

## **COUNCIL**

Minutes of a meeting of the Council of the Bolsover District Council held as a virtual meeting and in the Council Chamber, The Arc, Clowne on Wednesday, 9 December 2020 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, Nick Clarke, Jim Clifton, David Dixon, Maxine Dixon, Mary Dooley, Steve Fritchley, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Tom Kirkham, Duncan McGregor, Clive Moesby, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Dan Salt, Liz Smyth, Janet Tait, Ross Walker, Deborah Watson and Jen Wilson.

Councillor Dexter Bullock joined the meeting for Minute Number CL38-20/21.

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), Sara Gordon (Human Resources and Organisational Development Manager), Steve Brunt (Head of Street Scene), Ian Barber (Head of Property Services & Housing Repairs), Nicola Calver (Governance Manager) and Tom Scott (Governance Officer).

### **CL31-20/21      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tracey Cannon, Anne Clarke, Tricia Clough, Paul Cooper and David Downes.

The Chair stated he would use this item to allow Members to speak on the sad passing of Councillor James Watson.

Councillor Ross Walker paid tribute to Councillor James Watson by describing him as his friend who he had achieved many things with. He called Councillor James Watson a special and unique man the likes of which he would never meet again, and added how much of a powerful figure he was at Council meetings in his pursuit of truth and justice.

Councillor Mary Dooley expressed her sincere condolences and stated that all Members were thinking of Councillor James Watson's family and friends during this sad time.

Councillor Allan Bailey thanked Councillor Ross Walker for his kind tribute and expressed his condolences to the family of Councillor James Watson.

The Chair asked Members to observe a minute of silence in memory of Councillor James Watson.

### **CL32-20/21      DECLARATIONS OF INTEREST**

No declarations of interest were received.

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### CL33-20/21 CHAIR'S ANNOUNCEMENTS

The Chair had no announcements.

### CL34-20/21 MINUTES

The minutes were moved by Councillor Chris Kane and seconded by Councillor Rita Turner.

**RESOLVED** that the minutes of a meeting of Council held on 16<sup>th</sup> September 2020 be approved as a true and correct record

### CL35-20/21 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.

### CL36-20/21 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 a specific Committee or a relevant Portfolio Holder.

The Chair indicated that no questions had been submitted.

### CL37-20/21 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 one motion had been submitted by Councillor Ross Walker.

#### **a) Motion from Councillor Ross Walker:**

*The Covid-19 pandemic has caused significant hardship in our communities; help provided to young people needing emotional support at secondary school has been drastically curtailed.*

*Council resolves to encourage the Executive to engage with every Secondary School within the District to explore how the Council can help fill this gap in provision and therefore help our young people to better succeed at school.*

Councillor Ross Walker moved the motion, and believed mental health issues in schools were rife in the pandemic. He stated that Derbyshire County Council had removed £8.5m from its child health budget and he felt children with mental health issues were being let down as a result. He added his belief that Bolsover District Council needed to act now to help support these children.

Councillor Derek Adams seconded the motion and reserved the right to speak.

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Councillor Allan Bailey spoke on the motion and stated he would support it. He felt children were struggling greatly during the pandemic, and the impact on their mental wellbeing might not be fully understood until years into the future.

Councillor Dan Salt spoke on the motion and stated he would support it. He believed children have fragile minds, so we needed to look after these children because they would make up the next generation.

Councillor Deborah Watson spoke on the motion and said she would not support it. She stated that she completely agreed with the sentiment of the motion about protecting children, but education in the County was the responsibility of Derbyshire County Council so Bolsover District Council stepping in to provide alternative support was impossible.

Councillor Natalie Hoy wished to ask Councillor Ross Walker if he had spoken directly to Derbyshire County Council about the issue. The Chair indicated that a response to this question would be provided once Members had spoken on the motion.

Councillor Sandra Peake spoke on the motion. She stated that she sympathised with the matter, but reiterated the statement made by Councillor Deborah Watson that it was the responsibility of Derbyshire County Council and school governors. She added that Bolsover District Council had already done many recent things to support children, like setting up the Young Voice Youth Council, raising money for YoungMinds mental health charity and employing a family practitioner.

The Chair wished to add to this point as the school governor of a Primary School, stating his hope that the needs of children at Primary School level were not overlooked.

Councillor Mary Dooley spoke on the motion and said she agreed with many of Councillor Ross Walker's points, adding that as a school governor herself, it was becoming increasingly difficult to have any influence on secondary schools since they became academies. She felt that Bolsover District Council was doing as much as it could to support children, and referred to the Bolsover Partnership document ('Funding and Performance' section) which mentioned raising the aspirations of Bolsover District children and carrying out 'Bolsover Wellness'.

