

## **COUNCIL**

Minutes of a meeting of the Council of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 21 July 2021 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

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

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), Chris McKinney (Principal Planning Officer), Nicola Calver (Governance Manager) and Tom Scott (Governance Officer).

Councillor Peter Roberts arrived at the meeting during Minute No. CL26-21/22.

Councillors Tracey Cannon and Ross Walker left the meeting during the beginning of Minute No. CL28-21/22.

### **CL20-21/22      APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dexter Bullock, Jim Clifton, Donna Hales, Duncan McGregor, Janet Tait and Deborah Watson.

### **CL21-21/22      DECLARATIONS OF INTEREST**

Councillor Natalie Hoy stated that she would not participate in the Bolsover Community Woodlands Project item because of her role as a Cabinet Member at Derbyshire County Council.

Councillor Tricia Clough stated that she had consulted with the Monitoring Officer about her role as a Parish Councillor at Glapwell Parish Council, and had been advised that this would not prevent her from participating in the motion and petition about Park Avenue in Glapwell.

### **CL22-21/22      CHAIR'S ANNOUNCEMENTS**

The Chair passed to the Leader of the Council, who was very sad to report that Councillor Duncan McGregor's wife had recently passed away.

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Councillor Allan Bailey proposed that a letter and some flowers should be sent to Councillor Duncan McGregor on behalf of all Members. The Chair agreed that this would be followed up by officers.

### **CL23-21/22          MINUTES**

The minutes were moved by Councillor Clive Moesby and seconded by Councillor Sandra Peake.

**RESOLVED** that the minutes of Annual Council on 26th May 2021 (reconvened on 23rd June 2021) be approved as a true and correct record.

### **CL24-21/22          QUESTIONS FROM THE PUBLIC**

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

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

### **CL25-21/22          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, Chairman of a specific Committee or a relevant Portfolio Holder.

No questions had been submitted by Members of Council under Council Procedure Rule 9.

### **CL26-21/22          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 five motions had been submitted.

#### **1) Motion submitted by the Leader of the Council:**

*This Council:*

*- is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media and other channels in England and*

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*notes the issue predominantly concerns goldfish*

- is concerned for the welfare of those animals that are being given as prizes - recognises that many cases of pets being as prizes may go unreported each year*
- supports a move to ban the giving of live animals as prizes, in any form.*

*The Council agrees to:*

- ban outright the giving of live animals as prizes, in any form, on Bolsover District Council Land*
- write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.*

Councillor Steve Fritchley (Leader of the Council) moved the motion, and added his belief that goldfish should not have to suffer.

Councillor Jen Wilson seconded the motion and used the right to speak to state that she agreed completely with the sentiment of the motion.

No other Members wished to speak on the motion.

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

**RESOLVED** that the Council agrees to:

- Ban outright the giving of live animals as prizes, in any form, on Bolsover District Council Land;
- Write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

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

### **2) Motion submitted by Councillor Clive Moesby:**

*On 10th November 2016 this Council passed a motion calling for a public inquiry into events at Orgreave on 18th June 1984.*

*Bolsover District Council is concerned and disappointed that despite this Council and many other Councils also calling for a public inquiry during the last few years, that the Government has so far failed to listen to those requests.*

*Despite the fact that the Police are alleged to have fabricated evidence against 95 miners charging them with offence of riot, a crime which could be punished with a life sentence no inquiry has yet taken place. Despite allegations including the use of excessive violence displayed that day by Police Officers, the false narrative by the Police and Media, and perjury by Police Officers and the subsequent cover up of that perjury by senior officers this has still not been scrutinised and investigated.*

*Bolsover District Council therefore calls on the Home Secretary Priti Patel to order a full public inquiry into the deployment and actions of the Police on 18th June 1984 and to conduct meaningful discussions with the Orgreave Truth and Justice Campaign, The NUM and concerned MP's.*

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Councillor Nick Clarke moved the motion, and added his belief that the miners' dispute in 1984/85 was a result of the Conservative Government being determined to exact revenge upon coal miners for previous disputes, and the Battle of Orgreave was the most aggressive action taken by Police against miners. He felt that the incident needed a public inquiry and the IPCC's decision in 2015 to not investigate South Yorkshire Police was perhaps because they were afraid of what an investigation might expose.

