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To: Chair & Members of the Council

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Tuesday, 30 September 2025

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Dear Councillor

COUNCIL

You are hereby summoned to attend a meeting of the Council of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Wednesday, 8th October, 2025 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3 onwards.

Members are advised that Severn Trent Water (STW) will be hosting a drop-in session after Council 12.15pm-2pm in the Council Chamber to provide further information on a proposed new water main.

Associated works will take place between Hathersage and Worksop to install a new 17km main, with the proposed route of these works principally affecting the northern district wards of Barlborough, Clowne East, Whitwell, and Elmtun with Creswell. Members are all encouraged to attend the session and speak with representatives from STW.

Yours faithfully



Solicitor to the Council & 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

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- **Phone:** [01246 242424](tel:01246 242424)
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- 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, 8th October, 2025 at 10:00 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.	Minutes To approve the Minutes of the Extraordinary Council meeting held on 9 th July 2025 To approve the Minutes of the Ordinary Meeting of Council held on 30 th July 2025.	5 - 31
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. The following question was received: a) Question submitted by Mr N Clarke to the Portfolio Holder for the Environment	32
5.	Motions In accordance with Council Procedure Rule 10, to consider motions on notice from Members. (a) Motion from Councillor Tait – to consider changing the constitution regarding political proportionality on Scrutiny Committees (b) Motion from Councillor Anne Clarke – the Whistleblowing policy	33 - 34

6.	Proportionality and Appointments to Committees and Advisory Groups	35 - 46
7.	Scrutiny Annual Report 2024/25	47 - 68
	To be presented by the Chair of the Finance and Corporate Overview Scrutiny Committee.	
8.	Introduction of Weekly Food Waste Collections	69 - 97
9.	Appointment of Independent Persons	98 - 104
10.	Review of the Council's Statement of Principles under the Gambling Act 2005	105 - 160
11.	Local Government Reorganisation - Update	
12.	Arts for Everyone - Presentation	
13.	Chairman's Closing Remarks	

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Minutes of a meeting of the Council of Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 9 July 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Duncan Haywood in the Chair

Councillors David Bennett, Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Will Fletcher, Louise Fox, Steve Fritchley, Justin Gilbody, Donna Hales, Mark Hinman, Cathy Jeffery, Chris Kane, Lucy King, Tom Kirkham, Tom Munro, Sandra Peake, Lisa Powell, Jeanne Raspin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Janet Tait, Ashley Taylor, Catherine Tite, Rita Turner, Ross Walker, Vicky Waplington, Deborah Watson, Jen Wilson 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), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

Prior to the formal commencement of the agenda Councillor Deborah Watson asked why there were no public questions allowed on the agenda. The Monitoring Officer stated that the inclusion of questions could be restricted and confirmed members of the public were advised to submit these through their ward councillors or write in. Public questions could be rejected by the Monitoring Officer if they related to an item on the agenda for that Council meeting (Part 4.1 Council Procedure Rules 8.4 (f)).

CL26-25/26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rob Hiney-Saunders, Duncan McGregor and Clive Moesby.

CL27-25/26 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

CL28-25/26 LOCAL PARTNERSHIPS' REVIEW OF THE COUNCIL'S DRAGONFLY COMPANIES

Consideration was given to the Review Report of the Dragonfly Companies and presentation made by Local Partnerships.

The Leader introduced the item confirming the background to the decision to seek an external review of the Dragonfly Companies by Local Partnerships and her promise that the report would be made public and considered by Council. The representatives from

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Local Partnerships comprised Simon Bandy and Vivien Holland in person to present the report. In addition, Michael Coughlin was introduced to the Council via Teams. Mr Coughlin is a consultant who has been commissioned to support the Council going forwards.

The presentation included:

Summary of findings and recommendations

Summary of findings and recommendations confirmed that the review had identified several significant issues which related to:

- Building blocks of good governance – including the lack of clarity of purpose which caused confusion and conflict between the Council and Companies including the lack of an up to date, comprehensive company business plan which should follow on from the business case and would clearly define how the Companies would deliver the Council's requirements and could be used as a basis for monitoring performance.
- Difficulties in the working relationships between the Companies and the Council as a result of the aforementioned governance issues.

It was confirmed that the following conditions would need to be met if it was decided to retain the Companies:

- The Council should ensure it had additional management resource and clienting capabilities.
- The Companies would need to ensure there was sufficient resource including a dedicated finance function.
- Clarity of purpose as set out in a refreshed and more comprehensive business plan for both Companies.
- Creation of a working group to re-set the relationship between the Companies and the Council which should be underpinned by an operating agreement which both parties should sign up to.
- Changes to the Company Board membership.
- Adherence to all Company rules including reserved matters had to be assured.
- A more robust framework in place around meetings including regular meetings of the senior management of both Companies and the Council to underpin an improved working relationship.

The steps and conditions needed in the event the business case review suggested there was no role for the Companies, and they were dissolved. The Council must ensure it had the:

- capacity to support a working group to lead the transition;

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- capability (or plans to acquire it) to deliver the services in-house;
- ambition for any continued development which would not exceed the Council's own limits;
- financial resources sufficient to cover any TUPE implications and other staffing implications;
- resource and due diligence relating to the transfer of contracts from the Companies to the Council;
- a clear stakeholder and staff plan was needed; and
- that any potential adverse financial implications were understood.

The detailed recommendations related to:

- Purpose of the Companies, including the need for a business case and business plan.
- Changes to the Shareholder Board to make it into a formal committee.
- Reserved matters ensuring that control through reserved matters was actioned.
- Conflicts of interest for Members and ensuring mitigations were in place.
- The Company Board and ensuring that the directors collectively had the necessary skills and capacity.
- Clienting – ensuring the Council developed and retained the necessary clienting skills.

