



The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Council

Contact: Nicola Calver

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Tuesday, 18 May 2021

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Dear Councillor

COUNCIL

You are hereby summoned to attend a meeting of Council of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 26th May, 2021 at 10:00 hours.

Risk Assessment Disclaimer

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

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

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

Bolsover
District Council

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.

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

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

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

Yours faithfully

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

Solicitor to the Council & Monitoring Officer

COUNCIL AGENDA

*Wednesday, 26th May, 2021 at 10:00 hours taking place in the Council Chamber, The Arc,
Clowne*

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Election of Chair of the Council To elect the Chair of the Council for the 2021/22 municipal year.	
2.	Apologies For Absence	
3.	Declarations of Interest 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.	
4.	Appointment of Vice Chair of the Council To appoint the Vice Chair of Council for the 2021/22 municipal year.	
5.	Minutes To approve the Minutes of the Council meeting held on 14 th April 2021 and for the Chair to sign as a correct record.	5 - 14
6.	Establishment of Committees and Proportionality Report of the Monitoring Officer and Solicitor to the Council.	15 - 30

MOTION TO ADJOURN MEETING

At this point in the meeting a motion without notice will be put to adjourn the meeting until 23rd June at 10am. If agreed the remainder of agenda items will be considered on that date when it is hoped that the meeting can be reconvened where all Members will have the opportunity to attend the meeting in person and consider the following reports:

7.	Appointments to Committees To consider appointments to established committees for the 2021/22 municipal year. TO FOLLOW	
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8. Appointments of Chairs and Vice Chairs

To decide on the appointment of Committee Chairs and Vice-Chairs for the 2021/22 municipal year. TO FOLLOW

9. Appointments to Outside Bodies

The document identifies those bodies to which the Council may appoint and the number of seats available on each body. TO FOLLOW

10. Review of the Council's Constitution

Report of the Joint Head of Corporate Governance and Monitoring Officer. TO FOLLOW

11. Scheme of Delegation

To approve the Scheme of Delegation as set out in the Review of the Constitution. TO FOLLOW

12. Operation of Urgency Rules and Thresholds for Key Decisions

In accordance with the Council Procedure Rules, the Annual Meeting is required to set thresholds for Key Decisions. The attached document sets out the existing arrangements for adoption. TO FOLLOW

13. Exclusion of the Public

To move:-

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

14. Councillor Dispensation

Report of the Monitoring Officer and Solicitor to the Council.
(Exempt paragraphs 1,2 and 3)
TO FOLLOW

15. Senior Management Structure Review

Report of the Leader of the Council.
(Exempt paragraphs 1,2 and 3)
TO FOLLOW

16. Chairman's Closing Remarks

BOLSOVER DISTRICT COUNCIL

Minutes of a meeting of the Bolsover District Council held as a hybrid meeting both virtually and in the Council Chamber, The Arc, Clowne on Wednesday 14th 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, Maxine Dixon, Mary Dooley, David Dixon, 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, Janet Tait, 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

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 of interest made.

CL784-20/21. CHAIRMAN'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.

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CL785-20/21. MINUTES – 3RD MARCH 2021 AND EXTRAORDINARY MINUTES – 3RD MARCH 2021

Moved by Councillor Tom Munro and seconded by Councillor Duncan McGregor
RESOLVED that the Minutes of a Council meeting held on 3rd March 2021 and the Minutes of an Extraordinary Council meeting held on 3rd March 2021 be approved as a true record.

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

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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 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.

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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 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 15th October 2019. Our records show that 8 Councillors who

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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

“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”.

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Councillor Roberts confirmed he had no supplementary question.

CL788-20/21. MOTIONS

There were no motions to consider.

CL789-20/21. BOLSOVER PROSPECTUS

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 16th 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 21st 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.

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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.

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,

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(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 Whistle blowing Policy was reviewed in February 2021. No changes were recommended other than housekeeping amendments which 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

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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 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

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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 1145 hours.