Councillor Nick Clarke spoke on the motion and stated he agreed with the sentiment of the motion. He added that Council could possibly consider Rhubarb Farm CIC as a target for its resources, since it was an enterprise set up to support vulnerable people.

Councillor Steve Fritchley (Leader of the Council) spoke on the motion and stated that although it was a matter outside of the Council's responsibilities, he fully understood the sentiment of the motion having been a school governor, and he agreed with the concerns within the motion about children and mental health. He added that he had liaised with the Council's Partnership team to find out about support offered to secondary schools, and the Derbyshire Education Business Partnership had advised the Council that schools had received COVID-19 catch-up funding of approximately £80 per pupil, or £240 for children in special schools, which each school could distribute towards pupils in need of it most. He concluded by suggesting that since all Members appeared to be in support of the sentiment of the motion, all Members could write with the concerns raised in this meeting to Derbyshire County Council and the Government.

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Councillor Ross Walker began his response to the speakers on the motion by thanking Councillor Steve Fritchley for his support. He responded to Councillor Deborah Watson's point about it being the responsibility of Derbyshire County Council by stating his belief that he was talking about a relatively small number of pupils from each school in great need of support, so he felt Bolsover District Council stepping in to help them was not asking for a lot, and Bolsover District Council had its own health and wellbeing responsibility to its residents. He responded to Councillor Natalie Hoy's question about if he'd liaised directly with Derbyshire County Council by stating that he had not, but Derbyshire County Council had said that "schools, health and voluntary organisations" would be expected to fill the gap in funding rather than County Council itself. He responded to the points by Councillor Mary Dooley and Councillor Sandra Peake about what the Council had already done to help children, stating that although everything they said was true, he believed the Council could still do much more. He concluded by thanking Heritage High School for the support they had given him.

Councillor Mary Dooley spoke on the suggested correspondence and asked that something be included about her earlier concerns relating to the current difficulties of becoming a governor.

The Chair sought to clarify exactly what Members would be voting on, and stated that based on these discussions, the wording of the motion (if carried) would not change and would be sent with the concerns raised by Members via written correspondence to Derbyshire County Council, the Government, every local Chair of Governors and every local secondary school governing board no later than the end of 10<sup>th</sup> December 2020. As mover of the motion, Councillor Ross Walker agreed with this proposal.

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

**RESOLVED** that written correspondence be sent via Derbyshire Education Business Partnership to Derbyshire County Council, the Government, every local Chair of Governors and every local secondary school governing board no later than the end of 10<sup>th</sup> December 2020, with the letter to include the concerns raised by Members and the motion from Councillor Ross Walker as follows:

The Covid-19 pandemic has caused significant hardship in our communities; help provided to young people needing emotional support at secondary school has been drastically curtailed.

Council resolves to encourage the Executive to engage with every Secondary School within the District to explore how the Council can help fill this gap in provision and therefore help our young people to better succeed at school.

(Head of Leader's Executive)

### **CL38-20/21          DRAFT ORGANISATIONAL POLICY - AGILE WORKING**

Councillor Duncan McGregor (Deputy Leader of the Council) presented a report seeking approval of the draft Agile Working Policy. He stated that the COVID-19 pandemic had drastically changed how people worked, and the policy would aim to make Working from Home processes simpler for managers and employees, fit the corporate context and supportive working environment the Council has in place, and adhere to legislation and Best Practice guidelines. He added that the Agile Working Policy drafted before the

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pandemic was now not fit for purpose.

Councillor Duncan McGregor informed Members that the draft Policy had been unable to go to Union/Employee Consultation Committee for consideration, but Trade Unions had been consulted with on its content, as had SAMT and the New Ways of Working Group.

Councillor Duncan McGregor outlined the reasons for recommending the draft Policy such as providing clear direction for managers when undertaking people management processes, services and supporting employees and other stakeholders in the workplace.

The Chair invited questions from Members on the content of the draft Policy.

Councillor Sandra Peake referred to the Policy's risk assessment and asked if employees were able to take home adjustable seats from the office, and it was confirmed that they were. She also asked if provisions would be in place for making sure employees have home insurance to protect equipment and the Human Resources and Organisational Development Manager explained that employees would be asked for information about home insurance arrangements.

