

## **COUNCIL**

Minutes of a meeting of the Council of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 14 April 2021 at 10:30 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Allan Bailey, Rose Bowler, Jane Bryson, Dexter Bullock, Nick Clarke, 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, Sandra Peake, Peter Roberts, Dan Salt, Liz Smyth, Deborah Watson and Jen Wilson.

Officers:- Lee Hickin (Director of Corporate Resources and Head of Paid Service), 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), Pam Brown (Head of Leader's Executive and Partnerships), Steve Brunt (Joint Head of Streetscene), Sarah Kay (Planning Manager), Nicola Calver (Governance Manager), Amy Bryan (Senior Governance Officer) and Alison Bluff (Governance Officer).

### **CL782-20/21 APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Tracey Cannon, Anne Clarke, Tricia Clough, Evonne Parkin, Graham Parkin and Rita Turner.

### **CL783-20/21 DECLARATIONS OF INTEREST**

There were no declarations made at the meeting.

### **CL784-20/21 CHAIR'S ANNOUNCEMENTS**

The Chair informed the meeting that he had written to a lady in Blackwell to commend her on her heroism after saving the life of an old age pensioner from a burning bungalow in Blackwell. The lady in question was passing the bungalow on the way to taking her child to school - she entered the property and rescued a disabled pensioner from certain death. On behalf of the Council and all Members, the Chair wrote a personal letter of praise and congratulations to the lady, and in particular commended her for her actions.

### **CL785-20/21 MINUTES**

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor

**RESOLVED** that the Minutes of a Council meeting held on 3<sup>rd</sup> March 2021 and the Minutes of an Extraordinary Council meeting held on 3<sup>rd</sup> March 2021 be approved as a true record.

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### CL786-20/21      QUESTIONS FROM THE PUBLIC

Question submitted by Tony Trafford to the Deputy Leader, Councillor Duncan McGregor:

In a recent planning committee meeting dated 10th March 2021, Cllr McGregor said, "Trees – this Council is on record that it is wanting to plant trees everywhere", regarding trees on an applicant's site that was being considered for development. Is the Council committed to the preservation and planting of healthy trees throughout the District?

Response from Councillor McGregor

"Thank you Tony for your question. The Council's Local Plan Policy SC10 states - *In order to help retain local distinctiveness, trees, woodland and hedgerows will be protected from damage and retained unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved*".

"We take this commitment seriously and apply this policy rigorously to all development proposals that are likely to affect trees, woodland and hedgerows anywhere in the District. The Council has also just secured funding from the Woodland Trust to promote a new community woodland project and help the Council reach its ambition in planting 1 million new trees across the District. Therefore, there should be no doubt the Council is committed to the preservation and planting of healthy trees throughout the District. The Council cares about trees and exciting work with the Woodland Trust on developing a series of community woodlands in the District, demonstrates this. We have recently secured at £270k cash boost from the Woodland Trust to be awarded this, part due to our enthusiasm for and commitment to caring for trees. This funding will see in the region of 27.5k trees being planted on land south of Creswell, on a former colliery site; land that can provide a flagship environmental resource for the village with a community woodland at its heart with work starting later this year. The Council also intends to see at least 1 tree planting project in each parish of the District and discussions are ongoing with the parishes to achieve this over the coming years".

"You may have seen this particular press release Tony, that was sent out which demonstrates the point I have just made".

Supplementary Question from Tony Trafford

"I very much welcome the statement that Councillor McGregor has made about planting trees and also the reference to preservation of trees. In the light of that, I wanted to ask whether the Council would support Glapwell Parish Council's bid, to maintain the asset of community value, which is Park Avenue Wood and help preserve the 13 mature and magnificent beech trees there and the wildlife that they in turn support? This is an important community asset".

Response from Councillor McGregor

"Yes, I am aware of that planning application referred to. That planning application, I'll remind you, has been approved for development but I draw your attention back to that I already mentioned, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Regarding any planning application where trees

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are involved, the Planning Committee takes into account the trees that could be affected whether they are healthy or otherwise”.

Question submitted by Sarah Bister to the Deputy Leader, Councillor Duncan McGregor:

“I’d like to refer Members to my question and answer given at the meeting of Council in September 2020 which I have included for your reference. Please can the Deputy Leader detail the planning training that Members have to undergo prior to considering applications such as this, are refreshers provided to reflect changes in laws and any Local Plan changes, and any reasons why Planning Committee members may not always take qualified officers advice?”

### **COUNCIL MINUTE CL22-20/21A – September 2020**

a) Question from Sarah Bister to the Leader of the Council:

“Will the council do as the MP Mark Fletcher has suggested and send the planning decision19/00583/OUT to an independent peer review hence demonstrating your commitment to put residents first?”