Bolsover District Council

Annual Council

26 May 2021

ESTABLISHMENT OF COMMITTEES AND ADVISORY GROUPS

Report of the Monitoring Officer and Solicitor to the Council

Classification: This report is public

Report By: Sarah Sternberg, Monitoring Officer

Contact Officer: Nicola Calver, Governance Manager 01246 127753
nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

- To establish the Council's Committees and Advisory Groups for the 2021/22 Municipal Year.
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RECOMMENDATIONS

1. That the Council's Committees be established for the 2021/22 municipal year in accordance with Council Procedure Rule 1.1(k) as set out in Appendix 1 and Appendix 2;
2. That the size of the Committees as set out within Appendix 3 to the report be agreed for the 2021/22 municipal year in accordance with Council Procedure Rule 1.1(k);
3. That the Council agrees the allocation of seats of Committee is in accordance with the political balance rules (as set out in Appendix 3);
4. Members appointed to scrutiny committees for the 2020/21 municipal year are approved to conclude their review work informally for a period of two months.
5. That authority be delegated to the Monitoring Officer in consultation with the Leader of the Council and relevant Committee Chair (when appointed) to make amendments to the terms of reference for Committees arising within the 2021/22 municipal year.

Approved by the Leader of the Council

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 to appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matter which are neither reserved to the Council Meeting nor are Executive Functions; decide the size and terms of reference for those committees; and decide the allocation of seats to political groups in accordance with the Political Balance rules.

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? 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 checked="" type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	All
Consultation: 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"/>	Yes Details: Group Leaders

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

Good Governance

REPORT DETAILS

1 Background

1.1 In line with the provisions within legislation and the Council's constitution, the Annual Meeting of Council is required to:

- Appoint at least one Scrutiny Committee and other such committees as the Council considers appropriate to deal with matter which are neither reserved to the Council Meeting nor are Executive Functions;
- Decide the size and terms of reference for those committees;
- Decide the allocation of seats to political groups in accordance with the Political Balance rules.

2. Details of Proposal or Information

2.1 The size and terms of reference for each Committee is set out in **Appendix 1 and Appendix 2**. Changes to the current establishment are detailed in points 2.5-2.12 of this report.

2.2 **Appendix 3** to the report sets out the allocation of committee seats which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 as far as is reasonably practicable.

2.3 The Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. The Advisory Groups are not subject to the political balance requirements.

2.4 Nominations to committees are detailed in a separate report.

CHANGES TO ESTABLISHMENT

2.5 It is proposed that the membership of the Planning Committee is reduced to 8 and both the General Licensing and Licensing and Gambling Acts Committees are reduced to 10.

2.6 The Audit Committee and Budget Scrutiny Committee will be disestablished and replaced by a Scrutiny Committee with a combined terms of reference – the Audit and Corporate Overview Scrutiny Committee.

2.7 The remaining Scrutiny Committees have been renamed and terms of reference reallocated as set out in Appendix 1. Further, the 29 non-Executive seats on committees have been reallocated over four committees where before this was over three.

- 2.8 In order to complete the 2020/21 work of the existing scrutiny committees, the Members who were appointed to the former committees will continue to meet informally for a period of 2 months in order to complete outstanding review work.
- 2.9 To enhance the work of the newly established Scrutiny Committees, an Executive / Scrutiny protocol will be developed between Scrutiny and the Executive (with support from the Scrutiny Officer) prior to its consideration by the Standards Committee. Further, the Standards Committee will fully consider the terms of reference for the newly established committees retrospectively, suggesting any amendments through their review of the constitution or a delegation given to the Monitoring Officer.
- 2.10 A substitute scheme will be established for the scrutiny committees, permitting substitution by non-Executive Members only. This will be considered by the Standards Committee as part of their review of the Constitution.
- 2.11 Informal meetings will be scheduled Ad Hoc between Chairs of Scrutiny Committees and Portfolio Holders to facilitate good communication on review work.
- 2.12 An Employment and Personnel Committee is established with the terms of reference detailed within **Appendix 2** of the report.

