

COUNCIL

Minutes of a meeting of Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 30th July 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Duncan Haywood in the Chair

Councillors David Bennett, Will Fletcher, Louise Fox, Steve Fritchley, Justin Gilbody, Donna Hales, Tom Munro, Rob Hiney-Saunders, Cathy Jeffery, Tom Kirkham, Sandra Peake, Jeanne Raspin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Janet Tait, Ashley Taylor, Catherine Tite, Rita Turner, Deborah Watson, Jen Wilson, Carol Wood and Jane Yates.

Officers:- Karen Hanson (Chief Executive), Steve Brunt (Strategic Director of Services), Theresa Fletcher (Director of Finance & Section 151 Officer), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Sarah Kay (Interim Director of Planning, Devolution & Corporate Policy), Ian Barber (Deputy CEO Dragonfly Companies), Nathalie Etches (Head of Business Growth, Dragonfly Management (Bolsover) Ltd), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

CL30-25/26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Chris Kane, Duncan McGregor, Lisa Powell and Vicky Waplington.

CL31-25/26 DECLARATIONS OF INTEREST

Minute Number	Member	Interest
CL39-25/26	Councillor Steve Fritchley	Other Registrable Interest (member of Shirebrook Town Council)
CL39-25/26	Councillor Jen Wilson	Other Registrable Interest (member of Shirebrook Town Council)

CL32-25/26 CHAIR'S ANNOUNCEMENTS

The Chair confirmed that his Civic Service had been held the previous Sunday and that it was very enjoyable.

CL33-25/26 MINUTES

Moved by Councillor Duncan Haywood and seconded by Councillor John Ritchie

COUNCIL

RESOLVED to note the minutes of the following meetings of Council as a true record:

- (1) the Ordinary Meeting of Council held on 21st May 2025; and
- (2) Annual Council held on 21st May 2025.

CL34-25/26 QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule 8, Members of the Public were able to put questions about the Council's activities. The following question was received:

(a) Question submitted by Mr Webb to Councillor Munro, Portfolio Holder for Growth:

"In light of the County Council's Infrastructure Monitoring Reports and confirmation from a County Council planning officer that no SEND contributions were secured in the 2020/21 reporting year also, can the Council explain why it has not obtained any SEND contributions through planning developments in over five years and if this is a moral failure of the districts most vulnerable children?"

Councillor Munro responded using Microsoft PowerPoint which included the following information:

"The question posed by Mr Webb is a bit confusing as it specifically asks about the year 2020/2021, but then goes on to ask about the following five years and as it is framed assumes there are no further updates to the County's infrastructure reports since the 2020/2021 he has made reference to Derbyshire County Council which is required to produce an annual Infrastructure Funding Statement (IFS) under the provisions of Community Infrastructure Levy Regulations (CIL) 2010 (as amended).

The last IFS that is available on DCC's website is for the year 2022/2023, with superseding years also available to view.

The IFS for 2021/2022 shows that DCC collected SEND contributions totalling £76,769.99 from only 1 of the 8 district and borough councils in the reporting period. That being as shown next Amber Valley Council.

a) The amount of money to be provided under any planning obligation which was entered into during 2021/22									
Purpose	Total £	Amber Valley	Bolsover	Chester-field	Derbyshire Dales	Erewash	High Peak	North East Derbyshire	South Derbyshire
Primary Education	£6,304,187.28	£2,161,402.10	£4,091,255.41	CIL	£0.00	£0.00	£0.00	£0.00	£51,529.77
Secondary & Post16 Education	£6,113,623.70	£3,054,257.50	£2,694,816.46	CIL	£0.00	£0.00	£206,945.40	£0.00	£157,604.34
SEND	£76,769.99	£76,769.99	£0.00	CIL	£0.00	£0.00	£0.00	£0.00	£0.00
Highways	£571,340.00	£21,500.00	£544,840.00	CIL	£0.00	£0.00	£5,000.00	£0.00	£0.00
Travel & Transport	£34,815.00	£12,165.00	£12,500.00	CIL	£0.00	£0.00	£5,075.00	£5,075.00	£0.00
Libraries	£8,020.00	£8,020.00	£0.00	CIL	£0.00	£0.00	£0.00	£0.00	£0.00
Waste	£0.00	£0.00	£0.00	CIL	£0.00	£0.00	£0.00	£0.00	£0.00
TOTAL	£13,108,755.97	£5,334,114.59	£7,343,411.87	CIL	£0.00	£0.00	£217,020.40	£5,075.00	£209,134.11

COUNCIL

The IFS for 2022/2023 shows that DCC collected SEND contributions totalling £345,556.55 from only 2 of the 8 district and borough councils in this reporting period.

