

The Arc
High Street
Clowne
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To: Chair & Members of the Council

Monday 13th May 2024

Contact: Amy Bryan
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Dear Councillor


COUNCIL

You are hereby summoned to attend a meeting of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday 22nd May 2024 on the rising of the Annual Council meeting.

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 on page 3 onwards.

Yours faithfully



Director of Governance and Legal Services & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

COUNCIL AGENDA

***Wednesday, 22nd May, 2024 at 10:30 hours taking place in the Council Chamber, The
Arc, Clowne***

Item No.		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 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.	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. (A) Question submitted by Andrew Joesbury to the Leader of the Council	5 - 6
5.	Motions In accordance with Council Procedure Rule 10, to consider motions on notice from Members. (A) Motion from Councillor Donna Hales – Local Government Pay	7 - 8
<u>RECOMMENDED ITEMS</u>		
	To receive any items recommended for Council consideration from meetings of the Executive or Committees.	
6.	Independent Remuneration Panel - Scheme of Councillors Allowances To receive and consider the recommendation of the Independent Remuneration Panel.	9 - 43

7. **Recommendations of the Employment and Personnel Committee** 44 - 46
To consider proposals agreed at the Employment and Personnel Committee on 17th April 2024.

8. **Review of the Council's Policy under the Licensing Act 2003** 47 - 79
To approve the Statement of Principles under the Licensing Act 2003 as approved at the Licensing and Gambling Acts Committee on 29th April 2024.

REPORTS OF PORTFOLIO HOLDERS

To give consideration to reports of the Leader and Portfolio Holders for decision.

9. **Weekly Collection of Food Waste Capital Expenditure** 80 - 85

PART TWO - EXEMPT ITEMS

10. **Exclusion of the Public**

To move:-

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

11. **Stock Condition Survey** 86 - 91
[Paragraph 3]

12. **Chairman's Closing Remarks**

Question submitted to the Leader of the Council by Andrew Joesbury

Dear councillors,

Bolsover district has been allocated £15 million from the government regeneration fund.

This is from the 2019 district plan

South Normanton

6.64 South Normanton is the most southerly of the four towns. It is also one of the poorest performing shopping areas, based on our 2017 Study. Only 1.2% of the whole of the study area's convenience expenditure takes place in South Normanton; the same as in Bolsover; but only a fifth of the spending that takes place in Clowne.

6.65 At 2.1%, the amount of comparison shopping seems strong. However, this includes the East Midlands Designer Outlet; a major out of town clothing and comparison shopping destination; which is likely to be the major part of this expenditure and is divorced from the town centre by around 1.5 miles, the M1 and the A38 dual carriageway.

6.66 Like Bolsover, the most concerning statistic is that South Normanton only retains around 20% of its immediate catchment zone's convenience expenditure. This shows that whilst the centre is not playing a role in attracting shoppers from a wider area, it retains very little of the food shopping expenditure from the centre of the town.

6.67 The Regeneration Framework, identifies 3 main village centre projects:

- a) Redesign and re-establish Market Place as the heart of the Village – High priority urban design project and delivery to improve pedestrian movement and experience in the village centre, including improved signage and replacement of the Market Place clock
- b) New and enhanced connections to greenways – Development of connections to the Blackwell Trail and upgrades along The Common and Alfreton Road to create a 'shared route'

Taken from the Vision Bolsover District 2

The councils ambition for town centre development is to support and invest in the 4 town centres to make them more sustainable and thriving places for communities to live and enjoy.

To improve the physical appearance, provide flexible space to create shopping havens, cafe culture, community venues etc.

To work with our partners (parish councils) to develop the 4 town centres and continue to bid for funding.

Funding is normally not available unless the project is designed, planned, costed and had preliminary planning permission from the stakeholders, otherwise known as being 'shovel ready'.

Before the last election councillors from the south of the district were invited to the meeting of the Growth Committee .

The biggest complaint was that the majority of funding went to the north of the district.

After some debate the committee agreed that South Normanton should be used as a pilot scheme, with help from the council, to become shovel ready to allow for application for funding as soon as it was available.

As proof of the majority of funding going to the north of the district these next points are taken from the In Touch and Bolsover Vision 2.

South Normanton and the south of the district is hardly mentioned.

The mention of South Normanton is that '£600k has been invested for new or refurbished play equipment or improvements to the sports pitches in South Normanton, Bolsover, Tibshelf and Pleasley.'

The only thing that I know in South Normanton of is the drainage of the Boundary rugby field, which came out of section 106 funding.

Meanwhile, from the publications

-£1.5m invested in Go Active in Clowne

-Introduction of 2 growth plans for Shirebrook and Creswell.

-£9.6m for the crematorium in Shirebrook.

-Assisted with the building of the £3m Creswell Heritage Centre and well being centre.

-£100k from Safer Streets fund towards a new skate park in Bolsover.

-Creswell Crag discovery trail.

-Spent £1m on the Tangent extension in Shirebrook.

My questions are 'How are the councillors and leadership going to make the £15m is allocated fairly?

'The district plan of 2019 hasn't made any improvement to South Normanton in 5 years so when is the Bolsover district vision 2 going to improve the town centres?'

'why wasn't the agreed Growth Committee motion of using South Normanton as a pilot scheme acted on?'

Andrew Joesbury has confirmed that his question to the Leader of the Council is:

How are the councillors and leadership going to make the £15m is allocated fairly?

MOTION ON LOCAL GOVERNMENT PAY TO COUNCIL: A FULLY FUNDED, PROPER PAY RISE FOR COUNCIL AND SCHOOL WORKERS

This council notes:

Since 2010, local government workers have lost an average of 25% from the value of their pay. Our staff are experiencing an ongoing cost of living crisis. Since 2010 the cost of living has risen by 60%, more and more local government workers have been pushed into debt, and their basic spending has overtaken their income, with 1 in 5 households having less than £100 to spare each month. This is a terrible situation for anyone to find themselves in.

At the same time, workers have experienced ever-increasing workloads and persistent job insecurity. Across the UK, the local government workforce has fallen by 30% as a result of job cuts. This has had a disproportionate impact on women, with women making up more than three-quarters of the local government workforce.

Local government continues to show how indispensable it is. But staff are increasingly leaving the sector for better paid jobs elsewhere, for example in retail, leaving local authorities with a massive skills gap, and vacancies in a range of key services, including in social care, education and youth services.

Local government finance is in an enormously difficult state, facing an estimated funding gap of more than £3.5 billion for 2024/25. Recent research shows that if the Government were to fully fund the unions' 2024 pay claim, around half of the money would be recouped thanks to increased tax revenue, reduced expenditure on benefits and tax credits, 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, neighbourhoods, 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 has been cut to the bone.

This council resolves to:

Support the pay claim submitted by UNISON, GMB and Unite on behalf of council and school workers, for an increase of £3,000 or 10%, whichever is the greater.

Call on the Local Government Association to make urgent representations to central government to fund the NJC pay claim, working with the unions to present a united front in defence of the local government workforce.

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.

Bolsover District Council

Meeting of Council on 22nd May 2024

Independent Remuneration Panel

Report of the Director of Governance and Legal Services & Monitoring Officer

Classification	This report is Public
Report By	Jim Fieldsend, Director of Governance and Legal Services & Monitoring Officer

PURPOSE/SUMMARY OF REPORT

- To receive and consider the recommendation of the Independent Remuneration Panel.

REPORT DETAILS

Background

- 1.1 In accordance with The Local Authorities (Members' Allowances) (England) Regulation 2003 (the Regulations) a local authority must establish a scheme in order to pay its Members the following allowances:
 - A basic allowance.
 - Special responsibility allowances.
 - Dependent carers' allowance.
 - Travelling & subsistence allowances.
- 1.2 The scheme can also provide for a mechanism for an annual adjustment by reference to a specific index. If a scheme contains such an index, it must be reviewed every four years.
- 1.3 A copy of the current Members Allowance Scheme is shown at Appendix 1.
- 1.4 Before a local authority adopts or makes changes to its allowance scheme it is required to set up an Independent Remuneration Panel (IRP) of at least 3 people. The role of the panel is to provide recommendations on the scheme and the local authority must have regard to those recommendations when making or amending the scheme.
- 1.5 On 2nd August 2023 the Council agreed to the establishment of an IRP to review the current scheme.

2 Details of Proposal or Information

2.1 The IRP met on a number of occasions in 2023 and 2024 and have produced the attached report at Appendix 1. Their recommendations and reasons of the IRP are set out in the report. In summary the IRP have recommended no change to the allowances.

2.2 Members are required to consider whether to accept the IRP's recommendation.

3 Reasons for Recommendation

3.1 Council on 2nd August 2023 authorised the establishment of the panel and asked for it to review the Members Allowance Scheme as a whole.

4 Alternative Options and Reasons for Rejection

4.1 There are no alternative options.

RECOMMENDATION(S)

1. Each recommendation of the Independent Panel is considered and a decision is made on whether to adopt or not to adopt that recommendation.
2. That the Director of Governance and Legal Services & Monitoring Officer be delegated authority to amend the Members Allowance Scheme in line with Council's decision and to publish the new scheme as required.

Approved by Councillor Steve Fritchley, Leader of the Council

IMPLICATIONS.

Finance and Risk: Yes No

Details: There are no additional financial implications arising from this report as it is written.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: In accordance with The Local Authorities (Members' Allowances) (England) Regulation 2003 the Council must consider the recommendation of its Independent Remuneration Panel before making changes to the Members' Allowance Scheme.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment

Details: There are no environmental implications contained within this report.

Staffing: Yes No

Details: There are no staffing implications contained within this report.

On behalf of the Head of Paid Service

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: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	No

District Wards Significantly Affected	(please state which wards or state All if all wards are affected)
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Details:

Links to Council Ambition: Customers, Economy and Environment.

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DOCUMENT INFORMATION

Appendix No	Title
1	Bolsover District Council Members' Allowance Scheme
2	Report of the Independent Remuneration Panel

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 Executive, you must provide copies of the background papers).

None

6 MEMBERS ALLOWANCE SCHEME

6.1 Scheme

- (1) The Bolsover District Authority, in exercise of the duty conferred on it by the Local Authorities (Members' Allowances) (England) Regulations 2003, as amended, hereby make the following Scheme:
- (2) This Scheme may be cited as the Bolsover District Authority Members' Allowances Scheme, and shall have effect from 1st April 2017.

In this Scheme:-

- (i) "Member" means a "Member" of the Bolsover District Authority.
- (ii) "scheme year" means the 12 months ending with 31 March.
- (iii) "Regulation" refers to a regulation contained in the Local Authorities (Members' Allowances) (England) Regulations 2003 as amended.

6.2 Basic Allowance

Subject to paragraph 9 of this Scheme, a Basic Allowance of £9902.44 will be paid to each Member.

6.3 Special Responsibility Allowance

- (1) For each year a Special Responsibility Allowance shall be paid to those Members who hold special responsibilities in relation to the Authority.
- (2) Subject to paragraph 9 of this Scheme, the amount of each such allowance shall be the amount specified against that special responsibility.
- (3) No Member shall be entitled to receive more than one Special Responsibility Allowance.
- (4) The following are specified as having special responsibilities in respect of which Special Responsibility Allowances are payable and the amounts of those allowances are specified in the second column:-

Part 6 Members Allowance Scheme
Last Updated May 2017

Member with Special Responsibility	Annual Allowance £	Effective Date
Leader of the Authority	14, 672.16	01/04/2017
Deputy Leader of the Authority	9,781.44	01/04/2017
Members of the Executive (Members with Special responsibility – full rate)	4,890.72	01/04/2017
Chair of the Scrutiny Committee (Members with Special responsibility – full rate)	3,260.48	01/04/2017
Vice Chair of Scrutiny Committee (member with Special responsibility)	1,630.24	01/04/2017
Largest Opposition Political Group Leader (member with Special responsibility – full rate)	4,890.72	01/04/2017
Chairs of Planning Committee (Members with Special responsibility – partial rate)	4,890	01/04/2017
Vice Chair of Planning Committee	2,445	01/04/2017
Chair of Licensing Committee	3,260.48	01/04/2017
Vice Chair of Licensing Committee	1,630.24	01/04/2017
Chair of Standards Committee (co-optee)	£1,222.00	01/04/2017
Chair of Audit Committee (co-optee)	£1,467.00	01/04/2017

- (5) The following rules apply to payments of Special Responsibility Allowances in relation to the Leader/Deputy Leader or person acting as the spokesperson of an opposition political group:-
- (i) Either where there are two or more opposition political groups and one of these opposition groups is larger than any of the others the Leader of that group only will be paid a Special Responsibility Allowance of £4,890.72
 - (ii) Or where there are two or more opposition political groups and there is no one larger group because 2 or more of those political groups are equal in size, the Leaders of the largest political groups will receive £4,890.72 divided equally amongst them, and

- (iii) In (i) or (ii) above no payment of a Special Responsibility Allowance will be made to any other opposition group.
- (iv) Where there is one opposition political group the Leader of that group will be paid a Special Responsibility Allowance of £4,890.72 in total.

6.4. Travelling Allowance and Subsistence Reimbursement

- (1) Travelling allowance and subsistence reimbursements shall be paid to Members for carrying out approved duties under the categories set out in Appendix A to this scheme.
- (2) Co-optees shall be entitled to the same rates of travelling allowance and subsistence arrangements as Members.
- (3) Members shall claim for travelling allowance and subsistence reimbursements and in doing so shall be expected to satisfy themselves that they are entitled to receive the allowances claimed.
- (4) The rates of travelling allowance and subsistence reimbursements applicable to Members shall be the same as the rates applicable to the officers of the Authority.
- (5) Travelling allowance and subsistence reimbursements shall be paid in accordance with Appendix C & D.

6.5 Co-optees' Allowance

- (1) An annual allowance of £500 shall be paid to Co-optees for their duties on Standards and £250 for their duties on Audit Committee.
- (2) The above allowances are subject to the Co-optee not receiving payment from any other source for the same duties.
- (3) If someone is a Co-optee of both the Standards and Audit Committee, he/she shall be entitled to both the £500 and £250 allowance in respect of both Committees.
- (4) If a co-opted member, other than the Chairman, is called on to chair a meeting of the Audit Committee, then a session relief payment of £366.75 is payable. If a co-opted member, other than the Chairman, is called on to chair a meeting of the Standards Committee, then a session relief payment of £203.67 is payable.