*N.B. Councillor Peter Roberts joined the meeting at this point.*

Councillor Clive Moesby seconded the motion and used the right to speak to state that a public inquiry into the incident had been requested by many people, and he believed that the Government were scared of what might come out of a public inquiry. He felt the miners at Orgreave that day still needed justice.

Councillor Tricia Clough stated she would support the motion and added her belief that the miners deserved justice.

Councillor Steve Fritchley (Leader of the Council) stated he would support the motion and speaking as a coal miner at the time of the dispute, he felt it was an act of political revenge.

Councillor Sandra Peake stated she would support the motion and added her belief that people needed to continue putting pressure on the Government to allow a public inquiry.

Councillor Peter Roberts stated he would not support the motion and added that although he agreed with the sentiments in the motion and believed the dispute was the result of political games, he felt a public inquiry into it would be a waste of money.

Councillor Ross Walker stated he would support the motion, but felt that the focus should be on the negative things the Conservative Government was doing in the present rather than years ago.

Councillor Liz Smyth stated she would support the motion and added that although she did not usually approve of costly public inquiries, on this occasion she felt a public inquiry was correct because the country was still feeling the effects of what happened to the coal mining communities.

Councillor Allan Bailey stated he would support the motion and added his belief that if the Hillsborough disaster families had not fought for justice for decades, that would have been brushed under the carpet as well.

No other Members wished to speak on the motion.

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

**RESOLVED** that the Council calls on the Home Secretary Priti Patel to order a full public inquiry into the deployment and actions of the Police on 18th June 1984 and to conduct meaningful discussions with the Orgreave Truth and Justice Campaign, The NUM and concerned MPs.

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

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### **3) Motion submitted by Councillor Duncan McGregor (Deputy Leader of the Council):**

#### ***This council notes:***

*Local government has endured central government funding cuts of more than 50% since 2010.*

*Between 2010 and 2020, councils lost 60p out of every £1 they have received from central government.*

*Over the last year, councils have led the way in efforts against the Covid-19 pandemic, providing a huge range of services and support for our communities. Local government has shown more than ever how indispensable it is.*

*But the pandemic has led to a massive increase in expenditure and loss of income, and the Government has failed to provide the full amount of promised support. Local government workers have kept our communities safe through the pandemic, often putting themselves at considerable risk as they work to protect public health, provide quality housing, ensure our children continue to be educated, and look after older and vulnerable people.*

*Since 2010, the local government workforce has endured years of pay restraint with the majority of pay points losing at least 23 per cent of their value since 2009/10. At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, 900,000 jobs have been lost in local government since June 2010 – a reduction of more than 30 per cent. Local government has arguably been hit by more severe job losses than any other part of the public sector.*

*The funding gap caused by Covid-19 will make local government employment even more precarious.*

*There has been a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.*

*Recent research shows that if the Government were to fully fund the unions' 2021 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits, and increased consumer spending in the local economy.*

#### ***This council believes:***

*Our workers are public service super-heroes. They keep our communities clean and safe, look after those in need and keep our towns and cities running.*

*Without the professionalism and dedication of our staff, the council services our residents rely on would not be deliverable.*

*Local government workers deserve a proper real-terms pay increase. The Government needs to take responsibility and fully fund this increase; it should not put the burden on local authorities whose funding been cut to the bone and who have not been offered adequate support through the Covid-19 pandemic.*

#### ***This council resolves to:***

*Support the pay claim submitted by GMB, Unison and Unite on behalf of council and School workers, for a substantial increase with a minimum of 10 per cent uplift in April 2021.*

*Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim.*

*Write to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.*

*Meet with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign.*

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*Encourage all local government workers to join a union.*

Councillor Steve Fritchley moved the motion and added that he felt people should be rewarded for the hard work they do.

Councillor Clive Moesby seconded the motion and used the right to speak to state his belief that Council workers had responded very well during the COVID pandemic and must be supported.

Councillor Andrew Joesbury stated he would support the motion and added that as the husband of a teacher, he felt Council workers and teachers had not been paid what they were worth for 10 years.

Councillor Anne Clarke stated she would support the motion and added that Old Bolsover Town Council's pay structure was currently being rearranged and it was time Bolsover District Council did the same.

The Chair stated he would support the motion and added his belief that since he became a Councillor, the service he has received from the Council's workforce has been second to none.

Councillor Sandra Peake stated she would support the motion and added her belief that workers of all kinds had been fantastic during the COVID pandemic.