I can confirm that there was no SEND contributions collected specifically from Bolsover District Council in the 2021/2022 and 2022/2023 periods published.

Notwithstanding this, the wider context of how, why and when SEND contributions are requested is important, as they are one of a number of S106 categories that the County Council seek from developers. DCC will only make requests for education contributions on major planning application categories for residential development, so where there is an evidential need to do so. Similarly, Bolsover DC will only consider these contributions in the planning balance when a specific request by DCC as the education authority is made

To determine whether Bolsover District Council have met with the requests sought by DCC in relation to education and SEND the question posed we should look at all planning permissions granted in the past 4 years, rather than simply relying on the 2020/2021 or 2021/2022 IFS published by DCC.

In that context, in the 4 years inc. 2021/2022, 2022/2023, 2023/2024, and 2024/2025 there were 17 major planning applications for residential development determined by Bolsover District Council which may have generated a request from DCC for a SEND contribution.

2021/2022

1. 20/00166/FUL - DCC Ed response 14/05/2020 – no SEND contribution requested
2. 20/00185/OUT - DCC Ed response 22/06/2020 - no contributions sought
3. 20/00590/FUL – Conversion to 12 no. 1 bed flats - so no DCC Ed response invited
4. 20/00238/FUL - DCC Ed response 13/11/2020 – no SEND contribution requested
5. 21/00301/FUL - DCC Ed response 14/06/2021 – no contributions sought
6. 20/00259/FUL - DCC Ed response 28/07/2020 - no contributions sought
7. 21/00051/FUL - DCC Ed response 25/02/2021 - no contributions sought
8. 21/00421/FUL - DCC Ed response 09/08/2021 - no contributions sought
9. 21/00640/FUL - DCC Ed response 11/09/2021 - no SEND contribution requested

2022/2023

10. 21/00306/FUL - DCC Ed response 14/06/2021 - no SEND contribution requested
11. 21/00464/TDC - DCC Ed response 03/09/2021 - no SEND contribution requested
12. 21/00078/FUL - DCC Ed response 27/10/2021 - no SEND contribution requested
13. 18/00452/OUT- DCC Ed response 01/10/2018 - no SEND contribution requested

2023/2024

14. 22/00380/FUL - DCC Ed response 23/08/2022 - no SEND contribution requested
15. 22/00229/FUL - DCC Ed response 22/07/2022 - no SEND contribution requested

2024/2025

COUNCIL

16. 22/00402/FUL – DCC Ed requested a SEND contribution of £119,316.42 on 02/05/2023 and this was secured as a contribution via S106 agreement dated 22/07/2024

17. 22/00485/FUL - DCC Ed response 17/10/2022 - no contributions sought

Therefore, as a direct response to the question the Council has not failed in their duty, as the decision to collect any education contributions have formed part of the planning balance for those decisions taken.

In conclusion, Mr Webb all the information I have shared with you and the rest of the Council chamber in answering your question is freely published and available on the website of Derbyshire County Council and Bolsover District Council. I am more than happy to ensure that you receive a written copy of my response and I am aware that you wish to ask a supplementary question.”

In accordance with Council Procedure Rule 8.8 Mr Webb put the following supplementary question after being asked to refrain from making statements:

“Can the portfolio holder specify what actions Bolsover District Council will take independent of Derbyshire County Council to ensure future planning developments prioritise SEND contributions and will the Council support a vote to refer the matter to the Executive for a detailed report to be presented at a future meeting? The question is will you support a vote today – yes, or no?”