6.6 Carer's Dependents Allowances

- (1) An hourly rate equivalent to the national minimum wage (21+ rate (See Minute No. 878 – Authority – July 2011) for a maximum of 4 hours per day is payable in respect of approved duties, this includes up to 30 minutes travelling time each way.
- (2) Prior approval to claim this allowance must be obtained from the Monitoring Officer

6.7 Adjustment of Allowances

- (1) Where changes are retrospectively made to allowances or pay on which allowances under this scheme are based the following shall apply:-
- (2) Allowances under this scheme shall have the same effective date where the change is within the scheme year provided that Members are not worse off as a result of the retrospective amendment.

6.8 Election to For-go allowance

A Member may, by notice in writing given to the Monitoring Officer elect to forego any part of his entitlement to an allowance under this scheme, and a copy will be forwarded to the Payroll Section.

6.9 Part Year Entitlements

- (1) The provisions of this paragraph shall have effect to regulate the entitlements to Basic, Special Responsibility and Co-optees Allowances where, in the course of a year, this scheme is amended or that individual to whom the allowances applies, becomes, or ceases to be, a Member or Co-optee, or accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable.
- (2) If an amendment to this Scheme changes, the amount to which a Member is entitled by way of a Basic Allowance or a Special Responsibility Allowance, or the amount to which a Co-optee is entitled to a Co-optees Allowance, then in relation to each of the periods:-
 - (i) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, and
 - (ii) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such an allowance shall be determined by the following formula:-

$$\text{entitlement} = \frac{A}{B} \times C$$

Where A = number of days for which claim for allowance is being made
B = 365 days

C = appropriate yearly rate for Special Responsibility Allowance, Basic Allowance or Co-optees Allowance.

- (3) If an amendment to this Scheme changes the duties specified in the Schedule as approved duties, or the amount payable by way of Travelling allowance and subsistence reimbursements, the entitlement to such allowances shall be to the payment of the amount of the allowance under the Scheme as it has effect when the duty is carried out.
- (4) Where the term of office of a Member begins or ends otherwise than at the beginning or end of a year, the entitlement of that Member to a Basic Allowance shall be determined as set out in paragraph 6.9(2).
- (5) Where the term of office of a Co-optee begins or ends otherwise than at the beginning or end of a year, the entitlement of that Co-optee to a Co-optees Allowance shall be determined as set out in paragraph 6.9(2).
- (6) Where a Member has during part of but not throughout a year, such special responsibilities as entitle him or her to a Special Responsibility Allowance that Members entitlement shall be determined as set out in paragraph 6.9(2).

6.10 Claims and Payments

- (1) Subject to paragraph 6.9 of this Scheme, Basic, Special Responsibility and Co-optees Allowances shall be paid by monthly instalments of one twelfth of the amount specified in this scheme on the 26th day of each month.
- (2) Where a payment of one-twelfth of the amount specified in this Scheme in respect of these Allowances would result in the individual receiving more than the amount to which, by virtue of paragraph 6.9 and its sub-paragraphs, the Member is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- (3) Claims for Travelling allowance, subsistence reimbursements, and dependent carers covering a calendar month are required to be submitted by the 6th of the following month.
 - (i) Payment of these claims received by the due date shall be made on the 26th day of the month in which they are received.

- (ii) Payment of claims received after the due date shall be made on the 26th day of the following month.
- (iii) Members expense claims submitted more than three months after the expenses were incurred will be paid only with the express approval of the Director of Corporate Resources.

6.11 Level of Allowances

The level of allowances payable under the Scheme were set following the recommendations of an independent panel which was appointed to review the remuneration paid to Members of this Authority.

6.12 Repayment of Allowances

Where payment of any allowance has already been made in respect of any period during which the Member or Co-optee concerned:-

- (i) ceases to be a Member or Co-optee of the Authority,
- (ii) is in any other way not entitled to receive the allowance in respect of that period.

The Authority may require that such part of the allowance as relates to the period be repaid.

6.13 Duplication of Allowances

Where a Member of this Authority is also a Member of another authority or body, that Member may not receive allowances from more than one authority or body in respect of the same duties.

Members' Allowances – Guidance

6.14 Introduction

- (1) The aim of this section is to provide Members with a guide to the expenses and allowances that are payable to them under the Members' Allowance Scheme.
- (2) Any queries not addressed by this section should be directed to the Monitoring Officer / Governance Manager.
- (3) The official duties carried out by the Chairman and Vice-Chairman of the Authority are civic duties of the civic leader of the Authority and are not covered by the Members' Allowance Regulations. Expenses for these duties are met from the Chairman's Allowance.

- (4) The work of the Independent Persons are governed by the Localism Act 2012 and not covered by the Members' Allowance Regulations.
- (5) In accordance with the recommendations of the Independent Remuneration Panel on Members' Allowances the monitoring is carried out in respect of Members.

6.15 Allowances/Reimbursements

The Authority's Members' Allowance Scheme (from page 437) ("the Scheme") made under the provisions of the Regulations for the payment of the following allowances:-

- Special Responsibility Allowances,
- Basic Allowance
- Travelling Allowance and Subsistence Reimbursements
- Co-optees Allowance
- Dependent/Carers Allowance

6.16 Publishing

- (1) The Regulations require that the Authority publish within the Authority's area:-
 - (i) The Scheme
 - Following any amendment or making of a Scheme
 - Every twelve months
 - (ii) In respect of each year, details of the amounts of allowances paid under the Scheme to each member.
- (2) The Freedom of Information Act 2000 requires the Authority to produce its publication scheme which has been approved by the Information Commissioners' Office, an independent body that reports directly to Parliament and monitors the Data Protection Act 1998 and the Freedom of Information Act 2000.

6.17 Payment Restrictions

- (1) Certain bodies pay their own expenses and allowances. Members should therefore claim their expenses from these bodies direct and not from this Authority.
- (2) Certain duties necessarily carried out by Members of the District Authority are not duties for the purposes of claiming Members' Allowances (see Appendix B).

- (3) Where a Member is a Member of more than one local authority or public body payment of Members' Allowances will, in general, be made by the local authority or public body, for which the approved duty is undertaken. For example:-

if a Member serves as a co-opted Member on a County Authority Committee the allowances will be payable by the County Authority.

6.18 Special Responsibility Allowances

These allowances are paid to such Members of the Authority who hold positions with a special responsibility under the provisions of the Regulations; the positions in this Authority are listed in the Scheme.

6.19 Basic Allowances

- (1) This allowance is intended to recognise the time devoted by Members to their work as elected representatives, including inevitable calls on their time such as meetings with constituents, Member's surgeries and political group meetings. It is also intended to cover incidental costs incurred in the course of a Members work.
- (2) This allowance is payable to all Members, each Member receiving the same amount of allowance.

6.20 Travel Allowances/Expenses – See Appendix C

- (1) See Appendix C for information on Car Parking and Travel Fees.
- (2) Criteria for the use of taxis are detailed below:-
- (i) The rate for taxi fares must not exceed the amount of the actual fare and any reasonable gratuity paid. Reimbursement will only be made on the production of receipts.
- (3) Where a Member travels in his own car any fixed penalty parking fines or other traffic violation fines are the personal responsibility of that Member.
- (4) Where a Member travels with an officer or other Member who is entitled to claim allowances, the Member may not claim travelling allowances for that journey.
- (5) When mileage allowances are claimed the miles claimed must be based on the most reasonable route. However, in respect of home to The Arc mileage, the miles claimed will always be in accordance with the approved schedule. Prior to making their claim for home to The Arc mileage, the Member must seek from Audit Services the acceptable number of miles.
- (6) Private mileage must not be included in the claim.

- (7) Where Members have to travel between their place of work and the Authority Offices to carry out approved duties the mileage allowance or travel expenses claimable shall be the lesser of:-
- Home to approved duty
 - Work to approved duty
- (8) Members, in their own interests, must ensure that their car insurance policy covers them for use on official business for the Authority. The Governance Manager will carry out spot checks of insurance certificates to ensure full compliance.

6.21 Members Car Insurance / Business Mileage

- (1) Members are required to have car insurance that covers them for **business use** and they must sign the declaration on the claim form to confirm this.
- (2) The extract below explains the different types of insurance cover and the importance of having the correct cover.

What are the different use types?

REMEMBER - it is important that you have the right use for your car, if you have the wrong use you may find that your insurance company will not pay out on a claim.

- Social, Domestic & Pleasure - this covers you for normal day to day driving, such as driving to visit family or friends, or shopping.
- Commuting - this covers you to drive back and forth to a permanent place of work. Please note that travelling to a railway station, where you park your car, is classed as commuting.
- Business Use - this covers you to use the car in connection with your job, driving to different sites, travelling to training courses or prearranged meetings away from your normal place of work.

Commercial Travelling - This covers the car to be used for such things as door-to-door sales.

Insurance cover for commuting does **not** cover business use. Members work from home; this means that journeys between their home and the Authority offices are **not** classed as commuting if the journeys are made during the course of their duties.

- (3) Travel expenses may be subject to income tax and national insurance contributions.

- (i) Members are deemed to have two places of work and as such the HMRC guidance states that Members can receive tax (and NI free) home to work payments where:-

The Member routinely uses their homes to see constituents (and not merely used for reading Council papers, correspondence etc) and

- (ii) The mileage allowance paid does not include any element of profit and is dealt with under the HMRC's approved mileage allowance payments.
- (iii) If the criteria in (i) and (ii) above are not met the home to work travel expenses will be subject to tax and national insurance.
- (iii) The Council must hold relevant documentation to demonstrate that any Members paid home to work mileage free from tax have confirmed that they meet the relevant criteria. Where this is the case, Members will need to complete a declaration to confirm this.
- (iv) Additionally the declaration on the Members' Allowance Claim form requires Members to indicate where the travel claim is classed as non-taxable.

6.22 Subsistence Reimbursements

- (1) In order to claim a Subsistence Reimbursement a Member must have personally incurred expenditure on subsistence. (See Appendix C for further information)
- (2) Third parties (including spouse/partner) accompanying a Member on business trips:-

Where a Member is accompanied by a spouse, partner or a third party and there is an additional cost, the extra cost should be reclaimed from the Member. This would not be the case if the spouse, partner or third party is also representing the Authority. It is the Members responsibility to indicate on their claim form where reclaims from Members Allowances are due for this reason.

6.23 Royal Garden Party

- (1) The HMRC do not consider that attendance at a Royal Garden Party is part of the duties of any Authority Member and as such expenses incurred would not be classed as business expenses for PAYE purposes.
- (2) This does not affect the Authority's decision to include this as an approved duty.

- (3) Any travel and subsistence costs (reimbursement or payment made directly by the Authority) have to be subject to income tax and national insurance when paid.

6.24 Approved Duties outside the UK – See Appendices A, B & C

- (1) There are no specific provisions covering payments of Members' Allowances in connection with overseas visits.
- (2) Reasonable travelling expenses are paid by the Authority direct or reimbursed to the member on submission of a claim.
- (3) Officers are required to keep a record of expenditure that they make on behalf of Members.
- (4) Where possible details of amounts paid on the Members behalf including name of any officer of the Authority who has made any payments during the foreign visit.

6.25 Cash Advances

Cash advances can be arranged on request. In such cases the person receiving the advance must keep records of all expenditure made and whenever possible must obtain receipts. As soon as possible after the visit, the balance of the advance (if any) and/or the full record of the expenditure made together with the receipts must be returned to the creditors section of Financial Services.

6.26 Members' Surgeries

Members' Allowances are not payable in respect of the time spent on Member' surgeries. It has been agreed that an allowance is made, however, under section 111 of the Local Government Act 1972, to cover the cost of advertising and operating Members surgeries. Members should make their own arrangements for advertising and accommodation and, upon presentation of properly certified invoices, the Governance Team will reimburse up to the limit of approved allowances in any one year.

6.27 Making Claims

(1) Expenses and Allowances:

There are rules enabling you to claim expenses and allowances in connection with some of your duties as a Member. These rules must be scrupulously observed.

(2) Frequency of Claiming:

Members are requested to claim monthly as this helps in reducing administration costs. This is particularly important at the month ending 31st March, when prompt submission is required in order to assist with the closing down of the accounts, and also for income tax purposes.

(3) Method of Payment;

Payments are made direct to a Members bank account.

(4) Making a Claim;

(see 6.22 (2) re persons accompanying Members)

- (i) Where, a Member performs approved duties for more than one local authority or public body the amount that is claimed from the different bodies must not exceed the amount that would be claimed had the duty been carried out as a member of only one of these bodies.
- (ii) A Member is not entitled to receive Members' Allowances under the Local Authorities (Members' Allowances) (England) Regulations 2003 in addition to any comparable allowances under any other enactment, in the same period of twenty-four hours for the same duties.
- (iii) A claim for Members' Allowance is made by completing a Members' allowance claim form. The claim form is based on a statutory format and contains all the declarations required by law. The form is available via the Intranet.
- (iv) The following details should be entered on the form in the appropriate columns:-

Name and address

Vehicle registration mark and cubic capacity of the motor vehicle (on the back of the form) if a mileage claim is made.

Date of approved duty.

Time approved duty started. This will be the time the Member left home or work to undertake the approved duty.

Place of Departure

Details of the approved duty (e.g. committee, etc.)

Place of return

Time the approved duty ended – including reasonable travelling time.

To claim a mileage allowance, enter the date, number of miles travelling on the approved duty, whether the expenses is taxable or non-taxable, the mileage rate claimed and the amount claimed.

The amount of other approved expenses (e.g. bus/train fare) indicating whether the expense is taxable or non taxable

If the journey had involved travel by more than one method of transport it is necessary to use a separate line for each such method.

The totals for each allowance claim should be entered at the bottom of each column.

The Declaration at the foot of the claim form must be signed. The certification is required by law and Members should read it carefully and ensure that the statements they are signing are correct. If in any doubt, Members should consult the Head of Paid Service or the Head of Human Resources and Payroll.

VAT receipts must be attached for all reimbursements.

Pre dated VAT receipts for fuel must be attached where mileage is claimed.

(v) The completed form should be forwarded to the Personal Assistant to the Head of Paid Service.

(5) Cases of Doubt:

Where doubt arises, which cannot be settled between the Member and the Head of Paid Service, the matter can be referred to the appropriate body.

(6) Checks Applied to a Members' Claim:

- (i) In Members own interest, the Personal Assistant to the Head of Paid Service, checks as far as possible the attendance at official meetings, insofar as attendance records are available. It is therefore important for Members to ensure they sign the attendance sheet.
- (ii) This check does not in any way relieve the Member from personal responsibility for the correctness of the claim for allowances.

- (iii) An attendance register will be circulated at each meeting of the Authority, Executive and Scrutiny Committees, and every Member present at such meeting shall record their attendance thereat by signature. The attendance sheet together with the minutes will be the official record of attendance at meetings and will be used for the purpose of authorising payments of Members attendance allowances.