3 Reasons for Recommendation

- 3.1 The report recommends that the allocation of Committee seats detailed best meets the requirements of Section 15 of the Local Government and Housing Act a far as reasonable practicable.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council is required within legislation and by the provisions within its constitution to establish committees at the annual meeting therefore no alternatives are suggested.

DOCUMENT INFORMATION

Appendix No	Title
1	Establishment of Committees and Terms of Reference
2	Establishment of Employment and Personnel Committee
3	Proportionality on Committees
Background Papers (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)	
None	

Appendix 1 – Establishment of Committees

COMMITTEE TERMS OF REFERENCE

1. The following committees to be established as set out in the current constitution:
 - Employment and Appeals Committee (and the Joint Employment and Appeals Committee with North East Derbyshire DC)
 - Safety Committee
 - Standards Committee
 - Union / Employee Consultation Committee
 - Joint ICT Committee
 - Joint Scrutiny Panel
 - New Bolsover Joint Committee

2. The following committees to be established as set out in the current constitution with amendments to size of committee detailed in point 2.5 of the covering report:
 - Planning Committee
 - General Licensing Committee
 - Licensing and Gambling Acts Committee

3. The following Working Groups be established with the existing terms of reference:
 - Member Development Working Group
 - Local Plan Implementation Action Group
 - Pleasley Park and Vale Conservation Area Working Group
 - Tenant Participation Review and Development Group

4. Four Scrutiny Committees be established with the following Terms of Reference:

Suggested Scrutiny Committee	Cabinet Portfolio	Suggested terms of reference	Considerations plus additional terms of reference
Local Growth Scrutiny Committee	<ul style="list-style-type: none"> • Growth/Economic Development • Housing • Corporate Governance 	<ul style="list-style-type: none"> • Economic and Business Development • Property Services • Estates Management • High Street Development • Facilities Management • Development and Investment • Planning • Regeneration and Physical Development • Enterprise and Skills • Tourism • JVC (Dragonfly) related issues. 	<ul style="list-style-type: none"> • Finance • Environment • One Public Estate • Transformation Programme • HS2 • Highways • D2N2 • SCR Combined Authority • Legal Requirements • Staffing and other resources for projects • Performance monitoring of assigned service areas
Climate Change and Communities Scrutiny	<ul style="list-style-type: none"> • Corporate Governance • Environmental Health and Licensing • Enforcement and Partnerships • Leisure and Tourism 	<ul style="list-style-type: none"> • Health and Safety (Council responsibility) • HR/Legal/ Governance • ICT • Community Safety/Police • Partnership Strategy • All Local Authority enforcement • Food Safety • Health and Wellbeing • Environmental Health and Safety • Leisure • Environmental Health • CAN Rangers 	<ul style="list-style-type: none"> • Finance • Legal Requirements • Staffing and other resources for projects • Performance monitoring of assigned service areas

		<ul style="list-style-type: none"> • Public Health • Relationship with other authorities including Derbyshire County Council and Parish Councils. • Estates and Property in relation to the Council's own properties. • Community Transport • Climate Change • Social Inclusion 	
Customer Services Scrutiny Committee	<ul style="list-style-type: none"> • Housing • Environmental Health and Licensing • Finance • Corporate Governance 	<ul style="list-style-type: none"> • BDC Housing including Strategic Housing • Emergency Planning • Revenues and Benefits • Street Scene • Grounds maintenance • Customer Services • Communications • Waste Collection • Licensing • Monitoring Corporate Complaints • Local Government and Social Care Ombudsman annual letter. 	<ul style="list-style-type: none"> • Environment • Finance • Transformation Programme • Environmental Health • Governance • Legal Requirements • Staffing and other resources for projects • Elections • Performance monitoring of assigned service areas
Audit and Corporate Overview Scrutiny Committee	<ul style="list-style-type: none"> • Finance 	<ul style="list-style-type: none"> • Audit • Accountancy • Procurement • Improvement and Performance • Performance Monitoring • Payroll • Treasury management • Annual budget setting process 	<ul style="list-style-type: none"> • Environment • Legal Requirements • Governance • Staffing and other resources for projects