It was confirmed that Shared Services was not an option at this point given Local Government Reorganisation (LGR).

The potential future options and scores from the options appraisal were:

- **Option 1** - continue with the existing model retaining both companies with an improvement plan. The advantages of this would be that the Council would retain an arm's length overview with no significant changes. However, the disadvantages included that the current challenges had to be addressed, and it would take time to see any improvements. The total score was 13 and this option was not considered a viable option due to the resources needed for the improvement plan which may ultimately not achieve the desired goal.
- **Option 2** - to retain Dragonfly Development and for Dragonfly Management to be brought back in-house. This would maintain the development opportunities but result in the dissolution of Dragonfly Management as it would be brought back in-house. The advantages included the Council having greater control over the service and costs whilst still being able to undertake development commercially.

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The total score for this option was 19. This option would still necessitate all the governance changes required for a company including a board of directors.

- **Option 3** - to bring both Companies back in-house. This would necessitate dissolving both Companies with staff and all operations being brought in-house. Dragonfly Development could continue with a development function or the running down of the development function once current projects were completed. This would enable the Council to have greater cost and quality control over both development and management activities. The disadvantages included that this would require considerable effort to undertake the transfer and thereafter management of both functions and would remove the opportunity for greater commercialism. The total score for this option was 19.5. **This was the preferred option** and would enable the Council to directly control the operations whilst allowing some commercial activity and it was confirmed that:

“The Council has some statutory powers to provide some services commercially and can also charge for other discretionary services on a cost recovery basis. If work were to be carried out for external organisations it is most likely to be for other authorities and therefore this can equally be done in-house.”

- **Option 4** – to transfer both Companies to a new Joint Venture (JV) or shared service. This would mean a shared risk and reward with improvements for greater commercialisation. Both Companies would have to be dissolved and it would take time and cost to identify new JV partners. The total score for this option was 12 and it was confirmed that this would be too complex and time-consuming and require significant resource.
- **Option 5** – to transfer both Companies to an existing established JV (eg Alliance Norse) which would mean shared risk and reward with faster opportunities for improvements. The disadvantages included that the market had not been tested, loss of some of the control and multi-partner JVs were complex. The total score for this option was 15.5 and would require discussions with all parties involved to determine whether it was a viable option but may not be politically acceptable.
- **Option 6** – to outsource both Companies would necessitate procurement of a provider of services with transfer of existing staff. Whilst the advantages included a focus on services and potentially lower cost it would require a time-consuming procurement exercise. This may not be popular with the workforce or politically as the Council would lose direct control. The total score for this option was 10 and whilst outsourcing was recognised to generally be the most cost-effective method of delivery if procured effectively it was unlikely to be politically acceptable.

The conclusion was:

“Having regard to the criteria against which the various options have been assessed, the Options Appraisal exercise has identified that Option 3, bringing the Companies back in-house, scores the highest, closely followed by Option 2, bringing just Dragonfly Management back in-house (at least initially) and is therefore likely to bring most benefit to the Council.

Whilst all options present a high degree of challenge and some risk, Option 3

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maintains cohesiveness of the operations of the current Companies, managed from within the Council, providing greater control and scrutiny of activity and finance.

The sensitive transfer into the Council of the whole body of Companies' staff, while a significant task, will follow established procedures and does not split the current workforce.

In light of LGR across Derbyshire, the opportunity to attract commercial work is likely to be substantially lessened, with a renewed focus on delivering within a comparatively short timeframe and ensuring a legacy for the Council, to the benefit of residents."

Next steps:

Subject to agreement to proceed with the preferred option by the Executive the next steps for the Council were to:

- secure a binding decision on the preferred option and way forward;
- task the Chief Executive to prepare a programme of project work for transitioning to the preferred model, including stabilisation of the Companies, to a target timeframe and indicative budget;
- Development of the work programme to include streams relating to:
 - Staffing – changes to terms and conditions, management of the process and capacity.
 - Legal matters including novation of contracts.
 - Financial considerations and implications.
 - Stakeholder engagement, internal and external, including Councillors.
 - Communication.
 - Governance, reporting and scrutiny, including establishing a Programme Board.
 - The impact of LGR.
 - Timing and phasing of activity.

Subject to the aforementioned activities, a target date of 31st March 2026 should be established for completion.

Councillor John Ritchie presented the following information to Council:

Financial Statements

- Dragonfly's financial statements were prepared and audited by an external

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accountant.

- Periods ending 30/06/2023 and 31/03/2024 have both been audited and the statements were public documents.
- The year to 31/03/2025 was in the process of being audited but we had received estimated results from the Dragonfly auditor to be included in the Council's group financial statements.

From the independently produced financial statements:

Period end	Audited	Result	£
31/06/2023	Yes	Loss	1,020,934
31/03/2024	Yes	Profit	(808,803)
31/03/2025	Not yet	Profit	(2,299,264)
Cumulative net profit			(2,087,133)
2024/25 Tax liability payable			480,615
Cumulative net profit – post tax			(1,606,518)

Adjustments for Bolsover District Council new costs:

	£
Cumulative net profit – post tax - from the previous slide	(1,606,518)
Estimate of the cost to BDC, of staff time spent managing and operating the companies over the period 01/10/2022 – 31/03/2025	405,109
Cost to BDC, of increasing staff budgets to account for the increase in Dragonfly staff budgets for 2024/25	176,587
Cost to BDC for increases in professional services for auditors and solicitors specific to Dragonfly	155,056
Balance of cumulative net profit – after tax	(869,766)

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External and internal profit

	£
The cumulative net profit	(2,087,133)
Estimated profit from external schemes	436,358
Therefore, assumed profit from internal schemes	(1,650,775)

	£
The cumulative net profit	(2,087,133)
Less internal schemes profit	1,650,775
Less 2024/25 Tax liability payable	480,615
Cumulative net loss from external sources	44,257