Members may consider it prudent to maintain a personal diary recording more details of approved duties than is shown on their claim form. This would assist them personally should any query be made by objectors, or the External Auditor, possibly at a much later date.

- (iv) All claims are subject to scrutiny by the External Auditor and the statutory record of Members allowances is open for public inspection.

6.28 Statutory Sick Pay – Effect on Members

- (1) The provisions of the above came into force for 'Employees' on 6th April 1984. It has now been stated in a circular issued by the Department of the Environment that Members who are in receipt of Members' Allowances are considered to be 'employed' by their authority and will also be included where they meet the conditions of the scheme. The reasoning behind this is that these payments are subject to National Insurance contributions where they are greater than the lower earnings limit and consequently there may be an entitlement to State Incapacity Benefit from the Department of Social Security. As Statutory Sick Pay replaces State Sickness Benefit, Members whose allowances attract National Insurance contributions may qualify for this payment. The regulations are complex and wide-ranging, and although it is unlikely that the provisions of Statutory Sick Pay (SSP) will have any widespread relevance to Members of this Authority, it is felt, nevertheless, that all Members should be aware of the entitlement.
- (2) Where Members wish to make a claim for payment of SSP it is essential that they notify the Human Resources & Payroll Section, telephone 01246 242474 on the first day of absence due to sickness.
- (3) Further advice and documentation will then be issued. Also further details of SSP can be obtained from the Payroll Section.

6.29 Income Tax and National Insurance Contributions

- (1) Income Tax and National Insurance contributions are deducted from Members' Allowances in accordance with the Authority's statutory obligations.

- (2) The PAYE system operates for Members' Allowances. New Members who cannot supply a tax form P45 will be required to complete a form P46. This form can be obtained from the Payroll Office.
- (3) Her Majesty's Revenue and Customs (HMRC) is sent an annual schedule giving details of allowances and expenses paid to each member.
- (4) HMRC has allowed Members to receive an additional tax free pay allowance per annum to be used against Members' allowances; this is included in the Members tax coding.
- (5) Reduced or no National Insurance contributions are payable by the Member if the Member is aged over state pensionable age, or is a married woman with a right to opt for reduced rate contributions (this option has now ceased but protected rights exist), or where the Member will pay the maximum amount of National Insurance contributions due to earnings from another job.
- (6) Members must provide the payroll office with a certificate, which is obtained from the Members local contributions agency before no or reduced rate National Insurance contributions are deducted from a Members' Allowance.

6.30 Social Security Benefits

(including Housing Benefit and Authority Tax Benefit)

- (1) The benefit system is very complicated and it is difficult to know exactly how the payments a Member is entitled to receive or does receive will affect any benefits payable to that Member.
- (2) Members claiming any benefit are advised to keep their benefit provider informed about any Members' Allowances they are **ENTITLED** to receive or do receive.

6.31 Insurance Cover for Members, provided by the Authority.

The following types of insurance cover are provided for Members:-

(1) Officials Indemnity;

To indemnify the Assured against legal liability for damages as a result of a claim or claims made arising out of any negligent act, error or omission committed or alleged to have been committed by or on behalf of the Assured in or about the conduct of the Assured's business.

Including indemnity to all employees and elected Members of the Authority or any co-opted Members of any committee or sub committee.

(2) Public Liability;

Indemnity against legal liability for accidental bodily injury to any person or loss of or damage to material property.

Only applicable when representing the Authority.

(3) Libel and Slander;

To indemnify the assured in respect of any amount the assured shall become legally liable to pay as damages resulting from any libel and slander committed in any form whilst undergoing the conduct of the Assured's business.

Members should be aware that statements made in official meetings are only covered by qualified privilege and that accordingly a Member may be sued on a defamatory statement made in such a meeting.

APPENDIX A

CATEGORIES OF APPROVED DUTIES

Travelling Allowance and *Subsistence Reimbursements (Exceptional circumstances only – see Appendix D)

Travelling and Subsistence may be paid to Members for certain types of meeting the categories of which are defined in the Local Authorities (Members' Allowances) (England) Regulations 2003. The following is a list of those categories as defined.

Some of the categories allow for discretion to be exercised. In particular category 5 allows the Authority to approve a class of duty for the payment of Travelling allowance and subsistence reimbursements. The classes of duty approved by this Authority are listed below number 5. Any meeting which falls within that class of duty as defined under category 5 automatically qualifies for payment of Travelling allowance and subsistence reimbursements and does not need to be approved by Authority or Committee.

- 1) Authority and committee meetings where expenditure necessarily incurred in connection with the performance of an approved duty.**
- (2) Meetings of outside bodies to which the Authority makes appointments and nominations and where the member has been nominated by the Authority and where expenditure is necessarily incurred in connection with the performance of an approved duty.**
- (3) Meetings the holding of which is authorised in advance and where Members of both political groups have been invited and where expenditure is necessarily incurred in connection with the performance of an approved duty.**
- (4) Meetings of associations where the Authority is a Member of the association and where expenditure is necessarily incurred in connection with the performance of an approved duty.**
- (5) A duty or class of duty approved for the purpose of or in connection with the discharge of functions:**
 - (a)** Any partnership of which the Authority is a partner and to which the member is appointed by the Authority.
 - (b)** Formal liaison meetings with other local authorities, representatives of other bodies and individuals.
 - (c)** With the prior approval of the committees concerned visits, official visits, site visits and inspections within the Authority's area.
 - (d)** Visits by Members of Executive to the Authority's offices to discuss Authority business.
 - (e)** Any duty of a Chairman of a Committee within the Authority's area.

- (f) Any duty of a Vice-Chairman of a Committee within the Authority's area.
 - (g) Visits by Leaders and Deputy Leaders of each party (and who are nominated as such to the Head of Paid Service) to the Authority's offices to discuss Authority business. Such visits by a Leader and Deputy Leader to be additional to the visits permitted as Chairman or Vice Chairman of a Committee of the Authority.
 - (h) Visits by Members (other than Leaders, Deputy Leaders and Chairmen of Committees) to the Authority's Offices to discuss Authority business or to attend, by prior agreement of the appropriate Chairman, a meeting of a Authority Committee of which the Member is not a member.
 - (i) Attendances at commercially provided conferences and seminars as approved by the Head of Paid Service including externally provided training held at the Authority offices.
 - (j) Attendances at internally provided training held at the Authority offices.
 - (k) Attendance at public meetings and public inquiries with the prior approval of the appropriate Committee.
 - (l) Attendance with **the prior written approval** of the Head of Paid Service at any meeting or visit not otherwise provided for in the scheme where the Head of Paid Service considers it appropriate and necessary on the grounds of urgency or in the interests of the Authority's improvement and learning agenda, grant such approval in the interests of efficient conduct of the Authority's affairs **provided** such approval is reported to the next available meeting of Authority together with reasons. Such attendance is additional to any entitlements contained in other headings in this scheme.
 - (m) Working Parties of this Authority with prior approval.
- (6) **Conferences inside or outside the UK to discuss matters relating to the interest of the area or the inhabitants or any part, provided conference is not organised by a commercial operator or political party provided the attendance is in connection with discharging the duties of the Authority or its Committees or Sub Committees.**
- (7) **Meetings inside or outside the UK to discuss matters relating to the interests of the area or the inhabitants or any part provided meeting is not organised by a commercial operator or political party provided the attendance is in connection with discharging the duties of the Authority or its Committees or Sub-Committees.**

EXAMPLES OF MEETINGS WHERE TRAVELLING ALLOWANCE AND SUBSISTENCE REIMBURSEMENTS ARE PAYABLE

N.B. Subsistence Reimbursements are not payable for duties carried out at The Arc, Clowne

- (1) Authority and Committee Meetings where expenditure is necessarily incurred in connection with the performance of an approved duty – includes for example:

Strategic Alliance Joint Committee
Bolsover Conservation Area Joint Advisory Committee

- (2) Meetings of outside bodies to which the **Authority** makes appointments and nominations and where the Member has been nominated by the Authority and where expenditure is necessarily incurred in connection with the performance of an approved duty – includes for example:

Isabella Smithson's Charity

- (3) Meetings, the holding of which is authorised in advance and where Members of both political groups have been invited and where expenditure is necessarily incurred in connection with the performance of an approved duty.

Duties under this category are to be approved at Committee prior to the duty being performed.

- (4) Meetings of associations where the Authority is a member of the association and where expenditure is necessarily incurred in connection with the performance of an approved duty- including for example:

Association of District Authorities

- (5) A duty or class of duty approved for the purpose of or in connection with the discharge of functions.
- (a) Any partnership of which the Authority is a partner and to which the Member is appointed by the Authority.
 - (b) Any formal liaison meetings with other local authorities, representatives of other bodies and individuals.
 - (c) With the prior approval of the Committees, official visits, site visits and inspections within the Authority's area.

- (6) Meetings of outside bodies to which the **Executive** makes appointments and nominations and where the Member has been nominated by the Authority and where expenditure is necessarily incurred in connection with the performance of an approved duty – including for example:

Chesterfield and District Crematorium Joint Committee
Groundwork Creswell, Ashfield & Mansfield

- (7) Members should seek advice from Legal Services if they are unsure of any of the above.

APPENDIX B

DUTIES WHICH ARE NOT “APPROVED DUTIES” FOR MEMBERS’ ALLOWANCE PURPOSES

Governing Bodies of Nursery, Primary and Secondary Schools

Local/Town/Parish Authority Meetings

Members Surgeries

Party Political Meetings

Visits to Authority officer to collect correspondence, etc.

External Management Committees

APPENDIX C

REIMBURSEMENT OF EXPENDITURE

(1) Meal Allowances

- (i) Reimbursement of expenditure for meals (subsistence) will no longer be paid.
- (ii) Exceptionally, where attendance at a seminar or similar does not include the provision of meals, reimbursement of reasonable expenses, subject to submission of receipts, may be subject to the prior approval of the Leader or Deputy Leader.
- (iii) No reimbursement of expenditure is payable for Members attending qualification training courses.

(2) Overnight Accommodation

- (i) For Members, overnight accommodation is currently booked through the Governance Team as part of the training and seminar booking procedure. There is no current limit on overnight accommodation, but the Leader or Deputy Leader who signs the booking form must ensure that the expenditure is reasonable.
- (ii) In exceptional circumstances, where the Authority is not being invoiced directly by the hotel, payment of expenditure will be in arrears, subject to the prior approval of the Leader or Deputy Leader and subject to submission of receipts. The expenses should be deemed to be reasonable in the circumstances.

(3) Car Parking

- (i) Fees will be paid at actual costs but they must be supported by receipts.

(4) Travel Fees

- (i) In determining the mode of transport to be used for business journeys, employees must take into account economic and environmental issues.
- (ii) The rate for public transport should not exceed the ordinary fare. Or in the case of rail travel, the second class rate. In exceptional circumstances, first class rail fare may be permitted with the prior approval of the Leader or Deputy Leader. Receipts and/or tickets must support all retrospective claims for travel fares.

(iii) Reimbursement of expenditure will not be paid in relation to mileage incurred in relation to qualification training courses.

- (iv) With effect from 1st April 2013 the mileage rates will be the HMRC mileage rate (currently £0.45p)

(5) Medical Expenses

- (i) Medical expenses incurred with their approved duties will be made in accordance with the relevant Authority Policy, for example, eye tests.

APPENDIX D

Mileage Rates

Allowance for the performance of approved duties;

(1) **Travelling Allowances From 1st April 2016**

Mileage will be paid at the HMRC rate

(2) **Overnight Absence From Home – Overnight Garaging Allowances**

Not more than the amount of any expenditure incurred in tolls, ferries, or parking fees.

THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES

REPORT TO BOLSOVER DISTRICT COUNCIL

MEMBERS: -

- ❖ Amanda Orchard

- ❖ Graham Hudson

- ❖ David Richardson

1. INTRODUCTION

1.1 We, the members of the Independent Remuneration Panel (the Panel) were invited to participate by Bolsover District Council. This was done in accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003. These regulations require that before making or amending a Members' Allowance Scheme, the Authority must have regard to the recommendations of an Independent Remuneration Panel.

1.2 The Panel comprises three members.

Amanda Orchard - sits as an Independent Person for a number of authorities across the country and is experienced in undertaking a number of remuneration reviews. She works in conflict resolution adjudicating complaints, sitting on fitness to practice panels for a number of healthcare regulators as well as being a trained mediator. She also sits as a JP in crime and family court.

Graham Hudson – has 38 years in HR Management at a Local Authority, was a HR lead officer for all outsourcing projects and latterly was seconded as Head of Corporate Resources for a public body. He is also an Independent Person at a neighbouring authority.

David Richardson - currently works in Higher Education and is the Student Success Facilitator at a University. Previously he was an investigator with the Local Government Ombudsman. He is also an Independent Person at a neighbouring authority.

1.3 We represent a range of disciplines and are also independent from the Authority and so are able to look at the matter of members' allowances objectively, with no self-interest. We have also been able to bring the experience of our own spheres to bear on the discussions.

1.4 We have been supplied with a range of information to consider during the formulation of our recommendations and have interviewed three Members to help with clarification around questions that arose during our deliberations.

2. THE PANEL'S TERMS OF REFERENCE

2.1 These terms of reference have been compiled with reference to The Local Authorities (Members' Allowances) (England) Regulations 2003.

2.2 In accordance with regulation 21 the Independent Remuneration Panel is required to make recommendations on the Members' Allowance Scheme in the form of a report to the Authority.

- 2.3 The remit requested by Members for the 2024 review was to conduct a full review of allowances.

3. THE PANEL'S METHODOLOGY

- 3.1 The Panel met on 12th December 2023 and was given the above remit.
- 3.2 The panel considered information and requested further details in order to inform its views. Further meetings took place on 1st February 2024, 7th February 2024 and 15th March 2024, to consider the requested information and formulate recommendations to Council.
- 3.3 To inform the review, the Panel considered a number of factors including:
- Figures paid by neighbouring and comparative authorities.
 - The current scheme of allowances.
 - The IRP reports from 2011, 2014 and 2017 and details of what Council agreed following the IRPs recommendations.
 - Committee Terms of Reference.
 - Information on the number of meetings held.
- 3.4 The Panel considered the Members Allowance Comparison Data, comparing Bolsover District Council with neighbouring authorities and some other similar authorities that had been used previously for comparison.

This comparative data showed Bolsover District Council as being one of the highest Allowance Schemes within the table. When referring back to previous information received comparing Bolsover District Council to the rest of Derbyshire County the BDC Allowances were the highest in terms of the Basic Allowance and mid-range for all other SRAs.

On further analysis it was noted that there were still large gaps between other authorities and Bolsover District Council, which created doubt that a justification could be made to warrant any increase to current allowances.