		<ul style="list-style-type: none">• Budget monitoring• Monitoring collection rates for Council Tax and other income.• Societal Impact of any Budget Reductions• Reviewing the financial and value for money outcome of the implementation of strategic projects.	
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Purpose and Responsibilities – ALL SCRUTINY COMMITTEES

Within their themed areas as outlined above, all Scrutiny Committees will:

- (1) Set an annual work plan which can include items from the service areas listed above for the individual Scrutiny Committees and include the following areas of focus;
 - i. The Council's Corporate Plan and priorities including quarterly performance monitoring.
 - ii. Areas of poor performance identified within service provision
 - iii. Policy development activity at the earliest possible opportunity
 - iv. Following up recommendations from past reviews in order to demonstrate the impact of Scrutiny work
- (2) Carry out the reviews in the Committee's annual work plan in a timely and efficient manner taking into consideration the work plans of the other Scrutiny Committees.
- (3) Make recommendations to the Executive and/or Council arising from work undertaken by the Committee.
- (4) Scrutinise and monitor the performance of the Executive and the holders of the relevant Portfolios.
- (5) Consider or examine existing or proposed Council policies, strategies or plans within the remit of the Executive.
- (6) Carry out additional reviews to those in 2 above provided the review is within the area of reference of the particular Scrutiny Committee including collaborating with other Scrutiny Committees and bodies carrying out similar functions outside the Council.
- (7) Undertake any duties specified in legislation that are relevant to each Scrutiny Committee, e.g., Statutory Crime and Disorder Responsibility under the Police and Justice Act 2006.
- (8) Review the performance of other public bodies in the area and invite reports, as required, by asking them to address the Committee about their activities and performance.
- (9) Exercise functions relating to Call-In or Councillor Call for Action.
- (10) Contribute to the Annual Scrutiny report to Council on the scrutiny function and the work of the Committees.

Purpose and Responsibilities – AUDIT AND CORPORATE OVERVIEW SCRUTINY COMMITTEE

The purpose of this Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent scrutiny of the Authority's financial and non-financial performance to the extent that it affects the Authority's exposure to risk and weakens the control environment. The Committee will also oversee the Authority's corporate governance arrangements.

In addition to the above powers conferred on Scrutiny, this Committee shall have the following specific functions:

- (1) To ensure that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions to include the following:
 - i. Arrangements for the assessment and management of risk within the Authority and ensuring they are embedded within the organisation,
 - ii. Approving and modifying the terms of reference and strategy for internal audit,
 - iii. Receiving and approving the annual internal audit plan and reviewing the external audit plan,
 - iv. Receiving quarterly reports on the progress against the annual audit plan,
 - v. Reviewing and adopting the Annual Governance Statement.
 - vi. Reviewing the Council's anti-fraud policy.
- (2) To consider the Council's Code of Corporate Governance and approve the Annual Statement in that respect.
- (3) To consider the External Auditors findings from their review of the Statement of Accounts.
- (4) To consider and approve, after review by External Audit, the Statement of Accounts and report such to Council. The date by which this must be achieved is 30th September each year.
- (5) To review and adopt the detailed and summary Annual Governance Statement in light of the Internal Audit Annual review, report on the effectiveness of Internal Audit, Governance letters and the financial details shown in the Statement of Accounts. In addition, when these items are scheduled for consideration, the Leader, Deputy Leader and the appropriate Cabinet Member, would be invited to attend the Committee and participate in the debate and discussion but no voting rights would be associated with the invitation.

