

COUNCIL

Minutes of a meeting of the Council of Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 2nd August 2023 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair (for CL23-23/24 to CL25-23/24)

Councillors Rita Turner (Vice-Chair), David Bennett, Amanda Davis, Mary Dooley, Will Fletcher, Louise Fox, Steve Fritchley (for items CL23-23/24 to CL31-23/24 and CL33-23/24), Justin Gilbody, Donna Hales, Rob Hiney-Saunders, Mark Hinman, Cathy Jeffery, Chris Kane, Lucy King, Sandra Peake, Lisa Powell, Jeanne Rospin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Ashley Taylor, Catherine Tite, Vicky Waplington, Deborah Watson, Carol Wood and Jane Yates.

Officers:- Karen Hanson (Chief Executive), Theresa Fletcher (Service Director Finance & Section 151 Officer), Jim Fieldsend (Service Director Governance and Legal Services & Monitoring Officer), Pam Brown (Service Director Executive, Corporate Services and Partnerships), Victoria Dawson (Assistant Director of Housing Management and Enforcement), Ian Barber (Director of Property & Construction, Dragonfly Development Limited) and Amy Bryan (Governance and Civic Manager).

CL23-23/24 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anne Clarke, Rowan Clarke, Duncan Haywood, Tom Kirkham, Duncan McGregor, Clive Moesby, Janet Tait and Jen Wilson.

CL24-23/24 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

CL25-23/24 CHAIR'S ANNOUNCEMENTS

The Chair encouraged all Members to book on to the Prevent (Counter Terrorism) training webinar, which was taking place on Wednesday 6th September.

The meeting was adjourned at 10:05 and recommenced at 10:19.

Councillor Tom Munro left the meeting.

Councillor Rita Turner (Vice Chair of the Council) in the Chair

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CL26-23/24 MINUTES

There was one amendment to be made to the Minutes of Annual Council. Minute CL10-23/24 should refer to Councillor Donna Hales rather than Councillor Catherine Tite in the 4th paragraph.

Moved by Councillor Steve Fritchley and seconded by Councillor Sandra Peake.

RESOLVED that the minutes of the meetings of Council held on 24th May 2023 be approved as true and correct records.

CL27-23/24 MOTIONS

In accordance with Council Procedure Rule 10, Councillors were able to submit Motions on Notice for consideration at meetings of Council.

a) The following motion was submitted for consideration by Councillor Jane Yates

Bolsover District Council notes that:

- 1. The pressure on organisations to pay their fair share of tax has never been stronger.*
- 2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.*
- 3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.*
- 4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.*
- 5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.*
- 6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.*

Bolsover District Council believes that:

- 1. Paying tax is often presented as a burden, but it shouldn’t be.*
- 2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.*
- 3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.*
- 4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.*

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5. *More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.*
6. *UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.*

Bolsover District Council resolves to:

1. *Approve the Councils for Fair Tax Declaration.*
2. *Lead by example and demonstrate good practice in our tax conduct, right across our activities.*
3. *Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.*
4. *Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.*
5. *Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.*
6. *Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.*
7. *Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.*
8. *Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.*
9. *Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.*

The Motion was moved by Councillor Jane Yates and seconded by Councillor Steve Fritchley.

Councillor Yates spoke to the Motion and stated that she believed in a tax system that was fair and ensured businesses paid the right tax at the right time. Companies who did not pay the right amount of tax reduced the money available for public services. The Fair Tax Foundation estimated that globally, 40% of multinational profits were shifted to tax havens each year. The Fair Tax Mark was an accreditation for businesses who had good tax practices, the details of which were set out in the Motion.

On being put to the vote the Motion was carried.

RESOLVED that Bolsover District Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that "corporate tax avoidance" has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company's ethics and how they pay their tax, as well as

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value for money and quality of service provided, when awarding contracts to companies.