Councillor Munro requested that Mr Webb send in his supplementary question rather than a statement then I will ensure a written response would be provided. On being challenged by Mr Webb it was confirmed that Councillor Munro could respond to the supplementary in writing and Mr Webb was asked to return to his seat.

CL35-25/26 ESTABLISHMENT OF COMMITTEES AND PROPORTIONALITY 2025/26

Council considered a report relating to the Political Balance of the Council and the Establishment of Committees which was presented by the Monitoring Officer. The report informed Council of the Delegated Decisions (DD) relating to the Political Balance and Appointments to Committees and Advisory Groups which had been delegated to the Monitoring Officer in consultation with the group leaders at Annual Council.

DD0239 was published on 30th May 2025 and following a further change to the membership of the Standards Committee by the Independent Group DD0243 was published on 6th June 2025.

Moved by Councillor Hales and seconded by Councillor Ritchie

RESOLVED that the political balance and appointments to Committees and Advisory Groups as detailed in the appendices of DD0239 and DD0243 be noted.

COUNCIL

CL36-25/26 MEMBER DEVELOPMENT ANNUAL REPORT 2024/25

Council considered a report presented by Councillor Peake relating to the Member Development Annual Report 2024/25 which provided details of the activities and training undertaken by members for that municipal year.

Moved by Councillor Peake and seconded by Councillor Ritchie **RESOLVED** that the Member Development Annual Report for 2024/25 be noted.

CL37-25/26 PROCUREMENT TEAM

Council considered a report requesting approval for the establishment of an additional Procurement Officer which was presented by Councillor Moesby, Portfolio Holder for Resources. The proposed increase in staffing was to ensure the team could sustain existing and increasing demands on the service but also the additional workload arising from the imposition of new statutory duties.

The Procurement Officer was previously Grade 6 which was being reviewed and it was anticipated the post would be a Grade 7 with salary range of £44,769 to £48,393 (subject to pending 2025/26 pay award).

Moved by Councillor Moesby and seconded by Councillor Munro
RESOLVED that approval be given for the addition of a Procurement Officer to the establishment.

CL38-25/26 INTRODUCTION OF A CHARGING SCHEDULE FOR PRE-APPLICATION (PLANNING) ADVICE

Prior to consideration of this item Councillor Stevenson asked when during the meeting she could ask her questions of Portfolio Holders. The Monitoring Officer confirmed that she would have the opportunity to ask questions when Portfolio Holders presented their reports on the agenda. The Monitoring Officer confirmed that Members could not ask general questions of Portfolio Holders and that these had to relate to specific agenda items.

Council considered a report relating to the introduction of a Charging Schedule for Pre-application (Planning) advice presented by Councillor Munro, Portfolio Holder for Growth. A report had been considered by Planning Committee on 16th April 2025 and the 11th June 2025 which included market research and service data analysis and the proposal to formalise the discretionary service of offering pre-application (planning) advice and to introduce a cost recovery fee for this. Council was asked to endorse the recommendation of the Planning Committee to introduce the cost recovery fee for this service and the proposed charging schedule as detailed in Appendix 1 to the report.

Councillor Stevenson asked if the reserves in Bolsover District Council would be dispersed within the district for Bolsover residents prior to Local Government Reorganisation. Councillor Munro stated that this question would be better addressed during the agenda item relating to Local Government Reorganisation as it has no bearing on the current item.

COUNCIL

Councillor Watson stated that whilst she understood the rationale for charging for this service this had been discussed and dismissed previously by Planning Committee. She questioned whether Bolsover District Council was in favour of growth and felt there was no major benefit other than covering some officer's time and would not be supporting the proposal.

Councillor Munro moved and Councillor Ritchie seconded

RESOLVED that approval be given for the introduction of a pre-application (planning) advice charging schedule / service, commencing on 1st October 2025.

Councillor Hiney-Saunders left the meeting at this point and having previously declared their interest in the following item of business, Councillors Fritchley and Wilson also left the meeting.

CL39-25/26 ROSELAND PARK AND CREMATORIUM

Prior to the commencement of this item Councillor Munro asked that his appreciation and thanks be recorded for the visit arranged by officers from Bolsover District Council and Shirebrook Town Council. Councillor Munro hoped that there would be more opportunities for Members who had been unable to attend from both authorities to visit the site in the future.