Table 1: Data Comparator Group – Basic Allowance (Summary)

Authority	Basic Allowance	Notes
Bolsover District Council	£9,902	
Amber Valley Borough Council	£4,210	
Ashfield District Council	£7,427	
Bassetlaw District Council	£4,981	
Broxtowe Borough Council	£4,117	
Cannock Chase District Council	£5,706	£1,224 is included in this sum for the purchase of consumables
Chesterfield Borough Council	£6,396	
Derbyshire Dales District Council	£4,628	
Erewash Borough Council	£4,321	
Mansfield District Council	£6,386	
North East Derbyshire District Council	£5,488	
High Peak Borough Council	£3,217	
South Derbyshire District Council	£7,435	

Table 2: Data Comparator Group – SRAs (Summary)

Authority	Leader SRA	Exec Member	Scrutiny Chair	Planning Chair	Licensing Chair
Bolsover District Council	£14,672	£4,981	£3,260	£4,890	£3,260
Amber Valley Borough Council	£12,632	£4,391	n/a	£2,526	£1,674
Ashfield District Council	£21,950	£12,453	£6,226	£8,302	£4,151
Bassetlaw District Council	£8,083	£5,741	£3,178	£3,178	£2,153
Broxtowe Borough Council	£14,981	£5,222	£5,222	£5,222	£5,222
Cannock Chase District Council	£19,403	£8,578	£2,138	£4,619	£1,982
Chesterfield Borough Council	£6,396	£29,632	£4,885	£5,912	£4,885
Derbyshire Dales District Council	£13,910	n/a	£2,782	£5,564	£2,782
Erewash Borough Council	£14,320	£6,444	£3,792	£3,792	£3,792
Mansfield District Council	£49,377	£13,828	£6,921	£9,588	£7,505
North East Derbyshire District Council	£20,522	£9,405	£4,490	£8,256	£4,490
High Peak Borough Council	£9,905	£4,456	n/a	£2,970	£600
South Derbyshire District Council	£19,653	n/a	£9,815	£9,815	£4,865

3.5 Two interviews were conducted during the course of the IRP meetings.

- ❖ Cllr Will Fletcher
- ❖ Cllr Tom Munro

One Councillor, Cllr Justin Gilbody, was unable to attend an interview but responded to the Panel's questions in writing.

These interviews put a number of questions to the Members concerned in regard to areas within the remit of the review, factors which may affect allowances, and queried anomalies in the Panel's understanding to ensure that the information provided created an accurate overall picture.

The Panel as a whole wish to express its thanks to the Members for taking the time to consider the questions put and for the clarity brought to our queries.

- 3.6 In making its recommendations the Panel acknowledged the current economic circumstances and that there had been cost of living increases and high inflation since the previous review.
- 3.7 The Panel also took into consideration the information presented by those interviewed regarding the time commitment required as a Councillor. It was noted that the opinion of some Councillors was that the workload and the number of hours spent on Council duties is significant.

4. RECOMMENDATIONS

Basic Allowance

- 4.1 The Panel considered the level of Basic Allowance. This is an allowance paid to all Councillors of the authority. The Basic Allowance is currently £9902.44.

The Panel considered that the level of Basic Allowance had remained the same for some time. This was largely in part due to it being much higher in comparison to other local authorities. The Panel considered that it was still higher compared to other local authorities and that nothing had significantly changed since the last review of allowances. The Panel considered the increase in the cost of living and weighed this against the level of Basic Allowance which was still high compared to elsewhere. Therefore, the Panel recommended that the level of the Basic Allowance remain unchanged.

RECOMMENDATION: No change to the level of Basic Allowance.

Special Responsibility Allowance

- 4.2 The Panel considered the level of Special Responsibility Allowance (SRA). This is an allowance paid to those Members who hold special responsibilities.

A Special Responsibility Allowance is currently paid to the following:

Leader of the Authority	£14,672.16
Deputy Leader of the Authority	£9,781.44
Members of the Executive	£4,890.72
Chair of a Scrutiny Committee	£3,260.48
Vice Chair of a Scrutiny Committee	£1,630.24
Largest Opposition Political Group Leader	£4,980.72
Chair of Planning Committee	£4,980
Vice Chair of Planning Committee	£2,445
Chair of Licensing Committee	£3,260.48
Vice Chair of Licensing Committee	£1,630.24
Chair of Standards Committee (co-optee)	£1,222
Chair of Audit Committee	£1,467
Junior Executive Members	£2,445.36

4.3 The Panel noted that the SRA paid to Junior Executive Members had only been put in place in 2023, and the Panel saw no reason to make any changes to this. During consideration of the recommendation regarding paying an SRA to Junior Executive Members the Panel had considered the number of posts in receipt of a SRA.

4.4 The Panel heard that historically, the level of SRA had been lower as the Basic Allowance was higher. The Panel did not consider that anything had changed with regard to this position.

The Panel did not consider that it had been presented with any evidence to justify an increase to any Special Responsibility Allowance.

4.5 The Panel considered that the provision in the current scheme, that no member shall be entitled to receive more than one Special Responsibility Allowance, remain unchanged.

RECOMMENDATION: No change to the level of Special Responsibility Allowance.

Other Parts of the Allowances Scheme

4.5 The Panel considered the other elements of the Allowances Scheme, such as travelling allowance and subsistence reimbursement, co-optees' allowance, and carer's dependents allowance. The Panel considered that the current provisions all seemed reasonable and recommended no changes.

Considerations for the next review of Councillors' Allowances

- 4.6 The Panel, as part of its deliberations, considered whether to recommend a mechanism to increase the level of allowances in the future. The Panel considered that as the level of Basic Allowance was still high compared to elsewhere that there should be a further review before any mechanism to increase allowances annually was agreed.
- 4.7 The Panel considered that another review of allowances should take place in 3 to 4 years unless there was a particular need to address something within that period. It was noted that a review in three years would align with the District Council elections.

RECOMMENDATION: That the Councillors' Allowances Scheme be reviewed again in 3 to 4 years.

Bolsover District Council

Meeting of Council on 22nd May 2024

Recommendations of the Employment and Personnel Committee

Chair of the Employment and Personnel Committee

Classification	This report is Public
Contact Officer	Amy Bryan, Governance and Civic Manager

PURPOSE/SUMMARY OF REPORT

For Council to consider the proposals made and agreed at the Employment and Personnel Committee on 17th April 2024 for the establishment of two posts.

Council's role is to agree the budget implications following full scrutiny of the proposals put to the Employment and Personnel Committee.

REPORT DETAILS

1. Background and details of the proposal

- 1.1 At its meeting held on 17th April 2024, the Employment and Personnel Committee considered two proposals for changes to the Council's establishment.
- 1.2 The remit of the Committee is to consider and deal with issues relating to the Council's establishment structure and employees, and to recommend to Council in relation to any growth in the establishment resulting in budgetary increase.
- 1.3 The two proposals were considered in detail at the Employment and Personnel Committee meeting and now Council needs to consider the budgetary increase to establish these posts. The posts are:
 - a) a Land and Property Assistant (this is a full-time post at Grade 4, £24,405 - £25,657)
 - b) an additional Communications Officer (this is a full-time post at Grade 6, £29,767 - £32,056)
- 1.4 The reports and Minutes of the Employment and Personnel Committee meeting are not appended to this report but are available to Members through the Mod.gov app or on request from the Governance Team.

2. Reasons for Recommendation

- 2.1 The proposals have been fully considered by the Employment and Personnel Committee who agreed with the reasons and rationale for each post and therefore recommend to Council an increase in the Council's General Fund budget to fund the additional posts.

3 Alternative Options and Reasons for Rejection

- 3.1 Council are to consider the financial implications only. Council may choose to approve all, some, or none of the requests for growth to the establishment.

RECOMMENDATION(S)

1. That Council approve the growth in salary budgets as set out in paragraph 1.3 of the report as recommended by the Employment and Personnel Committee on 17th April 2024.

Approved by Employment and Personnel Committee on 17th April 2024

IMPLICATIONS:

Finance and Risk: Yes No

Details: The total cost for the creation of the posts per annum is anticipated to be:

- a) between £24,405 - £25,657 (Grade 4) for the Land and Property Assistant
- b) between £29,767 - £32,056 (Grade 6) for the Communications Officer

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: There are no legal implication arising from this report

On behalf of the Solicitor to the Council

Environment: Yes No

Details: There will be no environmental impact arising from this post.

Staffing: Yes No

Details: The Council's policies and procedures will be followed for recruitment these posts.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>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:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<p>District Wards Significantly Affected</p>	None
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	Details: Employment and Personnel Committee

<p>Links to Council Ambition: Customers, Economy and Environment.</p>

DOCUMENT INFORMATION	
Appendix No	Title

<p>Background Papers</p>
<p><i>(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 Executive you must provide copies of the background papers).</i></p>

Bolsover District Council

Council on 22nd May 2024

Review of the Council's Policy under the Licensing Act 2003

Report of the Portfolio Holder for Environment

Classification	This report is public
Report By	Lindsey Delamore, Licensing and Enforcement Officer Charmaine Terry, Environmental Health Team Manager (Licensing)

PURPOSE/SUMMARY OF REPORT

To invite Council to adopt the revised draft Statement of Principles under the Licensing Act 2003.

REPORT DETAILS

1. Background

- 1.1 Under the Licensing Act 2003 ('the Act'), Bolsover District Council ('the Council') is responsible for the administration and regulation of licences and certificates which authorise the following activities:
- The sale and supply of alcohol;
 - The provision of regulated entertainment; and
 - The provision of late night refreshment.

- 1.2 The Act contains four licensing objectives which are central to the regulatory regime created by the Act, and are:

- The Prevention of Crime and Disorder
- The Prevention of Public Nuisance
- The Protection of Children from Harm
- Public Safety

When discharging its functions, the Council, as a statutory Licensing Authority, must make decisions with a view to promoting these objectives.

- 1.3 The Licensing Act 2003 imposes a statutory requirement upon the Council, to prepare and publish a Statement of Principles (alternatively referred to as a 'Policy') every five years.
- 1.4 In 2018 a review was undertaken to ensure that the Council's Policy was consistent with statutory guidance and in a format common to neighbouring authorities to

enable consistency and transparency. The Act requires the Council to republish its Policy every five years. The current Policy was published in 2019 and is now due for renewal.

- 1.5 The Policy establishes a set of controls which the Council considers appropriate for the effective management of licensable activities within the district. The Policy acts as a guide for Members, applicants, responsible authorities, and members of the public and aims to promote fair, consistent, and proportionate decision making.
- 1.6 The Joint Environmental Health Service conducted an initial review of the Policy and identified a number of amendments necessary to bring the Policy up to date.
- 1.7 In summary the proposed amendments aimed to achieve the following:
 - Ensure the Policy is consistent with legislation and statutory guidance
 - Increase the clarity of the Policy
 - Improve the standards of premises in the district through the recommendation of more robust management practices
 - Provide clarity on delegations; and
 - Update local demographics.
- 1.8 Following consideration of the draft policy through the Licensing and Gambling Acts Committee and the Climate Change and Communities Scrutiny Committee, a six-week public consultation opened between 26th February 2024 and 7th April 2024.
- 1.9 The consultation was published via the Ask Derbyshire website and publicised through the Council's website and social media platforms. A number of stakeholders were also contacted directly via email or letter.
- 1.10 Despite carrying out an extensive consultation exercise, the Council did not receive any responses to the consultation. The results of the consultation were subsequently considered by the Licensing and Gambling Acts Committee on 29 April 2024.
- 1.11 This Committee noted the lack of response to the consultation and that this likely indicated there was indifference to the amendments made to the Policy.

2 Details of Proposal or Information

- 2.1 The revised draft Statement of Principles under the Licensing Act 2003 has been drafted in line with legislation and current guidance, and can be found attached as **Appendix 1**.
- 2.2 An Equality Impact Assessment has been conducted in line with the Council's Equality and Diversity Policy.
- 2.3 Following an extensive public consultation and member scrutiny, a recommendation has been made to Council that the final draft Policy, agreed by the Licensing and Gambling Acts Committee on 29 April 2024 (Attached as **Appendix 1**) be adopted.

3. Reasons for Recommendation

3.1 The Council has a statutory duty to prepare and publish a Statement of Principles under the Licensing Act 2003 every five years.

4 Alternative Options and Reasons for Rejection

4.1 The Council can choose not to prepare and publish a new Statement of Principles under the Licensing Act 2003; however, this would leave the Authority open to legal challenges by way of appeals against decisions on licensing matters or judicial review.

RECOMMENDATION(S)

1. The Council approve the recommendation from the Licensing and Gambling Acts Committee that the draft Statement of Principles under the Licensing Act 2003 be adopted to take effect immediately.

Approved by Councillor Clarke Portfolio Holder for Environment

IMPLICATIONS:

Finance and Risk: Yes No

Details: There will be a minor cost associated with the implementation of the policies. This can be accommodated from existing budgets.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details: It is a legal requirement under the Licensing Act 2003 that a licensing authority prepare and publish a statement of principles every five years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear, assists with the implementation of rules and reduces the risk of legal challenge by way of appeal or judicial review, and as such, reduces the risk of associated legal costs.

On behalf of the Solicitor to the Council

Environment: Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details: The Licensing Act regulatory regime will not have any direct impact on the achievement of carbon neutral targets or the enhancement of the environment. This Policy aims to introduce measures which promote the responsible management of licensable activities in the district and mitigate local environmental impacts including noise and nuisance.

Staffing: Yes No

Details: There are no staffing implications of the proposals in this report.

On behalf of the Head of Paid Service

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: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/>	Details: Public Stakeholders Senior Leadership Team

Links to Council Ambition: Customers, Economy and Environment.

All

DOCUMENT INFORMATION

Appendix No	Title
1	Draft Statement of Principles 2024-2029 – Licensing Act 2003

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 Executive you must provide copies of the background papers).

Flagged Crimes Performance Report for Community Safety produced by Derbyshire Constabulary in September 2023

Office for Health Improvement & Disparities, [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#)

Office for Health Improvement & Disparities, [Local Alcohol Profiles for England - Data - OHID \(phe.org.uk\)](#)

[Monitoring alcohol consumption and harm during the COVID-19 pandemic: summary - GOV.UK \(www.gov.uk\)](#)



**Statement of Principles
Licensing Act 2003**

2024 to 2029

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality, and fostering good relations between all groups in society.