- (6) To review the Council's internal audit function and monitor its performance.
- (7) To monitor and ensure implementation of internal and external audit recommendations.
- (8) To be responsible for ensuring effective scrutiny of the Treasury Management Strategies and associated policies.
- (9) To receive the Executive's Budget proposals and scrutinise them in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution, to include:
 - i. Making recommendations to the Executive in respect of those Budget proposals in accordance with the Budget and Policy Framework Procedure Rules in the Council's Constitution.
 - ii. Monitoring the Council's Budget, (General Fund, Capital Programme and Housing Revenue Account), on a quarterly basis.
 - iii. Questioning the relevant Portfolio Holders and officers in relation to financial issues arising out of the quarterly monitoring of Budgets.
 - iv. Making recommendations to the Executive in respect of financial issues arising out of the Budget Monitoring.
 - v. Referring to the relevant thematic Scrutiny Committee any performance or other non-financial issues arising out of the quarterly monitoring of the Council's Budget.
- (10) To enable each of the Scrutiny Chairs to present update information from their respective Committees.
- (11) Receive a quarterly update on performance against relevant Corporate Plan targets from the Portfolio Holders, to include:
 - i. Monitoring performance management of the Council including reviewing performance against service plans and indicators relating to the corporate aims.
 - ii. Referring continued exceptions in performance to the relevant thematic Scrutiny Committee for further investigation/detailed review.

Joint Scrutiny Arrangements

The Authority is part of a Shared Services Scrutiny Panel alongside North East Derbyshire District Council and Chesterfield Borough Council, which scrutinises the joint working arrangements across the three Councils.

Reporting Framework

The Audit and Corporate Overview Scrutiny Committee will report directly to the Council and provide information to the Executive for action whilst maintaining its independence.

Membership and Structure of Meetings

The Chair and Vice Chair of each Scrutiny Committee will be appointed by Council from its allocated membership.

All Scrutiny Committees will reflect the political composition of the Council, in accordance with the proportional allocation of seats. A quorum will constitute at least three Members of the Committee. The Audit and Corporate Overview Scrutiny Committee will have an additional co-opted Independent Non-Voting Member.

All Scrutiny Members shall be invited to Audit and Corporate Overview Scrutiny Committee once a year, for consideration of the annual Council Budget proposals, prior to submission to Executive and Council.

All thematic Chairs and/or Vice-Chairs shall be invited to attend Audit and Corporate Overview Scrutiny Committee when it is considering quarterly performance reports, to enable informed discussion and referrals where required. They will not attend with voting rights.

The Committees will meet in accordance with the agreed meeting schedule, with additional extraordinary meetings as required.

APPENDIX 2 – Establishment of Employment and Personnel Committee

An Employment and Personnel Committee (5 Members) is established with the following Terms of Reference:

- To develop, adopt, implement and review any policy or strategy concerning human resources and personnel, excluding those as set out in the Budget and Policy Framework in Article 4 of the Constitution and subject to the approval of any budget implications by the Executive and/or Council as appropriate. This includes, but is not limited to; Equalities Policy, Agile Working Policy, Computer Security Policy, Internet & Email Policy, Harassment and Bullying at Work Policy.
- To have responsibility for the pay, terms and conditions of service and training of employees except for approving the annual Pay Policy Statement which is reserved to Council under the Budget and Policy Framework as set out in Article 4 of the Constitution.
- To consider the Draft Pay Policy Statement before submission to Council. – *Currently the responsibility of the Executive*
- To take key policy decisions in relation to equal pay, single status and job evaluation.
- To consider and deal with issues relating to the Council's establishment structure and employees and recommend to Council in relation to any growth in the establishment resulting in a budgetary increase.
- To review and recommend any changes to the Employment Rules to the Council for adoption.
- To review annually the overall staffing structure of the Council.
- To receive reports and updates from the Union/Employee Consultation Committee. – *Currently goes to Council*
- To receive reports and updates on post-entry training and development for employees including apprenticeships.
- To approve all Councillor attendance at conferences, seminars and training events within the UK mainland for which a fee is payable including any expenditure incurred.
- To receive reports from Corporate Directors on departmental officer travel outside the UK.
- Membership shall be in accordance with the proportionality rules.
- Meetings of the Employment and Personnel Committee require the 3 statutory officers (or in their absence their appointed deputy) present as well as the Head of HR / HR and OD Manager.