The Leader of the Council thanked Sarah Bister for her question. He explained that the Council has to build 272 houses a year, maintain a five year plan of housing supply, and plan for the future in an ever-changing world. This is all done with the aims of giving all residents somewhere to live, cater for a growing population, and ensure the houses are built to an acceptable standard.

The Leader of the Council added that he had asked the Monitoring Officer for guidance on the appropriateness of the Planning Application. The Monitoring Officer had informed him that the decision was taken by the Planning Committee in a fully transparent and accountable manner. The reasons for the decision were set out in the decision notice and were made on proper Planning grounds, and the local highway authority were satisfied that the application would give adequate access to the site via Park Avenue. For these reasons, the Monitoring Officer advised that the findings of a peer review would find that the Council took the decision correctly.

The Leader of the Council acknowledged that some residents were not happy with the decision, but this did not mean it was incorrect in Planning terms. He added that Planning decisions are taken with material Planning considerations in mind, which can cause conflict with local communities, but decisions must be taken based on Government guidance and Planning law. He added that an independent peer review would not be able to change the granting of Planning permission.

The Leader of the Council concluded by stating that he did not agree with the comments made by Mark Fletcher MP.

The Chair invited Sarah Bister to ask one supplementary question. Sarah Bister asked that if the decision was as transparent and correct as described, why not peer review it?

The Leader of the Council responded by saying he was confident the proper process had been adhered to and had full trust in the guidance given by Planning

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officers and the Monitoring Officer. He referred to the previously mentioned housing numbers the Council had to meet, and in particular the obligations on housing created by the developing Local Plan.

### Response from Councillor McGregor

“Although it is not mandatory, Members do receive planning training from officers before they join the planning committee, including training on the decision making process in a planning context. The importance of the Local Plan as the starting point for any decision, committee procedures and protocol are the responsibilities a Member takes on when they join the Planning Committee. In addition, officers often provide Members with updates on important changes to the planning system and refresher training on various technical planning matters, including design standards, section 106 legal agreements and the recently adopted Local Plan. We are also in the process of planning our training programme for Members for the next civic year. In terms of decision making, the Planning Committee mostly deals with planning applications that are contentious because the development proposals give rise to conflicting or competing interests. Decisions on these applications are often finely balanced and it is important these decisions are taken in a transparent and accountable way, by elected Members, in public rather than behind closed doors. However, Members are obliged to avoid favouring any party interested in the application or predetermining an application before it is considered fully at Planning Committee – which also means Members are entitled to take a different view on a development proposal or the weight they give to the different aspects of the proposals compared to their colleagues on all the points made in representations on an applications. Equally, Members are entitled to take a different view from the advice offered by officers verbally, in the meeting itself, officers’ recommendations in a committee report or deviate from the local plan, for example, providing they can give justified planning reasons based on material planning considerations. In these cases, Members of the Planning Committee take on the role of the decision maker and the final decision is taken on a vote after considering all the relevant arguments, for and against a particular development proposal with due regard to relevant guidance and any appropriate advice offered by officers. Although not everyone may agree with the decisions made by the Planning Committee, this process ensures that any decision taken by Members is not only made through a fully transparent and democratic process but is also made on proper planning grounds. For these reasons, Members may take a different view from officers at planning committee but they are fully qualified to do so”.

“Some statistics – number of current Members on Planning Committee who have attended training on planning – all current Members of planning committee – 16, have undertaken training either in September 2020 or one of the sessions held in the second half of 2019. Members who have been invited to attend planning training who are not Members of the current planning committee – all Councillors were invited to attend a training session held on 15<sup>th</sup> October 2019. Our records show that 8 Councillors who are not currently Members of the Planning Committee attended some form of planning training during 2019/20. *Do we have a policy/advice, advising Members to attend planning training?* – The Councillor Code of Conducts sets out training that Councillors should undertake – this includes that training should be undertaken prior to sitting on planning committee. I hope that all Members of this Council take note of that particular point that I have referred to there. I would add that there is a planning committee training for Planning Committee Members scheduled for June 2021”.

### Supplementary Question from Sarah Bister

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“Does the training include that site visits should be attended so you get a better picture of the site to assess it for suitability as opposed to a windfall? I see the Deputy Leader didn’t attend the site visit, so I wondered how he had knowledge of Park Avenue that overruled the officers’ decision?”

