nick Clarke believed that his original motion would allow the Council to take the lead on the issue of trail hunting being a cover for illegal hunting, and show the way to follow for other local authorities.

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

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

**RESOLVED** that debate on the original motion be adjourned until the Leader of the Council has sent a letter capturing the sentiment of the original motion to hunt masters in and around the district, neighbouring districts, Derbyshire Constabulary, the MP for Bolsover and MPs of neighbouring areas. Once this had been sent, the Council's debate on the original motion and the Council's powers to ban trail hunting would be reconvened.

(Head of Leader's Executive/Monitoring Officer/Governance Manager)

### **c) Motion from Councillor Nick Clarke:**

*Bolsover District Council recognises, through its carbon reduction pledges, the considerable risks from climate change to our planetary life support systems. The Council further recognises the weight of economic evidence from reputable sources, including the Bank of England and Carbon Tracker, that climate change poses a serious risk to returns on investment for pension holders. Bolsover District Council should demonstrate leadership on responsible investment and tackling climate change. The Council therefore calls on the Derbyshire Pension Fund to fully divest from all fossil fuels and to reinvest in more environmentally and socially beneficial alternatives by 2024.*

Councillor Nick Clarke moved the motion and stated his belief that the time to act on fossil fuels was right now.

Councillor Anne Clarke seconded the motion and reserved the right to speak.

Councillor Steve Fritchley (Leader of the Council) stated he would support the motion and felt it sent a message to Derbyshire Pension Fund about the view of the District and the country on the importance of carbon reduction.

Councillor David Dixon stated that he supported the aspects in the motion about carbon reduction but was concerned that asking Derbyshire Pension Fund to reduce its

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investments in fossil fuel companies could reduce pay-outs to people with pensions.

Councillor Peter Roberts stated he would support the motion and added that if multi-national asset management company BlackRock thought it was a good idea to move away from fossil fuels, he thought the Council should follow suit.

The Chair invited the mover of the original motion (Councillor Nick Clarke) to sum up and bring an end to the debate. Councillor Nick Clarke acknowledged the point by Councillor David Dixon that the impact on the pension fund would need to be considered, but he felt that there were renewable energy companies that Derbyshire Pension Fund could invest in instead. He concluded by stating that by moving money away from Derbyshire Pension Fund as soon as possible, it would encourage them to take swift action on carbon reduction.

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

**RESOLVED** that Bolsover District Council recognises, through its carbon reduction pledges, the considerable risks from climate change to our planetary life support systems. The Council further recognises the weight of economic evidence from reputable sources, including the Bank of England and Carbon Tracker, that climate change poses a serious risk to returns on investment for pension holders. Bolsover District Council should demonstrate leadership on responsible investment and tackling climate change. The Council therefore calls on the Derbyshire Pension Fund to fully divest from all fossil fuels and to reinvest in more environmentally and socially beneficial alternatives by 2024.

(Head of Paid Service)

### **CL761-20/21            MEDIUM TERM FINANCIAL PLAN 2021/22 - 2024/25**

The Portfolio Holder for Finance and Community Safety (Councillor Clive Moesby) presented the Medium Term Financial Plan 2021/22 to 2024/25 report to Members. The report provided Members with an overview of the Council's financial position, and sought to approve the proposed budget for 2021/22 for the General Fund, Housing Revenue Account and Capital Programme as part of the Council's Medium Term Financial Plan covering the years 2021/22 to 2024/25.

Councillor Ross Walker referred to the part of the General Fund Detail (Appendix 2) table titled 'G170 S106 Outdoor Sports' and asked why this had increased so much between the original budget (£0) and the revised budget (£292,695). The Section 151 Officer explained that the revised budget amount was the amount of Section 106 money that had been received and was going to be spent.

The recommendations in the report (6.1 to 6.12) were moved by Councillor Clive Moesby and seconded by Councillor Natalie Hoy.

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

For the motion – 32

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*(Councillors Adams, Bailey, Bowler, Bryson, Bullock, Cannon, A Clarke, N Clarke, Clifton, Clough, Cooper, D Dixon, M Dixon, Dooley, Downes, Fritchley, Heffer, Hoy, Joesbury, Kane, Kirkham, McGregor, Moesby, Munro, E Parkin, G Parkin, Roberts, Smyth, Turner, Walker, Watson and Wilson.)*

Against the motion – 0

Abstentions – 0

It was **RESOLVED:**

(i) That in the view of the Chief Financial Officer, that the estimates included in the Medium Term Financial Plan 2021/22 to 2024/25 are robust and that the level of financial reserves whilst at minimum levels are adequate, be accepted.

(ii) That officers report back to Executive and to the Budget Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets. These reports to include updates on achieving savings and efficiencies for 2021/22 and future years.

### GENERAL FUND

(iii) A Council Tax increase of £4.99 is levied in respect of a notional Band D property (2.75%).

(iv) The Medium Term Financial Plan in respect of the General Fund as set out in Appendix 1 of this report be approved as the Revised Budget 2020/21, as the Original Budget in respect of 2021/22, and the financial projection in respect of 2022/23 to 2024/25.

(v) That any further under spend in respect of 2020/21 is transferred to the Council's General Fund Reserves.

(vi) On the basis that income from Planning Fees may exceed £0.500m in 2020/21, the Head of Paid Service in consultation with the Leader be granted delegated powers to authorise such additional resources as are necessary to effectively manage the resultant increase in workload.

### HOUSING REVENUE ACCOUNT

(vii) That Council sets its rent levels in line with government policy, increasing rent levels by CPI (.5%) plus 1% to apply from 1 April 2021.

(viii) That the increases in respect of other charges as outlined in Appendix 3 Table 1 be implemented with effect from 1 April 2021.

(ix) The Medium Term Financial Plan in respect of the Housing Revenue Account as set out in Appendix 3 of this report be approved as the Revised Budget in respect of 2020/21, as the Original Budget in respect of 2021/22, and the financial projection in respect of 2022/23 to 2024/25.

(x) That under spends in respect of 2020/21 to 2024/25 are transferred to the HRA Revenue Reserve.

### CAPITAL PROGRAMME

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(xi) That the Capital Programme as set out in Appendix 4 be approved as the Revised Budget in respect of 2020/21, and as the Approved Programme for 2021/22 to 2024/25.

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

(Head of Paid Service/Section 151 Officer/Head of Property Services and Housing Repairs)

### CL762-20/21      TREASURY STRATEGY REPORTS 2021/22-2024/25

The Portfolio Holder for Finance and Community Safety (Councillor Clive Moesby) presented the Treasury Strategy Reports 2021/22 - 2024/25 report to Members. The report provided Members with the necessary information to approve the Authority's suite of Treasury Strategies for 2021/22 to 2024/25.

The recommendations in the report (6.1 to 6.3) were moved by Councillor Clive Moesby and seconded by Councillor David Dixon.

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

For the motion – 32

*(Councillors Adams, Bailey, Bowler, Bryson, Bullock, Cannon, A Clarke, N Clarke, Clifton, Clough, Cooper, D Dixon, M Dixon, Dooley, Downes, Fritchley, Heffer, Hoy, Joesbury, Kane, Kirkham, McGregor, Moesby, Munro, E Parkin, G Parkin, Roberts, Smyth, Turner, Walker, Watson and Wilson.)*

Against the motion – 0

Abstentions – 0

It was **RESOLVED** that Council:

(i) Approves the Treasury Management Strategy at Appendix 1 and in particular:

a) Approves the Borrowing Strategy

b) Approves the Treasury Management Investment Strategy

c) Approves the use of the external treasury management advisors Counterparty Weekly List – or similar - to determine the latest assessment of the counterparties that meet the Authority's Criteria before any investment is undertaken.

d) Approves the Prudential Indicators

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(ii) Approves the Capital Strategy as set out in Appendix 2 and in particular:

a) Approves the Capital Financing Requirement

b) Approves the Minimum Revenue Provision Statement for 2021/22

c) Approves the Prudential Indicators for 2021/22 detailed in the Capital Strategy, in particular:

1. Authorised Borrowing Limit £136,518,022

2. Operational Boundary £131,518,022

3. Capital Financing Requirement £117,518,022

(iii) Approves the Corporate Investment Strategy as set out in Appendix 3.