Access for All statement

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** enquiries@bolsover.gov.uk
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

CONTROL SHEET FOR Statement of Principles: Licensing Act 2003

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Statement of Principles: Licensing Act 2003
Current status – i.e., first draft, version 2 or final version	Final Draft
Policy author (post title only)	Licensing Team Manager
Location of policy (whilst in development)	S-Drive
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	
Partnership involvement (if applicable)	
Final policy approval route i.e., Executive/ Council	Climate Change a Scrutiny Communities Committee, Licensing and Gambling Acts Committee and Council
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance & Communications teams (to include on ERIC, and website if applicable to the public)	

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1. INTRODUCTION

1.1 Bolsover District Council is a Licensing Authority for the purpose of the Licensing Act 2003. Section 5 of the Act requires all licensing authorities to Prepare and publish a Statement of Licensing Policy that they propose to apply in exercising their functions under the Act during the five-year period to which the policy applies. The Statement of Licensing Policy can be reviewed and revised by the Authority at any time.

1.2 Bolsover District is located in Derbyshire and covers an area of 417 square kilometres (161 square miles). We have a population of around 81,305 and approximately half live in the district's four towns of Bolsover, Clowne, Shirebrook and South Normanton and the rest of the district is predominantly rural and made up of small villages and hamlets.

A map showing the administrative boundaries of the district is at Appendix 1.

1.3 The District Council welcomes the diversity of leisure and entertainment opportunities available in the Bolsover district and recognises that to maintain success the licensed leisure and entertainment industry has an important role to play. The Council also recognises the problems that can be caused if licensed activities are not properly managed, and premises poorly run.

1.4 This Policy Statement seeks to establish sensible controls and appropriate guidance to encourage and further the efforts that are being made by the Council and its partners together with the licensed trade to help the Authority deal with issues that arise from licensable activities.

This will be achieved by: -

- Establishing and building upon best practice within the industry.
- Recognising and facilitating the role of partners and stakeholders.
- Encouraging self-regulation by licensees and managers.
- Providing a clear basis for the determination of licence applications; and
- Supporting related policies and strategies of the District Council.
- An inspection and enforcement regime targeted at premises that present a high risk.

1.5 The Authority is committed to working with its licensing partners and stakeholders in delivering the licensing function. This Policy Statement therefore seeks to provide information on the general approach that the Authority will take in carrying out its licensing functions.

1.6 In preparing and publishing this Policy Statement due regard has been given to the guidance issued by the Secretary of State under section 182 of the Act, and to good practice advice issued by approved government advisory bodies. In particular the Authority has consulted those persons and bodies as required by the guidance and given proper weight to their views. A full list of the persons consulted is at Appendix 2. Partnership working between licensing authorities in Derbyshire has enhanced the production of this Policy Statement and will help ensure consistency in terms of both policy and enforcement where licensing boundaries meet.

- 1.7 This Policy Statement should not be regarded or interpreted as indicating that any requirement of law may be overridden; each application will be considered and treated on its own merits. No restrictive controls will be introduced or imposed unless they are felt to be necessary and appropriate.
- 1.8 There are certain matters which the Authority is prevented from taking into account or from dealing with in a specified way. For example, the Authority is not entitled to take the issue of the “need” for further licensed premises into account when determining licence applications. On the other hand, the cumulative impact of licensed premises on the promotion of the Licensing Objectives is a matter that can be properly considered by the Authority. Cumulative impact and related matters are dealt with in section 7 of this Policy Statement.
- 1.9 Nothing in this Statement of Policy prevents any one person or body applying for a variety of current permissions under the Act. Nor does it override the right of any Responsible Authority, any person or business to make representations or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 1.10 The Policy will remain in effect from 22 May 2024 until 21 May 2029. During this period, this Licensing Authority will keep the Policy under review and make any changes as it thinks appropriate following consultation with the above persons.

2. LICENSING OBJECTIVES AND LICENSABLE ACTIVITIES

- 2.1 In exercising their functions under the Licensing Act 2003, licensing authorities must have regard to the licensing objectives as set out in section 4 of the Act. The licensing objectives are:

- (a) the prevention of crime and disorder.
- (b) public safety.
- (c) the prevention of public nuisance; and
- (d) the protection of children from harm.

Each has equal importance.

- 2.2 In carrying out its licensing functions, the Licensing Authority must also have regard to the licensing objectives, its Policy Statement and any statutory guidance under the Act and is bound by The Human Rights Act 1998. The Council must also fulfil its obligations under section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to prevent crime and disorder in Bolsover.
- 2.3 Equality Act 2010 places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, harassment, and victimization; to advance equality of opportunity; and to foster good relations, between persons with different protected characteristics.
- 2.4 Guidance on the Licensing Objectives is available on the Government’s website at: <https://www.gov.uk/guidance/alcohol-licensing>

- 2.5 Licensing law is not the primary mechanism for the general control of antisocial behaviour by individuals once they are beyond the direct control of the individual club, or business holding the licence, certificate or permission concerned. Licensing is about the management of licensed premises and activities within the terms of the Act and conditions attached to various authorisations will be focused on matters which are within the control of the individual licence holder and others.
- 2.6 The Act only covers certain “licensable activities” namely: -
- (a) the sale by retail of alcohol
 - (b) the supply of alcohol by or on behalf of a club to a member
 - (c) the provision of “regulated entertainment” and
 - (d) the provision of late night refreshment
- 2.7 The definition of what constitutes “regulated entertainment” is complex and has been subject to Government deregulation. Whilst “regulated entertainment” potentially covers live or recorded music, dancing, plays, films, and certain types of sporting activity the Act itself provides various exemptions and restrictions on the types of activities which are subject to Licensing. In addition, other legislation such as the Live Music Act 2012, the Legislative Reform (Entertainment Licensing) Order 2014 and the Deregulation Act 2015 (“2015 Act”) has de-regulated numerous activities. Further guidance can be found with the Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 at <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>
- 2.8 Where an activity is licensable the promotion of the Licensing Objectives is the paramount consideration for the Authority. In the absence of valid representations from responsible authorities, other persons or businesses, all applications must be granted subject only to any prescribed mandatory conditions and such other conditions which are consistent with the operating schedule provided by the applicant. Where valid representations are received and maintained the application will normally be determined at a hearing before the Licensing Committee or one of its Panels. The Committee or Panel will then assess whether the application would result in the licensing objectives being undermined to such an extent that the application should be refused or, whether it would be possible to grant the licence subject to such conditions as are felt appropriate by the Authority.
- 2.9 Conditions will be tailored to the size, style, characteristics, and activities taking place at the premises concerned. Conditions will be focused on matters that are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places, is ultimately a matter of fact to be decided by the courts in cases of dispute. In addressing such matters consideration will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned.

2.10 The imposition of standardised conditions is prohibited as being disproportionate and burdensome. It should be noted, however, that the Authority is permitted to establish pools of conditions from which appropriate and proportionate conditions may be drawn. Further details regarding such conditions can be obtained from the Licensing Team.

3. HOW THIS STATEMENT OF POLICY WORKS

3.1 The purpose of the Statement of Policy is to:

- provide a clear basis for determining licence applications.
- provide a clear framework for licensing strategies, including the effect known as 'cumulative impact.'
- support wider strategies and policies of the Council.

3.2 The text of this Statement of Policy in **bold type** indicates the Policies with *the reason* for each policy shown immediately after *in bold italics*.

3.3 This Policy sets out the Authority's expectations in relation to certain matters. Whilst applicants are not obliged to meet these expectations in their Operating Schedules, they may find that responsible authorities, other persons, and businesses are more likely to raise representations if they do not. This can lead to a delay with the application having to be considered by a Committee/Panel which may then either refuse the application or impose conditions if the application is not found to sufficiently promote the licensing objectives and meet this, Policy. On appeal the Court is also obliged to have regard to the terms and requirements of this Policy and can only depart from it if it has good reason.

3.4 In this Statement of Policy any reference made to the imposition of conditions refers to conditions imposed in accordance with the requirements of the Act outlined in paragraph 2.9 - 2.11 above. As a general rule the authority will seek to avoid attached conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

4. STRATEGIC LINKS AND OTHER REGULATORY REGIMES

4.1 There are a range of strategic influences and statutory controls which affect the Licensing system in terms of policy formulation, administration, and enforcement activities. Examples of these strategies can be found in the Section 182 guidance. The Authority will seek to have an active involvement in the development and review of these by ensuring an appropriate exchange of dialogue between the Licensing Authority and other relevant regimes. Such involvement may result in the imposition of conditions and formulation of policies supporting the relevant strategies where appropriate.

4.2 The granting of a licence, certificate or provisional statement will not override any requirement of the planning system or vice-versa. The licensing system will provide for the detailed control of operational matters, which are unlikely to be addressed through planning processes. However, there will be overlapping issues of interest e.g., disturbance, which will remain material considerations for planning purposes as well as being relevant in terms of the licensing objectives. Applicants should also ensure that they have due regard to any

planning restrictions on the use of premises when applying for licence/certification to avoid any possible enforcement action. Equally any planning approval for a premises does not imply that approval will be giving under the Licensing regime.

- 4.3 The Council has a local plan in place which sets out the vision and strategy for planning and economic development in the district. Where it is reasonable and necessary for the promotion of the licensing objectives, the Council will aim to harmonise decisions where overlapping issues of interest have been identified.
- 4.4 The Licensing Authority will work in partnership with neighbouring authorities, the Police, other agencies, local liaison groups, businesses, and individuals towards the promotion of licensing objectives. The Licensing Authority is involved in a number of collaborative working groups such as Pub Watch, Derbyshire Licensing Group and Community Alcohol Partnership which aim to tackle localised issues.

5. DELIVERING LICENSING SERVICES

- 5.1 The Authority will make available guidance and such resources as required by law to enable engagement with the licensing process. Such guidance and resources may be accessed through the Bolsover District Council web site (<https://www.bolsover.gov.uk/licensing>), or by contacting the Licensing Authority direct.
- 5.2 The Licensing Authority will maintain an impartial role in service delivery and cannot act in favour of one party over another. The Licensing Authority may, in certain circumstances, act as a Responsible Authority. However, this will only be done in exceptional circumstances and the Licensing Authority will not normally take over the role of other Responsible Authorities or Interested Parties.
- 5.3 Responsible Authorities are public bodies which must be fully notified of licence applications and are entitled to:
- Make representations.
 - Request reviews
 - Make representations with regards to cumulative impacts

Details of Responsible Authorities can be found on the Council's website.

6. APPLICATIONS, NOTIFICATIONS AND THEIR CONSIDERATION

- 6.1 The procedure and documentation required for the various applications and notices is prescribed by the Act and Regulations. Further advice on these processes is available on the Council's web site. This section of the policy gives basic guidance on how those applications and notifications will be considered. Failure to comply with the statutory requirements may result in the application or notice being invalid.
- 6.2 To ensure the application is completed fully, applicants must consider the contents of this policy statement, the government guidance issued under section 182 of the Licensing Act 2003 and relevant guidance published by the licensing authority. Applicants are encouraged to seek advice from the licensing

authority and responsible authorities before submitting an application. Failure to comply with the statutory requirements may result in an application or notice being rejected or returned as invalid.

6.3 The process of applying for new premises licences and full variations of current premises licences are dealt with in the same way and involve serving the application on all responsible authorities and advertising the application in the prescribed way. If objections are received the matter will be heard by the Licensing Committee of the Council. The fee for such applications depends on the size of the premises.

6.4 The process of a minor variation to current premises licences are dealt with differently. Minor variations can be applied for to vary times of activities but not to increase the hours when alcohol can be sold. The process can also be used when making minor structural alterations to the premises and to add or remove conditions from the licence. These minor variations should not have a material effect on the way in which the premises are operated and there is one set fee. The granting of a minor variation is determined at officer level after consultation with those responsible authorities affected. If the application is refused the applicant can resort to the full variation process.

6.5 Right to work in the UK.

6.5.1 Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises.

6.5.2 These new provisions apply to, applications for the grant of a premises licence, to transfer a premises licence and for the grant of a personal licence. Individuals who apply for these types of licence must provide evidence of their right to work in the UK.

6.5.3 Further information on what evidence is required to prove applicants have the right to work in the UK can be found at <https://www.gov.uk/prove-right-to-work>.

6.5.4 Where a premises licence holder or a personal licence holder ceases to be entitled to work in the UK the licence will lapse. Where a licence holder has extended their right to work in the UK, documentary evidence must be provided to the Authority to ensure the continuation of the licence.

6.6 Representations

6.6.1 Guidance on making a representation is available from the Home Office - [Revised guidance issued under section 182 of Licensing Act 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60422/Revised_guidance_issued_under_section_182_of_Licensing_Act_2003_-_GOV.UK_(www.gov.uk).pdf) and a preferred form is available on the Council's Licensing Act Policy web page for individuals or groups to make their representations.

6.6.2 For a representation to be relevant it should relate to the likely effect of the grant of the application on one or more of the licensing objectives. Representations received outside the statutory period for making such representations will be invalid and will not be taken into consideration when the application is

determined. The Licensing Authority also has the power to reject a representation made by someone other than a Responsible Authority if it finds it to be vexatious or frivolous. An example could be where a representation was made solely on the basis that the application would provide competition to an existing trader or where no link was made to any of the licensing objectives.

6.6.3 Where a representation proceeds to a hearing the Hearings Regulations allow for further information to be put forward in support of that representation. However, that material must only relate to the initial representation and must not add new grounds of objection. It is therefore vitally important that as much detail and evidence as possible is included at the time the representation is made. Representations made without supporting detail and evidence may be viewed as frivolous or vexatious and disregarded.

6.6.4 Where representations are received the characteristics of an area and the impact that the premises may have upon that area will be a fundamental consideration in determining whether a licence should be granted and if so, what conditions should be attached to it. Conditions will be focused on matters that are within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. What amounts to the vicinity will be a question of fact to be determined in the light of the individual circumstances of the case. Consideration will primarily be given to the direct impact of the licensed activity on those who live, work or are engaged in business or other activities in the area concerned. However, note the representation need not have come from someone who lives, works, or is engaged in business in that area.

6.7 **Panel/Committee Hearings**

6.7.1 The Act creates a presumption that applications will be granted unless a valid representation is raised. An application will then be determined by the Licensing Committee/Panel unless the issue that led to the representation can be negotiated to an agreed conclusion between the parties.

6.7.2 The Authority considers the effective and responsible management of the premises, the instruction, training and supervision of staff and the adoption of best practice in the leisure industry, which may include participation in such schemes as Best Bar None, Purple Flag or Business Improvement Districts (BIDs), to be amongst the most important control measures for the achievement of all of the Licensing Objectives.