Consideration was given to a report presented by Councillor Munro, Portfolio Holder for Growth and the Head of Business Growth, Dragonfly Management (Bolsover) Limited (DML), relating to the Roseland Park and Crematorium proposals which sought approval for borrowing additional funds to fund the continuation of the scheme through to practical completion and an advance amount for working capital required to cover the operational costs prior to and during, initial operation. Councillor Munro drew members attention to paragraph 2.6 and the breakdown of the additional expenditure likely to be incurred.

The Head of Business Growth, Dragonfly Management (Bolsover) Limited presented the report and summarised the key points as follows:

- The initial investment for the development of the crematorium at Shirebrook was £9.2m funded through borrowing as approved by Council in August 2022 also delegated authority for a contingency of 5% (£460,000).
- CDS were appointed in the early phases of the project to continue post planning permission to produce the detailed Stage 4 and 5 architectural drawings. A RIBA Professional Services Contract was signed on 7th March 2023 between the Council (the "Client") and CDS. Dragonfly Development Limited (DDL) was appointed as (the "Contractor") under an 'open book agreement' and started on site on 18th September 2023.
- An instruction was passed by the Client to the Contractor to stop work on site in April 2024. This was due to several significant issues which were identified and had the potential to compromise the build quality of the contractor's delivery teams.
- The architect's RIBA Stage 5 pack and their performance on the project fell below

COUNCIL

the standard expected by the Council and it was decided to terminate the contract. The contract was a RIBA Professional Services Contract 2020 for Architectural Services. This meant that the works onsite slowed significantly with some groundworks and planting continuing but at a much slower pace.

- Benchmark Architects and Whiteley Eaves have been appointed the contract. After which works on site remobilised following a lengthy delay in late 2024 following the revised drawing packs being issued by Benchmark to the Contractor.
- Section 2 of the report detailed the different parts of the build project with the build contract just being one of those elements. The contract with DDL was 'open book' which ensured the Contractor undertook a "Plan and Specification, Non-Remeasurable" procurement exercise. However, due to the errors and omissions from the outgoing architect's RIBA drawing pack, some construction information was not detailed and some completely omitted. The new architects had to undertake a comprehensive review of the RIBA Stage 5 drawing pack to align works already completed on site and to produce new co-ordinated construction drawings for the outstanding packages of work yet to be delivered.
- The causes of the increased costs were detailed in paragraphs 2.6.1 to 2.6.8.
- The Client Team have been working to establish positive relationships with funeral directors, learning from other crematoria to better understand the arrangements for the operating model for the wake building, colleagues in Environmental Health to obtain the necessary permits and drafting of job descriptions for the employees.
- Consultation and engagement events have been held on the site with Members and funeral directors to show the progress of the build but also to receive feedback. The recent consultation event had been really positive, and feedback included how to maximise opportunities such as developing an access road link from the site through to the cemetery.
- The value of the works in the contract forecast (paragraph 2.14) was £10.2m (as of 26th June 2025) which was an increase of £2.75m. There were also other increases outside of the build contract of £3.5m to get the building fully operational detailed in paragraphs 2.6 to 2.11 of the report. Estimates for the borrowing costs of £3.5m were £306,950 per annum based on an interest rate of 6.27%. The projected surplus and income based on the potential number of services delivered each year were detailed in paragraph 2.17 table 1 and table 2.
- It was anticipated that the building works would be completed by March 2026 which would be followed by a period of testing and commissioning of services prior to opening to the public.
- The structure of the joint venture entity would be in the form of a Limited Liability Partnership (LLP) between Bolsover District Council and Shirebrook Town Council. It was called the Shirebrook Crematorium LLP and would have a Board comprising District Councillors and officers as well as Town Council Members. The next meeting of the Board was scheduled for 13th August 2025.
- It was anticipated that the £204,600 working capital loan from BDC would be

COUNCIL

repayable in the first year of operation as an expenditure liability.