Following the presentation the following questions, responses and comments were made:

Councillor Deborah Watson stated that she believed there were inaccuracies in the Local Partnership's report and sought to table additional papers at the meeting which was declined. The issues and alleged inaccuracies raised by Councillor Deborah Watson included:

- Page 16 of the agenda pack, (page 9) of the Local Partnerships Report, Finding 1, it was stated that *"The Development Company was set up assuming that more than 20% of its work would be non-owner work but this has not happened."* Councillor Watson sought clarity as she stated under the law the company was not allowed to undertake more than 20% of non-owner work.
 - It was confirmed that this related to the non Teckal element. The Monitoring Officer added that Dragonfly Development was established to undertake the non Teckal element so it could undertake commercial work beyond the Teckal element. Councillor Watson challenged this view and added that the Dragonfly staff had not been invited to this meeting.
- Page 20, claims the company had not observed reserved matters, Councillor Watson claimed this was incorrect and the company had at all times correctly observed the rules which was confirmed in a legal briefing from Freeths. The proposal for a new management structure was an agreement simply to go to consultation with staff and a full report would have gone to Council. Freeth's legal opinion was that this was a sensible and pro-active step to take. With regards to the appointment of the Chair, the Chief Executive was present, a new Chair had to be elected at that point as the previous Chair had resigned and left the meeting. The statement that reserved matters had been breached was challenged when that wasn't the case.

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- The Chief Executive confirmed the Council's view was that reserved matters had not been complied with; it stated very clearly that reserved matters in relation to changes regarding the Company Chief Executive or any of the Company Senior Leadership Team of Dragonfly's Companies was a reserved matter. That didn't take place before the Dragonfly Board had agreed and approved the report presented by the Dragonfly Chief Executive to go out and consult with over 100 members of staff. This was not considered to be complying with reserved matters which were clearly written. In relation to the appointment of the Chair, a formal request to have this ratified by Council was not received by the Chief Executive or the Dragonfly Shareholder Board.
- Page 19 it stated that *"there is little evidence that the current Board has access to all the skills required to run such a high-risk Company collectively."* Clarification was sought on how this was determined as collectively the Board had all the skills required including experience working in housing, having degrees and the company had been successful. This Council had chosen the Members to become Directors.
 - It was confirmed that a range of skills etc would normally be expected and was considered good practice. These included having non-executive directors with a range of commercial skills which were more private sector outward looking skills rather than local government skills. This was not to criticise the skills of the Board but rather to highlight that you would expect to see skills and experience in finance, development, investment and treasury management, financial forecasting and business planning and sensitivity testing similar to those on a private sector board. The context of the report had identified these gaps in the skills on the Board.
- Councillor Tait asked why when the previous Chair of the Company Board resigned, the Council's Chief Executive sent out a request for another councillor to sit on the board. If there were concerns with the make-up of the Board at that time why wasn't this raised then, and why were they not asked to strengthen the Board or for the Board Members to step down?
 - The Chief Executive stated the Leadership at the time when the Chair of the Dragonfly Board stepped down was clear they wanted the membership of the Board to be comprised of councillors.
- Councillor Watson challenged the opinion that the Dragonfly Companies did not have a strategic risk register, as referred to page 22, section 10 which stated *"Risks are reviewed and managed within the Companies and do not fully align with the Council's strategic risk register. Company risks concentrate on operational rather than also covering strategic / corporate risks."* She asked for it to be made clear that the Companies had a risk register which was also reported to the Council.
 - It was confirmed that the Dragonfly Companies Risk Register included operational rather than strategic risks and the register was not aligned to the Council's Strategic Risk Register.
- Councillor Watson challenged the comments on page 25 under Finance which stated, *"The Council does not feel that sufficient financial information is being shared by the Companies at a strategic level to enable it to have a clear oversight of activities."*

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Councillor Watson stated that it was misleading as the Council managed the financial system and made all payments on behalf of the Companies. The examples cited had nothing to do with financial information being shared and in relation to grant funding the Council has oversight in two ways. Firstly, access to the cost codes within Dragonfly's accounts and secondly Dragonfly reports into the Council's Commissioning Board which oversees expenditure and progress on all grant funded schemes. It had been agreed from the outset that Dragonfly would use Council services to avoid the Council having to make any redundancies due to a large part of their work being removed. The only part of finance being done externally was the auditing of accounts as this sat outside the expertise of council officers. By bringing the Companies back in-house should there not be a reduction in the size of the Council's finance team?

- It was confirmed that this comment related to the strategic financial information and not day to day operational. It was acknowledged that the Council had put in additional financial resource but that people within the Council and the Companies were not well versed in complex commercial company related financial matters.
- Councillor Peake referenced a response provided by Councillor Ritchie when he was Portfolio Holder for Growth to a public question relating to whether the Dragonfly Companies had presented a risk to the Council either financially or reputationally at Council in December 2024. She questioned whether any consideration was being given to take legal action against the legal firms which had provided the original advice on the establishment of the Companies given that advice may not have been robust?
 - Councillor Ritchie confirmed that what was said on the 4th December 2024 was true at that time however, as a result of the due diligence undertaken since then they had reached this point.
 - The Chief Executive added that the original business case for the establishment of the Companies was very detailed and produced jointly by the Council and future Dragonfly staff. It had stated that a robust business plan was required with financial information and other matters needing to be actioned. The Local Partnerships review had identified that these had not been actioned by the companies. The process undertaken since September 2024, including the Statutory Officers' report and reports from the Council's auditors Forvis Mazars (both internally and externally) relating to the Council's Statement of Accounts had led to this point.
- Councillor Anne Clarke read out a letter from a constituent asking Councillor Munro, Portfolio Holder for Growth why the Council was adopting an adversarial attitude towards Dragonfly and its Directors? She stated Dragonfly had returned a profit of £3m in just over 2.5 years since its creation whilst also delivering high quality houses for the Council as well as rescuing projects which were already underway. This was a success story akin to the phoenix rising from the ashes. It had returned profits to the Council and Dragonfly had rescued various projects such as Shirebrook. Why was the Council trying to destroy a company which was producing a profit? The letter challenged the competency of officers and the Leadership of the Council and questioned what they were trying to hide.