4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

Bolsover District Council believes that:

1. Paying tax is often presented as a burden, but it shouldn't be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.
4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Bolsover District Council resolves to:

1. Approve the Council for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax

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contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.

9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

CL28-23/24 REVIEW OF THE COUNCIL'S CONSTITUTION

The Service Director of Governance and Legal Services & Monitoring Officer presented a report proposing amendments to the Council's constitution as recommended by the Standards Committee.

The report set out the proposed changes, which were:

Junior Executive Roles

The Leader of the Council had proposed the introduction of the role of Junior Executive Member. The purpose of the change was to provide each of the Executive Members with an assistant who would help in delivering the work within their portfolios. Article 7 of Part 2 of the Constitution would need to be amended with the introduction of this new role and a revised version of Article 7 was attached to the report at Appendix 1.

Access to Information Rules

There were a number of omissions and points of clarification that needed to be addressed in the Access to Information Rules. Of specific note was the wording of Rule 4.2.12, which would be changed to place the responsibility for deciding whether a report should be exempt with the Monitoring Officer, which would be consistent with the Officer Delegation Scheme. A revised version of the Access to Information Rules was attached to the report at Appendix 2.

Executive/Scrutiny Protocol

Within the revised *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities*, guidance was given on the creation of an Executive/Scrutiny Protocol. As part of the review of scrutiny procedures a protocol had been created, the aim of which was to outline practical expectations of the relationships between Scrutiny Members and the Executive. The proposed Executive/Scrutiny Protocol for insertion into the Constitution at 4.5.21 within Part 4.5 was attached to the report at Appendix 3.

Community Call for Action (CCfA)

A revised Community Call for Action was attached to the report at Appendix 4.

Members Roles and Responsibilities

The current document omitted the role of a Scrutiny Member, so this had now been added. In addition, the role and responsibilities of the Vice-Chair of the Council had been added for clarity, and the new role of Junior Executive Member had also been included. A revised Members Roles and Responsibilities section was attached to the report at

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Appendix 5.

Virement

There was currently a slight discrepancy between the two parts of the Constitution that dealt with virement, which were Part 4.3 (Budget and Policy Framework) and part 4.7.2(7) (Financial Regulations). An amendment was proposed to make it clear that it was Members of the Senior Leadership Team (SLT) who could authorise virements. The proposed changes to the two sections were set out in Appendix 6 to the report.

Moved by Councillor John Ritchie and seconded by Councillor Sandra Peake
RESOLVED that the amendments to the Constitution, as detailed in the report, be approved.

(Service Director of Governance and Legal Services & Monitoring Officer)

CL29-23/24 INDEPENDENT REMUNERATION PANEL

The Service Director of Governance and Legal Services & Monitoring Officer presented a report of the Independent Remuneration Panel. The report sought to establish an Independent Remuneration Panel, which would be asked to consider and make recommendations on the following:

- Whether the Junior Executive Members role should receive a Special Responsibility Allowance (SRA) and if so, the amount of the allowance.
- Whether a board member of Dragonfly Development Limited and Dragonfly Management (Bolsover) Limited should receive a Special Responsibility Allowance.
- A review of the Members Allowances Scheme as a whole.

The proposed membership of the Independent Remuneration Panel was Graham Hudson, Amanda Orchard and David Richardson.

The report also set out a proposal to pay an allowance to the members of the Independent Remuneration Panel. The Regulations allowed for the Council to pay the Panel an allowance as it saw fit. In light of the work that a panel member would be expected to undertake it was considered reasonable to agree an allowance of £100 per meeting. This was in line with what other Councils paid.

The Independent Remuneration Panel had met in July 2023 to consider a recommendation regarding the role of Junior Executive Member. The Panel had recommended that the Junior Executive Member role should receive a Special Responsibility Allowance, and that allowance should be £2,445.36 per year (being 50% of an Executive Member Special Responsibility Allowance). A copy of the Panel's full report was attached to the report at Appendix 1.