The following additional information was provided in response to Members' questions:

- It was confirmed that advice had been sought from a legal expert in relation to the litigation but as this was an ongoing matter it could not be discussed in an 'open council meeting'.
- Councillor Kirkham was welcome to view by appointment the business plan and associated documents relating to the Crematorium, but copies could not be provided due to commercial and legal sensitivities.
- The issues that arose with the contract were not due to any failure in the procurement process as due diligence had been undertaken and the contractor was appointed under a formal RIBA Contract. It was issues within the contractor post contract award which had resulted in a sub-contracting arrangement being terminated on their part which the Council knew nothing about.
- Moving forward, controls had been implemented including the appointment of an external Client Cost Manager and for management of costs and building works.
- The Shirebrook Crematorium LLP Board comprised 7 members from Bolsover District Council including the Leader and/or Deputy Leader, Portfolio Holder, Chief Executive and two officers (currently the Head of Business Growth DML and the Deputy Chief Executive Officer of DML) and from Shirebrook Town Council the Clerk and Chair.
- Legal advice had been received in February 2025 and included a number of recommendations for next steps in terms of the legal process. Additional information had to be provided including costs and updated packages of work that were affected as set out in the report in 2.16. In relation to the impact of Local Government Reorganisation (LGR), the Chief Executive confirmed that the guidance so far indicated that all contractual arrangements, partnerships etc would be moved forward into the new Council.
- The Head of Business Growth DML confirmed that she would check the details of the penalty clauses for both architects and build contractors which had been included in the new contract for failure to meet KPI's and share these.
- The Section 151 Officer confirmed that there were insufficient reserves to pay the additional £3.5m costs.
- Building Regulations had changed since the commencement of the project and as a result the additional requirements meant that the revised drawings and plans had to be submitted and go through the building regulations process.
- The works and costs outside of the build contract included the purchase of the cremator, furniture and audio-visual packages.
- The Section 151 Officer confirmed the borrowing costs in the report were based on the figures on 8th July 2025 at an interest rate of 6.27%. This may change slightly

COUNCIL

if the interest rates change at the point when the loan was agreed but thereafter be fixed for the duration of the loan period.

Councillor Munro moved the recommendations which was seconded by Councillor Smith.

Councillor Moesby then moved an amendment to include the following additional recommendations which was seconded by Councillor Ritchie:

- (1) that regular quarterly progress and expenditure reports were provided to the Bolsover District Council Executive by Dragonfly Development Limited;
- (2) that independent external assurance on value for money and quality of build be sought by Bolsover District Council as part of these reports; and
- (3) that a review of risk management measures in relation to the site be provided to the Bolsover District Council Executive.

On being put to the vote the amendment was carried.

The amended substantive recommendations were moved by Councillor Munro and seconded by Councillor Smith and following a vote were carried.

RESOLVED that (1) approval be given for additional borrowing of £3.5m to fund the building works through to completion;

(2) approval be given for the advance of £204,600 from the Council's Transformation Reserve to Shirebrook Crematorium LLP, as a loan of sufficient working capital necessary to cover the expenditure liabilities prior to and during the first 6 months of operation;

(3) regular quarterly progress and expenditure reports be provided to the Bolsover District Council Executive by Dragonfly Development Ltd;

(4) independent external assurance on the value for money and quality of build be sought by Bolsover District Council as part of these reports; and

(5) a review of the risk management measures in relation to the site be provided to the Bolsover District Council Executive.

Councillors Fritchley and Wilson returned to the meeting.

CL40-25/26 LOCAL GOVERNMENT REORGANISATION AND CONSULTATION

Council considered a presentation made by the Chief Executive which provided an update relating to Local Government Reorganisation (LGR) proposals and public consultation. In summary, the information provided by the Chief Executive included:

- the key features of the various proposals, impact of population profiles and size with potential imbalances and potential issues for the two options as well as the growth for Derby City Council.