### Response from Councillor McGregor

“Regarding site visits, all Members are entitled to visit site meetings, it’s not compulsory. Site visits are basically to give the concept of the geographical outset of where that planning application is to build a house or whatever but there are such things as maps that the Members can take advantage of and the use of IT now to draw down on any sites in the District if they wish to. A lot of Members who don’t go on site visits actually may live in that area and know that area themselves anyway. So the site meetings are important in terms of familiarisation of any site but at the end of the day during the planning committee process, every advantage in terms of giving the Member as much knowledge as possible regarding the application is afforded to them to make the decision”.

## **CL787-20/21      QUESTIONS FROM MEMBERS**

### Question submitted to Councillor Sandra Peake by Councillor Peter Roberts:

In paragraph 5.1.3 of the report on Bolsover Homes Funding to Council on 22nd July 2020, it states that there is a risk of the right to buy applying to the new properties built. It also states that the cost floor ceiling would result in these properties being protected for 15 years. However officers maintain that the protection is only for 3 years. Can Councillor Peake explain the discrepancy?

### Response from Councillor Peake

“As you know, anyone who has been in a Council property or Housing Association property, cannot have the right to buy until after 3 years. After that 3 years, everyone has the right to buy whether its new build or old build. The 15 year rule is that if a property is sold within that 15 years, for example, if a house cost £120k to build and after 5 years the value had gone up to £140k and tenants had accrued that discount, they would only get that discount up to the £120k – plus any maintenance of the building. So that’s where that 15 year rule comes in to protect the Council and it’s about finance as well as we get rent income as well. If you look on Right to Buy on Gov.uk, it states the Council cannot sell the property for any less than it costs to build and maintain for the first 15 years”.

Councillor Roberts confirmed he had no supplementary question.

## **CL788-20/21      MOTIONS**

There were no motions to consider.

## **CL789-20/21      BOLSOVER PROSPECTUS**

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All Members had received a copy of the Council's draft prospectus, 'Vision Bolsover'.

The prospectus provided details of the District and what it had to offer to potential investors and businesses and was a notable document about Council projects and not structures. The Leader believed that the prospectus was a way forward in promoting the Council and the future of Bolsover District and welcomed any feedback Members may have to assist in its further development.

The Leader also noted that a reporter from the BBC and the Local Enterprise Partnership (LEP), had both shown an interest in the prospectus. The Leader would be attending a meeting with representatives from the LEP and Parliament on 16<sup>th</sup> April to discuss various aspects of Bolsover's future.

Members would also consider the Council's draft Growth Strategy later on this meeting's agenda and the Leader noted that elements of the Strategy would fit into the prospectus when it was necessary to expand upon.

The Deputy Leader added that the prospectus was an important document and as stated the Council needed to look forward to the future as a 21<sup>st</sup> Century Council that was dynamic, self-sufficient and flexible, delivering excellent services whilst adapting to local aspirations and acting as the economic and environmental driver for Bolsover District.

The Director of Environment and Enforcement added that further to Council approving the adoption of the Council's Ambition, which replaced the Council's Corporate Plan in January 2020, the prospectus provided in more detail and showcased work that had since been undertaken and the plans that were in place to realise the vision of the Ambition. Further, a new approach to 'enforcement' was being undertaken to bring a combined and joined up enforcement team across the Council working specifically with the community safety team, planning, housing, environmental health, legal and the police, to provide a 'right first time' approach.

Members welcomed and commended the prospectus and fully supported the plans for the Ambition.

In response to a Member's query, the Director of Environment and Enforcement advised the meeting that the range of enforcement was currently under different portfolios but the Leader may consider it having its own Portfolio and Portfolio Holder in the future.

A Member welcomed the prospectus and commented that although growth was important for the District, wellbeing of its communities was also important. She referred to issues regarding infrastructure and in particular the Treble Bob roundabout at Barlborough.

The Chair commented that he was very impressed with the prospectus and how it was helping to move the Council forward.

The Leader thanked Members for all their comments and in particular thanked the Communications Manager, Scott Chambers, for all his hard work in producing the prospectus for the Council.

Moved by Councillor Tom Munro and seconded by Councillor Chris Kane  
**RESOLVED** that the draft 'Vision Bolsover' prospectus be noted.

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### CL790-20/21      GROWTH STRATEGY

Members' approval was sought for the Council to adopt a Growth Strategy and associated Action Plan.

The Growth Strategy and Action Plan were 'working draft' documents due to many of the actions being current. It needed to be flexible to allow the Council to take emerging opportunities and to adapt to new challenges promptly. It would support enterprise, innovation, jobs and skills and make the best use of the Council's assets whilst supporting clean and inclusive economic growth. The Strategy had also been considered by the Council's Growth Scrutiny Committee.

Adoption of the Growth Strategy would help to achieve the Council's ambitions and priorities, and various activities in the accompanying Action Plan would continue to generate additional income for the Council over time. In this respect, the Growth Strategy was designed to help the Council move towards self-sufficiency so it could continue to deliver services to people who lived and worked in the District.