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- Councillor Yates confirmed that all decisions need evidencing and recording and cited an example where the Executive had agreed a build project and price in Bolsover with Dragonfly but within a few days the price had increased by £1.5m. This was relayed verbally with no written evidence as to why it had increased provided. Two days later the price dropped again by over £2m with nothing presented in writing. This was why a full rationale in writing must be provided to show how the price was reached. The changing of prices within days without explanation was not acceptable.
 - The Section 151 Officer clarified that 2 years of Dragonfly Financial Statements had been audited with one still in progress. These detailed a net profit of £2.1m which after tax was reduced to £1.6m.
- Councillor Kirkham stated that the profit being discussed was largely being made from services that the Council provided in-house which was funded by tax-payers money and that they were paying £400k back to HMRC just to run services within our own Council – how could they justify a structure where we delivered our own services and then paid tax for delivering them?
- Councillor Watson sought clarity from the Leader in relation to earlier comments relating to pricing changes and asked whether the Council had actually provided a scope of works to Dragonfly? She commented that the plans had changed and the original costings were over 2 years old and would naturally have increased due to rising build costs.
 - Councillor Yates confirmed that she had been present during discussions when the plans had been agreed on and that the two changes in pricing had occurred recently and that she had not received anything in writing.
 - In response to Councillor Kirkham's comments, Councillor Watson stated that they couldn't make profit on Dragonfly Management. If Council went to external builders, the cost would be plus 20% and not the 10% with Dragonfly.
- Councillor Walker stated Dragonfly was building houses which cost £50k to £60k more than buying direct from a builder without land purchase costs. Equivalent houses from builders were much cheaper. He also challenged the cost and quality of the buildings at the Crematorium.
- Councillor Watson questioned the Options Appraisal and stated that the commercial activities of the Dragonfly Companies could not be carried out by the Council given the definition of commercial was related to private enterprise and making a profit something which local authorities were not allowed to do?
 - Simon Bandy responded that in the first instance it was about definitions and being commercial was not just about making a profit but having a commercial approach in service delivery including understanding income and the costs, and how you can account for those and act in a commercial way. In effect being confident that the costs for those services were being covered in a commercial way. There were some areas in which the Council could work more commercially and create some income as a surplus.
- Councillor Watson requested copies of the detailed calculations to back up the

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assumptions in the options appraisals, impact assessments on each option and the risk register.

- The recommendation was to start the review of the business case, and the first stage was the options appraisal. As stated previously there was a lot of other work which needed to take place in terms of working up ideas and carrying out due diligence would follow from today's meeting. Then a decision had to be taken about the preferred option and moving that forward. It was a developing process and the procedure recommended by the Treasury for business case development within public sector organisations.
- Councillor Watson challenged the scoring in the options appraisal and suggested that retaining both Companies would be the least invasive, carrying out the improvements and putting in place the required governance arrangements which would improve the risk factors.
 - There was a significant risk outstanding that even by implementing all the improvements may not achieve the outcome the Council required. Option 1 required that all of the recommendations in the report be implemented and would create a significant amount of work in comparison to some of the other options.
- Councillor Stevenson stated that it was rumoured that no contract had ever been signed for the Shirebrook Market place project. She also posed a question to Councillor Ritchie asking why they had decided to disestablish the Dragonfly Board and whether the Shareholder Board would be reformed as a formal committee compliant with political balance requirements?
 - The Chief Executive confirmed that if it was decided to retain one or both of the Dragonfly Companies then a Shareholder Committee would be formed in accordance with the required governance procedures.
 - It was added that if the Companies were dissolved then there would be no requirement for a Shareholder Board.
- Councillor Stevenson stated that she was struggling with the report as it was open to interpretation and included a disclaimer. She sought clarity on the amount of taxpayers' money that had been spent on a report that could be open to interpretation and what the Council had spent on external consultants and reports?
 - It was confirmed by Local Partnerships that it was a standard procedure to include a disclaimer. The review had been carefully researched, with stakeholders from the Council and Dragonfly Companies being interviewed.
 - The Monitoring Officer stated that the issues relating to Shirebrook were not part of this meeting and he would look into the matter and provide further information after the meeting.
- Councillor Fletcher sought clarity from the S151 Officer relating to the 10% profit that Dragonfly charged on projects and whether this came from the Housing Revenue Account (HRA). If that was the case then was it the case that funds were

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being transferred from the HRA to the General Fund and what steps were in place to return funds to the HRA?