No other Members wished to speak on the motion.

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

**RESOLVED** that the Council:

- (i) Supports the pay claim submitted by GMB, Unison and Unite on behalf of council and School workers, for a substantial increase with a minimum of 10 per cent uplift in April 2021.
- (ii) Calls on the Local Government Association to make urgent representations to central government to fund the NJC pay claim.
- (iii) Writes to the Chancellor and Secretary of State to call for a pay increase for local government workers to be funded with new money from central government.
- (iv) Meets with local NJC union representatives to convey support for the pay claim and consider practical ways in which the council can support the campaign.
- (v) Encourages all local government workers to join a union.

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

#### **4) Motion submitted by Councillor Peter Roberts:**

*In order to lead the way in reducing air pollution caused by road traffic and promote flexible working Members should be encouraged to have fewer in person meetings. This not only would help the environment, but also potentially reduce expenditure on travel expenses within the Members' Allowance Scheme. I move that Members agree to note that they may voluntarily waiver their right for travel expenses for attendance at in person meetings, and Council pledges to provide more virtual options for Member attendance at*

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*informal meetings without the need for travelling to the Arc.*

Councillor Peter Roberts moved the motion and added that a recent story in the Worksoop Guardian newspaper estimated that a local authority could reduce carbon emissions by around 1,000 tonnes because of staff working flexibly since the COVID pandemic started.

Councillor Ross Walker seconded the motion and reserved the right to speak until later in the debate.

Councillor Steve Fritchley (Leader of the Council) stated he would not support the motion and added how he believed the Council were ready undertaking this with a shift to more virtual meetings, as well as the recent reduction in Committee memberships meaning not as many Members need to turn up in person. He added that in terms of travel expenses, he felt it was correct for the scheme to remain as it was because some Members would still have to travel for miles to attend meetings in certain situations.

Councillor Mary Dooley stated she would not support the motion and added that the Council had held plenty of virtual meetings, and she felt what she did with her travel expenses was up to her.

Councillor Ross Walker stated he would support the motion and felt other Members had not yet mentioned the carbon reduction aspect of the motion. He added his belief that the Council had to step up and improve the air quality in Bolsover District.

Councillor Tom Kirkham stated he would not vote in favour or against the motion. He added that he agreed with the Leader of the Council's assertions that the Council had already increased remote working, but at the same time he did not see the harm in the travel expense part of the motion because it specified that waiving travel expenses was only voluntary.

Councillor Peter Roberts summed up his motion by stating that some of the Members who claimed travel expenses also received special allowances for being on Committees and these special allowances added up to thousands of pounds a year, so he felt Members should not be claiming travel expenses for meetings that they already received special allowances to attend.

No other Members wished to speak on the motion.

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

### **5) Motion submitted by Councillor Tom Kirkham:**

The Chair stated that because this motion and the petition submitted as Agenda Item 8 covered the same ground regarding the sale of land at Park Avenue in Glapwell, he had consulted with the Monitoring Officer and there would be scope for Members to consider both at the same time and avoid duplication.

The Chair asked Councillor Tom Kirkham as submitter of the motion and representative of the petition to confirm if he would allow both to be considered together. Councillor Tom Kirkham indicated he had no issues with this approach.

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The Chair stated that Councillor Tom Kirkham would present his motion and the petition, then there would be a debate combining both, and then a single vote would be taken on the proposals within both.

Councillor Tom Kirkham presented his submitted motion which was as follows:

*This motion calls on the council to place covenants on the council owned land at the top of Park Ave in Glapwell (which is commonly referred to as the ransom strip). To ensure that this recognised asset of community value is kept as it is, as an open green space free from road or development for use by generations of residents to come.*

Councillor Tom Kirkham moved the motion and stated that the piece of land on Park Avenue was integral to the residents of Glapwell. He felt that because Glapwell Parish Council had put in a bid to buy the land and would have to increase their Council Tax to afford it, Glapwell residents would essentially be paying to use a piece of land they had used for years.

Councillor Peter Roberts seconded the motion and reserved the right to speak until later in the debate.

Councillor Tom Kirkham presented the submitted petition which read as follows:

*We, the undersigned, petition Bolsover District Council to protect the wildlife and mature trees at the top of Park Avenue in Glapwell from development. We ask the Council to stop its sale until covenants can be added to the land to keep it as green, open public space respecting its status as a Bolsover District community asset.*

*The land is one of the few areas of Glapwell that links the village back to its heritage and the old Glapwell Hall. The trees on the land are some of the oldest in the district and they are home to protected species such as bats. The land is much loved by local residents as a space for peace and relaxation.*

*We believe that the sale should be made open to the widest possible scrutiny.*

Councillor Tom Kirkham added that the number of signatures on the petition (1,045) reflected the strength of feeling in Glapwell about the issue.

The Director of Development confirmed that at this point that the sale of the land had already been completed on 20<sup>th</sup> July 2021 and that procedures were being undertaken by officers to process that sale.

Councillor Peter Roberts felt that the decision by the Council not to retain the piece of land was driven simply by money.

Councillor Tricia Clough stated she would support the motion/petition and in reference to the Director of Development's statement, she acknowledged that the issue had been reviewed by Growth Scrutiny Committee in 2020, but she felt a lot had changed since then like the COVID pandemic. She added that residents in Glapwell wanted to enjoy the nature in the spot for generations to come, and some people had come from abroad to visit it. She stated that even after the Growth Scrutiny Committee call-in and review, she still felt the Executive should have discussed the sale with Members.



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Councillor Nick Clarke stated he would support the motion/petition and felt that the trees in the area would be destroyed if development was allowed there, and those particular trees reduced carbon emissions, increased wellbeing and contained a rare species of bat. He believed that the area was a community asset and to allow this to happen to the trees would kill the local environment and contradict the Council's carbon reduction targets.

Councillor Ross Walker stated he would support the motion/petition and felt this community asset was very important to the residents of Glapwell. He added that it was the only official 'Asset of Community Value' in Bolsover District, and he believed we should not sell it off without thinking of the community that uses it.

Councillor Tom Kirkham summed up the motion/petition by stating that the views of Members must always be respected, and he believed they had not on this occasion.

Councillor Allan Bailey, Councillor Tracey Cannon and Councillor Ross Walker requested that a recorded vote be taken on the motion/petition. The Chair confirmed this had met the recorded vote threshold of 3 Members and a recorded vote would be taken.

For the motion – 15

*(Councillor Derek Adams, Councillor Allan Bailey, Councillor Jane Bryson, Councillor Tracey Cannon, Councillor Anne Clarke, Councillor Nick Clarke, Councillor Tricia Clough, Councillor Paul Cooper, Councillor David Dixon, Councillor Maxine Dixon, Councillor Natalie Hoy, Councillor Tom Kirkham, Councillor Graham Parkin, Councillor Peter Roberts and Councillor Ross Walker.)*

Against the motion – 13

*(Councillor Rose Bowler, Councillor Mary Dooley, Councillor David Downes, Councillor Steve Fritchley, Councillor Ray Heffer, Councillor Andrew Joesbury, Councillor Chris Kane, Councillor Clive Moesby, Councillor Tom Munro, Councillor Sandra Peake, Councillor Liz Smyth, Councillor Rita Turner and Councillor Jen Wilson.)*

Abstentions – 2

*(Councillor Stan Fox and Councillor Evonne Parkin.)*

The Chair confirmed that the motion/petition was carried.

**RESOLVED** that:

- (i) The Council places covenants on the council owned land at the top of Park Ave in Glapwell (which is commonly referred to as the ransom strip) to ensure that this recognised asset of community value is kept as it is, as an open green space free from road or development for use by generations of residents to come.
- (ii) The Council makes the sale open to the widest possible scrutiny.

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

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### **CL27-21/22 DEBATE OF PETITION**

The Chair indicated the submitted petition had been considered as part of Motion 5 in Minute No. CL26-21/22.

### **CL28-21/22 MEMBER CHAMPIONS**

*N.B. Councillor Tracey Cannon and Councillor Ross Walker left the meeting at this point.*

The Monitoring Officer presented a report to give consideration to the Member Champion role profile (as recommended by Standards Committee) and appoint Member Champions for the forthcoming year.

The Monitoring Officer explained that the role was not a decision making one but one that facilitated engagement and discussion around a particular area.

The recommendations in the report to accept the Member Champion role profile and appoint the suggested Member Champions (Appendix 1) were moved by Councillor Clive Moesby and seconded by Councillor David Downes.

An additional motion to include Councillor Andrew Joesbury as a third Armed Forces Member Champion (in addition to the two suggested Members) was moved by Councillor Tom Munro and seconded by Councillor Nick Clarke.

**RESOLVED** that:

- (i) Council approves the Member Champion role profile in this report as recommended by Standards Committee;
- (ii) Council appoints Member Champions from the attached list to serve until the Annual Council meeting in 2022;
- (iii) Council appoints Councillor Andrew Joesbury as a third Armed Forces Member Champion (in addition to the two suggested Members) to serve until the Annual Council meeting in 2022.

(Monitoring Officer/Governance Manager)

### **CL29-21/22 NEW CODE OF CONDUCT FOR MEMBERS**

The Monitoring Officer presented a report to approve a new Code of Conduct for Councillors based on the new Local Government Association Model Code as recommended for adoption by the Standards Committee.

The Monitoring Officer explained that the Local Government Association had produced a model Code of Conduct for Councillors. The model code had been considered in detail by the Standards Committee and a new draft Code for Bolsover Councillors was considered by the Standards Committee at its meeting on 5th July 2021. At that meeting, the Standards Committee made a recommendation to Council to adopt the draft Code.

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Councillor Clive Moesby spoke about the importance of the Code of Conduct as a guide for Members to follow.

The three recommendations in the report to adopt the draft Code, undertake training and ask Parish and Town Councils to adopt the LGA model Code were moved by Councillor Clive Moesby and seconded by Councillor David Downes.

**RESOLVED** that:

- (i) Council adopts the new Code of Conduct for Councillors as recommended by the Standards Committee;
- (ii) Members note that a presentation will be given at the next available meeting of Council detailing the Code to offer all attendees essential training and awareness of the content therein; and
- (iii) Members note Standards Committee's request that all Parish and Town Councils be contacted recommending that they adopt the Local Government Association Model Code of Conduct for Councillors.

(Monitoring Officer/Governance Manager)

### **CL30-21/22      COUNCILLOR DISPENSATION**

The Chair indicated that this item had been withdrawn because the Member in question had attended this meeting of Council.

### **CL31-21/22      EXCLUSION OF THE PUBLIC**

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.

### **CL32-21/22      BOLSOVER COMMUNITY WOODLANDS PROJECT**

Councillor Natalie Hoy temporarily left the meeting during discussion of this item.

The Principal Planning Officer presented a report proposing that funds be allocated from the General Fund from 1<sup>st</sup> October 2024 to 30<sup>th</sup> September 2036 to enable the Council to cover the costs of entering into funding and legal agreements relating to the Bolsover Community Woodlands project.

The recommendation in the report was moved by Councillor Steve Fritchley and

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seconded by Councillor Nick Clarke.

On being put to the vote it was **RESOLVED** that the Council notes the contents of the report and agrees subject to the outcome of the Executive meeting that:

a) a sum of £10,000 per annum be allocated from the general fund from 1st October 2024 to 30th September 2036 to enable the Council to cover the costs of entering into funding and legal agreements relating to the Bolsover Community Woodlands project that relate to the costs of entering into the Service Level Agreement with Bolsover Woodland Enterprise Ltd.

(Principal Planning Officer/Section 151 Officer)

### **CL33-21/22 SENIOR MANAGEMENT REVIEW**

The Director of Environment and Enforcement and the Director of Development temporarily left the meeting during discussion of this item.

A report was presented which included an update on the Senior Management Review and recommendations on proposals at Director level.

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

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

(i) Subject to formal consultation with the Directors and Trade Unions, that Council approve:

(a) The disestablishment of the two Joint Director posts and the establishment of one full-time Director post at BDC, namely Director of Resources and Head of Paid Service (title to be reviewed). This would create two full-time Director level posts, dedicated to BDC, namely Director of Development and Director of Resources and Head of Paid Service, based on existing salary grades for Director level posts.

(b) That Mrs Karen Hanson (currently Director of Environment and Enforcement and Deputy Head of Paid Service) be appointed to the newly established post of Director of Resources and also appointed as Head of Paid Service.

(c) That the two BDC Directors review the management structure in consultation with all Portfolio Holders, in terms of reporting structures for departments.

(Monitoring Officer)

### **CL34-21/22 CHAIRMAN'S CLOSING REMARKS**

The Chair encouraged all Members to attend the ABBA tribute event at the Technique Stadium on 10<sup>th</sup> September 2021 because the event was in aid of his charity Ashgate

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Hospicecare.

The meeting concluded at 1140 hours.