Members' approval was also sought for officers, in liaison with the Portfolio Holder for Economic Development, to make changes to the Growth Strategy and Action Plan as required and to complete the final design and layout of the Strategy document prior to publication.

Councillor Liz Smyth, Portfolio Holder for Economic Development, drew Members' attention to a slight error in the document which stated that the former station in Selston had been converted into a restaurant – this was incorrect as the restaurant and pub had always been there but there was no station.

Moved by Councillor Liz Smyth and seconded by Councillor Chris Kane

**RESOLVED** that (1) the Growth Strategy and associated Action Plan be adopted,

(2) delegated authority be granted to officers to amend the final appearance and layout of the Growth Strategy, in liaison with the Portfolio Holder for Economic Development, prior to publication,

(3) delegated authority be granted to officers to make amendments to the Strategy and Action Plan, in liaison with the Portfolio Holder for Economic Development, as appropriate or when required.

(Assistant Director of Development)

### CL791-20/21      JOINT WHISTLEBLOWING POLICY

Members considered a report in relation to Bolsover and North East Derbyshire District Council's Joint Whistleblowing Policy.

To ensure it was fit for purpose the Joint Whistleblowing Policy was reviewed in February 2021. No changes were recommended other than housekeeping amendments which

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were shown as tracked changes in the appendix attached to the report.

The Monitoring Officer had overall responsibility for the maintenance and operation of the policy and maintained a record of concerns raised and outcomes. The Monitoring Officer was also required to report as necessary to both councils on instances of Whistleblowing, however, she confirmed there were no instances to report for the 2020/21 Municipal Year.

Moved by Councillor Duncan McGregor and seconded by Councillor Ray Heffer

**RESOLVED** that (1) the current Joint Whistleblowing Policy was fit for purpose,

(2) no instances of Whistleblowing had been made since the 2020 Annual Review of the Joint Whistleblowing Policy be noted.

### **CL792-20/21      EXCLUSION OF THE PUBLIC**

Moved by Councillor Tom Munro and seconded by Councillor Steve Fritchley

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed. [The category of exempt information is stated after each Minute].

### **CL793-20/21      KERBSIDE RECYCLING EXEMPT PARAGRAPHS 1, 2 & 3**

Members considered a detailed report in relation to changes made to the kerbside recycling service following the liquidation of the Council's contractor.

To enable the Council's collection of recycling to continue without any disruption or break in service, and to provide an efficient service capable of meeting the needs of residents and businesses, the kerbside collection of recycling had been brought 'in house' following the liquidation of the Council's contractor. An in house service would also allow for maximum use of staff and resources across the Street Scene Service as a whole.

The Portfolio Holder for Streetscene & Environmental Health thanked the Joint Head of Streetscene and the Director of Environment and Enforcement for their sterling efforts and dedication in acting promptly to secure an in house service for recycling and green bin collection and requested her thanks be duly noted in the minutes.

The Chair also commended the actions of the Joint Head of Streetscene and the Director of Environment and Enforcement and thanked them on behalf of all Bolsover District residents for sustaining a superb service

Moved by Councillor Deborah Watson and seconded by Councillor Chris Kane

**RESOLVED** that (1) the changes to the kerbside recycling service, (following the liquidation of the Council's contractor) as set out in the report be noted,

(2) the increase to the General Fund budget as set out in the report and the



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changes to the profiling of the use of the Growth Protection Reserve as described in 5.1.5 of the report be approved,

(3) the ongoing implications for the Medium Term Financial Plan and the Capital Programme be noted,

(4) the suspension of procurement rules in relation to waste treatment services for the reasons outlined within the report be approved.

### **CL794-20/21      PLANNING RESTRUCTURE EXEMPT PARAGRAPH 2**

Members' approval was sought in relation to the establishment of a new permanent full time career grade post within the Planning Service and the disestablished of 2 existing vacant posts.

The report set out the full details and reasons for the proposals and the financial implications to the Council.

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor

**RESOLVED** that (1) a permanent full time career grade post be established within the Planning Service,

(2) the 2 existing vacant posts PLA012 and PLA016 be disestablished.

(Assistant Director of Development)

### **CL795-20/21      CHAIRMAN'S CLOSING REMARKS**

The Chair noted that he had previously requested that all Members wear either black tie or black scarf to this meeting in respect of the mourning period for Prince Philip, the Duke of Edinburgh. However, he was disappointed to see that not all Members had complied with his request and hoped that all Members would meet the expected dress standard at future meetings.

The meeting concluded at 11:45 hours.