- The Section 151 Officer confirmed that the investment in Dragonfly was a General Fund investment as General Fund reserves had been used to establish the original joint venture, and therefore any profit had to be returned to the General Fund. A lot of the profit was from working on the HRA schemes. Early on when working through the business plan this was raised with the external consultants and the advice was that Dragonfly Companies only charged 10% profit to the schemes whereas external developers would in the past have been charging approximately 20%, meaning that by charging only 10% no rules were being broken.
- Councillor Kirkham highlighted that £2m or £3m profit had been mentioned of which £800k was from external projects. Where was the rest of the profit coming from if it was not from internal projects?
 - The S151 Officer stated the figure was £436k from external projects which had been confirmed by the auditors. The rest was assumed to be from internal Council projects namely the HRA and Crematorium at Shirebrook.
- Councillor Taylor sought clarification as to what external work had been undertaken by Dragonfly Companies or had it all been internal projects?
 - The Section 151 Officer stated that this would be for Dragonfly to respond to. Councillor Watson stated that some profit had come from Bursar Hill Bassetlaw and construction management advice that was provided and not necessarily build projects.
- Councillor Taylor added that he had been advised by the Chief Executive of Dragonfly that the profit for the financial years 2023/2024 and 2024/2025 had all come from internal Council projects.
- Councillor Watson asked whether the Council had the staffing capacity to undertake the major changes that the options appraisal appeared to support and requested that she be provided with a detailed assessment for bringing this work back in-house?
 - The Chief Executive confirmed that once a decision was made various work streams would commence with additional support as needed to ensure a smooth transition.
 - Staff roadshows had been held regularly by the Leader of the Council, Chief Executive and Deputy Chief Executive Officer of Dragonfly Development Ltd to update both Council and Dragonfly staff and provide relevant information as quickly as possible. The Leader had also issued a statement to all Dragonfly staff, and many had stayed behind for the update at last Friday's briefing.
 - She stated that they were doing everything possible to keep Dragonfly staff updated and reassured. The Leader added that she had been clear from the start, that despite various articles in the press, there were no planned

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job losses at either Dragonfly Development or Dragonfly Management Companies.

- Councillor Ritchie asked why the Company Chief Executive and staff from Dragonfly Companies were not present at the meeting. Councillor Watson stated that they had not been invited. The Chief Executive confirmed that she had spoken to both the Chief Executive and Strategic Director of Dragonfly about today's Council meeting and asked if they would both like to attend. Both stated they were not intending to attend this meeting.

Moved by Councillor Ritchie and seconded by Councillor Taylor that the report be noted.

In accordance with Council Procedure Rule 11 Councillor Watson proposed the following amendment to the recommendation which was seconded by Councillor Tait:

“Council notes the content of the review but believes that for the avoidance of doubt, and prior to any decision being made on the future of Dragonfly, further accurate information must be provided to the Council, which should include a review of the companies themselves (as recommended by the Local Partnerships review), along with detailed impact assessments so all options can be fully understood.”

Councillor Watson said the report had stated a review of the Companies should be undertaken and she questioned whether a review of the Council's governance would also be undertaken at the same time?

Councillor Hales confirmed that all the governance arrangements for the Companies, Directorships and the Council would be reviewed.

The Monitoring Officer confirmed that Council had the Local Partnerships review report and recommendations before them. The review of Dragonfly Development and Management was part of the process and would be considered as part of the decision making.

Councillor Watson summed up her reasons for the amendment.

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

Councillor Fritchley proposed that the original be amended to include:

“proper and meaningful discussions to take place in a calm and collected way with all members participating and officers of both companies being involved.”

Councillor Peake seconded the amendment and on being put to the vote the amendment was lost.

Council considered the substantive motion as previously moved by Councillor Ritchie and seconded by Councillor Taylor:

“that Council note Local Partnerships’ report of the review of Bolsover District Council’s Dragonfly companies.”

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Councillor Fletcher thanked Local Partnerships for their report stating that it was clear to him when it was confirmed Local Partnerships were undertaking the review it had been given to an organisation with clear expertise and leadership in this area. It was hard to imagine a better placed reviewer that could have been commissioned. Given this expertise it was right to treat their findings with the seriousness that they deserved, and it was clear from the report that the Dragonfly Companies were not delivering as originally intended. This should not undermine the good intentions of all when Dragonfly was set up. It was difficult to evidence the value for money and having looked at the options appraisal the key issue was to deliver value for money and bring the companies back in-house. Choosing between one or both companies in-house was a decision as to whether the Council wished to continue delivering significant commercial activity, but was noted there was little existing commercial activity and it was perverse to retain all of the risk of that structure without any of the benefits. A professional company had been commissioned to undertake the review, and Council should respect their findings.

Councillor Watson stated that there had been a pipeline of work under consideration but as a result of the review findings going public the potential external work has dried up due to bad publicity and the potential for making profits was lost.

Councillor Yates added that the only external profit was only £436k.

Councillor Hales stated that Dragonfly did not have an experienced Finance Officer which clearly had had an impact on the information provided to the Dragonfly Board. No finance reports were evidenced in the Dragonfly Board meetings and these finance reports would be expected at any company. This also had an impact on the outcome on the audit of the Council's accounts for 2023/24. For the first time in 50 years the Council had received a qualified judgement on the Council's accounts which was damaging to its reputation. It would have been helpful to understand why the Dragonfly Board had not employed an experienced financial officer of their own.

Councillors Fox and King had left the meeting prior to voting.

A recorded vote was requested in accordance with Council Procedure Rule 14.4 by Councillors Watson, Gilbody and Wilson.

For the motion – 20

Councillors Bennett, Davis, Dooley, Fletcher, Hales, Haywood, Hinman, Jeffery, Kirkham, Munro, Powell, Raspin, Renshaw, Ritchie, Smith, Taylor, Tite, Walker, Waplington and Yates

Against the motion – 11

Councillors A Clarke, R Clarke, Fritchley, Gilbody, Kane, Peake, Stevenson, Tait, Turner, Watson and Wilson

Moved by Councillor John Ritchie and seconded by Councillor Ashley Taylor

RESOLVED that the Local Partnerships' report of its review of Bolsover District Council's Dragonfly companies be noted.

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CL29-25/26 CHAIRMAN'S CLOSING REMARKS

The Chair formally closed the meeting.

The meeting concluded at 12:24 hours.

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 Rasin, 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

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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

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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.

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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.

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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

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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

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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

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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.

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- 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

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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.

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CL41-25/26 CHAIRMAN'S CLOSING REMARKS

The Chair formally closed the meeting.

The meeting concluded at 12:19 hours.