7. **LICENSING POLICIES**

Policy 1 – Preparation and Consideration of Applications

When preparing or considering applications, applicants, responsible authorities, other persons, businesses and the Licensing Authority shall, where appropriate, take into account the following matters in assessing both the potential for the Licensing Objectives to be undermined and the appropriateness of any conditions which may be offered or imposed on any resulting licence, certificate or permission:

- (i) The nature of the area within which the premises are situated.
- (ii) The precise nature, type, and frequency of the proposed activities.
- (iii) Any measures proposed by the applicant in the Operating Schedule.
- (iv) The nature (principally in terms of the age and orderliness) and number of any customers likely to attend the licensed premises.
- (v) Means of access to and exit from the premises.
- (vi) Transport provision in the area and the likely means of public or private transport that will be used by customers either arriving or leaving the premises.
- (vii) Parking provision in the area.
- (viii) The potential cumulative impact (see below).
- (ix) Other means and resources available to mitigate any impact.
- (x) Such other matters as may be relevant to the application.

REASON: To ensure that all relevant matters are taken into consideration during the application process.

- 7.1 When considering the nature of the area within which the premises are situated the Licensing Authority expects all relevant parties to demonstrate that they have considered all relevant local issues, including, but not limited to:
- i) Locality of nearby sensitive premises (i.e., schools, domestic property)
 - ii) Levels of local crime in the area, including:
 - a. Alcohol related crime
 - b. Drug related crime
 - c. Violence against women and girls
 - d. Modern slavery
 - e. Violent crime
 - f. Knife crime
 - g. Hate crime.
 - iii) Levels of anti-social behaviour.
 - iv) Local health statistics.
 - v) Underage drinking.
 - vi) Counterfeit goods.
 - vii) Environmental restrictions; and
 - viii) Planning restrictions.
- 7.2 It is recommended that applicants conduct a risk assessment in an aim to identify local issues which could undermine the licensing objectives. Conducting a risk assessment which focuses on the licensing objectives will help applicants to formulate robust conditions and management practices in line with Policy 2 below.
- 7.3 Levels of noise from licensed premises, which may be acceptable at certain times of day, may not be acceptable later in the evening or at night when ambient noise levels are much lower. The main impact of customers arriving, queuing, and leaving should be confined to principal pedestrian routes as far as possible. The impact of noise arising from patrons that are temporarily outside the premises (e.g., smoking), must be recognised and mitigated against.

- 7.4 Applicants should carefully consider the hours that they will wish to operate for each licensable activity and when to close their premises for the entry of customers and to require them to leave. They should consider each licensable activity separately and carefully and reflect this in their operating Schedule. Shops, stores, and supermarkets will normally be permitted to sell alcohol and or late night refreshment anytime when they are open for shopping unless there are good reasons related to the promotion of the licensing objectives for restricting these hours. Where a premises such as a shop is open for business outside of their licensable hour's consideration should be given to what steps will be taken to prevent the unauthorised sale of alcohol.
- 7.5 Applicants should consider the benefits of stopping serving alcohol before other licensable activities stop and a suitable time before the premises close and customers must leave. In noise sensitive areas operators should consider ceasing the playing of dance music and switching to quieter, slower tempo music with a less pronounced beat for a period prior to the closure of the premises.
- 7.6 Applicants should also consider making arrangements with local transport operators to provide information to customers to ensure they can access public transport and leave the vicinity of the premises quickly by the most appropriate route.
- 7.7 The Authority is mindful of the responsibilities that licence holders have for preventing anti-social behaviour on and within the vicinity of their premises. The Authority must, however, also bear in mind its statutory duty under the Crime and Disorder Act 1998 to do all it can to prevent crime and disorder in the district. Where appropriate conditions will be imposed which reflect local Crime Prevention strategies.
- 7.8 The Licensing Authority will expect licensees to take all reasonable steps to prevent the entry of drugs into premises under their control, to take appropriate steps to prevent drugs changing hands within the premises, to take practical measures to prevent tragedies as a result of drug misuse by way of management and design of the premises and work collaboratively with the Police to deal with any such issues.
- 7.9 Licensing Law is not the primary mechanism for the general control of the anti-social behaviour of patrons once they have left the vicinity of the licensed premises rather it is part of a holistic approach to the management of the District.
- 7.10 Where appropriate the Authority will seek to identify mechanisms that are available for addressing the potential impact of anti-social behaviour arising both in respect of the management and operation of licensed premises themselves and that arising once patrons leave the licensed premises. Regard will be given to the section 182 Guidance in this respect and the following may be employed to address such behaviour and the potential for cumulative impact:
- planning controls.

- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- The provision of CCTV surveillance in town centres, taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.
- Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.
- the confiscation of alcohol from adults and children in designated areas.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.
- Prosecution for the offence of selling alcohol to a person who is drunk (or allowing such a sale).
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance.
- The power of the police, other responsible authorities, or other persons to seek a review of a licence or certificate; and
- Early Morning Alcohol Restriction Orders (EMROs)
- Any other local initiatives that similarly address these problems.

Policy 2 - Responsible Management Practices

The Authority expects to see evidence of the effective and responsible management of the licensed premises, such as examples of instruction, training and supervision of staff and the adoption of best practice used in the leisure industry, being specifically addressed within the Operating Schedule.

REASON: To ensure the promotion of the licensing objectives.

- 7.11 It is recommended that applicants conduct a risk assessment in an aim to identify issues which could undermine the licensing objectives. Risks identified should subsequently be addressed in the operating schedule.
- 7.12 Applicants are expected to have carried out the relevant assessments under other legislation (e.g., fire precautions, health and safety at work, etc.) prior to submitting their applications. These assessments should be used to identify particular issues which may need to be addressed in the operating schedule in order to ensure that the objectives will not be undermined. Suggested methods of addressing Policy 2 may be outlined in more detail in any guidance issued by the Responsible Authorities but could include the matters listed below where appropriate.

Crime and Disorder

- 7.13 Examples of recommended management practice to minimise Crime and Disorder:
- Metal detection and search facilities.
 - Procedures for risk assessing promotions and events such as “happy hours” and plans for minimising such risk.
 - Measures to prevent the use or supply of illegal drugs.

- Employment of Security Industry Authority (SIA) door supervisors and other appropriately trained staff.
- Participation in an appropriate Pub Watch Scheme or other such scheme aimed at achieving a safe, secure, and social drinking environment e.g., bar tariffs (for all bar price lists to carry a guide of how many units of alcohol each individual drink contains) and recommendations that all licensees, managers, or supervisors attend regular Pub Watch meetings or send a representative if they cannot attend.
- The licensee providing a taxi call point, waiting and concierge service for taxi marshalling at the licensed premises.
- Use of measures aimed at ensuring patrons are more relaxed and quieter when leaving the licensed premises e.g., playing quieter music and promoting non-alcoholic drinks towards the end of the event, ensuring good lighting outside the premises, staggering the closing time with regard to nearby licensed premises, etc.
- Having clear policies and procedures in place for the recording and reporting of incidents and crimes.
- Having clear policies and procedures in place for the prevention, detection and reporting of sexual harassment, misconduct, and violence against women and girls.
- Having clear policies and procedures in place for the prevention, detection and reporting of spiking.
- Provide staff training on drug awareness.
- Use of glass alternatives
- Introduction of bottle bans
- Provision of seating for customers
- Restriction of open containers being removed from the premises.
- Employment of SIA door supervisors.
- Having clear admission policies for entry to the premises. i.e., bag searches, last admission, ID verification
- Installation and maintenance of a CCTV system (both inside and outside of the premises) together with a policy and procedure for its use and handling data.
- Written authorisation of staff for alcohol sales.

Public Safety

- 7.14 Examples of recommended management practice to ensure public safety:
- The preparation and application of appropriate risk assessments.
 - Adequate provision of staff
 - The setting and monitoring of occupancy levels for the premises.
 - Reasonable access and egress.
 - Reasonable facilities, access, and egress for people with disabilities.
 - Ensuring the premises is adequately lit.
 - Having glassware policies.
 - Appropriate waste disposal
 - Appropriate internal and external communication facilities.
 - Appropriate access for emergency services
 - Provision of staff training in the detection and prevention of excessive alcohol consumption and addiction, to include remote sales.

Counter Terrorism

- 7.15 Premises are expected to take all necessary steps to ensure a robust counter terrorism plan is in place and all staff are suitably trained to respond appropriately to terrorist incidents.
- 7.16 The Authority expects premises, as a minimum, to:
- Have a terrorism risk assessment in place.
 - Ensure all staff complete the Action Counters Terrorism (ACT) e-learning training available at <https://www.protectuk.police.uk/> within the last 12 months.
 - Ensure all staff are aware of the current terrorist threat level.
 - Ensure all staff are trained to respond appropriately to a terrorist incident.
 - Ensure robust procedures are in place to record and report suspicious activity.
 - Ensuring appropriate security staff are employed.

Protection of Children from Harm

- 7.17 Examples of recommended management practice for the protection of children:
- Exclusion from all or part of the premises in certain circumstances.
 - Implementation of a robust age verification policy, to be consistent with any current national age verification policy.
 - Provision of age verification training for members of staff.
 - Provision of safeguarding training for members of staff.
 - Having a designated safeguarding lead.
 - Having clear policies and procedures in place for recording any refusal of alcohol sales.
 - Having an EPOS (electronic point of sale) system installed at the premises, configured to prompt the operator to check proof of age when an alcoholic product is scanned.
 - Making appropriate checks on members of staff who are to have unsupervised access to children.
 - Conducting additional risk assessments for events where an increase in the number of children is expected.
 - Having clear policies and procedures in place for keeping children safe from harm, including recording, and reporting any safeguarding concerns. Links to this information can be found on the Council's web pages.

Prevention of Public Nuisance

- 7.18 Premises shall implement appropriate measures to prevent and limit nuisance which may occur from light, noise, vibration, odour, dust, smoke, fumes, pests, drainage, and waste.
- 7.19 Examples of recommended management practice for the prevention of public nuisance:
- Keeping doors and windows closed where performances of regulated entertainment take place.
 - Sound limiting devices, or insulation to contain sound and vibration so as to address noise break out not only from music but also, for example, from air handling equipment, generators or patrons.

- With popular premises that attract queues ensuring that the direction of any queue is away from residential accommodation.
- Proper and adequate SIA door supervision.
- Controlling the use of external areas to prevent nuisance.
- Erecting prominent notices at the exits to premises asking customers to leave quietly and not to slam car doors and repeating such requests verbally.
- Reducing the volume of music towards the end of the evening and where appropriate playing quieter, more soothing music as the evening winds down.
- Provision of adequate parking and traffic management
- Arrangements with licensed taxis or private hire vehicles to take patrons from the premises.
- In appropriate cases SIA door supervisors or a manager patrolling nearby streets to assess for themselves whether there is a problem and how best to deal with it.
- Banning people who regularly leave in a noisy fashion and liaising with other premises on such bans.
- Where the premises have a membership scheme, including provisions in the conditions of membership concerning conduct and noise when leaving the premises.
- Adequate provisions for dealing with litter/refuse arising from the operation of premises.
- Appropriate times for and methods of dealing with bottle delivery, disposal, and collection.
- The licensee providing a help line or contact number for concerned residents.

7.20 In some cases it may be helpful for applicants and/or their advisors to discuss their draft Operating Schedule with representatives of Responsible Authorities, before it is formally submitted. This will help ensure it properly addresses all relevant issues that might give rise to concern.

A document containing a pool of potential conditions can be found on the Council's website in order to assist with the type of wording which is required on an application. Any condition attached to a licence or certificate should be:

- clear
- enforceable
- evidenced
- proportionate
- relevant
- expressed in plain language capable of being understood by those expected to comply with them.

7.21 As a general rule, the Licensing Authority will seek to avoid attaching conditions that duplicate existing legal requirements and obligations imposed by other regimes unless such obligations and requirements fail to adequately address the specific circumstances of the case.

Adult Entertainment

- 7.22 The potential for the provision of adult entertainment to impact on the licensing objectives is recognised in the prescribed application form and all applicants are required by the prescribed application form to indicate in their operating schedules whether they intend to provide any such entertainment which may give rise to concerns in respect of children.
- 7.23 The Policing and Crime Act 2009 potentially provides an additional licensing requirement for operators who provide “sexual entertainment venues” to licence them as sex establishments under the Local Government (Miscellaneous Provisions) Act 1982. These are essentially premises which provide live entertainment or performances to a live audience which either involve nudity (such as lap or pole dancing establishments) or which are for the purpose of sexually stimulating a member of the audience. The licensing provisions are adoptive and do not necessarily apply in every Licensing Authority’s district. Bolsover District Council has not adopted those provisions.
- 7.24 Where a business wishes to operate as a sexual entertainment venue it may still need to be licensed under the Licensing Act for the sale of alcohol and the provision of regulated entertainment. The provision of sexual entertainment will however be regulated solely under the terms of any sex establishment licence which may be granted under the 1982 Act. The Licensing Act licence will then continue to regulate the other licensable activities.
- 7.25 Certain forms of adult entertainment are excluded from requiring sex establishment licences under the Local Government (Miscellaneous Provisions) Act 1982, and these will still be regulated under the terms of the Licensing Act 2003.
- 7.26 The provision of adult entertainment on premises may mean that access by children will not be permitted during periods when such entertainment is taking place. Where such entertainment is to be provided under the terms of the premises licence or club premises certificate the Authority expects applicants to include arrangements for restricting children from viewing any adult entertainment in their Operating Schedule. The Authority expects licensees to ensure that any age restrictions for shows or entertainment of an adult or sexual nature are properly complied with. In addition, it may be appropriate to impose age restrictions for persons working in the premises, and applicants are advised to also consider the wider crime and disorder issues which can be associated with such forms of entertainment such as issues relating to drugs and prostitution.
- 7.27 Responsible authorities are likely to continue to consider all applications involving adult entertainment very carefully with regard to the promotion of the licensing objectives within the vicinity in which the premises are located.
- 7.28 Where a premises is to offer adult entertainment, the Council expects applicants to demonstrate effective and responsible management in relation to that entertainment.
- 7.29 Examples of recommended management practice in relation to adult entertainment include:
- Having a code of conduct for performers and customers
 - Having suitable controls in place for the exclusion of children

- Employment of SIA door supervisors
- Having clear policies and procedures in place for the prevention, detection and reporting of incidents, including sexual harassment, misconduct, and violence against women and girls.
- Having a designated area for adult entertainment away from the view of the public.
- Discreet advertising
- Making suitable employment checks to ensure performers are employed on a voluntary basis free of coercion.