COUNCIL

- a public consultation had begun and included the proposals for a Northern and separate Southern Derbyshire County Unitary as well as the various options for Amber Valley Borough Council.
- Option 'C' was new with Amber Valley potentially being split along parish boundaries rather than moved as a whole into either the Southern or Northern Derbyshire Unitary but there were potential constraints with this option.
- the Chief Executive, Leader of the Council, and Deputy Leader, Councillor Ritchie and the Interim Director of Planning, Devolution & Corporate Policy had attended a number of public consultation sessions at Shirebrook Town Hall, Clowne, South Normanton and Bolsover Contact Centres to encourage the public to engage with the process and encourage them to take part. The consultation was available online and was due to close on 10th August 2025.
- Derbyshire County Council had amended their position in relation to their original submission for a single Derbyshire County Unitary with Derby City Council remaining unchanged in the middle previously described as a donut. At their meeting in July 2025, Derbyshire County Council amended their position to include Options A and B (as submitted by the Derbyshire Borough and District Councils) as well as a separate Option C with the split for Amber Valley Borough Council and a slice through the southern end of Derbyshire Dales.
- A series of workstreams had commenced as Phase 2 focused on the reorganisation proposal which included county-wide officer and councillor working groups to review topics such as Day 1 Readiness, Data and Insights, Transformation and Service Design, Finance, legal/governance and communication and engagement.
- Phase 3 would focus on the transition and preparation for Vesting Day of the new Council (once approved).
- Latest advice notes from Government Minister McMahon included:
 - Reiteration that the 500k population was a guideline and not a hard target.
 - Emphasis that the Minister was prepared to intervene where Councils were not working together or sharing data.
 - Confirmed timeline of 1st April 2028 (Vesting Day).
 - Government intention to issue directions to give shadow unitary authorities significant control over the final year of district and county councils making new financial commitments before Vesting Day.
- The process and timeline for BDC was confirmed as:
 - November 2025 submission of the final proposal.
 - New Year 2026 the statutory consultation would be launched.
 - July 2026 the Ministerial decision on which proposal to implement would be made.
 - Early autumn 2026 the Structural Order would be laid.
 - Late Autumn 2026 or early 2027 the Structural Change Order would be passed.
 - 6th May 2027 elections for the new shadow unitary authority would take

COUNCIL

place.

- 1st April 2028 vesting day of the new unitary authority.
- Financial decisions made by councils prior to LGR must not fetter the future decisions of the new Unitary Councils and examples included:
 - Sale and purchase of significant assets.
 - Transfer of local assets.
 - New major contracts for service delivery.
 - Establishing new companies.
 - Changes to unplanned borrowing and spending of reserves.
 - Major changes to local arrangements e.g. Council tax exemption schemes.
- The Secretary of State had the power to issue directions to ensure any new agreements were in the best interests of the new Councils or residents and they intended to issue directions to all Councils which will follow previous practice.

The following additional information was provided in response to Member questions:

- The Government will be the decision maker on the options submitted by the local area and would not be developing their own option.
- The potential for EMCCA to impose a precept had not been discussed to date at county wide LGR officer meetings. However, Strategic Authorities had the power to impose precepts.
- The proposals in the Devolution Bill focused on ensuring sustainable authorities which would have the ability to withstand future financial shocks. There would need to be an equalisation of council tax in the new councils but this would be a decision by councillors in the new Council.
- During 2027-28 staff would be transferred under TUPE arrangements to the new Council. It was likely that the District Council elections would be deferred from 2027 as the elections for the Shadow Authority would be taking place that year. The District Council would be working alongside the new Shadow Authority for a period of 12 months. The detail in terms of the number of councillors per area will be included in the final submission.
- The Government had been putting measures in place to protect existing council's assets and reserves to prevent them being stripped prior to the new Council.
- A recent notification received from Government had indicated that BDC would be 1 of 49 council's hardest hit with the new funding formula. Funds had been transferred to the Growth Reserve of £14m in anticipation of this change however it was not known if this would be sufficient or if BDC would be facing a deficit.
- The future role of Town and Parish Councils sat firmly within the Devolution White Paper and there was discussion taking place to set up potential neighbourhood partnerships with Town and Parish Councils and other partners at a more local level.
- A cross-party working group relating to the legacy of BDC was being pursued.

COUNCIL

CL41-25/26 CHAIRMAN'S CLOSING REMARKS

The Chair formally closed the meeting.

The meeting concluded at 12:19 hours.