(1) Question submitted by Mr N Clarke to the Portfolio Holder for Environment:

“In 2020 Councillors and Officers of BDC met with representatives of the Woodland Trust to negotiate funding for a tree planting project across the district of Bolsover.

Funding of £250,000 was secured and with additional council funding a plan to plant a million trees over a 15 year period was made. Initial planting took place in 2021.

I understand that according to the Portfolio Holder for the Environment that the tree planting programme no longer exists. He has stated:

"That there is no district council tree planting programme. We don't actually have a woodland strategy. In the past there was a temporary tree planting programme which was funded by a grant from the Woodland Trust. This grant has now been spent."

I would want to know why was this decision not made public?

I would also like to know why has the tree planting programme been discontinued when it is widely known that trees are a vital component in protecting against flooding and soil erosion and as we are experiencing climate change with ever increasing extreme weather events, the planting of trees are a major tool to combat the effects of climate change.

So my question is “Will the Council make genuine commitment to reintroducing the tree planting programme and provide additional funding to support the protection of the environment in the district of Bolsover?”

Motions to Council 8th October 2025

(a): To consider changing the constitution regarding political proportionality on Scrutiny Committees

Our current constitutional arrangements regarding proportionality can be found on page 147 of the constitution under item 4.5.2.

To date, it has been the case that whichever political party is in overall control of the Council, automatically is entitled to have majority representation on all scrutiny committees.

All key decisions are made by the Executive, which again is made up solely of members of the same party. So, if you think logically about this, it is like marking your own homework.

We all know how the party system works; it is not acceptable to vote against the party line, this carries the possibility of having the whip removed. I would argue that these group decisions could be carried through to scrutiny, if the majority of scrutiny committees themselves are made up of the controlling party.

Would it not be better to have a more balanced approach, by having committees made up of members with possible relevant experience/Knowledge and broader/opposing opinions, rather than a majority group of likeminded, same thinking members.

The actual legislation regarding this matter is very loosely written and states: “that proportionality rules GENERALLY apply, however local authorities can CHOOSE to apply these rules for certain scrutiny bodies and local authorities can decide to DISAPPLY proportionality rules through a unanimous vote”.

It also states that scrutiny exists to challenge decisions made by the Executive, and surely this would be better achieved when led by opposition members rather than always requiring a majority of members from the controlling party?

Therefore, I put forward a motion for the Council to consider changing the current constitution regarding political proportionality on scrutiny committees, in favour of more diverse arrangement. I therefore move that this motion is passed to the Standards Committee to be considered and debated.

Proposed by: Councillor Tait

(b): the Whistleblowing policy should be updated immediately and the correct procedures followed to ensure the staff that are raising concerns are supported appropriately and protected throughout the whistleblowing process.

The whistle blowing policy is a joint policy with North East Derbyshire District Council, it is no longer current and has not been updated since 14th April 2021. This policy is meant to be updated annually, it is not fit for purpose. It is apparent employees of Bolsover District Council do not feel confident in being able to follow the correct procedure in reporting their concerns and have resorted to highlighting issues anonymously due to fear of repercussions, which appears to be the case as the concerns are not being internally addressed or investigated.

It is time that the current outdated policy was revised and brought up to date as a matter of utmost urgency and provisions included to protect those who wish to raise concerns of perceived malpractice or wrong use of doing without fear of retribution or disciplinary action

The Proposed motion is as follows: The whistleblowing policy should be updated immediately and the correct procedures followed to ensure the staff that are raising concerns are supported appropriately and protected throughout the whistle blowing process.

Proposed by: Councillor A Clarke

BOLSOVER DISTRICT COUNCIL

Meeting of Council on 8th October 2025

Proportionality and Appointments to Committees and Advisory Groups

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

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

PURPOSE/SUMMARY OF REPORT

To report to Council changes to the allocation of Committee seats following a change in the political makeup of the Council.

REPORT DETAILS

1. Background

- 1.1 At the end of August 2025, one Councillor changed political parties.
- 1.2 The political make up on the Council is now: Labour – 22 Councillors, Independent Group – 11 Councillors, Conservative – 2 Councillors, Reform – 1 Councillor, and 1 independent Councillor.
- 1.3 This report therefore brings forward the allocation of seats to political groups in accordance with the Political Balance rules.
- 1.4 Committees are subject to the political balance requirements of the Local Government and Housing Act 1989. Any Advisory Groups are not subject to the political balance requirements.

2. Details of Proposal or Information

- 2.1 **Appendix 1** to the report sets out the allocation of committee seats which best meets the requirements of Section 15 of the Local Government and Housing Act 1989 as far as is reasonably practicable.
- 2.2 **Appendix 2** sets out the current appointments/vacancies/proposed new appointments to committees.

- 2.3 Section 15 of the Local Government and Housing Act 1989 establishes the rules for allocation of the seats to councillors. These are as follows:
- (a) that not all the seats on the body are allocated to the same political group;
 - (b) that the majority of the seats on the body is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) subject to paragraphs (a) and (b) above, that the number of seats on the ordinary committees of a relevant authority which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary committees of that authority as is borne by the number of members of that group to the membership of the authority; and
 - (d) subject to paragraphs (a) to (c) above, that the number of the seats on the body which are allocated to each political group bears the same proportion to the number of all the seats on that body as is borne by the number of members of that group to the membership of the authority.
- 2.4 The key principle that is of relevance to this report is principle (b) that the majority of seats on each committee should be allocated to the majority group. On all current committees the Labour group have a majority of one seat. There is therefore no scope in reducing the numbers of seats without breaching the requirement set out in principle 1. Therefore, even though the number of councillors on the Labour group has reduced by 1 the number of seats they are entitled to should not change. However, Councillor Walker has agreed to give up his position on Union/Employee Consultation Committee and Climate Change and Communities Scrutiny Committee. This will ensure that the Independent Group will have the correct proportionate number of ordinary committee and scrutiny seats.
- 2.5 The councillor who changed political parties was a member of Safety Committee, Union/Employee Consultation Committee and Finance and Corporate Overview Committees, so replacements for each committee will need to be nominated and approved. The Labour Group have nominated Councillor Hales to sit on Safety Committee, Councillor Ritchie for Union/Employee Consultation Committee and Councillor Kirkham for Finance & Corporate Overview Scrutiny Committee.
- 2.6 The Independent Group have nominated Councillor Rowan Clarke to replace Councillor Kane to sit on the Finance & Corporate Overview and Scrutiny Committee. Also, for Councillor Rowan Clarke to sit on the Union/Employee Consultation Committee and Councillor Watson to sit on the Climate Change and Communities Scrutiny Committee.