Alcohol Delivery Services

7.30 An applicant seeking a licence that will enable them to provide alcohol as part of an alcohol delivery service should include in their operating schedule the procedures that they intend to operate to ensure that:

- That the person they are selling alcohol to is over the age of 18
- That alcohol is only delivered to a person over the age of 18.
- There is a clear document trail of the order process from order, despatch from the licensed premises and delivery to the customer is maintained (with times and signatures) and available for inspection by an authorised officer.
- A refusals log will be maintained for deliveries and available for inspection on request.
- The time that alcohol is sold on the website/over the phone and the time the alcohol is delivered is within the hours stated on the licence for the sale of alcohol.
- Alcohol shall only be delivered to a residential or business address and may not be delivered to a public place.
- Any delivery driver or third party courier will be required to have appropriate age verification training, and in particular they will be required to have undergone training in refusal of supply where age verification is not provided, or the recipient is clearly intoxicated.
- Operators to have systems in place to ensure alcohol is not delivered to problematic house parties or to people who appear drunk, and, in such instances, alcohol should be refused, and that refusal recorded.

Licence Suspensions

7.31 The Licensing Act 2003 requires Licensing Authorities to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due unless an administrative error or dispute has been notified to the Licensing Authority. In such cases there will be a grace period of 21 days to allow the matter to be resolved. If the matter is not resolved within the grace period, the licence must be suspended.

7.32 Where such a suspension takes place the Licensing Authority must give a minimum of two working days' notice (starting the day after the authority gives notice) and may inform the police and other responsible authorities of the suspension. All licensable activities must cease when the suspension takes effect. The suspension will only cease on payment of the outstanding fee irrespective of any transfer or hearing which may take place.

Reviews

- 7.33 At any stage following the grant of a premises licence or club premises certificate a Responsible Authority, any person or business, may ask for a review. Evidence will however be required to show that a specific concern exists relating to one or more of the licensing objectives. Where a review Hearing is held the Licensing Authority has a variety of options it may take ranging from taking no action at all, to varying conditions or suspending or revoking the licence. The Guidance reminds the Authority that the powers of review are to be used in the interests of the wider community and not that of the individual licence/certificate holder. Whilst the financial circumstances of the licence/certificate holder will be a consideration for the Licensing Authority the promotion of the licensing objectives will be the Authority's primary concern. In some circumstances e.g., the use of premises for the purchase and consumption of alcohol by minors, revocation may be considered an appropriate course of action even in the first instance.
- 7.34 The Licensing Authority encourage and support a proactive approach by licensees to tackling the problem of illegal drugs and unidentified substances in licensed premises. There is a strong link between illegal recreational drugs and the night time economy. Should the licence holder fail to take appropriate steps to mitigate a drug problem then the premises licence could be taken for review. Where reviews arise and the Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crime then revocation of the licence will be seriously considered.

Policy 3 – Cumulative Impact Objections

In cases where Responsible Authorities, other persons or businesses seek to establish that an application should be refused on the grounds that it would result in or further contribute to a cumulative impact in an area not designated as a saturation zone, which would undermine one or more of the Licensing Objectives the Local Authority expects that they shall:

- (i) Identify the boundaries of the area from which it is alleged problems are arising.**
- (ii) Identify the Licensing Objective(s) which it is alleged will be undermined.**
- (iii) Identify the type of licensable activity alleged to be causing the problem (e.g., sale of alcohol, late night refreshment etc)**
- (iv) Provide full details and evidence to show the manner and extent to which it is alleged that the Licensing Objective(s) are being, or are at risk of being, undermined in the area.**
- (v) Provide evidence to show that the undermining of the objective(s) is caused by the patrons of licensed premises in the area.**

REASON: To ensure that objections are neither frivolous nor vexatious and that there is an evidential basis for the Committee to reach a decision.

Cumulative Impact Assessments

- 7.35 In some areas concentrations of licensed premises may exist where the combined effect of all the premises, causes problems for a wider area and undermines, or potentially undermines, the Licensing Objectives.
- 7.36 This potential impact on the promotion of the Licensing Objectives by a significant number of licensed premises concentrated in one area is called “cumulative impact”. This should not be confused with the issue of “need” which relates to the commercial demand for licensed premises and cannot be taken into account when determining licensing applications.
- 7.37 Where a cumulative impact is evidenced the Authority can publish a Cumulative Impact Assessment to help limit the number or types of licence applications granted in areas suffering from cumulative impact from licensed premises.
- 7.38 Having considered the evidence available the council is satisfied that there are no areas within the district presently suffering from cumulative impact. However, should the Authority propose to publish such an assessment during the lifetime of this Policy, a full consultation will be undertaken, and the details will be published on the Councils website.
- 7.39 Responsible authorities and interested parties may still make representations on specific applications concerning cumulative impact even though those applications are not for premises in an area covered by a cumulative impact policy. In such circumstances the application may be refused (though there will be no presumption that this will be the case), and the Authority may then choose to review this Statement of Policy and consult as to whether the area should be designated an area to which a cumulative impact Policy should apply.

Early Morning Restriction Orders (EMROs)

- 7.40 The legislation gives licensing authorities discretion to restrict sales of alcohol by introducing an EMRO to restrict the sale or supply of alcohol to tackle high levels of alcohol related crime and disorder, nuisance and anti-social behaviour. The order may be applied to the whole or part of the licensing authority area and if relevant on specific days and at specific times. The licensing authority must be satisfied that such an order would be appropriate to promote the licensing objectives.
- 7.41 The only exemptions relating to EMROs are New Years Eve and the provision of alcohol to residents in premises with overnight accommodation by means of mini bars and room service.
- 7.42 The decision to implement an EMRO should be evidence based and may include consideration of the potential burden imposed as well as the potential benefits.
- 7.43 The Council currently has no EMROs in place. However, should the Authority propose to introduce such an order during the lifetime of this Policy, a full consultation will be undertaken, and the details will be published on the Councils website.

Personal Licences

7.44 Under changes made to the Licensing Act 2003 by the Immigration Act 2016, the Licensing Authority is required to undertake checks to ensure that personal licence applicants have the right to work in the UK. This is to assist in the prevention of illegal working in licensed premises. Further information regarding applicants right to work in the UK can be found at paragraph 6.5.

7.45 Where an applicant for a Personal Licence has certain types of conviction (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.

In these cases, a licence will still be granted unless an objection is received within the prescribed period.

7.46 Where a licence holder is convicted of certain types of offences (for relevant or foreign offences as defined by the act) or, has been required to pay an immigration penalty the Authority is required to notify the police, and, in the case of immigration offences and penalties, the Secretary of State.

Policy 4 – Considering Objections for Personal Licences

When considering an objection notice or immigration objection notice the authority will take the following matters into consideration:

- (i) The circumstances in which the offences were committed or the penalty imposed;**
- (ii) The period that has elapsed since the offence(s) were committed or the penalty imposed;**
- (iii) Whether the offences/penalty reveal a pattern of offending or were a one-off occurrence; and**
- (iv) Any mitigating circumstances.**

In consideration of an objection notice the Authority will reject the application/revoke the licence if it considers it appropriate to do so for the promotion of the crime prevention objective and/or the prevention of illegal working in licensed premises.

REASON: Prevention of crime is both an objective of the Licensing Act 2003 and an important responsibility of the Authority under the Crime and Disorder Act 1998. Granting a licence to a person with relevant convictions will in many cases undermine rather than promote the crime prevention objective.

7.47 The Policing and Crime Act 2017 gives Licensing Authorities a discretionary power to revoke or suspend personal licences, with effect from 6 April 2017.

When a Licensing Authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.

Only magistrates' courts can order the forfeiture or suspension of a personal licence for convictions received prior to 6 April 2017. The process which must be undertaken by the licensing authority to suspend or revoke a personal licence is set out at section 132A of the 2003 Act and is contained within the Home Office Guidance.

Temporary Event Notices

- 7.48 There are two types of types of Temporary Event Notice,
- a standard TEN (given at least ten working days before the event)
 - a late TEN (given at least five working days before the event)
- 7.49 A standard TEN must be served no later than ten working days before the event to which it relates and this does not include the day it is given or the day of the event, and a late TEN is served not before nine and not less than five working days before the event to which it relates.
- 7.50 Where a Temporary Event Notice is served on the Authority with less than five working days' notice, the Council has no alternative but to reject the notice and does not have the power to permit the licensable activities. Undertaking the licensable activities without approval from the Council will be an offence under the Act.
- 7.51 Whilst the Council recognises that a Temporary Event Notice may be served at least ten clear working days prior to the commencement of a Permitted Temporary Activity (the event), the current Guidance issued under the Act encourages a locally established preferred period of notice. There is a case for not serving such Notices too early as this could make it difficult for a sensible assessment to be made of the implications of such an event on the Crime and Disorder and Prevention of Public Nuisance objectives. The Council considers that a reasonable period of notice for the service of a Temporary Event Notice is 28 days.
- 7.52 Persons serving Temporary Event Notices must also serve a copy notice on the police and the responsible authority for Environmental Health functions i.e., the Councils Environmental Health section.
- 7.53 Further information regarding Temporary Event Notice's and event management is available on the Council's web pages.

8. CHILDREN

- 8.1 Where there are concerns over the potential for harm to children from licensable activities the Authority recognises the following bodies as competent to advise on matters relating to the protection of children from harm:
- The Derbyshire Safeguarding Children Board.
 - Trading Standards

Applications should therefore be copied to these bodies in their capacity as responsible authorities.

- 8.2 Examples which may give rise to concerns in respect of children include those:
- Where there have been convictions for serving alcohol to minors.
 - Where there is a reputation for underage drinking
 - Where there is a known association for drug taking or dealing.
 - Where there is a strong element of gambling on the premises.
 - Where entertainment of an adult or sexual nature is provided.
- 8.3 Where premises are used for film exhibitions, the Authority will impose the mandatory condition restricting access only to persons who meet the required age limit in line with any certificate granted by the British Board of Film Classification or the Authority itself.
- 8.4 The Authority expects applicants to include any arrangements for restricting under-age children from viewing age-restricted films in their Operating Schedule. The Authority expects that licensees will ensure that any age restrictions for cinema exhibitions are properly complied with.

Policy 5 – Children in Licensed Premises

Where representations have raised concerns in respect of individual premises and it is felt that access for children should be restricted in a bid to mitigate the risk of physical, moral, or psychological harm to children, the Authority will consider imposing conditions which may include the following:

- (i) **Limitations on the hours when children may be present.**
- (ii) **Age limitations for persons under 18.**
- (iii) **Limitations or exclusion when certain activities are taking place.**
- (iv) **Full exclusion of persons under 18 when certain licensable activities are taking place.**
- (v) **Limitations of access to certain parts of the premises for persons under 18.**
- (vi) **A requirement for adults to be present.**

REASON: To protect children from harm.

9. EQUALITY AND DIVERSITY

- 9.1 Delivery of the licensing regime will be in accordance with the Corporate Equality and Inclusion Policy. The use of an Impact Needs Assessment process will inform service delivery and will be subject to on-going monitoring and customer/stakeholder consultation during the life of this Policy. Relevant matters that come to light as a result of monitoring and consultation may result in changes to service delivery and where necessary may result in changes to the Council's licensing policy.
- 9.2 Bolsover District Council is committed to implementing and upholding equality and diversity in everything it does. The Council strives to be an effective service provider, community leader and corporate body, and in doing so, recognises the importance of meeting the needs of the diverse mix of communities represented amongst its residents, service users and workforce. In meeting those needs the Council will develop and harness a safe and sustainable community inclusive to all.

- 9.3 To affirm its commitment and to ensure continuous improvement, the Council is working to the guidance and criteria of the Equality Framework for Local Government.
- 9.4 Advice and guidance will be made available in English which is the most common language of customers and stakeholders. On request the Council will signpost customers to providers of guidance and information relating to translation services.

10. GENERAL ENFORCEMENT STATEMENT

- 10.1 All decisions, determinations, inspections, and enforcement action taken by the Authority will have regard to the relevant provisions of the Licensing Act 2003, national guidance, relevant codes of practice and the enforcement policies of the Council which are produced to the principles of the Enforcement Concordat and the Regulator's Compliance Code
- 10.2 The Authority has established and maintains enforcement protocols with the local police and other relevant enforcement agencies.

11. MONITORING AND REVIEW OF THIS STATEMENT OF POLICY

- 11.1 This Statement of Policy will be reviewed within legislative timescales and as and when appropriate. In preparing the succeeding Statement of Policy regard will be had to data and information collated over the operating period of the current policy together with trends and the outcome of related initiatives from both local sources and nationally issued data and guidance.

12. DELEGATIONS

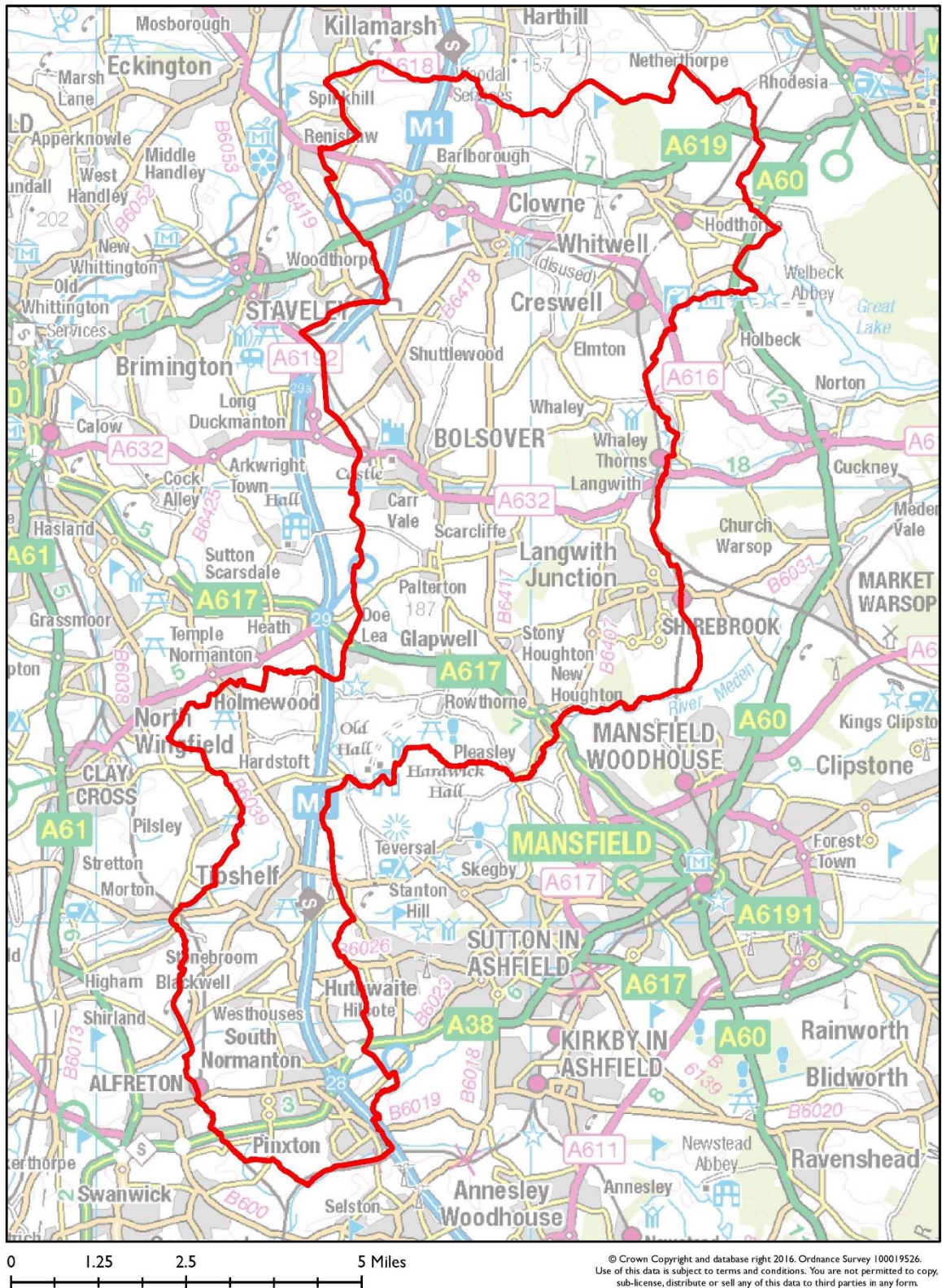
- 12.1 The Council recognises many of the decisions and functions under the Act are purely administrative in nature. In the interests of speed, efficiency, and cost-effectiveness the Council will implement the suggested delegation of functions as outlined in the guidance where possible and in accordance with the Council's Scheme of Delegation as set out in the Constitution. A copy of the Council's current table of delegations is at Appendix 3.