APPENDIX 3

	Seats on Council	Proportion
Total seats	37	100.00%
Labour Group	19	51.351%
Independent Group	11	29.730%
Community Independents	4	10.811%
Conservative	3	8.108%
Vacant Seats	0	0.00%

Executive	8
Non-Exec	29

Ordinary Committees	Total seats on Committee	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Employment Appeals Committee	3	1.54	2	0.89	1	0.32	0	0.24		0.00		3
Employment Appeals Deputies	3	1.54	2	0.89	1	0.32	0	0.24		0.00	0	3
General Licensing Committee	10	5.14	5	2.97	3	1.08	1	0.81	1	0.00	0	10
Licensing and Gambling Acts Committee	10	5.14	5	2.97	3	1.08	1	0.81	1	0.00	0	10
Planning Committee	8	4.11	4	2.38	2	0.86	1	0.65	1	0.00	0	8
Safety Committee	5	2.57	2	1.49	1	0.54	1	0.41	1	0.00	0	5
Standards Committee	6	3.08	3	1.78	2	0.65	0	0.49	1	0.00	0	6
Employment and Personnel Committee	5	2.57	3	1.49	1	0.54	1	0.41	0	0.00	0	5
Union/Employee Consultation Committee	6	3.08	3	1.78	2	0.65	1	0.49	0	0.00	0	6
Total Seats on Ordinary Committees	56	28.76	29	16.65	16	6.05	6	4.54	5	0.00	0	56

Scrutiny Committees	Total seats on Committee		Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
			Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Customer Services Scrutiny Committee	7.25	7	3.59	3	2.08	2	0.76	1	0.57	1	0.00	0	7
Local Growth Scrutiny Committee	7.25	7	3.59	3	2.08	2	0.76	1	0.57	1	0.00	0	7
Audit and Corporate Overview Scrutiny Committee	7.25	8	4.11	4	2.38	3	0.86	1	0.65	0	0.00	0	8
Climate Change and Communities Scrutiny Committee	7.25	7	3.59	3	2.08	2	0.76	1	0.57	1	0.00	0	7
Total seats	29.00	29	14.89	13	8.62	9	3.14	4	2.35	3.00	0	0	29

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

Joint Committees*	Total seats on Committee	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Joint ICT	3	1.54	2	0.89	1	0.32	0	0.24		0.00		3
Joint Scrutiny Panel	3	1.54	2	0.89	1	0.32	0	0.24		0.00		3
New Bolsover Joint Committee	10	5.14	5	2.97	3	1.08	1	0.81	1	0.00		10

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

Joint Employment and Appeals Committee Membership set within Constitution	Total seats on Committee	Majority		Minority	
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats
	4	2.05	3	1.19	1

Advisory/Working Groups*	Total seats on Group	Labour Group		Independent Group		Community Independents		Conservative		Vacant Seats		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
MDWG	7	3.59	3	2.08	2	0.76	1	0.57	1	0.00		7
Local Plan Implementation Action Group	9	4.62	5	2.68	2	0.97	1	0.73	1	0.00	0	9
Pleasley Park and Vale Conservation Area Working Group	5	2.57	3	1.49	2	0.54	0	0.41		0.00	0	5
Tenant Participant Review and Development Group	5	2.57	2	1.49	2	0.54	1	0.41		0.00		5
Total seats	26	13.35	13	7.73	8	2.81	3	2.11	2	0.00	0	26