Councillor Deborah Watson believed the Policy would tie employees down for twelve months, which she felt would be an area of concern in such rapidly changing times, so she could only support the proposals if this was a six month period instead. She added that current Working from Home arrangements had resulted in contact issues.

*N.B - At this point Councillor Dexter Bullock joined the meeting.*

Councillor Liz Smyth referred to the part in the 'Principles of Agile Working' section, which noted that employees would be contactable at all times. She asked if there would be some sort of calendar sharing system so Members could see if other officers were available in a department in the absence of their colleagues.

Councillor Derek Adams had data protection and GDPR related concerns about confidential papers being stored at homes, because children and family members could possibly see them. He also asked if for the compressed hours part of the Policy, provisions to continue service delivery were in place if a number of officers in a department choose the same day to not work.

Councillor Andrew Joesbury expressed concerns that the Policy had not been considered by an Overview and Scrutiny Committee or the Union/Employee Consultation Committee. He also shared Councillor Deborah Watson's concerns that the Policy appeared to be setting working arrangements in stone during times that were changing constantly.

Councillor Maxine Dixon expressed concerns that if an employee wanted to take their adjustable chair and were spending half their time in the office and half at home, they might have to carry their chair between the two.

Councillor Ross Walker acknowledged that Trade Unions had been consulted, but stated he could not support the Policy until he had seen a detailed report on precisely what the Trade Unions felt about it.

The Monitoring Officer stated that in response to Councillor Andrew Joesbury, employee policies were not considered by Overview and Scrutiny Committees. Councillor Duncan

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McGregor added that the reason consultation on this particular version of the Policy had been pushed back was because the Agile Working Policy drafted in March 2020 had required a complete re-think in light of COVID-19. He added that for the previous six months, managers, officers and Trade Unions had been working together to produce this version of the Policy.

Councillor Duncan McGregor responded to the point about data protection and GDPR consideration at home, and agreed that having provisions in place was of vital importance because other local authorities had been fined hundreds of thousands of pounds for data breaches in recent years. In regard to setting the Policy for a six month period instead of twelve months, he felt this was a fair compromise to allow Members to revisit the Policy earlier.

The Human Resources and Organisational Development Manager responded to the concerns about the twelve month period by stating this was a review period that would take place after six and twelve months, and any working arrangements would be for managers to discuss with their officers and not set in stone. She added that as long as service delivery in a department could continue, there were a number of flexible options for managers to utilise. In regard to contacting officers she stated that provisions would be included to ensure officers are contactable and diaries are open to other members of staff.

The Human Resources and Organisational Development Manager responded to the point about flexible hours by stating that this was already in place, and managers were asked to ensure cover and continuation of service delivery. She concluded her response by adding that Trade Unions were fully supportive of the Policy and data protection and GDPR protections had been discussed with the relevant officers.

The Director of Development spoke on the Policy and stated that the Government had handed the responsibility of Working From Home arrangements to local authorities at an early stage of the pandemic, so the Council needed to put together arrangements quickly. He added that this Policy would attempt to put the arrangements into more of a structure, and give more consideration to the duty of care the Council has to its employees.

Councillor Deborah Watson suggested adding to the report's one recommendation to review current Agile Working arrangements and for it to be reported to Council in six months, and it was agreed to add this to the recommendation in the interests of inclusivity. Councillor Steve Fritchley (Leader of the Council) reiterated that the Policy would be constantly reviewed.

Councillor Ross Walker suggested that Councillor Duncan McGregor could include a report on exactly what Trade Unions thought of the Policy as part of the six month review. Councillor Duncan McGregor confirmed it would be included.

The recommendation in the report and the amendment suggested by Councillor Deborah Watson were moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley (Leader of the Council).

On being put to the vote it was **RESOLVED** that Council supports the Agile Working Policy, and a review be carried out on current Agile Working arrangements for it to be reported to Council in six months.

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(Human Resources and Organisational Development Manager/Governance Manager)

### CL39-20/21 VISION DERBYSHIRE

Councillor Steve Fritchley (Leader of the Council) presented a report to Members updating them on Vision Derbyshire/Local Government Reform and seeking their approval of the report's five recommendations.

Councillor Steve Fritchley explained that the recommendations sought to continue to engage with other Councils in Derbyshire, but to not give away the Council's sovereignty as part of the Vision Derbyshire 'Case for Change'.

The recommendations were moved by Councillor Steve Fritchley and seconded by Councillor Ray Heffer.

Councillor Mary Dooley thanked Councillor Steve Fritchley for his hard work in liaising with Derbyshire Councils about the 'Case for Change'. She felt that the Case for Change in its current form was incomplete and would lead to job losses, which is why she would support the report's recommendations.