3. Reasons for Recommendation

- 3.1 The report recommends changes to the allocation of Committee seats detailed in **Appendix 1**. The changes would ensure that the Council still meets the requirements of section 15 of the Local Government and Housing Act as far as reasonably practicable.

4 **Alternative Options and Reasons for Rejection**

- 4.1 Members may consider that they wish to change the allocation, but this is not advised because the proposed allocation best meets the political balance requirements.

RECOMMENDATION(S)

- (1) That the proportionality of committee places as set out in Appendix 1 be agreed; and
- (2) that the appointments to Committees and Advisory Groups as set out in Appendix 2 be agreed.

Approved by Councillor Donna Hales, Deputy Leader & Portfolio Holder
for Corporate Governance

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no finance or risk implications arising from this report On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: The Council is required to decide the allocation of seats to political groups in accordance with the Political Balance rules set out in the Local Government and Housing Act 1989. On behalf of the Solicitor to the Council		
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no staffing implications arising from this report. On behalf of the Head of Paid Service		
<u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no Equality and Diversity, and Consultation implications arising from this report.		
<u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
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 arising from this report.

DECISION INFORMATION

☒ **Please indicate which threshold applies:**

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes ☐ No ☒

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) ☐ (b) ☐

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) ☐ (b) ☐

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All ☐

None

Is the decision subject to Call-In?

(Only Key Decisions are subject to Call-In)

Yes ☐ No ☒

If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? *(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)*

Yes ☐ No ☐

Consultation carried out:

(this is any consultation carried out prior to the report being presented for approval)

Yes ☒ No ☐

Leader ☒ Deputy Leader ☒ Executive ☐

SLT ☐

Relevant Service Manager ☐ Members ☐ Public ☐

Other ☐

Links to Council Ambition: Customers, Economy, Environment, Housing
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Customers

DOCUMENT INFORMATION

Appendix No	Title
1	Proportionality of the Council
2	Appointments to Committees

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

Appendix 1 - Political balance calculations - 8th October 2025

	Seats on Council	Proportion on Council	Actual allocations May 2025 (DD0239)	Proposed total committee allocations Oct 2025		Actual Ord Committee allocations May 2025 (DD0239)	Proposed Ord Committee seats allocation Oct 2025			Actual Scrutiny allocations May 2025 (DD0239)	Proposed Scrutiny allocation Oct 2025	
Total seats	37		85		Total seats	56	56		Total seats	29	29	
Labour Group	22	59.46%	51	52	Labour Group	35	35		Labour Group	17	17	
Independent Group	11	29.73%	26	27	Independent Group	16	17		Independent Group	9	10	
Conservative	2	5.41%	5	5	Conservative Group	3	3		Conservative Group	2	2	
Reform	1	2.70%	1	1	Reform	1	1		Reform	0	0	
Independent (RW)	1	2.70%	2	0	Independent (RW)	1	0		Independent (RW)	1	0	
	37		85	85		56	56			29	29	

40 Ordinary Committees	Total seats on Ord Committees	Labour Group		Independent Group		Conservative		Reform		Independent (RW)		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Employee Appeals Committee	3	1.78	2	0.89	1	0.16	0	0.08	0	0.08	0	3
General Licensing Committee	10	5.95	6	2.97	3	0.54	1	0.27	0	0.27	0	10
Licensing and Gambling Acts Committee	10	5.95	6	2.97	3	0.54	1	0.27	0	0.27	0	10
Planning Committee	10	5.95	6	2.97	4	0.54	0	0.27	0	0.27	0	10
Safety Committee	5	2.97	3	1.49	2	0.27	0	0.14	0	0.14	0	5
Standards Committee	6	3.57	4	1.78	1	0.32	1	0.16	0	0.16	0	6
Audit Committee	6	3.57	4	1.78	1	0.32	0	0.16	1	0.16	0	6
Union/Employee Consultation Committee	6	3.57	4	1.78	2	0.32	0	0.16	0	0.16	0	6
Total Seats on Ordinary Committees	56	33.30	35	16.65	17	3.03	3	1.51	1	1.51	0	56

Scrutiny Committees	Total seats on Committee	Labour Group		Independent Group		Conservative		Reform		Independent (RW)		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Customer Services Scrutiny Committee	7	4.16	4	2.08	2	0.38	1	0.19	0	0.19	0	7
Local Growth Scrutiny Committee	7	4.16	4	2.08	2	0.38	1	0.19	0	0.19	0	7
Finance and Corporate Overview Scrutiny Committee	8	4.76	5	2.38	3	0.43	0	0.22	0	0.22	0	8
Climate Change and Communities Scrutiny Committee	7	4.16	4	2.08	3	0.38	0	0.19	0	0.19	0	7
Total Scrutiny seats	29	17.24	17	8.62	10	1.57	2	0.78	0	0.78	0	29

Tables below not included in the overall allocation of available committee seats 85