The recommended actions as set out in the report were moved as a Motion by Councillor Mary Dooley and seconded by Councillor Sandra Peake.

Councillor Will Fletcher stated that Bolsover District Council paid the highest basic allowance of any non-metropolitan district council in England. He stated that he had

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called for a 33% reduction in the basic allowance during the recent council elections and when talking to residents there had been strong support for reducing the basic allowance, so it was more in line with that paid by similar councils. On top of the generous basic allowance many members already received a SRA. The IRP report commented on the number of members who already received a SRA and the guidance regarding paying SRAs to a majority of Members. Councillor Fletcher noted that agreeing to pay a SRA to the Junior Executive Members would take the number of Councillors paid a SRA to almost 70%. He stated that the country was in the midst of a cost of living crisis and there remained uncertainties around the Council's income. Councillor Fletcher concluded that it was clear to him that the Council's allowances were more than generous enough, and it should not be necessary for a Junior Executive Member to receive a SRA as well, and he then moved an amendment.

The following amendment was moved by Councillor Will Fletcher and seconded by Councillor Carol Wood.

'recommendation 3 - delete all after "to consider the attached report of the Independent Remuneration Panel" and insert the following "and decide that the role of Junior Executive Member should not receive a Special Responsibility Allowance and that this should be reconsidered when the Independent Remuneration Panel reports on the Members Allowance Scheme in full."

Councillor Steve Fritchley stated that he could have appointed an additional three Members of the Executive, but he thought it important that new members had the opportunity to take part and gain experience, so he had introduced this new role. He stated that he believed this new role was important for continuity and it cost less money than having a larger Executive.

Councillor Deborah Watson stated that becoming a Councillor should not only be the domain of those who could afford it and it was a role that took a lot of time. She also stated that in Scotland all members across the country were paid the same amount.

Councillor Sandra Peake stated that Councillors did not have to accept their allowance(s).

Councillor Carol Wood stated that she supported development opportunities in all areas, however she was still puzzled why the new role of Junior Executive Member should attract a SRA. She stated that some Councillors may receive paid leave for meetings, but others accepted the loss of earnings when they chose to stand as Councillors. The IRP was concerned about the number of SRAs paid at the moment and therefore it would be the sensible thing to approve the Junior Executive Member post with zero allowance, pending the full review. Councillor Wood also noted that the Council had not had a review of allowances for some years and now a Panel had been set up they had first reported on these new posts before conducting a full review.

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

On being put to the vote, the original Motion was carried.

RESOLVED that (1) the appointment of the Independent Remuneration Panel to undertake a review of the Council's Members' Allowance Scheme, be agreed.

(2) The scope of the Independent Remuneration Panel as set out in the report, be

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agreed.

- (3) The role of Junior Executive Member to receive a Special Responsibility Allowance of £2445.36.
- (4) The payment to Members of the Independent Remuneration Panel, as set out in the report, be agreed.

(Service Director of Governance and Legal Services & Monitoring Officer)

CL30-23/24 STANDARDS COMMITTEE ANNUAL REPORT

Council considered the Annual Report of the Standards Committee 2022/23, presented by the Service Director of Governance and Legal Services & Monitoring Officer on behalf of Mrs Ruth Jaffray, Chair of Standards Committee.

The report highlighted the work undertaken by the Standards Committee during 2022/23 municipal year and included the establishment of a sub-committee to deal with a member complaint hearing, Constitution review work, policy review work, reviewing gifts and hospitality and member training attendance.

Moved by Councillor Rita Turner and seconded by Councillor Steve Fritchley
RESOLVED that the Standards Committee Annual Report be noted.

CL31-23/24 MEDIUM TERM FINANCIAL STRATEGY

Council considered a report by the Portfolio Holder for Resources, Councillor Clive Moesby, in relation to the Medium Term Financial Strategy 2024/25 – 2027/28, which was attached to the report at Appendix 1. The report was presented by the Service Director of Finance & Section 151 Officer.

The Medium Term Financial Strategy (MTFS) presented only related to the General Fund as the Housing Revenue Account (HRA) assumptions were based on the 30-year Business Plan. It set out the Council's strategic approach to the management of its finances and outlined the various factors and influences that may impact on the Council over the next few years.

The MTFS had been produced in a period where there remained a great deal of uncertainty regarding future funding of Local Government. Once the details of the Spending Review were known, the implications for the Council would be included in the updated Medium Term Financial Plan, which would be presented to Members in February 2024.

Councillor Mary Dooley stated that the Council had become a dynamic self-sufficient, flexible Council, whilst delivering excellent services and adapting to local aspirations and acting as the economic and environmental driver of the District. A leap of faith had been taken when Ward Recycling had gone into administration and the Council took over the refuse collection without any disruption to services. When Woodhead Construction went

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into administration the Council yet again took immediate action and there was now Dragonfly, which was wholly owned by the Council, which would now go on to build homes for the ever-increasing housing list. The Council was dynamic, and Councillors should all be proud of it. Councillor Dooley concluded that she wanted families to live in homes in the District and businesses to thrive in the District.

Moved by Councillor Mary Dooley and seconded by Councillor Sandra Peake

RESOLVED that (1) the Medium Term Financial Strategy as set out at Appendix 1 to the report, be approved.

(2) the Council continued to fund the General Fund revenue base budget from the full amount of New Homes Bonus (and related grants such as Services Grant) allocated by Government.

(3) the Council set the strategic intention to continue to be a member of the Derbyshire Business Rates Pool while ever it was financially advantageous for the Council to do so.

(4) the Council set the strategic intention to raise Council Tax by the maximum allowed in any given year, without triggering a Council Tax referendum, to endeavour to continue to deliver services. *(The actual Council Tax for any given year will be decided by Council in the preceding March).*

(5) the Council maintained a policy of a minimum level of Balances for the General Fund of £2m.

(Service Director for Finance & Section 151 Officer)

Councillor Steve Fritchley left the meeting.

CL32-23/24 HOUSING PRESENTATION

Councillor Sandra Peake, Portfolio Holder for Housing invited the Director of Property & Construction, Dragonfly Development Limited, and the Assistant Director of Housing Management and Enforcement to give a presentation on Housing.

The Director of Property & Construction, Dragonfly Development Limited, gave an overview of the Property Maintenance Service provided to the Council. The service was made up of several teams, which included an Inspection Team, Repairs, Planning & Innovation Team, Service Delivery, Compliance Team. The presentation also covered the managed stores facility, the current capital schemes and details of the work that was planned for Bramley Vale.

The Assistant Director of Housing Management and Enforcement explained that the Housing Service, with a staff of just under 100 people, was responsible for the following areas:

- Allocations/Housing Needs
- Tenancy Management
- Income Management
- Tenant Participation
- Homelessness

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- Welfare Adaptations
- Community Safety and Anti-Social Behaviour
- Careline – central control and support wardens
- Housing Strategy

The Assistant Director of Housing Management and Enforcement gave a brief explanation of each area and the work involved.

Council was shown a demonstration video of a mobility scooter fire.

Councillor Steve Fritchley re-joined the meeting.

CL33-23/24 CHAIR'S CLOSING REMARKS

The Vice-Chair invited the Leader of the Council to make a statement.

The Leader of the Council announced the names of those Councillors who would be taking on the role of Junior Executive Member. These were:

Councillor Phil Smith – Junior Executive Member for Growth
Councillor Jeanne Raspin – Junior Executive Member for Environment
Councillor Janet Tait – Junior Executive Member for Housing
Councillor Jane Yates – Junior Executive Member for Health & Wellbeing
Councillor Duncan Haywood – Junior Executive Member for Resources

The meeting concluded at 11:35 hours.