(Section 151 Officer)

### **CL763-20/21      PROPORTIONALITY      AND      CHANGES      TO      COMMITTEE ALLOCATIONS**

The Leader of the Council (Councillor Steve Fritchley) spoke on the report and proposed to leave the Committee membership allocations as they were, because the new political balance variable did not make an appreciable difference to the Committee memberships and Council might as well wait until the Annual Council in May 2021.

The proposal was seconded by Councillor Deborah Watson.

The Chair asked the Monitoring Officer to clarify if changing the memberships of Committees every time the political balance changed was a legal requirement. The Monitoring Officer advised that the legislation in question stated that Members had to consider changing the memberships but did not have to approve it, with the one condition that no Members vote against maintaining the memberships.

The Chair asked Members to vote on the moved and seconded proposal to maintain the current Committee memberships until Annual Council in May 2021. Members voted unanimously in favour of the proposal.

It was **RESOLVED** that Council maintains the current Committee memberships until Annual Council in May 2021.

(Governance Manager)

### **CL764-20/21      ANNUAL AUDIT LETTER 2019/20**

The Portfolio Holder for Finance and Community Safety (Councillor Clive Moesby) presented the Annual Audit Letter 2019/20 report to Members. The report asked Members to consider and note the report (Appendix 1) from the Council's External Auditor Mazars.

## **COUNCIL**

The recommendation in the report was moved by Councillor Clive Moesby and seconded by Councillor Ray Heffer.

It was **RESOLVED** that Council considers and notes the report from the Council's External Auditor Mazars.

(Section 151 Officer/Internal Audit Manager)

### **CL765-20/21      CHAIRMAN'S CLOSING REMARKS**

The Chair thanked all Council officers for their hard work during the COVID-9 pandemic.

Councillor Ross Walker thanked officers dealing with grants to local businesses, because he had been contacted by a number of local businesses who had praised the grant scheme.

Councillor Natalie Hoy asked if it would be possible for Council to agree to send a letter to English Heritage to turn Bolsover Castle blue in tribute to the late Captain Sir Thomas Moore. The Leader of the Council (Councillor Steve Fritchley) asked that she speak to him about arranging this after the meeting.

The meeting concluded at 11:27 hours.



## Bolsover District Council

### Council

3 March 2021

<b>Level of Council Tax 2021/22</b>
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### Report of the Head of Service - Finance and Resources

This report is public

#### Purpose of the Report

- The Localism Act 2011 requires the billing authority to calculate a Council Tax requirement for the year.
- The approved demand on the Collection Fund for this Council should be **£4,103,006**. The Council has now received all of the Parish Precept demands which total **£3,294,344** which together mean the total demand on the Collection Fund in 2021/22 will be **£7,397,350**.
- In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority and parish councils will also need to be taken into account.
- The Council has now received all the relevant precept demands from the other local authorities that precept upon this Council as the billing authority for Council Tax.
- It should be noted that this report will be subject to a recorded vote.

#### **1** Report Details

1.1 It should be noted that the Chief Financial Officer has calculated the following amounts as the Council Tax Base for the year 2021/22.

- **22,026.33** being the amount calculated by the Council, in accordance with section 31B of the Local Government Finance Act 1992, as amended.
- The following being the amounts calculated by the Council, in accordance with regulation 6 of the Regulations, as the amounts of its Council Tax Base for the year for dwellings in those parts of its area to which special items relate.

Parish	Parish Tax Base
Ault Hucknall	386.46
Barlborough	1,086.53
Blackwell	1,229.73
Clowne	2,494.25
Elmton	1,522.11
Glapwell	472.00
Hodthorpe	189.65
Langwith	836.93
Old Bolsover	3,291.32
Pinxton	1,540.75
Pleasley	772.93
Scarcliffe	540.37
Shirebrook	2,431.96
South Normanton	2,908.95
Tibshelf	1,231.11
Whitwell	1,091.28
<b>Total</b>	<b>22,026.33</b>

- 1.2 Calculate the Council Tax requirement for the Council's own purposes for 2021/22 (excluding Parish Precepts) is **£4,103,006**.
- 1.3 That the following amounts be now calculated by the Council for 2021/22 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992 (as amended):
- a) **£36,030,008** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils (Note – this is the District Council's Gross Expenditure including Parish Precepts).
  - b) **£28,632,658** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (Note – this is the District Council's Gross Income).
  - c) **£7,397,350** being the amount by which the aggregate at 1.3(a) above exceeds the aggregate at 1.3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. (Note: - this sum is the total of the District's requirements of **£4,103,006** plus the total parish precepts of **£3,294,344**).
  - d) **£335.84** being the amount at 1.3(c) above divided by item 1.1 calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (Note – this is a calculated average for the District Council and the Parish precepts).

- e) **£3,294,344** being the aggregate amount of all special items referred to in Section 34(1) of the Act (as per 1.3c) (Note – this is the total Parish Precepts amounts that will be raised through Council Tax).
- f) **£186.28** being the amount at 1.3(d) above less the result given by dividing the amount at 1.3(e) by the amount at 1.1, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates (Note – this is the District Council Band D charge for Council Tax for 2021/22).
- g) Part of the Council's Area

The following being the amounts calculated by adding the amount at 1.3(f) to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned in 1.3(d) divided in each case by the amount at 1.1(b). Calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate (Note – this is the sum of the District Council Band D and the individual Parish Band D).

<b>Parish</b>	<b>Council Tax at Band D £</b>
Ault Hucknall	289.78
Barlborough	280.16
Blackwell	308.26
Clowne	328.71
Elmton	337.29
Glapwell	326.38
Hodthorpe	354.83
Langwith	363.12
Old Bolsover	317.30
Pinxton	351.00
Pleasley	282.12
Scarcliffe	334.48
Shirebrook	447.39
South Normanton	294.57
Tibshelf	316.50
Whitwell	389.38

- h) being the amounts given by multiplying the amounts at 1.3.(f) and 1.3(g) by the number which in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in the different valuation bands  
(Note – this is the same as above but shown over all Valuation Bands).

Part of the Council's Area	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Ault Hucknall	193.18	225.38	257.58	289.78	354.17	418.57	482.96	579.55
Barlborough	186.77	217.90	249.03	280.16	342.41	404.67	466.93	560.31
Blackwell	205.50	239.76	274.01	308.26	376.76	445.26	513.76	616.51
Clowne	219.14	255.66	292.18	328.71	401.75	474.80	547.85	657.41
Elmton	224.86	262.33	299.81	337.29	412.24	487.19	562.15	674.57
Glapwell	217.58	253.85	290.11	326.38	398.91	471.43	543.96	652.75
Hodthorpe	236.55	275.98	315.40	354.83	433.68	512.53	591.38	709.65
Langwith	242.08	282.42	322.77	363.12	443.81	524.50	605.20	726.23
Old Bolsover	211.53	246.79	282.04	317.30	387.81	458.32	528.83	634.59
Pinxton	234.00	273.00	312.00	351.00	429.00	507.00	585.00	701.99
Pleasley	188.08	219.42	250.77	282.12	344.81	407.50	470.20	564.23
Scarcliffe	222.98	260.15	297.31	334.48	408.81	483.13	557.46	668.95
Shirebrook	298.26	347.97	397.68	447.39	546.81	646.23	745.65	894.77
South Normanton	196.38	229.11	261.84	294.57	360.03	425.49	490.95	589.13
Tibshelf	211.00	246.16	281.33	316.50	386.83	457.16	527.50	632.99
Whitwell	259.58	302.85	346.11	389.38	475.91	562.43	648.96	778.75

1.4 That it be noted that for the year 2021/22 Derbyshire County Council, the Police and Crime Commissioner for Derbyshire and the Derbyshire Fire and Rescue have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Act 1992 for each of the categories of dwellings shown in the following table:

Precepting	Valuation Bands							
	A £	B £	C £	D £	E £	F £	G £	H £
Derbyshire County Council	831.83	970.46	1,109.11	1,247.74	1,525.02	1,802.29	2,079.57	2,495.48
DCC - Adult Social Care	90.22	105.26	120.29	135.33	165.40	195.48	225.55	270.66
Police + Crime Commissioner	161.07	187.91	214.76	241.60	295.29	348.98	402.67	483.20
Fire + Rescue Service	52.85	61.65	70.46	79.27	96.89	114.50	132.12	158.54
	1,135.97	1,325.28	1,514.62	1,703.94	2,082.60	2,461.25	2,839.91	3,407.88

1.5 That, having calculated the aggregate in each case of the amounts at 1.3(h) and 1.4, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2021/22 for each of the categories of dwellings (Note – this is the total charge for 2021/22 i.e. when all the individual precepts are added together.)

Part of the Council's Area	Valuation							
	A £	B £	C £	D £	E £	F £	G £	H £
Ault Hucknall	1,329.15	1,550.66	1,772.20	1,993.72	2,436.77	2,879.82	3,322.87	3,987.43
Barlborough	1,322.74	1,543.18	1,763.65	1,984.10	2,425.01	2,865.92	3,306.84	3,968.19
Blackwell	1,341.47	1,565.04	1,788.63	2,012.20	2,459.36	2,906.51	3,353.67	4,024.39
Clowne	1,355.11	1,580.94	1,806.80	2,032.65	2,484.35	2,936.05	3,387.76	4,065.29
Elmton	1,360.83	1,587.61	1,814.43	2,041.23	2,494.84	2,948.44	3,402.06	4,082.45
Glapwell	1,353.55	1,579.13	1,804.73	2,030.32	2,481.51	2,932.68	3,383.87	4,060.63
Hodthorpe	1,372.52	1,601.26	1,830.02	2,058.77	2,516.28	2,973.78	3,431.29	4,117.53
Langwith	1,378.05	1,607.70	1,837.39	2,067.06	2,526.41	2,985.75	3,445.11	4,134.11
Old Bolsover	1,347.50	1,572.07	1,796.66	2,021.24	2,470.41	2,919.57	3,368.74	4,042.47
Pinxton	1,369.97	1,598.28	1,826.62	2,054.94	2,511.60	2,968.25	3,424.91	4,109.87
Pleasley	1,324.05	1,544.70	1,765.39	1,986.06	2,427.41	2,868.75	3,310.11	3,972.11
Scarcliffe	1,358.95	1,585.43	1,811.93	2,038.42	2,491.41	2,944.38	3,397.37	4,076.83
Shirebrook	1,434.23	1,673.25	1,912.30	2,151.33	2,629.41	3,107.48	3,585.56	4,302.65
South Normanton	1,332.35	1,554.39	1,776.46	1,998.51	2,442.63	2,886.74	3,330.86	3,997.01
Tibshelf	1,346.97	1,571.44	1,795.95	2,020.44	2,469.43	2,918.41	3,367.41	4,040.87
Whitwell	1,395.55	1,628.13	1,860.73	2,093.32	2,558.51	3,023.68	3,488.87	4,186.63

1.6 That the persons named below are hereby authorised in accordance with Section 223 of the Local Government Act 1972 to:

- a Collect and recover any Council Tax due to the Council.
- b Prosecute and appear on behalf of the Council at the hearing of any legal proceedings by way of an application for the issue of a liability order or warrant for the issue of a liability order or warrant of commitment in respect of unpaid Council Tax.
- c Collect and recover any Community Charges and National Non-Domestic Rates due to the Council.
- d Prosecute and appear on behalf of the Council at the hearing of any legal proceedings by way of an application for the issue of a liability order or warrant of commitment in respect of unpaid National-Non Domestic Rates.
- e Prosecute and appear on behalf of the Council at the hearing of any legal proceedings by way of an application for the issue of a distress warrant of commitment in respect of unpaid rates of Section 97, 102 and 103 respectively of the General Rates Act 1967.

Mrs M Whetton Benefits Manager

Mrs J Lyons Senior Court Officer

Mrs V J Warhurst Senior Recovery Officer

Given that the officers performing this role may change during the course of the financial year it is recommended that delegated powers be granted to the Council's Chief Financial Officer to authorise amendments to the above list should this prove necessary.

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

- 2.1 This report set out for approval by Council the precepts of the relevant public authorities operating in the area of Bolsover District Council in order for Council to agree the Council Tax liability for local residents in respect of 2021/22.

## **3 Consultation and Equality Impact**

- 3.1 There are no consultation and equality impact implications from this report.

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

- 4.1 The Council is legally obliged to approve the council tax for the financial year 2021/22.

## **5 Implications**

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

Bolsover District Council administers the Collection Fund for all of the precepting authorities operating within the area of Bolsover. In order to pay the amounts requested by the various precepting authorities – including Bolsover District Council – it is necessary to set a Council Tax which raises sufficient funding to ensure that the Collection Fund can meet the financial demands placed upon it.

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

The Council is legally required to set a council tax for its area.

### **5.3 Human Resources Implications**

There are no human resource issues arising directly out of this report

## **6 Recommendations**

- 6.1 That, Council formally approves the Council Tax for the Financial Year 2021/22 as set out in this report.
- 6.2 The 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.

## 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:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	<p>Yes</p>
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	<p>Yes</p>
<p><b>District Wards Affected</b></p>	<p>All</p>
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	<p><b>Excellent Services, High Performance and ensure value for money</b></p> <p><b>Ensure the Council is efficient and fit to meet future challenges</b></p>

## 8 Document Information

Appendix No	Title
None	
<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>	
<p>Local Government Finance Act 1992</p> <p>Localism Act 2011</p> <p>Estimate Working Papers</p>	
Report Author	Contact Number
Head of Finance and Resources	2458

**Bolsover District Council**

**Council**

**3 March 2021**

**REVIEW OF THE COUNCIL'S CONSTITUTION**

**Report of the Monitoring Officer**

**Classification:** This report is public

**Report By:** Sarah Sternberg, Monitoring Officer

**Contact Officer:** Nicola Calver, Governance Manager – 01246 217753  
nicola.calver@ne-derbyshire.gov.uk

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**PURPOSE / SUMMARY**

To consider proposed amendments to the Council's Constitution for adoption as part of the annual review conducted during the 2019/20 Municipal Year.

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**RECOMMENDATIONS**

1. That the amendments to the Constitution detailed in Appendix 1 and set out in Appendix 2 be approved; and
2. That delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administrative errors or conflicts in interpretation and this be incorporated in to the Delegation Scheme.

Approved by the Portfolio Holder – Corporate Governance

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**IMPLICATIONS**

**Finance and Risk:** Yes  No

**Details:**

On Behalf of the Section 151 Officer



**Legal (including Data Protection):** Yes  No

**Details:**

The Council is required under the Localism Act 2011, to prepare and keep up-to-date, a Constitution that contains its Standing Orders, Code of Conduct, such other information that the Secretary of State may direct and such other information that the Authority considers appropriate.

On Behalf of the Solicitor to the Council

**Staffing:** Yes  No

**Details:**

On behalf of the Head of Paid Service

## DECISION INFORMATION

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><b>BDC:</b> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/></p> <p><b>NEDDC:</b> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></p> <p><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>District Wards Significantly Affected</b></p>	None
<p><b>Consultation:</b> Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Yes  Details: Standards Committee

**Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.**

Our **Customers** by providing excellent and accessible services – Corporate Governance is also a legal requirement

## REPORT DETAILS

### 1 Background

- 1.1 The Constitution is the Council's 'rulebook'. It sets out how the Council operates and how it makes decisions. Council approved the latest version of the Constitution at the Annual Council meeting in May 2019.
- 1.2 The Council is required by law to prepare and keep up to date a Constitution, which explains how the Council operates, how decisions are made and the procedures which are to be followed to ensure that these are efficient, transparent and accountable to local people.
- 1.3 Article 1 of the Constitution stipulates that the Monitoring Officer must monitor and review how the Constitution is working to make sure it gives full effect to its purpose.
- 1.4 One of the functions of Standards Committee is to undertake an annual review of the Constitution to ensure it is up to date and in line with legislation and current circumstances.
- 1.5 The Review of the Constitution is normally brought Annually to Council. However, it has been determined that Members may wish to see this year's changes in two parts – the first being this report detailing changes suggested but not agreed by Council during the 2019/20 Municipal Year. A second report will be brought to the Annual Meeting in May detailing changes suggested during the 2020/21 Municipal Year.

### 2. Details of Proposal or Information

- 2.1 The Standards Committee and the Constitution Working Group (*the Constitution Working Group is comprised of the complete membership of Standards Committee*) considered and supported the amendments proposed in the review of the Constitution at its meetings held during the 2019/20 Municipal Year. The following areas of the Constitution and related procedures have been reviewed;

<b>1<sup>st</sup> July 2019</b>	<b>Proper Officer Provisions</b>	
	Joint Employment Committee and Joint Appeals Committee	
	Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders	
<b>23<sup>rd</sup> September 2019</b>	<b>Standards Committee Terms of Reference</b>	

	Joint Employment and Appeals Committee	Option 1 preferred – approved at Council on 13 <sup>th</sup> November 2019
	Questions and Motions	
	Membership of Budget Scrutiny Committee	
24 <sup>th</sup> February 2020	Delegation Scheme authority to implement legal changes	
	Reserves – approval of Transformation Reserve – Delegation	
	Reserves – approval of expenditure from Reserves by Executive	
	Time limits for Questions and Motions to Council.	
	Budget and Policy Framework/Financial Regulations conflict	
	Small increases in expenditure and effect on the Council's Budget	
	Council Procedure Rules Rule 8 Questions by the public	
	Access to Information – Member attendance during exempt items of Executive	

- 2.2 Each of the areas of review, other than housekeeping changes, have been set out in detail, including the rationale for the amendments proposed, in **Appendix 1**.
- 2.3 All of the amendments have been provided (where necessary) as tracked changes documents in **Appendix 2**.
- 2.4 'Housekeeping' amendments to the Constitution will be made following approval. These changes include formatting, numbering, and updating of job titles where applicable.

### **3 Reasons for Recommendation**

- 3.1 The Standards Committee have carried out the review supported by the Monitoring Officer, Deputy Monitoring Officer and the Governance Manager with a particular focus on certain areas of the Constitution that required attention. These areas have been thoroughly discussed and the amendments proposed are recommended to Council for approval.
- 3.2 It is required by law to keep an up to date Constitution. Part of the role of the Standards Committee is to review the document on a regular basis and make recommendations to Council as necessary

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

- 4.1 The Council may make other amendments or reject the amendments proposed as part of this review. However, the rationale for each proposal has been to ensure the Council's procedures comply with the law, are in line with best practice and are practical and up-to-date, as well as in accordance with other decisions taken by the Council. No alternative options are therefore proposed.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1 2	Summary of Amendments to the Constitution Tracked Changes to the Constitution (can be viewed <a href="#">here</a> )
<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)	

Presented to 1<sup>st</sup> July 2019 Standards Committee

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Proper Officer Provisions	<p>During review of this area of the Constitution it was found that a number of the regulations specified under Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 relating to proper officer provisions were not titled correctly and that several of the regulations that have 'proper officer' provisions were not included within the list detailed at pages 170 - 175.</p> <p>This section has been amended as set out in <b>Appendix 2</b> in line with the legislation.</p>	<p>Pages 170 – 175 Part 4* – Scheme of Delegation Proper officer Provisions <i>*040920 (now Part 3.1)</i></p>
Joint Employment Committee and Joint Appeals Committee	<p>ALREADY APPROVED BY COUNCIL</p> <p>The changes proposed suggest for the JEC and the JAC become one Committee entitled the Joint Employment and Appeals Committee (JEAC). The JEAC would sit as an 8 member Committee to deal with appointments of SAMT members.</p> <p>The rational for the change is that, in the current arrangements, any appeal against a decision by the JEC would be made to the JAC. The JAC's membership also comprises both Council Leaders and Deputies and the Leader of the principal opposition in each Council. An appeal cannot be heard by the same Members that heard the original disciplinary or capability case so revised arrangements are required.</p>	<p>Pages 61 and 62 Part 3 Responsibility for Functions</p> <p>Scheme of Delegation Page 164 CX Delegation 28</p>

	<p>The terms of reference as amended are set out as part of Appendix 3.</p> <p>Further, amendment to the Scheme of Delegation to officers is also proposed to enable dismissal decisions regarding members of SAMT to be made by the Chief Executive Officer, or the Strategic Directors in his absence. The would amend paragraph 10.28 (ii) as follows:</p> <p style="text-align: center;"><i>To determine all staffing matters including but not limited to:</i></p> <p style="text-align: center;">...</p> <p style="text-align: center;">(ii) <i>the appointment, dismissal, suspension, or discipline of staff, save that in relation to the Chief Executive Officer, Strategic Directors and Heads of Service, this does not include the appointment and, <b>in the case of statutory officers, their dismissal.</b></i></p> <p>This has the effect of removing the power to dismiss statutory officers only from the delegation, leaving all other dismissal decisions within the scope of the power.</p>	
<p>Budget and Policy Framework Rules – Inclusion of informing Portfolio Holders</p>	<p>A request has been made for the relevant Portfolio Holder to be informed in the following circumstances:</p> <p><i>Virements</i></p> <p><i>4.3.6 - Once a budget has been approved, Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets <b>AND REQUIRED TO INFORM THE RELEVANT PORTFOLIO HOLDER WHEN THE VIREMENT IS IN EXCESS OF £25,000.</b> Virements from salary related budgets can only be utilised for the use of agency and consultancy work necessary to maintain agreed service levels.</i></p>	<p>Part 4 Budget and Policy Framework (pages 103 and 104 in current version)</p>

	<i>Managers within the Accountancy Section shall be entitled to vire budgets for housekeeping purposes within each service area.</i>	
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Presented to 23<sup>rd</sup> September 2019 Standards Committee

Area of Review	Proposal and Rationale	Sections of the Constitution to be revised
Standards Committee Terms of Reference	<p>In response to Standards Committee’s consideration of the recent Scrutiny Review and the Parliamentary Committee’s Review in to Standards in Public Life, a revised Terms of Reference (TOR) is presented for consideration at <b>Appendix 2</b>.</p> <p>The tracked changes in the attached document consider revisions including:</p> <ul style="list-style-type: none"> <li>• Inviting Parish Council representatives to sit on the Committee, without voting rights, as a means to improve transparency, impartiality, and involve the district in Standards matters.</li> <li>• Having an oversight, not only of Member Training on Code of Conduct matters, but of Member attendance at the training.</li> <li>• Reviewing Member attendance at Committee Meetings on behalf of the Authority.</li> <li>• Placing an emphasis on the public face of Standards within Bolsover, by review of the website content, and consideration of training for Parish Councils and promotion of understanding of the code of conduct within the district.</li> <li>• Retaining an independent Chair of the meeting.</li> </ul>	Article 9 and the TOR contained within Part 3.

	<p>The Standards Committee resolved to add to the proposed changes that parish council representatives who are invited to sit on the Standards Committee not be parish councillors who were also District Councillors.</p> <p>The Committee also resolved to undertake a review on of Independent Persons' Terms of Office at a later date.</p>	
Joint Employment and Appeals Committee	<p><b>ALREADY APPROVED BY COUNCIL</b></p> <p>The Standards Committee recommended that the following wording be added to the JEAC Terms of Reference for Bolsover only posts;</p> <p><i>Where the Authority determines to recruit to a Head of Service or a Director post outside the Strategic Alliance or determines to take any disciplinary action in relation to such as post the Member Panel will be called the Employment and Appeals Committee and will comprise:-</i></p> <p><i>The 4 Members of the JEAC and;</i></p> <p><i>Where there are 2 "Leaders of the Opposition" of groups of equal size, both Leaders of the Opposition will be Members of the Employment and Appeals Committee increasing the size of the Committee to 5.</i></p>	Pages 61 and 62 Part 3 Responsibility for Functions
Questions and Motions	<p>The main issues to consider with regards to these rules revolves around the number of questions and motions were are allowed and the overall time for consideration of questions and motions. In addition, whether they should be dealt with in the order of receipt, to access the provision of urgency and to be satisfied that the scope and reasons for rejection are fit for purpose.</p> <p>Standards Committee recommended that no change be made to:</p>	Council Procedure Rules at Part 4



	<p>Council Procedure Rule 9 – Questions by Councillors</p> <p>Council Procedure Rule 10 – Motions on Notice</p> <p>Standards Committee recommended that the following amendments to Council Procedure Rule 8 – Questions by the public be recommended to Council for adoption:</p> <ul style="list-style-type: none"> <li>• To allow any member of the public to ask a question as long as it meets the scope</li> <li>• To extent the time allowed for questions by the public to 30 minutes</li> <li>• To amend the scope for questions so as to allow questions to be rejected where they relate to either an ongoing complaint being dealt with either by Council or the Local Government Ombudsman</li> </ul>	
<p>Membership of Budget Scrutiny Committee</p>	<p>Standards Committee considered this however no changes are recommended to be made to Scrutiny Procedure Rules at 4.5.1(2).</p>	<p>Scrutiny Procedure Rules at 4.5.1(2) page 135.</p>

**Bolsover**

<b>Area of Review</b>	<b>Proposal and Rationale</b>	<b>Sections of the Constitution to be revised</b>
<p>Delegation Scheme authority to implement legal changes</p>	<p>From time to time, there are changes in legislation, government guidance or other regulatory changes that impact on Council policies. Currently, all such changes must be brought to Executive or Council for approval (depending on the nature of the policy) even though in the vast majority of these cases, there is no discretion for Members and the amendments must be accepted.</p> <p>This can prove difficult where changes must be implemented within a short timescale and cannot practically be reported to Members in time. It is therefore proposed that the power to make amendments to policies be delegated to Directors and Heads of Services in the Delegation Scheme.</p> <p>Where there is any discretionary element to the changes or the impact of the changes in legislation etc. are significant, these can still be reported to Members.</p> <p>The proposed wording of the delegation is:</p> <p><b>To make non-substantive amendments to Council policy, subject to consultation with the Monitoring Officer, in order to:</b></p> <ul style="list-style-type: none"> <li><b>i) reflect changes in the law, government or regulators' guidance, and other Council policies; or</b></li> <li><b>ii) correct obvious, technical or clerical errors and to take account of changes of any names or titles.</b></li> </ul>	<p>Part 3 – Functions Scheme Scheme of Delegation to Officers</p> <p>4.10.9 General powers delegated to all Strategic Directors and Heads of Service - page 83 of the current version.</p>

<p>Reserves – approval of Transformation Reserve - Delegation</p>	<p>At the present time there is a specific delegation to the Section 151 Officer to approve expenditure from this Reserve. This was agreed so that expenditure from the Reserve could be properly monitored and recorded but also so that relatively minor expenditure as part of the Transformation Programme would not be delayed by the need for a formal Executive decision.</p> <p>However it is not necessary for the delegatee to be the Section 151 Officer. The Section 151 Officer needs to be aware of expenditure from this Reserve and we need to make sure the system so informs her. However the actual decisions come through the governance structure set up to deal with Transformation Programme projects. It would be the Transformation Governance Group (TGG) (which includes the Leader and other Members) that would decide to progress a project not the Section 151 Officer.</p> <p>This can be achieved by amending the delegation and transferring the delegation to the Director of People with an additional requirement that the Section 151 Officer not only has to see the proposal but initials the Delegated Decision form (DD form) to evidence that she has been consulted.</p>	<p>Delegation Scheme – 4.10.13 Head of Finance and Resources and Section 151 Officer number (10).</p> <p>This delegation to move to the Director of People <b>(which is now the Director of Corporate Resources)</b></p> <p>Delegated Decisions relating to Transformation Projects to be initialled by the Section 151 Officer to evidence that she has seen them.</p> <p>The Budget and Policy Framework Rules number 4.3.6 (2) needs amending to refer to the Director of People.</p>
<p>Reserves – approval of expenditure from Reserves by Executive</p>	<p>It has always been the case that expenditure from Reserves are agreed by the Executive/Cabinet in a formal decision. This used to be in the Constitution but for some reason was removed.</p> <p>There needs to be a decision route for expenditure from the Reserves – for openness and transparency reasons. It is suggested therefore that this is put back into the Constitution to make the position clear.</p>	<p>Executive functions in Part 3 of the Constitution includes at point (8) the provision of such resources as may be needed for the proper operation of the Council. This could be amended as follows, with changes being shown in bold:-</p>

		(8) The provision of such resources ( <b>including expenditure from Reserves</b> ) as may be necessary for the proper operation of the Council provided the resources are within the Budget and Policy Framework.																
Time limits for Questions and Motions to Council.	<p>Currently, the deadline for all of these is midday 7 clear working days before the day of the meeting. This gives very little preparation time for those who have to answer the questions or those who want to participate in the motion debate.</p> <p>Accordingly it is being suggested that the deadline is extended. The suggestion is that the deadline could be extended by either 5 working days or 10 working days. This would operate as follows in terms of the February, March and April Council meetings:-</p> <table border="1" data-bbox="654 1042 1453 1305"> <tr> <td>17 clear days</td> <td>24/1/20</td> <td>7/2/20</td> <td>25/3/20</td> </tr> <tr> <td>12 clear days</td> <td>31/1/20</td> <td>14/2/20</td> <td>1/4/20</td> </tr> <tr> <td>Current deadline of 7 clear days.</td> <td>7/2/20</td> <td>21/2/20</td> <td>8/4/20</td> </tr> <tr> <td>Agenda Despatch</td> <td>11/2/20</td> <td>25/2/20</td> <td>14/4/20</td> </tr> </table>	17 clear days	24/1/20	7/2/20	25/3/20	12 clear days	31/1/20	14/2/20	1/4/20	Current deadline of 7 clear days.	7/2/20	21/2/20	8/4/20	Agenda Despatch	11/2/20	25/2/20	14/4/20	<p>If Members wish to change the deadlines this would mean an alteration 9.3 and 10.1 of the Council Procedure Rules (CPR) and the addition of the following:-</p> <p>9.3 (c) details of questions submitted by Councillors on notice will be circulated to Cabinet immediately after the deadline has passed.</p> <p>And add to the end of 10.1:-</p> <p>Details of motions submitted by Councillors on notice will be circulated to the Cabinet immediately after the deadline has passed.</p>
17 clear days	24/1/20	7/2/20	25/3/20															
12 clear days	31/1/20	14/2/20	1/4/20															
Current deadline of 7 clear days.	7/2/20	21/2/20	8/4/20															
Agenda Despatch	11/2/20	25/2/20	14/4/20															

	<table border="1" data-bbox="656 193 1456 268"> <tr> <td data-bbox="656 193 891 268">Council Meeting</td> <td data-bbox="891 193 1059 268">19/2/20</td> <td data-bbox="1059 193 1267 268">4/3/20</td> <td data-bbox="1267 193 1456 268">22/4/20*</td> </tr> </table> <p data-bbox="656 308 943 341">*Affected by Easter</p> <p data-bbox="656 384 1641 523">The table shows what extending the deadline by 5 and 10 clear days does to timescales. This would be accompanied by a change requiring the distribution of questions and motions to members to occur immediately after the deadline for submission.</p> <p data-bbox="656 566 1637 671">Standards Committee recommends that the deadline for questions and motions to Council be changed to midday, 12 clear working days before the day of the meeting.</p>	Council Meeting	19/2/20	4/3/20	22/4/20*	
Council Meeting	19/2/20	4/3/20	22/4/20*			
Budget and Policy Framework/Financial Regulations conflict	<p data-bbox="656 719 1659 858">Following a recent audit report it has been noticed that the Budget and Policy Framework Rules conflict with the Financial Regulations on the issue of virements. The Budget and Policy Framework Rules as amended last year state at 4.3.6 (1) on page 129:</p> <p data-bbox="656 901 1637 1040">Executive or budget managers shall be entitled to vire across budget heads within the budget framework with the exception of salary related budgets and required to inform the relevant Portfolio Holder when the virements is in excess of £25,000.</p> <p data-bbox="656 1083 1525 1117">Financial Regulations state at 4.7.2 (7) on page 146 state:-</p> <p data-bbox="656 1160 1659 1265">Strategic Alliance Management Team (SAMT) and Heads of Service have the authority to transfer savings from one budget area towards additional expenditure in another budget area.</p>	<p data-bbox="1693 719 2119 785">Add to Financial Regulations state at 4.7.2 (7):-</p> <p data-bbox="1693 828 2051 1005">The SAMT member is required to inform the relevant Portfolio Holder when the virement is in excess of £25,000.</p> <p data-bbox="1693 1048 2096 1153">A reminder should be given via SAMT and the Service Managers Forum.</p>				

	Clearly the 2 need aligning. The reference to the Portfolio Holder was added last year following the annual review.	
Small increases in expenditure and effect on the Council's Budget	<p>From time to time changes are made to the way services are provided to make them better. Sometimes this has no cost. If the cost is significant, then a report is taken to Executive. Sometimes however, the cost increase is very small. As the rules stand at the moment, even a small increase in budget requires formal member approval. So Executive could be considering a report that involves a very small increase.</p> <p>It is felt that these decisions would be better done by Delegated Decision. This would ensure transparency (a formal decision is recorded) whilst still involving members (the Leader and/or Deputy Leader and/or Portfolio Holder have to be consulted on every delegated decision) but give a faster route and avoiding Executive dealing with minor increases.</p> <p>Clearly the section 151 Officer needs to be able to exercise control over this and stop costs spiralling out of control. It is therefore suggested that a new delegation is given to the section 151 officer.</p>	<p>Delegation Scheme 4.10.13 New (11) To authorise small increases in individual budgets of up to £10,000 per budget per year on one occasion in any financial year subject to a delegated decision notice (DD) being produced.</p>
<p>Council Procedure Rules</p> <p>Rule 8 Questions by the public</p>	<p>A review of our neighbouring authorities has shown that they all allow <b>any</b> member of the public to ask questions at council so long as they meet the scope.</p> <p>Bolsover District Council restricts whom may ask questions as "<i>Members of the public who are on the Register of Electors for or who are Non Domestic Rate Payers to the district</i>".</p>	<p>Part 4 Council Procedure Rules</p> <p>8 – Questions by the Public</p> <p>8.1 General - page 103 of the current version.</p>

	<p>Concern was raised that some whom have a connection to the district may not qualify to ask a question under this current regime and consideration was given to whether this should be extended to include those who have a “Local Connection” to the district.</p> <p>For the purposes of Housing the Housing Act 1996 defines that a person has a local connection to a district if</p> <ol style="list-style-type: none"> <li>1. <i>(a) they are, or were in the past, normally resident there, and that residence was of their own choice; or,</i></li> <li>2. <i>(b) they are employed there; or,</i></li> <li>3. <i>(c) they have family associations living there; or,</i></li> <li>4. <i>(d) of any special circumstances.</i></li> </ol> <p>The committee could accept that anyone can ask a question as the current scope limits this to a matter which is one the Council “<i>has a responsibility or which affects the district.</i>” This restriction would ensure that whomever asked a question could only do so if it genuinely affected the district.</p> <p>The proposed wording of the amended rule 8.1 (a) is</p> <p><b>Members of the public who are on the Register of Electors for Bolsover District Council, or who are Non Domestic Rate Payers to District, may ask questions of members of the Executive at ordinary meetings of the Council.</b></p>	
Access to Information – Member attendance during exempt items of Executive	The Council Procedure Rules make provision, at rule 25.3 for Members who are not appointed to the relevant Committee or Sub-Committee to remain in a meeting of that Committee or Sub-Committee during the	Part Four - Council Procedure Rules, Section 25.3

	<p>private session considering exempt items, unless the Committee or Sub-Committee ask them to leave.</p> <p>This rule has in practice been applied to Executive, although technically this is not a Committee. It is therefore proposed in the interests of clarity, that the term Executive be added to the wording of this rule.</p>	
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## **Bolsover District Council**

### **Council**

**3 March 2021**

## **Annual Pay Policy Statement 2021/22**

### **Report of the Deputy Leader and Portfolio Holder - Corporate Governance**

This report is public

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

- For the following policy to be brought to Council for consideration:
  - Annual Pay Policy Statement 2021/22

#### **1 Report Details**

- 1.1 The pay policy statement sets out the Council's policy on pay for senior managers and employees and is in accordance with the requirements of Section 38 of the Localism Act 2011 and Supplementary Guidance 2013.
- 1.2 The Pay Policy Statement is brought to full Council on an annual basis.
- 1.3 Any amendments to the policy statement, other than minor updates to reflect the 2021/21 pay agreement will require the approval of Full Council. The Annual Pay Policy Statement for 2021/22 reflects the current position based on decisions previously taken at Full Council.
- 1.4 Under the Local Government Transparency Code 2015 additional organisational information is required to be published annually on the website. This consists of third tier organisation charts, senior salaries information, including functional responsibilities, budget amounts and numbers of staff responsible for, together with details of trade union facility time
- 1.5 Please find attached the Annual Pay Policy Statement 2021/22 for consideration at Appendix One.

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

- 2.1 Agreement to the Annual Pay Policy Statement fulfils both legal and best practice guidance for employers. It also reflects decisions previously approved at Full Council.

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

- 3.1 There are no equality implications arising from the implementation of the policy. The policy supports corporate equality and diversity aims.
- 3.2 The policy is being submitted to Council for consultation purposes.

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

- 4.1 The alternative option is not to have the Annual Pay Policy Statement which has been rejected on the grounds of risk to the Council of failing to fulfil legal obligations and best practice.

### **5 Implications**

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

- 5.1.1 The financial implications arising from approval of the Annual Pay Policy Statement will be met from existing budgets.

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

- 5.2.1 There are no direct legal implications arising from the approval of the policy.

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

- 5.3.1 The HR implications are contained within the policy.

### **6 Recommendations**

- 6.1 That Council support the Annual Pay Policy Statement 2021/22

## 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 portfolio holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	N/A
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	<p>Transforming our organisation.   Provide our customers with excellent service.</p>

## 8 Document Information

Appendix No	Title
1.	Annual Pay Policy Statement 2021/22
<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>	
<p> </p>	
Report Author	Contact Number
<p>Payroll Manager – Ollie Fishburn  Human Resources &amp; Organisational Development  Manager – Sara Gordon</p>	01246 217677

**BOLSOVER DISTRICT COUNCIL**  
**Pay Policy Statement 2021/2022**

## 1. Introduction

This Pay Policy for Bolsover District Council has been prepared in accordance with regulation 38 (1) of the Localism Act 2011.

The Council's Pay Policy for Chief Officers which covers appointments, remuneration and terms and conditions of appointment are set at Full Council before they come into force and are prepared annually. The responsibility to approve the Pay Policy cannot be delegated from Council.

This Policy relates to the period from 1 April 2021 to 31 March 2022 and may be amended by Council during this time.

## 2. Scope

The Pay Policy relates to Chief Officers as defined by the Local Government and Housing Act 1989 and includes the following posts:-

- Head of Paid Service (Strategic Director Corporate Services)
- Monitoring Officer
- Statutory Chief Officer under Section 151 of the Local Government Act 1972
- Non Statutory Chief Officers who report directly to the Head of Paid Service
- Deputy Chief Officers who report directly to a Statutory or Non Statutory Officer

## 3. Background

3.1. This Council is committed to the principle of equal pay.

### 3.2. Whole Workforce

3.2.1. In order to secure equal pay within the organisation, job evaluation was applied to all posts (including Chief Officers). Chief Officers carrying out the role of Heads of Service were included in a new grading structure implemented for the whole workforce in April 2009. In 2019, Full Council agreed the new posts of Director, Assistant Director and Head of Service for BDC only, be paid at the same level as joint posts. In 2020, Council agreed to the disestablishment of the Chief Executive post and the establishment of two new Head of Service posts and a Joint Assistant Director post.

### 3.3. Shared Management Team

- 3.3.1. With a view to reducing expenditure and increasing efficiency, this Council has formed a Strategic Alliance with North East Derbyshire District Council
- 3.3.2. In respect of salaries payable for the senior managers appointed to joint posts, Full Council made the decision that payment would be based on North East Derbyshire District Council pay scales, which had been set following an independent review carried out of salaries payable to senior managers in 2008.

- 3.3.3. The costs of shared management posts are met on a 50/50 basis between the two Councils.
- 3.3.4. Significant savings are being made by rolling out the joint senior management positions and the Alliance is committed to finding new ways of improving the efficiency of the Council  
In Autumn 2019, a review was undertaken and a new Director post, Assistant Director post and Head of Service post working solely for Bolsover District Council were established. A further two Head of Service posts and a Joint Assistant Director post have been established.

#### 4. Remuneration

4.1. Regulation 43 (6) of the Localism Act defines remuneration to include salary, bonus, charges, fees and allowances, benefits in kind, increases / enhancements of pension entitlement (if resolved by the Council) and payments on ceasing to hold officer (other than those payable by any enactment).

4.1.1. The remuneration details given in this section refer to salary only, the reasons for this are:-

- 4.1.1.1. The Council does not pay bonuses, charges and allowances.
- 4.1.1.2. Fees are only related to the Returning Officer
- 4.1.1.3. Benefits in kind are minimal and exact details are prepared for the HMRC returns following the year end and not are available at the time of preparing the pay multiple in March each year. However the amounts for Chief Officers are published in the Statement of Accounts.

4.2. Some of the Council's Chief Officers hold joint appointments with North East Derbyshire District Council. The post of Director Development, Assistant Director Development, Head of Service Property Services and Housing Repairs, Head of Service Enforcement and Housing Management and Head of Service Finance and Resources relates solely to Bolsover District Council. The Grading Structure for these post are set out below:-

##### 4.2.1. Joint Strategic Directors/Director

The Directors' salaries are based on a scale of £76,350 to £87,467 with increments of just over £2,000. The incremental scale is shown below:-

<b>Incremental points</b>	<b>Joint Strategic Directors/Director)</b>
1	£76,350
2	£78,630
3	£80,909
4	£83,188
5	£85,467
6	£87,467

##### 4.2.2. Joint Heads of Service / Head of Service / Assistant Director / Joint Assistant Director

Heads of Service level posts are characterised by their relatively high level of responsibilities, and deputise, as appropriate, in the absence of the Director. This is an important element in the Council's succession planning and leadership development processes, as well as providing valuable strategic input. At the time of the 2008 review at North East Derbyshire District Council, it was suggested that the market would support an appropriate salary scale of £46,000 to £52,000, with increments of just over £1,400, i.e. approximately 70% of the Chief Officers' salary. This salary range has increased over time by nationally agreed pay awards and the current incremental scale is shown below:-

<b>Incremental Points</b>	<b>Heads of Service / Assistant Director</b>
1	£53,445
2	£55,041
3	£56,636
4	£58,231
5	£59,827

#### 4.2.3. Remuneration of The Council's Lowest Paid

The Council adopted the Living Wage with effect from 1<sup>st</sup> December 2013. The annual full time equivalent value of the Living Wage from November 2020 is £18,328

4.2.4.1. With reference to point 5.4 below, from 2015/16, to date the Council operates an Apprentice Scheme. Apprentices at Level Two and Three are paid on the National Living Wage based on their age and those at Level Four or above are paid based on the Council's payscales.

#### 4.3. Relationship between the Remuneration of Chief Officers and employees who are not Chief Officers.

4.3.1. The following tables show the ratio between the Officer Grades paid in 2020/2021 based on full time equivalent salary records at 1<sup>st</sup> April 2020. In which case the median salary and the lowest paid salary relates to those employees paid by Bolsover District Council only.

<b>Chief Officer Grade</b>	<b>Point</b>	<b>Amount (£)</b>	<b>Median salary (£)</b>	<b>Pay Multiple</b>
Strategic Director* / Director	5	87,467	24,427	3.5:1
Heads of Service /Assistant Director	1	53,445	24,427	2.2:1
Heads of Service /Assistant Director *	2	55,041	24,427	2.3:1
Heads of Service /Assistant Director	3	56,636	24,427	2.3:1
Heads of Service /Assistant Director	5	59,827	24,427	2.4:1

Chief Officer Grade	Point	Amount (£)	Lowest Paid salary (£)	Pay Multiple
Strategic Director* / Director	5	87,467	18,328	4.7:1
Heads of Service /Assistant Director	1	53,445	18,328	2.9:1
Heads of Service /Assistant Director	2	55,041	18,328	3.0:1
Heads of Service /Assistant Director	3	56,636	18,328	3.1:1
Heads of Service /Assistant Director	5	59,827	18,328	3.3:1

4.4. The tables in section 4 are available in a CVS file in the Transparency Section of the Council's Website.

#### 5. Definition of Lowest-paid employees

5.1. Following the implementation of Single Status and the NJC Job Evaluation Scheme, local grades were implemented as set out at Appendix One to the Pay Agreement. The lowest paid employee is determined by those whose job evaluation score was below 301 points. These employees were placed on Grade 1, which is a fixed point grade.

5.2. The Council adopted the Living Wage with effect from 1<sup>st</sup> December 2013.

5.3. The annual full time equivalent value of the Living Wage from April 2021 is £18,328. This will be updated when the Living Wage is reviewed in November 2021.

5.4. The Council on occasion receive funding to support specific Apprentice schemes or job creation schemes e.g. for eligible 16 to 18 year olds or other specific groups. To reflect the nature and duration of their employment, this group of employees will not be paid in accordance with the local grades pay scale and will be paid the minimum wage rate for their age and not the national minimum wage for apprentices. The annual full time equivalent values of the minimum wage for these age groups are £8,778.27 and £12,443.93.

6. This section sets out the Council's Policies relating to the requirements under Regulation 38(4) of the Localism Act.

#### 6.1. The level and elements of remuneration of each Chief Officer

6.1.1. This is set out in section 4.2.

#### 6.2. Remuneration of Chief Officers on recruitment

6.2.1. Decisions on the appropriate appointment within the grade for Chief Officer and for a joint appointment are recommended to Full Council by an Appointments Panel.

6.3. For Chief Officers, recruitment will normally be to the first point of the grade, or in exceptional circumstances will reflect a level commensurate with candidates existing skills and existing skills and experience in the job.

#### 6.4. Increases and additions to remuneration of each Chief Officer

6.4.1. Incremental progression for joint posts are applied at 1st April each year subject to there being at least 6 months service in post at this date, otherwise the increment will be applied between 2<sup>nd</sup> April and 30<sup>th</sup> September once 6 months service has been achieved

6.4.2. Incremental progression for non-joint posts for new recruits or existing employees who apply for and are appointed to a new post (including secondments). In both cases, increments will only become due from 1<sup>st</sup> of the month following completion of 12 month's service with the Council from appointment to post. Following this future increments will be awarded automatically on the anniversary of the first increment until the top of the grade is reached. ( from pay agreement 2.2.3)

6.4.3. Honoraria and ex gratia payments

6.4.3.1. The Council does not make ex gratia payments.

6.4.3.1.1. An honorarium is payable in circumstances where an employee temporarily takes on duties and responsibilities which are at a higher level than those carried out within their substantive post. This is known as an 'Acting Up Allowance' and details of how this is applied to all employees, including Chief Officers is set out in Paragraph 5.2 on page 15 of the Pay Agreement.

6.5. The Council does not use performance related remuneration.

6.6. The Council does not pay any bonuses.

6.7. Payment to Chief Officers on ceasing to hold office or employment with the Council

6.7.1. In the case of redundancy, the policy of the Council is to use its discretions under (The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006 (as amended) to pay compensation on the basis of actual weekly pay (Regulation 5);

6.7.2. For Joint Officers who work on a shared basis with North East Derbyshire District Council, whose policy on redundancy uses a multiplier on the national redundancy table, compensation is calculated on the basis of a combination of both schemes as follows:

6.7.2.1.1. Service up to date of joint appointment: based on original Council's scheme.

6.7.2.1.2. Service after date of joint appointment: based on 50% per each Council's scheme.

6.7.3. For non-joint posts redundancy compensation is calculated in accordance with BDC scheme.



## 6.8. The publication of and access to information relating to remuneration of Chief Officers.

- 6.8.1. The Council will publish this pay policy statement within the transparency section on its website.
- 6.8.2. The tables in section 4 are available in a CVS file in the Transparency Section of the Council's Website.
- 6.8.3. For further information about this pay policy statement please contact the Councils on 01246 242525 and ask for the HR and Payroll Section.

## 7. Other Terms and Conditions

### 7.1. Place of Work

- 7.1.1. The principal place employment shall be the main offices of the Council or both Councils or as required within the District. If required to work at a different location no relocation payment is made. Travel expenses for journeys between the main Council offices will not attract expense payment unless the purpose of the journey is to attend a meeting.

### 7.2. Hours of Work

- 7.2.1. The hours of work are a minimum of 37 hours per week, for joint posts this is across both Councils. Due to the nature of the post the precise hours cannot be specified, generally it is expected that a reasonable amount of hours is worked necessary to carry out duties of the post and will include evening and weekend meetings as appropriate and bank holiday working in an emergency.

### 7.3. Secondary Employment

- 7.3.1. Notification of any additional employment must be given to the Council or Councils for joint post. This is to ensure that there is no conflict of interest and to meet the Council obligations under the working time regulations.

### 7.4. Holiday Entitlement

- 7.4.1. For joint posts the annual leave entitlement across both Councils is 36 days per year plus 3 days per annum to cover the Christmas closedown period. The leave year runs from 1<sup>st</sup> April to 31 March annually.
- 7.4.2. For non-joint post the annual leave entitlement is 31 days plus 3 days per annum to cover the Christmas closedown.
- 7.4.3. All Chief Officers are entitled to 8 bank holidays plus any additional bank holidays agreed at national level.

### 7.5. Pensions

- 7.5.1 Employees of the Council pay a contribution to the Pension Scheme relative to their annual full-time equivalent pensionable pay (including pensionable allowances). The Employer contribution rate for 2020/21 is 14.9%

<b>Band</b>	<b>Whole-time Pay Range (20/21)</b>	<b>Contribution rate</b>
1	Up to and including £14,600	5.5%
2	Above £14,601 and up to £22,800	5.8%
3	Above £22,801 and up to £37,100	6.5%
4	Above £37,101 up to £46,900	6.8%
5	Above £46,901 up to £65,600	8.5%
6	Above £65,601 up to £93,000	9.9%
7	Above £93,001 up to £109,500	10.5%
8	Above £109,501 up to £164,200	11.4%
9	Above £164,201	12.5%

7.5.2 There are a number of discretions available under the Local Government Pension Scheme, and as a matter of policy, BDC does not exercise any discretion that would represent a cost to the Council.

7.5.3 In respect of the following discretion, the Council has a general policy that any flexible retirement must normally be at no cost to the Council.

Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement).

7.5.4. The Council has a policy to apply the following discretion:-

- Whether to base redundancy payments on the employee's actual weeks pay rather than limit a weeks pay to the statutory maximum.

7.5.5. Re-employment of employees in receipt of a pension

Under the terms of the Local Government Pension scheme, an employee who has retired from local government service and is in receipt of a pension may reapply for local government employment. However where this happens the pension is subject to abatement, i.e. if the pension added to the new salary is higher than the original salary then the amount of pension will be reduced accordingly. There are currently no re-employed pensioners in senior management positions.

## 7.6. Car Allowances

7.6.1. Bolsover District Council pay the HMRC rates for business journeys (currently 45p per mile and 5p per mile for passengers)

7.6.2. North East Derbyshire Chief Officers are entitled to claim the lowest band of the national car allowances in the National Car Allowance Scheme for Chief Officers. Currently a lump sum of £846 per annum and 36.9p per mile to 8,500 miles and 13.7p thereafter for business journeys.

7.6.3. Chief Officers with joint post may choose which car allowance scheme to be paid under.

## 8. Terms and Conditions of Service

Directors and Heads of Service/Assistant Directors are employed under the terms and conditions of service of the Joint Negotiating Committee for Chief Officers of Local Authorities. There are currently no additional local agreements relating to the employment of Chief Officers that represent a charge on the public purse, with the exception of election duties (see following paragraph).

### 8.1. Election Duties

The fee for Returning Officer duties is dependent upon the type of election, and is prescribed by Central Government by means of a Fees and Charges Order.

## 9. Other financial benefits

The Council's Strategic Directors and Heads of Service/Assistant Directors are not in receipt of any financial benefits that are not also available to other employees.

Chief Officers are exempt from receiving the following benefits which other employees receive:

- Shift Allowance
- Weekend Working
- Bank Holiday Working
- Overtime Payments
- Standby/Call Out Payments/Flexible Working