Councillor Graham Parkin stated he would support the report's recommendations and asked Councillor Steve Fritchley if all members of the Vision Derbyshire stakeholder group had an equal say. Councillor Steve Fritchley felt that although he seemed like a lone voice as part of the group, he believed he did get a fair say.

Councillor Duncan McGregor stated he would support the report's recommendations and he believed that some of the financial ideas proposed by the group would lead to financially secure local authorities like Bolsover District Council propping up others that were not. He added his belief that government should be kept local.

Councillor Natalie Hoy stated she would support the report's recommendations because she felt it was important that all of the Councils involved get the Case for Change right. She thanked Councillor Steve Fritchley for always being willing to discuss matters like this.

Councillor David Dixon stated he would support the report's recommendations because he felt the Case for Change would risk jobs and local representation.

On being put to the vote it was **RESOLVED** that Council:

- (i) Notes the update on Vision Derbyshire.
- (ii) Rejects Vision Derbyshire and the Case for Change at this time.
- (iii) Notes the Government's plans to publish a White Paper on Devolution and Local Recovery and the potential implications for local government reform in Derbyshire.
- (iv) Notes the announcement (extract at 1.3.2 of the report) from the Secretary of State for Housing, Communities and Local Government (Robert Jenrick) made recently in relation to local government reform.

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(v) Authorises the Leader of the Council to continue to engage with other Councils across Derbyshire on the issue of devolution and working collaboratively and to report back to Council any alternative proposals that emerge.

(Head of Leader's Executive/Governance Manager)

### **CL40-20/21 SENIOR MANAGEMENT REVIEW**

*The Director of Environment and Enforcement and the Director of Development left the meeting for discussion of this item.*

Councillor Steve Fritchley (Leader of the Council) presented a report seeking to continue with the Senior Management arrangements put in place in March 2020 and continue with a structure with no Chief Executive Officer. It also proposed that a further report be presented to Council in due course on the role of the Head of Paid Service.

The recommendations in the report were moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor.

On being put to the vote it was **RESOLVED** that:

(i) The Authority continues with the arrangements that have been put in place since March 2020 and with a formal management structure that doesn't include a Chief Executive Officer.

(ii) With effect from the 1st September 2020 the Directors receive an increase in salary of £2000 per annum (pro rata for the joint Directors) to the top of the pay grade to reflect additional responsibility as a result of removing the Chief Executive Officer's post from the establishment.

(iii) A further report is presented to Council in due course on the role of the Head of Paid Service.

(Head of Leader's Executive/Governance Manager)

### **CL41-20/21 EXCLUSION OF THE PUBLIC**

Before the exclusion of the public was moved, Councillor Ross Walker asked the Chair if he could read out an additional tribute to Councillor James Watson on behalf of the absent Councillor Tracey Cannon. The Chair accommodated the request.

Message from Councillor Tracey Cannon:

*"After careful consideration and with great sadness, I feel unable to attend this meeting. Councillor James Watson has been both a great friend and an ally of mine over the years, and at this moment in time I am still coming to terms with this extremely sudden and sad loss. In my opinion, Councillor Watson upheld the highest standards of public life. In public office, he carried an intellect and courage to challenge for the greater good and remain true to his principles. I feel that many of us can learn from James's approach. James did not carry hypocritical and false sincerity. Rest in peace, Councillor James Watson. You will be truly missed."*



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

On being put to the vote it was **RESOLVED** that the public be excluded from the meeting during discussion of the following items of business.

### **CL42-20/21            CULVERTS REMEDIAL WORKS AT PLEASLEY VALE BUSINESS PARK**

Councillor Liz Smyth presented a report to Members proposing that work is added to the Capital Programme for 20/21 to allow the Facilities team to appoint OnSite Central Ltd to carry out identified culvert remedial works at Pleasley Vale Business Park for the sum of £105,000.00.

On being put to the vote it was **RESOLVED** that this work be added to the Capital Programme for 20/21 to allow the Facilities team to appoint OnSite Central Ltd to carry out identified culvert remedial works at Pleasley Vale Business Park for the sum of £105,000.00.

(Section 151 Officer)

### **CL43-20/21            CHAIRMAN'S CLOSING REMARKS**

The Chair thanked everybody in attendance for their contributions on the passing of Councillor James Watson.

Councillor Mary Dooley wished to place on record her thanks to Aldi for providing free mince pies to the vulnerable.

The meeting concluded at 11:55 hours.