13. CONTACTS

The Council's Environmental Health Service is joint with North East Derbyshire District Council.

The points of contact for any licensing issues or enquiries are; Licensing Section, Joint Environmental Health Service Bolsover and North East Derbyshire District Council, District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG or telephone 01246 242424, or email licensing@bolsover.gov.uk. A copy of this Statement of Licensing Policy is available at www.bolsover.gov.uk/licensing .

Bolsover District Council



Appendix 2 – List of persons consulted in the preparation of this Policy.

In the preparation of this Policy the following individuals and organisations were consulted:

- Bolsover District Council - Community Safety
- Bolsover District Council – Elected Members
- Bolsover District Council - Environmental Health
- Bolsover District Council - Planning
- Bolsover Parish Council's
- British Beer and Pub Association
- British Institute of Innkeeping
- Campaign for Real Ale (CAMRA)
- Community Alcohol Partnership
- Derbyshire Constabulary
- Derbyshire County Council - Adult and Children's Services
- Derbyshire County Council - Director of Public Health
- Derbyshire County Council - Elected Members for Bolsover
- Derbyshire County Council - Emergency Planning
- Derbyshire County Council - Trading Standards
- Derbyshire Fire and Rescue Service
- D2N2 Local Enterprise Partnership
- East Midlands Chamber
- Federation of Licensed Victuallers Associations (FLVA)
- Home Office
- Licence Holders
- Mark Fletcher MP
- Neighbouring Licensing Authorities
- Police and Crime Commissioner for Derbyshire

Appendix 3 – Delegations

Matter Being Determined	Officers	Licensing and Gambling Acts Sub-Committee	Licensing and Gambling Acts Committee
Personal Licence	If no objections received	If objection received from Police	
Personal Licence (with unspent convictions)		All cases	
Personal Licence (where convicted of any relevant offence or foreign offence, or required to pay an immigration penalty)		All cases	
Premises Licence/ Club Premises Certificate	If no objections received	If relevant objection received from Responsible Authority or member of the public	
Provisional Statement	If no objections received	If relevant objection received from Responsible Authority or member of the public	
Full Variation of Premises Licence or Club Premises Certificate	If no objections received	If relevant objection received from Responsible Authority or member of the public	
Minor Variation of Premises Licence or Club Premises Certificate	If no objections received	If relevant objection received from Responsible Authority	
Decision whether to consult other Responsible Authorities on minor variation application	All cases		
Variation of Designated Premises Supervisor	If no objections received	If relevant objection received from Responsible Authority	
Request to be removed as Designated Premises Supervisor	All cases		
Transfer of Premises Licence	If no objections received	If relevant objection received from Responsible Authority	
Interim Authority	If no objections received	If relevant objection received from Responsible Authority	
Review of Premises Licence/ Club Premises Certificate		All cases	

Decision whether a representation or review application is not relevant, frivolous, vexatious, etc.	All cases		
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Temporary Event Notice	If no objections received	If objection received from Police and/or Environmental Health	
Variation of Premises Licence at community premises to include the alternative licence condition	If no objections received	If relevant objection received from Responsible Authority	
Licensing Act 2003 Policy Changes and Recommendations to Full Council			All cases

Bolsover District Council

Meeting of Council on 22nd May 2024

Weekly Collection of Food Waste Capital Expenditure

Report of the Portfolio Holder for Environment

Classification	This report is public.
Contact Officer	Steve Brunt (Strategic Director of Services)

PURPOSE/SUMMARY OF REPORT

- For Council to approve acceptance of new burdens capital grant funding, received from Defra, for the introduction of weekly food waste collection arrangements.
- To request Council approval of capital funding for the purchase of vehicles and containers to meet the Council's new weekly food waste collection duty.

REPORT DETAILS

1. Background

- 1.1 From the 1st of April 2026, the Council will have need to undertake weekly collection of food waste from all domestic households. This must be kept separate from waste collected in black (residual), burgundy (dry mixed recycling) and green (garden) bins.
- 1.2 The Department for Environment, Food and Rural Affairs (Defra) have awarded new burdens funding to the Council, as follows:

Kitchen caddies	Kerbside caddies	Communal wheeled bins	Vehicles	Total
£0	£180,154	£8,254	£511,500	£699,908

- 1.3 Government engaged the Waste and Resources Action Programme (WRAP) to set up a formula for how much to compensate each local authority to help them pay for new equipment and vehicles. This is to meet new burdens capital expenditure and based on WRAP's cost assumptions:
- £2 per kitchen caddy, plus spares (excluding bin delivery costs).
 - £4.60 for each kerbside caddy, plus spares (excluding bin delivery costs).
 - £65 for a communal bin with locking mechanism (excluding delivery costs).
 - £93,000 for each 7.5 tonne collection vehicle. The value is increased to include spares, working out at £100,000 (approximately) per vehicle.

- 1.4 Based on the above, we can deduce that WRAP have assumed our need to buy extra resources is:

Kitchen caddies	Kerbside caddies	Communal wheeled bins	Vehicles
0	39,164	125	5.12 to 5.5
<i>Note: Whilst Defra inform (item 1.3) of there resource allocation assumptions, they have not informed their method of measurement in calculating vehicles numbers, which is below that estimated by Streetscene Waste Services Team.</i>			

- 1.5 The Council's Streetscene (Waste Services) Team do not consider these assumptions to be sufficient and have sent a funding review request to Defra. Based on the Council's current waste collection system operating model, 6 teams (vehicles) with 1 relief vehicle are needed. Also, due to the Council's collection day working hours duration being 9.25hours, whereas the majority of other LA's being 7.5hours; thus, Bolsover's requirements not 7.5 tonne but 11 tonne vehicles, hence capital value being greater than £100k per vehicle and reflecting the funding review request sent to Defra setting out Bolsover's monetary requirements as:

Kitchen caddies	Kerbside caddies	Communal wheeled bins	Vehicles	Total Funding
£0	£180,154	£8,254	£833,000	£1,021,408

- 1.6 The submission includes resource requirements for Bolsover as:

Kitchen caddies	Kerbside caddies	Communal wheeled bins	Vehicles
0	39,164	125	7

- 1.7 The Council's assessment of the number of vehicles needed, takes account of Bolsover's urban\rurality (60\40) profile with collections are undertaken across a total District area of 15,982 hectares and based on modelling a household participation rate of 65%, requiring 6 vehicles (teams) plus 1 relief to meet the new separate weekly food waste food collection duty.
- 1.8 If further takes into consideration maximising available working time within the waste services team established 4-day (9.25hour) compressed 37hour working week; in particular, utilising 11 tonne (G.V.W) vehicles rather than 7.5 tonne, so to contain daily work\payload on 1 delivery to the waste disposal\transfer point, reflecting capital cost of vehicles being £119,000 rather than £100,000 assumed by Defra.
- 1.9 Currently, approximately 125 Councils collect food waste separately out of a total of 376. It is therefore reasonable to predict that the increased demand caused by the remaining Councils introducing separate food collections, will place significant demand on vehicle and bin manufacturers. This may cause increased supply costs and extended delivery lead times, presenting an increased risk of not meeting a 1st of April 2026 implementation date.

- 1.10 Given the delivery lead time for new vehicles currently extends to 12 months (approx.) and increased demand may extend this further, procurement of the vehicles needs to take place at the earliest opportunity, to better ensure manufacturing build slots are secured, to achieve delivery ahead of the 1st of April 2026 implementation date. Similarly, as will procurement of containers (kerbside caddies) as they will need to be delivered and installed to all Bolsover households prior to implementation of weekly food waste collections.
- 1.11 New burden capital funding for waste containers makes no allowance for their delivery/distribution, as Defra consider this to be a revenue cost. Therefore, Streetscene (Waste Services) anticipate distribution of containers taking place utilising internal staff during the green bin suspension period of November 2025 to March 2026. Therefore, if kerbside caddies are not procured ahead of this, the window of opportunity will be missed and the need to employ an external resource, incurring further costs of £1.75 (approx.) per household (£68,250 approx.).
- 1.12 Regardless of the Defra new burdens funding allocated, capital cost to the Council of implementing this duty is estimated to be £1,021,408, as set out at paragraph 1.5. Therefore, to ensure we are able to implement weekly food waste collections by the 1st of April 2026, Council is asked to approve a budget for the full cost of meeting the new duty consisting of £699,908 guaranteed funding awarded, leaving a funding need of £321,500 from the Council, summarised as follows:

BDC estimated cost of implementation	£1,021,408
Initial Defra capital new burdens funding amount	£699,908
Shortfall in Defra funding to potentially be funded by the Council	£321,500

- 1.13 As discussed (item 1.5) the waste services team have submitted a funding review request to Defra, as have other local authorities, and this will be pursued with the intention of receiving external grant to cover 100% of the cost. However, there is a possibility that the extra cost will have to be stood by the Council.
- 1.14 Council approval is sought for a capital budget to allow the procurement of vehicles and containers to begin at once, to ensure we meet the new duty of weekly food waste collections by the deadline.

Resource	Government Funding	Current Shortfall	Total
Vehicles	£511,500	£321,500	£833,000
Containers	£188,408	£0	£188,408
Total	£699,908	£321,500	£1,021,408

2. Reasons for Recommendation

- 2.1 To ensure the prompt procurement of vehicles and waste containers to allow us to meet the deadline of introducing separate weekly food waste collections by not later than 1st of April 2026.

3 Alternative Options and Reasons for Rejection

- 3.1 Not implementing the food waste weekly collection is not an option open to the Council as it has a legal duty to undertake collections from not later than 1st April 2026.
- 3.2 One alternative option would be to operate collections using the smaller vehicles (7.5tonne) which would result in more journeys to the waste disposal point incurring increased non-productive travel time and reduce number of properties serviced within each working day. Also, the number of vehicles (5.5) assumed by DEFRA is insufficient to meet the Council's weekly food waste collection service demand.
- 3.3 Defra have given no indication as to the timescale in reviewing LA funding allocations, therefore postponing the decision until the outcome of the review request is not seen as an alternative because of anticipated increased delivery lead times and the chance that late delivery of the containers may mean the green bin suspension period is missed and extra costs to deliver them is incurred.

RECOMMENDATION(S)

1. That Council approve a budget be added to the capital programme of £1,021,408. That this be funded from external grant of £699,908 as a minimum, with £321,500 funded by the Council from available capital resources, including prudential borrowing, if the outcome of the Defra review request is unfavourable.

Approved by Councillor Anne Clarke, Portfolio Holder for the Environment.

IMPLICATIONS.

Finance and Risk: Yes No

Details: Financial implications are covered throughout the report for capital costs. There is a risk the Council will have to fund £321,500 from borrowing, which will incur interest costs. Once the outcome of the Defra review is known, other funding sources such as the Transformation reserve will be considered and reported to Members.

This report covers the purchase of the initial vehicles which will need replacing at the end of their useful lives, this will be an extra cost to the Council in approximately 7 years which will need adding to the Council's vehicle replacement programme for inclusion in the planned capital programme.

This report does not take into account the revenue costs of implementing this duty, which will be an additional cost to the Council's general fund from the 1st of April 2026, and will need to be included in the next Medium-Term Financial Plan. It is not yet known the New Burdens funding amount Defra will provide to cover this expenditure.

On behalf of the Section 151 Officer

Legal (including Data Protection): Yes No
Details: For the procurement of the vehicles, we will use the Nottinghamshire Consortia Framework Agreement for refuse collection vehicles, which meets public procurement requirements.

Section 57 of [The Environment Act 2021](#) (Separation of Waste) amends the Environmental Protection Act 1990 (s45A) in regard of Waste Collection Authorities duties and inserts new Sections 45AZA to 45AZG, setting out Government’s ‘Simpler Recycling’ arrangements and the new duty of separate weekly food waste collection.

On behalf of the Solicitor to the Council

Environment: Yes No
Details: Vehicle replacements proposed herein will be diesel (combustion) engine powered and meet current Euro6 emission standards and qualify to run on 100% biodiesel, offering increased approximately 80% reduced exhaust emissions. Introduction of weekly food waste collections presents opportunity for the Council to increase its combined recycling rate from 40% to 52% (approx.) was it to achieve a 50% diversion of putrescible (organic) waste from the black bin (residual) waste stream.

Staffing: Yes No
Details: None arising from this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

<p>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:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i></p>	No
<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p>	No

<p>District Wards Significantly Affected</p>	All Wards
<p>Consultation: Leader / Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></p>	<p><u>Details:</u> N/a</p>

<p>Links to Council Ambition: Customers, Economy, and Environment.</p>
<p>Customers – Improving health, safety, wellbeing and access to services. Environment – collection of waste, increasing recycling, reducing landfill disposal and carbon emissions.</p>

DOCUMENT INFORMATION	
Appendix	Title
N/A	

Background Papers
<i>(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 Executive you must provide copies of the background papers).</i>
None

Agenda Item 11

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted