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To: Chair & Members of the Council

Tuesday, 31 August 2021

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Dear Councillor

COUNCIL

You are hereby summoned to attend a meeting of the Council of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 8th September, 2021 at 10:00 hours.

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 2 onwards.

Yours faithfully

Solicitor to the Council & Monitoring Officer



We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

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COUNCIL AGENDA

***Wednesday, 8th September, 2021 at 10:00 hours taking place in the Council Chamber,
The Arc, Clowne***

Item No.	PART 1 – OPEN ITEMS	Page No.(s)
1.	Apologies For Absence	
2.	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.	
3.	Chair's Announcements To receive any announcements that the Chair of the Council may desire to lay before the meeting.	
4.	Minutes To approve the Minutes of the Council meeting held on 21 July 2021	4 - 15
5.	Questions from the Public In accordance with Council Procedure Rule 8, to allow members of the public to ask questions about the Council's activities for a period of up to thirty minutes. A question may only be asked if notice of twelve clear working days has been given.	
6.	Questions from Members In accordance with Council Procedure Rule 9, to allow Members to ask questions about Council activities. A question may only be asked if notice of twelve clear working days has been given.	
7.	Motions In accordance with Council Procedure Rule 10, to consider motions on notice from Members. 1) Motion submitted by Councillor Steve Fritchley (Mineworkers' Pensions)	16 - 19

8.	Environmental Health Update	20 - 31
	Report of the Portfolio Holder – Environmental Health & Licensing	
9.	Independent Person Appointment	32 - 35
	Report of the Monitoring Officer	
10.	Senior Management Review	36 - 42
	Report of the Leader of the Council	
11.	Local Government Reorganisation	43 - 47
	Report of the Leader of the Council	
	See attached letter from the Rt Hon Robert Jenrick MP, Secretary of State for Housing, Communities and Local Government, regarding Local Government Reorganisation	
12.	Chairman's Closing Remarks	

COUNCIL

Minutes of a meeting of the Council of Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 21st 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, Stan 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 and 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.

The Chair indicated that no questions had been submitted.

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, the Chairman of a specific Committee or a relevant Portfolio Holder.

The Chair indicated that no questions had been submitted.

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 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:

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- *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:

- (i) Ban outright the giving of live animals as prizes, in any form, on Bolsover District Council Land;
- (ii) 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.

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.

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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)

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.

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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.

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

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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 waive their right for travel expenses for attendance at in person meetings, and Council pledges to provide more virtual options for Member attendance at informal meetings without the need for travelling to the Arc.

Councillor Peter Roberts moved the motion and added that a recent story in the Worksop 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.

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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 already undertaking this with a shift to more virtual meetings, as well as the recent reduction in Committee memberships meaning not as many Members needed 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 matter 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 he had submitted the motion and petition to confirm if he would allow both to be considered together. Councillor Tom Kirkham indicated he had no issues with this approach.

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:

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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 pointed out for the information of Members that the sale of the land had been scrutinised when the decision had been called in and reviewed by Growth Scrutiny Committee in 2020.

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.

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.

COUNCIL

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 it should not be sold off without thinking of the community that used 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)

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.

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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 the report as recommended by Standards Committee;
- (ii) Council appoints Member Champions from list attached to the report 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.

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.

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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 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.

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

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(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 Bolsover District Council, 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 Bolsover District Council 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 10th September 2021 because the event was in aid of his charity Ashgate Hospicecare.

The meeting concluded at 1140 hours.

Motion submitted by Councillor Steve Fritchley

The House of Commons Business, Energy and Industrial Strategy Committee Mineworkers' Pension Scheme Report can be accessed here –

<https://committees.parliament.uk/publications/5683/documents/56224/default/>

Conclusions and recommendations from the report:

Mineworkers' Pension Scheme

1. The Scheme's Trustees had little choice but to accept the Government's proposal to divide future surpluses on a 50:50 basis, as a condition of securing the Government's guarantee during the negotiations in 1994. (Paragraph 16)
2. The Government failed to conduct due diligence during the 1994 negotiations and undertook no empirical analysis or evaluation to inform or support the 50:50 split it proposed. The Government was negligent not to take actuarial advice. (Paragraph 17)
3. The 50:50 split was, and remains, arbitrary. (Paragraph 18)
4. To date, the Government has received £4.4bn from the Mineworkers' Pension Scheme. This is already more than the 1994 expectations of what the Government would receive. The Government is also due to receive at least another £1.9bn, on top of 50% off any future surpluses. (Paragraph 22)
5. The Government has not paid any funds into the Scheme since the surplus sharing arrangement was put in place in 1994. (Paragraph 23)

Fairness of the current terms

6. Many former mineworkers have chronic health issues directly related to their former occupation, and the former coalfields are amongst the most deprived areas of the UK. Sadly, their numbers are also decreasing year by year. Over half of Scheme members receive less than the average pension. Given the success of the Scheme, and the vast sums which have been paid to the Government, it is unconscionable that many of the Scheme's beneficiaries are struggling to make ends meet. (Paragraph 31)
7. We recognise that the Government's guarantee is important, has contributed to the success of the Scheme, and has benefitted Scheme members. However, we are not convinced by the Government's argument that its entitlement to 50% of surpluses is proportionate to the relatively low degree of risk it actually faces in practice. The number of Scheme members and the relative size of the fund has fallen significantly since 1994. Yet, the Government's 'price' for the guarantee has not been adjusted to reflect that fact. With no formal period review mechanism built into the agreement, pension members remain tied to an expensive arrangement. (Paragraph 46)
8. Given that the Scheme has continued to produce strong returns despite the 2008 Financial Crisis and the COVID-19 pandemic, there is little reason to believe the Government will be required to pay into the Scheme before it is wound-up. Even if, in extremis, the Government is required to financially contribute at some point in the future, realistically its contribution will not come close to the (at least) £6.3bn it is currently due to receive in total. (Paragraph 47)

9. Whether or not the Government knew in 1994 that it would disproportionately benefit from the arrangement, and whether all parties thought it was fair at the time, 24 Mineworkers' Pension Scheme is irrelevant. It is patently clear today that the arrangements have unduly benefited the Government, and it is untenable for the Government to continue to argue that the arrangements remain fair. (Paragraph 48)

10. Governments should not be in the business of profiting from mineworkers' pensions. We are therefore disappointed by the Government's argument that the 1994 agreement is a success because the public purse has had strong returns from it. The Government is not a corporate entity driven by profit-motives, and should not view miners' pensions as an opportunity to derive income. We also note that allowing the arrangement to continue would appear antithetical to the Government's stated aim of redressing socio-economic inequality and 'levelling up' left-behind communities. (Paragraph 49)

Changing the terms of the 1994 agreement

11. The Government is disingenuous in claiming the Trustees are content with the terms of the current arrangements. The Trustees have been clear that they are not - and never were - happy with the terms, and that they would welcome any changes in members' favours. The Government should not mistake the Trustees' acceptance of the deal for contentment. (Paragraph 53)

12. We are disappointed by the Government's dismissive approach to proposals to review the existing arrangement. The Minister's claim of openness is contrary to the approach successive governments have taken since 1994. The Government must approach any future discussions with the Trustees with a genuinely open mind, and with the best interests of the pension members in mind. (Paragraph 54)

13. With the benefit of hindsight, it is clear that the Government has already profited greatly from the Scheme. The Government must acknowledge that continuation of the arrangements in their current form deserves a review and a better outcome for pensions should be found. The current arrangements should be replaced with a revised agreement in which the Government is only entitled to a share of surpluses if the Scheme falls into deficit, and the Government has to provide funds. In that event, the Government should be entitled to 50% of future surpluses up to the total value of the funds it has provided to make up any shortfall. Such an arrangement takes account of the vast funds the Government has received thus far and the significant reduction in the risk it faces, and would ensure that neither party will be out of pocket in future. (Paragraph 58)

14. Whilst we have called for the 50:50 split to be replaced with a more appropriate arrangement moving forward, we believe pensioners should also receive a more immediate uplift. We recommend that the Government hands the £1.2bn it is due to receive from the Investment Reserve back to miners, and sets out its proposals for how and when this will be administered in response to this report. (Paragraph 63)

Conclusion

15. The Government's guarantee has undoubtedly benefitted the Scheme's members by providing vital security that the value of pensions will not decrease. However, the price of this guarantee is no longer fair. (Paragraph 64)

16. The beneficiaries of the Mineworkers' Pension Scheme toiled in dreadful conditions, to keep the country's lights on. Many now live with industrial diseases caused by the dangerous nature of their former occupation. The least they should expect in return is the secure retirement they were promised decades ago. Yet, successive governments have failed to deliver this. (Paragraph 65)

17. The Government must now accept its moral obligation to the Scheme members, and acknowledge that continuation of the surplus sharing arrangements in their current form robs beneficiaries of the financial security they have rightfully earned. (Paragraph 66)

18. Our recommendations set out equitable arrangements which would go some way to redressing the sense of historic injustice felt by the Scheme's members. The Government must consider them carefully. (Paragraph 67)

“To support the recommendations of the House of Commons Business, Energy and Industrial Strategy Committee Mineworkers' Pension Scheme Sixth Report of Session 2019-21 as follows:

[List of recommendations – see 1 to 18 above]”

Motion submitted by Councillor Clive Moesby

The Chancellor quite rightly extended the £20 uplift to Universal Credit (UC) for six months in his March budget. Unemployment is expected to continue to rise into the foreseeable future.

The UK has one of the weakest welfare safety nets in Europe which has been cruelly exposed by the pandemic – and I think it would be wrong both morally and financially to end the £20 uplift at the end of September.

The total number of households on Universal Credit across the Bolsover District (Feb 2021) is now 4749. The removal of the £20 increase would cast many more deeply into poverty.

Bolsover District Council notes the permanent increase in UC would not only give a financial boost to some of the District's most deprived families, but would have a positive impact on the local economy. (Based on these figures an extra £5m would be pumped into the local economy).

“That Bolsover District Council writes to:-

- **the Chancellor, Rishi Sunak, requesting that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits**
- **urge the government to end the five week wait for Universal Credit by converting advances into grants instead of loans.**
- **continue to work alongside partner organisations to provide help and assistance wherever possible to all those struggling during these difficult times.**
- **Mark Fletcher MP (MP for Bolsover) to ascertain his stance/position on the reduction to Universal Credit”**

Bolsover District Council

Council

8 September 2021

Environmental Health Update

Report of the Portfolio Holder for Environmental Health & Licensing

Classification: This report is public.

Report By: Karen Hanson, Executive Director of Resources

Contact Officer: Ken Eastwood, Assistant Director of Environmental Health.

PURPOSE / SUMMARY

To provide an update on the work undertaken by the Environmental Health Service during 2020 / 2021, outlining the impact of and response to COVID-19.

RECOMMENDATIONS

1. That Members note the update on the work of the Environmental Health Service during the pandemic period.

Approved by the Portfolio Holder – Cllr Watson

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

There are no financial implications within this report.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

There are no legal implications within this report.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

There are no staffing implications within this report.

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 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	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SAMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Ward Members

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

REPORT DETAILS

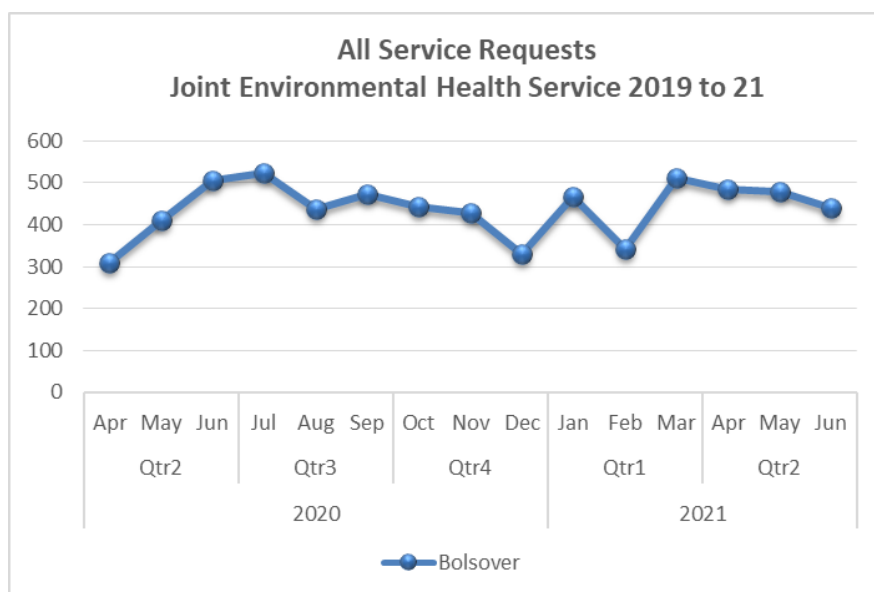
1 Background

- 1.1 2020/21 was a busy year for the Environmental Health Service compared to the previous two financial years. There are several reasons for this, including statutory duties arising from the Coronavirus Regulations and an increase in requests for advice and support, noise complaints, burning, litter and fly tipping.
- 1.2 In addition, a comprehensive Environmental Health Service Review was completed in the year and progress made with recruitment to new posts and existing vacancies, following additional investment in the service.

2. Details of Proposal or Information

Service Demand

- 2.1 Service requests normally fluctuate in Environmental Health, with peaks during the summer due to noise and waste complaints and between December and January with increases in housing disrepair issues and fly tipping.
- 2.2 Over the last 15 months these peaks have been added to with the impact of the pandemic bringing high volumes of business enquiries, coinciding with lockdowns and business restrictions.
- 2.3 Over the last 2 years we have seen a steady increase in caseloads across the service in Bolsover.



- 2.4 When we look at the highest volumes of work, this shows that these increases were predominantly due to increases in requests for general advice and support

from the public and business, as well as significant increases in complaints about domestic nuisances.

Housing & Public Health Team

- 2.5 The Housing and Public Health Team deals with all private sector housing issues, as well as a wide range of public health matters in the domestic environment. In respect of housing conditions, whilst some advice and support is given to owner occupiers, the largest volume of work is enforcement of housing conditions in the private rented sector.
- 2.6 The team has faced significant challenges, seeing at the peak a 300% increase in domestic burning complaints last summer, as people chose to burn their waste when the Household Waste Recycling Centres were closed and people were out gardening during the lockdown.
- 2.7 During the pandemic there have been some positives, including for example a reduction in the number of barking dog complaints as more people spent time at home with their pets.
- 2.8 The team has been dealing with a number of more complex enforcement cases including working with the Gangmasters and Labour Abuse Authority, undertaking joint operations to investigate people trafficking, labour abuse, overcrowding and poor housing conditions. Currently, there are over 60 live 'landlord repair' cases in progress in Bolsover.
- 2.9 Improvement activity at West Lea, Clowne is being taken forward as a co-ordinated programme of enforcement and community engagement activity. Significant waste issues have been dealt with via service of over 40 warning letters and notices and undertaking clearance works in default, recharging costs to property owners. Investment in the Environmental Health Service has increased capacity to begin to deliver targeted projects of this nature.
- 2.10 One of the outcomes from the NG20 Building Resilience Project was identifying unsafe housing conditions and problem portfolio landlords. Follow up enforcement activity has been sustained and after the recent recruitment of a housing specialist Environmental Health Officer into one of our new posts, more of this work, including progressing HMO Licensing, will be delivered within the district.
- 2.11 To assist investigations during lockdown, the team has been trialling a Noise App to allow complainants to safely manage and send in their own nuisance noise recordings via the website. In the vast majority of cases, this has been very well received and will continue to be used as an additional means of collating evidence, post Covid.
- 2.12 Cases handled by the Housing and Public Health Team (BDC): -

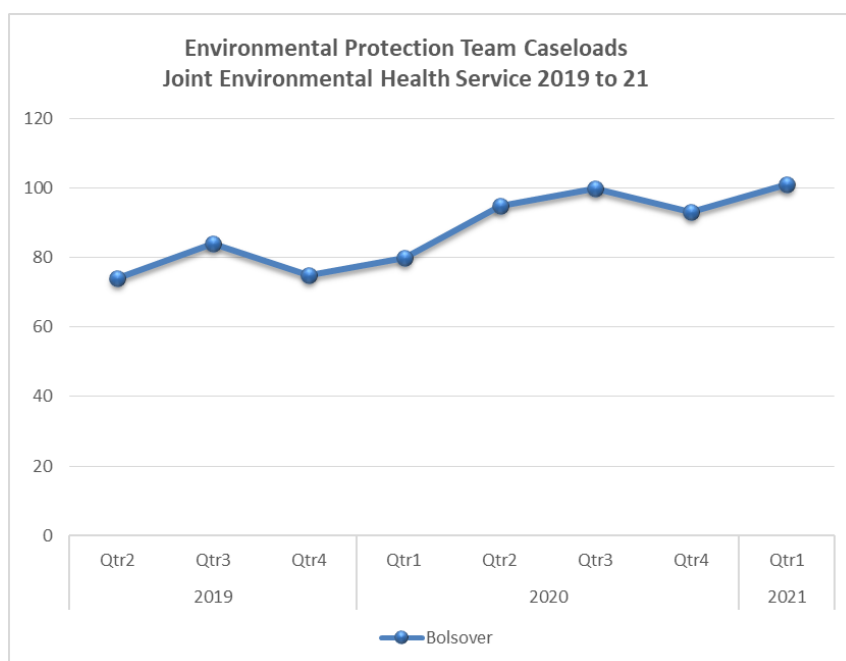
	2019/20	2020/21	Change
Q1	258	340	+32%
Q2	294	352	+20%
Q3	203	210	+3%
Q4	285	299	+5%
Totals	1,040	1,201	+15%

Environmental Protection Team

2.13 The Environmental Protection Team undertakes planned and programmed work including: -

- Planning application consultations, to deliver a quick and effective service to planning colleagues and developers.
- Developing Air Quality planning guidance for developers.
- Implementing a programme of inspections and permit reviews for LA-PPC (industrial permitted sites).
- Annual billing process for permits, and associated DEFRA returns.
- Monthly air quality monitoring.

2.14 Complaints about commercial noise, waste and smoke nuisance added to the growth during the summer of 2020 and early this year. A steady increase in planning application consultations also contributed to increased workloads.

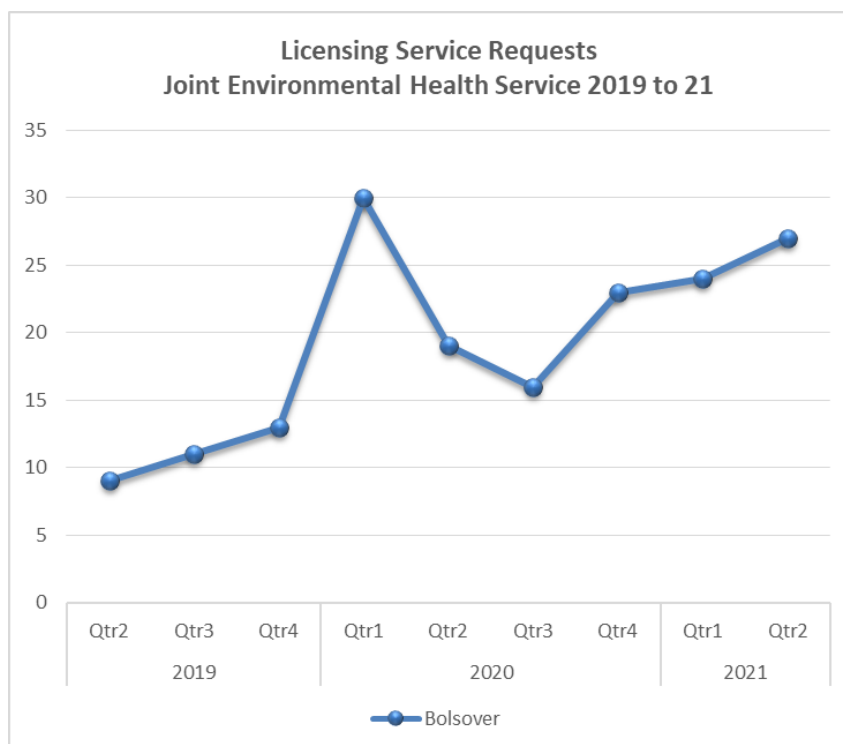


2.15 With a new Team Manager now in post following investment in the service, performance within this team has improved in a number of key areas.

- 2.16 There has been a significant improvement in Environmental Health planning consultation response performance for Bolsover, with the response target, of 90% of responses to be made within 21 days, being exceeded for the last 7 months in a row (and in that time, only one case had taken longer than 21 days to respond to).
- 2.17 More recently the team has produced and distributed advice and guidance to licensed premises on how to re-open safely and mitigate against potential noise nuisance.

Licensing Team

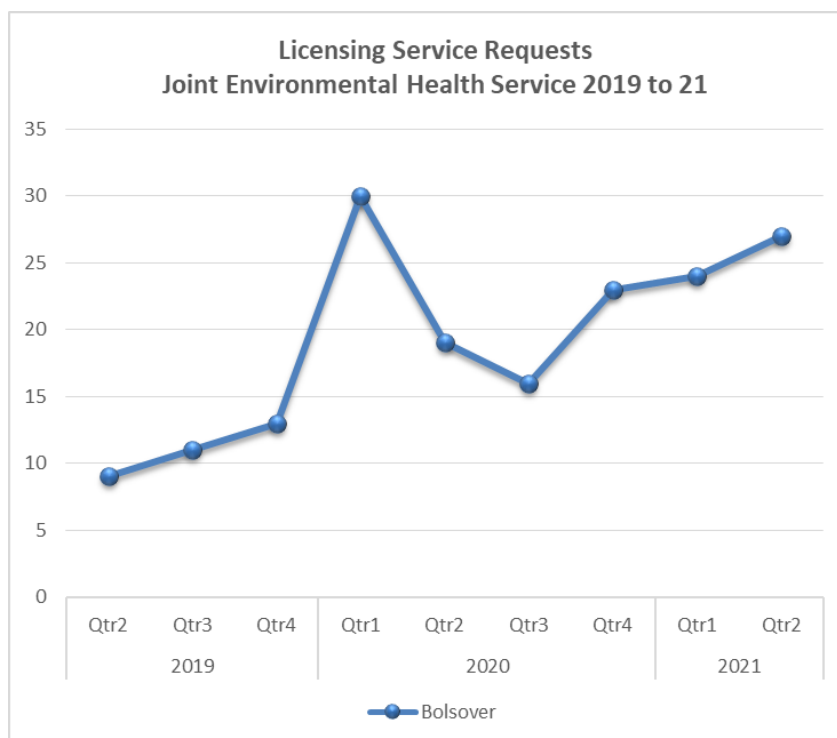
- 2.18 Since the first COVID-19 lockdown in March 2020, the Licensing Team have worked hard to ensure that licences can be issued, whilst continuing to maintain public safety. This work has included: -
- The introduction of on-line applications for all taxi licence applications.
 - The move to external DBS checks to remove the need for face to face contact with applicants.
 - Externalised safeguarding courses to ensure drivers and operators receive the required training (quality checked).
 - The introduction of processes to issue licences (where possible) by email.
 - Working closely with the Police and other agencies to ensure that licensed premises operate in a COVID secure manner or where appropriate remain closed in accordance with the legislation.
- 2.19 In addition, the service has also commenced public consultation on the following: -
- Adoption of a policy relating to the location and operation of sex establishments within the district.
 - Revision of the current taxi licensing policies to include the new revised statutory guidance issued by the Department of Transport.
- 2.20 The team has seen an increase in licensing requests for advice, mainly from the taxi trade during the pandemic, with surges doubling the enquiries by March 2020, and again as the additional waves of infections occurred during the pandemic. Although relatively small numbers, this is a significant increase in workload for what is a small team, focussed on licensing taxis and premises.



- 2.21 Staff appointed to the new Licensing Support Officer posts joined the team at the beginning of the month and work has begun on streamlining processes and working arrangements to enable the Licensing & Enforcement Officers to spend more time undertaking enforcement activity.

Environmental Enforcement Team

- 2.22 The Environmental Enforcement Team are dealing with increasing incidents of fly tipping and are focussed on resuming neighbourhood patrols, which started again in May, to ensure that littering and dog fouling offences are deterred and detected.
- 2.23 Work is currently underway to review CCTV and covert surveillance technologies with a view to identifying solutions to assist further with evidence capture and enforcement of waste crime in difficult locations. In parallel, we are currently reviewing our fly-tipping deterrent, communications and enforcement policy.
- 2.24 The increase in fly tipping is again attributed to lockdown related behaviour and people spending more time walking in their local areas, an increased public awareness and happening upon fly tipped waste more frequently. Interestingly, the sharp rise seen in January to March this year was much sharper than the increase during the first lockdown.



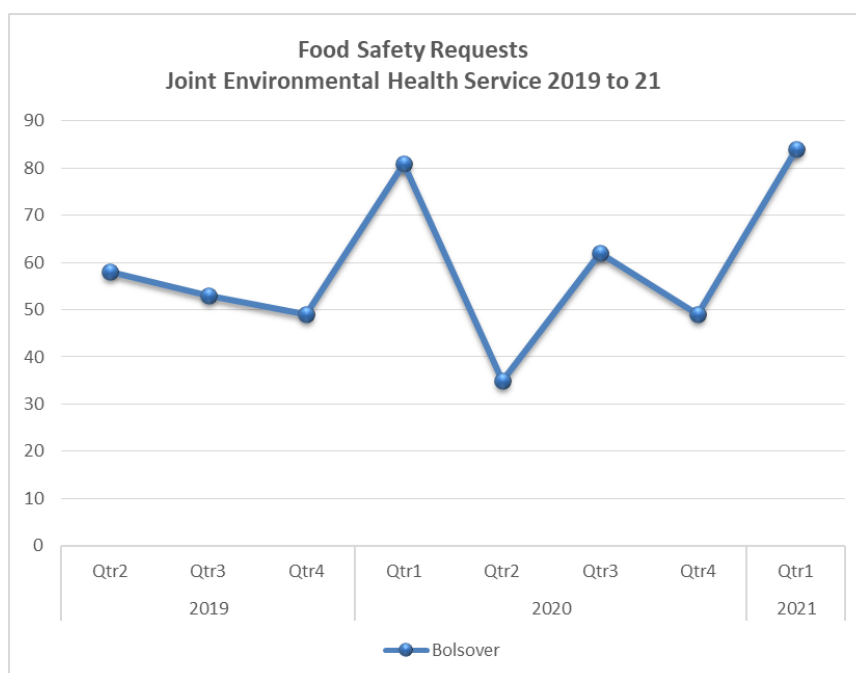
- 2.25 The team has also been assisting the Housing and Public Health Team with domestic accumulations of waste, responding to issues and triaging to other teams as required. This has helped the service to respond to the significant increase in demand in waste and burning complaints.
- 2.26 One of the officers in the team has completed an animal welfare and licensing qualification to develop the required skills to assist implement the 2018 regulations, now fully implemented.
- 2.27 The team is also currently exploring an innovative partnership with the DVLA to take enforcement action against untaxed vehicles. This will entail developing arrangements with a contractor to seize and impound vehicles, along with administrative arrangements to liaise with the Police and the DVLA and to collect payments for release of vehicles when appropriate. This will be a very useful addition to our enforcement toolkit.

Commercial Team

- 2.28 Food Hygiene and Safety inspections have fully resumed following the reductions in Coronavirus cases and the vaccination roll out.
- 2.29 Inspections had been curtailed until September last year, in line with guidance from the Food Standards Agency. Additional Personal Protective Equipment was put in place for food inspectors to ensure they could continue to inspect food businesses in close contact situations when the programme resumed.
- 2.30 Prior to the pandemic there were typically 15 to 25 new food business registrations per quarter. However, over the last 12 months the number of registrations has increased steadily, reaching 40 in quarter one, 2021. Many of

these new operators are home bakers or caterers setting up as an alternative model and selling through new platforms such as Facebook Marketplace.

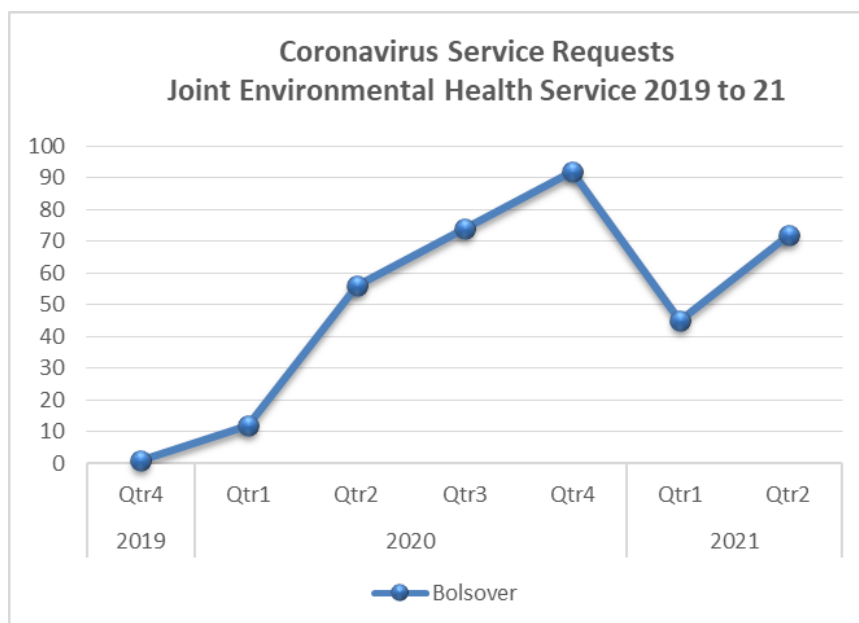
- 2.31 As the second wave of the pandemic took hold in January to March this year, there was again a sharp rise in food related service requests, mostly due to complaints and food advice requests from businesses.



- 2.32 The 2021/22 Food Safety Service Plan is drafted and details the steps the service will take to recover any lost ground on the food and safety programmes.

COVID Team

- 2.33 Utilising additional funding distributed by Derbyshire County Council Public Health and Surge Funding from MHCLG, a dedicated COVID Team was established in the year to enhance capacity and meet demand, particularly with regard to compliance, business advice and support.
- 2.34 The service has dealt with enquiries, complaints, outbreak investigation referrals and proactive visits to regulated businesses. Visits are often undertaken with Police colleagues where priorities align in a particular area or business, to enable both business and public enforcement to be coordinated.
- 2.35 In the period from January 2020 to June 2021 the service dealt with 351 service requests in the district related to Coronavirus, with the majority being advice requests from businesses or complaints about breaches of restrictions, reaching a peak in October to December 2020 at the height of the second wave of infections and the run up to the easing of restrictions at Christmas.



- 2.36 Since the 1st of January 2021, the service has carried out more than 300 proactive visits to businesses in the Bolsover district, including at evenings and weekends, to check on Coronavirus restrictions and compliance levels, supporting businesses to comply with the legislation and signposting them to further support and guidance.
- 2.37 During the second and third wave of infections, visits targeted food retail premises and since February, the focus has switched to the hospitality industry, to enable them to be compliant through the phases of lockdown.
- 2.38 Overall compliance rates in businesses have been high, with the top reasons for non-compliance being: -
- Inadequate signage
 - Lack of sanitiser for customers
 - Face covering non compliances (customers and staff)
 - Lack of screens at counters and tills
- 2.39 There is a strong partnership approach with other authorities and Derbyshire County Council Public Health. Weekly the team has attended the following meetings: -
- Incident Management Team – Review of outbreaks, case data, testing and trends in the district to enable prioritisation of resources and proactive investigations/action.
 - Outbreak Control Team – To discuss in depth outbreaks and required control, testing and enforcement requirements.
 - Environmental Health partnership meeting – to agree County wide common approaches to enforcement and proactive work.

- Police SNT Area meetings – To discuss community level policing and local enforcement challenges and to identify further joint working opportunities.
- 2.40 The Team has dealt with a number of outbreaks, supporting the County Test and Trace activity. A case recently required an officer to help locate an individual who had given false address details on returning to the UK, for example.
- 2.41 A number of events planned for the summer at licensed premises and other venues, after the restrictions are to be lifted, are currently being considered by the Team along with the Safety Advisory Group and Emergency Planning Teams, to ensure that event organisers properly consider the risks to attendees and the general public.

The Year Ahead

- 2.42 Additional ring-fenced grant funding has been provided by Government through the Contain Outbreak Management Fund (COMF). This is to support COVID related activities, including public health interventions, compliance and enforcement.
- 2.43 As restrictions are lifted, it is expected the focus of activity will increasingly be upon providing advice, guidance and business support. The service will continue outbreak management work with Test and Trace and through our work with businesses we regulate, will contribute to COVID recovery and public assurance.
- 2.44 Some funding has been allocated to purchase new noise monitoring and recording equipment. As a result of COVID there has been an increase in demand for the noise nuisance equipment used in domestic settings and the service has a waiting list for its deployment. New equipment will increase capacity to meet these demands and will improve service delivery in the future.
- 2.45 Following a procurement exercise, arrangements have just been put in place to provide a variety of fully funded courses for regulated businesses. These will support businesses re-opening safely and will help with food safety, allergen awareness, health and safety at work and COVID compliance.
- 2.46 A mix of online and some face-to-face training courses will primarily be offered to start-up and SME businesses, to help with compliance and provide confidence in public safety. 400 places will be available in Bolsover, initially targeting hospitality and catering businesses due a regulatory inspection in the coming year.
- 2.47 The grant funding will also continue to be used to provide additional temporary staff resource in the teams facing increases in demand due to COVID. This includes supporting teams dealing with backlogs in their inspection programmes brought about due to restrictions during the lockdown periods.

Staffing Matters

- 2.48 Since January 2021, the Service has conducted a number of recruitment campaigns to fill existing vacancies and the new posts created following the service review.
- 2.49 The service has also recruited internally to two vacant Environmental Health Officer posts, creating trainee opportunities and funding officers to undertake the 2-year MSc. Environmental Health course at Leeds Metropolitan University. Given the national shortage of Environmental Health Officers resulting in some difficulties in recruitment, providing training and career progression opportunity to in house technical and administrative staff was considered appropriate.
- 2.50 A number of newly appointed officers are yet to join the service but the effects of the investment in the service are certainly being felt, with increased capacity within teams to undertake statutory duties and respond to requests for service. Although impacted by COVID, the statutory inspection programmes are manageable and will be delivered in line with guidance and national regulator expectations.

3 Reasons for Recommendation

- 3.1 Council is requested to note the report.

4 Alternative Options and Reasons for Rejection

- 4.1 Not applicable to this report

DOCUMENT INFORMATION

Appendix No	Title
-	
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	

Bolsover District Council

Council

8 September 2021

Appointment of Independent Person

Report of the Joint Head of Corporate Governance and Monitoring Officer

Classification: This report is public

Report By: Governance Manager, Nicola Calver

Contact Officer: Nicola Calver - Tel: 01246 217753
nicola.calver@ne-derbyshire.gov.uk

PURPOSE / SUMMARY

To advise Members of the expiry date of Ian Kirk's appointment as an Independent Person for the Council and to recommend his reappointment to the position of Independent Persons to assist the standards process for a further period of 4 years.

RECOMMENDATIONS

1. To appoint Ian Kirk as an Independent Person to assist with the Standards Process until the end of September 2025.

Approved by the Portfolio Holder – Corporate Governance

IMPLICATIONS

Finance and Risk: Yes ☒ No ☐

Details:

The cost of employing an Independent Person is approximately £800 per annum and is covered within existing budgets.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☐ No ☒

Details:

Section 28(7) of the Localism Act 2011 requires the appointment of Independent Persons.

On Behalf of the Solicitor to the Council

Staffing: Yes ☐ No ☒

Details:

None

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 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	N/A
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"/>	No Details: -

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 The Localism Act 2011 requires the Council to appoint Independent Persons who must be consulted by the Authority before a decision is taken on a

complaint against a member and who may be consulted by the member and at any other time by the Authority.

- 1.2 In addition the Independent Persons may also be involved in any disciplinary action against any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.
- 1.3 To be appointed, an Independent Person must go through a recruitment process and not have been a member, co-opted member or officer of the authority or a parish council in the District or be a relative or close friend of any such person. They also cannot have been a member or officer of the District or Parish Council in the last five years.
- 1.4 The Council appointed Ian Kirk at the Meeting of Council in September 2017 after a recruitment process to this role for a four year term, which is due to expire on 14th September 2021.

2. Details of Proposal or Information

- 2.1 It has been considered, in the Monitoring Officer's opinion, that Mr Ian Kirk continues to be an ideal candidate for the role, and on that basis, should be offered a further term of engagement to carry out this service to the Authority.
- 2.2 Should this be accepted, Bolsover District Council would make the appointment for a further four years.

3 Reasons for Recommendation

- 3.1 It is considered that that two Independent Persons are required to provide resilience and impartiality. Mr Kirk is an ideal person to undertake this one of these appointments for the Council.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council could consider the option of reducing the number of Independent Persons employed by the Council to one. However having two allows the Council to use the Independent Persons at different stages of the complaints process. It also provides breadth of experience and ensures continuity in case of sickness, annual leave or other non-availability.
- 4.2 The Council could request for the Monitoring Officer to allow the expiry of the term of office and instruct recruitment of a new Independent Person. It is felt that this would be unnecessary due to the calibre of the current appointee.

DOCUMENT INFORMATION

Appendix No	Title
N/A	-
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)	
N/A	

Bolsover District Council

Council

8 September 2021

Senior Management Review

Report of the Leader of the Council

Classification: This report is public

Report By: Councillor Steve Fritchley

Contact Officer: Karen Hanson, Executive Director of Resources

PURPOSE / SUMMARY

To provide Council with an update on the Senior Management Review and the reporting arrangements for Assistant Directors.

RECOMMENDATIONS

1. To endorse the reporting structure for the Senior Management Team (as outlined in Appendix 1).

Approved by the Portfolio Holder – Yes

IMPLICATIONS

Finance and Risk: Yes ☐ No ☒

Details:

There are no financial implications arising from this report. The change to the establishment will be met from within the existing approved budget.

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes ☒ No ☐

Details:

Legal issues are covered in the report.

On Behalf of the Solicitor to the Council

Staffing: Yes ☒ No ☐

Details:

The Council's Policy and Procedure for Organisational Review will be followed. The proposed approach would minimise impact on the Officers involved and service delivery.

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 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	None directly
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet / Executive <input checked="" 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: Ward Members

Links to Council Ambition (BDC)/Council Plan (NED) priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.
None directly

REPORT DETAILS

1 Background

- 1.1 At the Council meeting in March 2020, Council agreed to a new Senior Management Structure. This included the disestablishment of the post of Chief Executive Officer.
- 1.2 It is the general consensus of senior officers that the Council has worked well without a Chief Executive and that the preference of officers is that the Council should continue to work with the flattened structure of Directors and Heads of Service/Assistant Directors. This has provided a wider Member/Officer interface. The work of the Chief Executive Officer has been effectively carried out by the Directors.
- 1.2 On 12th July 2021, Council approved the disestablishment of the two Joint Director posts and established a full-time Executive Director post, namely Executive Director of Resources. This effectively, allowed for two Executive Directors dedicated solely to Bolsover District Council.
- 1.3 Following formal consultation with the two Joint Directors, Karen Hanson has been appointed to the newly established post of Executive Director of Resources. She was also appointed to the role of Head of Paid Service as outlined within the Council report. These appointments took effect from 2nd August 2021. Grant Galloway has been appointed as the Executive Director of Strategy and Development.
- 1.4 Having moved from three Directors to two, the report to Council on 12th July 2021 requested the Executive Directors carry out a review of the management structure in terms of reporting lines and responsibilities for departments. This has now taken place and this report provides an update on progress.

2. Details of Proposal

- 2.1 This report provides details of the actions which have been taken as part of this review. As outlined below, this includes discussions with the Leadership of our Strategic Alliance partner and informal discussions with the Heads of Service / Assistant Directors in order to arrive at a preferred option.
- 2.2 To enable Bolsover District Council to achieve its ambitions, the reporting structure outlined in Appendix 1 is currently considered the most appropriate. This structure aligns the following service areas within each Directorate:

Directorate of Resources

- Finance (including Section 151 Officer)
- Environmental Health
- Housing Management and Enforcement (including Community Safety)
- Street Scene Services
- Transformation, (including Leisure, Customer Services and ICT)

Directorate of Strategy and Development

- Legal and Governance Services (including Monitoring Officer and Returning Officer)
- Leader's Executive and the Partnership Team
- Property Services and Housing Repairs
- Development and Planning

- 2.3 Subject to further consultation with North East Derbyshire District Council in relation to joint officers, it is proposed that all Heads of Services are re-titled as Assistant Directors within the new structure. This will provide consistency across the Senior Management Team.
- 2.2 It should be noted that there are no significant changes to Assistant Director job roles proposed. The changes relate to reporting lines and job titles only. These do not require formal consultation or approval. All staff affected are aware of the review.
- 2.4 Whilst some service areas and Assistant Directors will remain joint as part of the Strategic Alliance Management Team, other posts will remain single Council posts. These are outlined as follows:

Joint posts:

- Assistant Director, Environmental Health
- Assistant Director, Street Scene
- Assistant Director, Transformation
- Assistant Director, Corporate Governance

Bolsover only posts:

- Assistant Director, Development
- Assistant Director, Housing Management and Enforcement
- Assistant Director, Finance and Resources
- Assistant Director, Leader's Executive and Partnerships
- Assistant Director, Property Services and Housing Repairs

- 2.5 The Joint posts will continue to be jointly managed by both Councils as part of the Strategic Alliance. This includes the continued direct management of the Environmental Health Service. Line management meetings will take place alongside Portfolio Holder Meetings for each service area. Performance of all joint services will continue to be regularly reviewed and reported.
- 2.6 Single Council posts will report directly to the appropriate Executive Director as outlined within Appendix 1.

Statutory Roles, Responsibilities and Good Practice

- 2.7 The Council is required to designate some specific statutory responsibilities. The designation of other responsibilities is considered to be good practice. These are outlined and designated below:

- Head of Paid Service – Karen Hanson
- Monitoring Officer – Sarah Sternberg
- Section 151 Officer – Theresa Fletcher
- Emergency Planning Lead – Grant Galloway
- Procurement Lead – Grant Galloway
- Safeguarding Lead – Karen Hanson
- Returning Officer – Sarah Sternberg
- Deputy Returning Officers – Grant Galloway and Karen Hanson
- Solicitor to the Council – Sarah Sternberg
- Senior Information Risk Owner – Sarah Sternberg
- Senior Risk Owner – Karen Hanson

Areas for further Consideration

2.8 There are some areas of the senior management structure which require or are undergoing further review. These include:

- Planning Policy Team
- Housing Policy Team
- Housing Services

2.9 The Joint Planning Policy Team is currently undergoing a review with staff consultation underway. The review is considering bringing back the Planning Policy role into a single service for Bolsover.

2.10 The Housing Policy Team is currently a joint team, hosted by North East Derbyshire District Council. Further work will be undertaken to establish whether the current arrangements fulfil the strategic aims and vision of Bolsover. This will be subject to a further report to Executive in due course.

2.11 The Housing Service is currently split across the two Directorates. The Housing Management and Enforcement Service sits within the Resources Directorate and the Property and Housing Repairs Service sits within the Strategy and Development Directorate. This is a relatively new structure which was designed to ensure appropriate focus, skills, resources and priority is given to each service separately and in accordance with Vision Bolsover. This structure is currently settling down with Housing staff due to move to the Arc over the next few months.

2.12 Whilst this report deals with the management structure at senior management level, it should be remembered that the Strategic Alliance between the two Councils is wider than Senior Management Team. There are other areas of joint working as a Strategic Alliance which are unaffected by this report.

3 Reasons for Recommendation

3.1 The structure at Senior Management level will enable the Council to successfully achieve its ambitions and priorities.

3.2 The structure can be met within existing budgets.

3.3 The structure avoids placing any officers at risk of redundancy.

4 Alternative Options and Reasons for Rejection

4.1 Consideration of alternative structures at senior management level have been undertaken, but rejected as not fit for purpose.

DOCUMENT INFORMATION

Appendix No	Title
1	Draft BDC Senior Management Structure
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	

Bolsover District Council Structure



Dear colleagues,

Local Government Reorganisation

As you know, there is an item on the next Council meeting agenda inviting a debate on Local Government Reorganisation. For this debate the rules on debate in the Council Procedure Rules will be suspended to allow Councillors to speak more than once and to fully debate the issues and options surrounding Local Government Reorganisation. This is being done to allow every Councillor as much opportunity as possible to speak and express their view.

As a follow Councillor for the District, I am confident that you will want to contribute to this very important debate and to express your views on where you see local democracy in the future – governance structures changed or unchanged.

The Rules of motions and amendments will remain in place to ensure clarity over the motion that is passed at the end of the debate. We need to ensure everyone is clear what we are saying at the end of this debate.

I've asked the SMT to prepare various scenarios for this debate based on the content of the letter from Robert Jenrick of July this year which deals with this subject, devolution deals and elected mayors. All of this discussion is in preparation for a Government White Paper on the subject at some time in the future. Probably October/November.

At the end of this briefing is a list of functions for Unitary, District, County and Metropolitan Councils for your information.

In the meantime you may want to give thought to some of the issues raised in the letter:

- That the Government want devolution deals to go beyond the large cities.
- That the Government want devolution deals based on a wider geographical area such as a County.
- That strong local leadership is fundamental, but that this does not necessarily mean directly elected mayors.
- That there is an expectation of demonstrable improvement in governance, efficiency and joining up of local services that will support the delivery of levelling up.
- That Government believe that the specific powers and flexibility given might be helpful to allow you to deliver improvements rather than simply adding funding asks.
- That those areas with the clearest, most innovative and readily deliverable proposals that support levelling up will be prioritised.

Also

- What other governance models are available?
- What will any reorganisation under this scheme do to local democracy and the voters' perceptions?

- Will the loss of services that may be part of this be justifiable and an improvement for the electorate?
- What affect will this discussion and any decisions under it have on Parish and Town Councils?

Finally I wanted to let you know the Government has decided not to put forward any new legislation covering this reorganisation. It is to be done under existing legislation and by agreement.

If you have any questions in advance of the meeting, do not hesitate to ask me or one of the Directors. You may well have ideas that are essential for the debate to cover all aspects of the issues.

I look forward to debating this with you on the 8th September.

Steve Fritchley,

Leader of the Council

Functions of the tiers of Local Government				
	Shire Areas			Metropolitan Areas
	Unitaries	County Councils	District Councils	Metropolitan Districts
Education	✓	✓		✓
Highways	✓	✓		✓
Transport Planning	✓	✓		✓
Passenger Transport	✓	✓		✓
Social Care	✓	✓		✓
Housing	✓		✓	✓
Libraries	✓	✓		✓
Leisure and Recreation	✓		✓	✓
Environmental Health	✓		✓	✓
Waste Collection	✓		✓	✓
Waste Disposal	✓	✓		✓
Planning Applications	✓		✓	✓
Strategic Planning	✓	✓	✓	✓
Local Taxation Collection	✓		✓	✓
Climate Change	✓	✓	✓	✓
Elections	✓		✓	✓



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To: Local Authority Leaders and Chief Executives
and Mayors

15 July 2021

As the Prime Minister set out in his speech today, strong local leadership is critical to this government's levelling up agenda. We are committed to devolving power to local places and closer to citizens, letting dynamic and accountable local leaders get on and deliver.

We have seen the benefits that strong local leadership can bring to an area, through the role that local leaders have played in championing local investment opportunities and supporting the economic recovery in their towns and cities, and in local government's excellent leadership throughout the pandemic.

We want to work with the existing combined authority mayors to ensure they have the powers they need – in exchange for strong local accountability – to deliver, to trial innovative approaches, to support the recovery, create jobs, improve local services and to level up. As we develop the white paper we will engage with them further, building on previous conversations. We also want more places, particularly in our city regions and major urban areas, to agree an ambitious Mayoral devolution deal where there is local support and continue discussions on Mayoral deals within those areas that are interested.

We promised in our manifesto to deliver full devolution in England, and we are eager to work with you to deliver this. We believe this can be achieved in different ways and with freedom of choice, and flexibility on the part of central government, and tailored to suit the needs, identity and history of local areas. We want to widen devolution beyond the cities and provide strong local leadership for all of our places; building on our work at the local level on high streets, towns and local infrastructure with a longer-term offer across larger, strategic geographies to improve their economic, social and environmental wellbeing, improve public services and drive levelling up in these areas. Counties, towns and villages are an essential part of the nation and should neither be excluded from the devolution enjoyed by many cities and suburbs, nor forced to wear a model which can seem ill-fitting.

We will be engaging with councils over the course of the Summer, beginning with a webinar in the next couple of weeks with council leaders, in advance of the Levelling Up White Paper.

While we are keen to work with local areas on what will be most suitable for them, County Deals will be guided by some key principles:

- Strong local leadership will be fundamental. Whilst high-profile, directly elected individual leaders can provide a single point of accountability to local citizens and can act as a champion for their area, we will consider other governance proposals that increase stability and strengthen local leadership.
- County devolution should operate across a sensible economic geography of a suitable scale and one based on local identity, bringing local partners together and with powers exercised at the right level to make a difference for local communities. We will be looking to do county devolution for example with the county council and its nearby unitaries, working with its districts as appropriate; or with the county council and its districts; geographically large unitary authorities, or a combination of say two such authorities where there is a recognisable single identity.
- The nature and appropriateness of proposed governance structures will impact on the nature of the deal and the types of powers and flexibilities provided in a deal. We will expect demonstrable improvements in governance, efficiency and local service join-up as part of the deal that support the delivery of levelling up.
- We expect deals to include significant reform proposals, including ways to achieve greater financial efficiency, administrative streamlining and / or more joined up services in an area. This does not mean local government (unitary) reorganisation is a prerequisite to participation – although that remains a locally-led option available where there is strong local support.

We would encourage you to begin to think amongst local partners about a vision for what you want to achieve in your place and how you can work with Government to deliver on your local priorities. We are interested to hear from you about what specific powers and flexibilities might be helpful to allow you to deliver rather than simply additional funding asks.

Those areas with the clearest, most innovative and readily deliverable proposals that support levelling up will be prioritised. At this stage, this is not a call to commission consultants, or draw up extensive proposals either for new deals or further powers. We would strongly discourage the use of costly external advisers, and councils should not be hiring lobbyists.

We will want to discuss the parameters with you further, first at the webinar and as we develop the Levelling Up White Paper. We will set out further details on the engagement process in the coming weeks.

I hope you will welcome this approach, which is guided by the Prime Minister's and my desire to empower and enhance strong local leadership and to reflect the great variety of places across England providing devolution and localism that is at ease with each part of the nation.



RT HON ROBERT JENRICK MP