Advisory/Working Groups**	Total seats on Group	Labour Group		Independent Group		Conservative		Reform		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
MDWG	7	4.16	4	2.08	2	0.38	1	0.19	0	7
Local Plan Implementation Action Group	10	5.95	6	2.97	4	0.54	0	0.27	0	10
Pleasley Park and Vale Conservation Area Working Group	5	2.97	3	1.49	2	0.27	0	0.14	0	5
Housing Liasion Board	5	2.97	3	1.49	2	0.27	0	0.14	0	5
Total seats	27	16.05	16	8.03	10	1.46	1	0.73	0	27

**Note - allocated proportionally but not included in proportionality calculations

Joint Committees*	Total seats on Committee	Labour Group		Independent Group		Conservative		Reform		Planning Committee		Total seats allocated
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats	
Joint ICT	3	1.78	3	0.89		0.16	0	0.08	0			3
Joint Scrutiny Panel	3	1.78	2	0.89		0.16	1	0.08	0			3

* Note – For political balance to apply, there must be at least three seats to be filled on joint committees (excl executive committees)

Joint Employment and Appeals Committee Membership set within Constitution	Total seats on Committee	Majority		Minority	
		Proportion of seats	Allocated Seats	Proportion of seats	Allocated Seats
		4	2.38	3	1.19

APPOINTMENT TO ESTABLISHED COMMITTEES AND ADVISORY GROUPS 2025/26 (OCT 2025)
COMMITTEES

Committee	Labour Group (22)	Independent Group (11)	Conservative Group (2)	Reform (1)	Independent Councillor (1)
Finance & Corporate Overview Scrutiny Committee (8)	(5) Councillors: 1. David Bennett (Chair) 2. Duncan McGregor (V-C) 3. Lisa Powell 4. Sally Renshaw 5. Tom Kirkham	(3) Councillors: 1. Janet Tait 2. Steve Fritchley 3. Rowan Clarke Chris Kane	(0)	(0)	(0)
Local Growth Scrutiny Committee (7)	(4) Councillors: 1. Duncan Haywood 2. Tom Kirkham (V-C) 3. Jeanne Raspin 4. Sally Renshaw (Chair)	(2) Councillors: 1. Justin Gilbody 2. Jen Wilson	(1) Councillor Will Fletcher	(0)	(0)
Customer Services Scrutiny Committee (7)	(4) Councillors: 1. Amanda Davis (V-C) 2. Lucy King 3. Jeanne Raspin 4. Vicky Waplington (Chair)	(2) Councillors: 1. Rita Turner 2. Emma Stevenson	(1) Councillor Louise Fox	(0)	(0)
Climate Change and Communities Scrutiny Committee (7)	(4) Councillors: 1. Mark Hinman 2. Catherine Jeffery 3. Ashley Taylor (Chair) 4. Catherine Tite	(3) Councillors: 1. Anne Clarke (V-C) 2. Sandra Peake 3. Deborah Watson	(0)	(0)	(0)

Employee Appeals Committee (3) Deputies (3)	(2) Councillors: 1. Jane Yates 2. Donna Hales Deputies: (2) Deputy 1 - David Bennett Deputy 2 - John Ritchie	(1) Councillor: Sandra Peake Deputy: Deborah Watson	(0)	(0)	(0)
General Licensing Committee (10)	(6) Councillors: 1. David Bennett 2. Amanda Davis (V-C) 3. Mary Dooley 4. Duncan McGregor (Chair) 5. Lisa Powell 6. Jeanne Raspin	(3) Councillors: 1. Emma Stevenson 2. Anne Clarke 3. Rita Turner	(1) Councillor Will Fletcher	(0)	(0)
Licensing and Gambling Acts Committee (10)	(6) Councillors: 1. David Bennett 2. Amanda Davis (V-C) 3. Mary Dooley 4. Duncan McGregor (Chair) 5. Lisa Powell 6. Jeanne Raspin	(3) Councillors: 1. Emma Stevenson 2. Anne Clarke 3. Rita Turner	(1) Councillor Will Fletcher	(0)	(0)
Planning Committee (10)	(6) Councillors:	(4) Councillors:	(0)	(0)	(0)

	1. Rob Hiney-Saunders 2. Tom Munro 3. Sally Renshaw 4. John Ritchie (Chair) 5. Catherine Tite (V-C) 6. Phil Smith	1. Chris Kane 2. Steve Fritchley 3. Janet Tait 4. Deborah Watson			
Safety Committee (5)	(3) Councillors: 1. Tom Munro 2. Jane Yates 3. Donna Hales	(2) Councillors: 1. Justin Gilbody 2. Sandra Peake	(0)	(0)	(0)
Audit Committee (6) Plus 2 co-opted Members	(4) Councillors: 1. Tom Kirkham 2. Catherine Jeffery 3. Catherine Tite (Chair) 4. Rob Hiney-Saunders	(1) Councillor Steve Fritchley	(0)	(1) Councillor Carol Wood	(0)
Standards (6) Plus 1 co-opted Member	(4) Councillors: 1. Duncan Haywood 2. Clive Moesby 3. Vicky Waplington (V-C) 4. Donna Hales	(1) Councillor Justin Gilbody	(1) Councillor Louise Fox	(0)	(0)
Union / Employee Consultation Committee (6)	(4) Councillors: 1. Mary Dooley 2. Tom Munro 3. Sally Renshaw 4. John Ritchie	(2) Councillor: 1. Steve Fritchley 2. Rowan Clarke	(0)	(0)	(0)

JOINT COMMITTEES

Committee	Labour Group (22)	Independent Group (11)	Conservative Group (2)	Reform (1)	Independent Councillor (1)
ICT Shared Services Committee (3 from BDC plus CBC and NEDDC)	Councillors: 1. David Bennett 2. Donna Hales 3. Jane Yates (3)	(0)	(0)	(0)	(0)
Shared Services Scrutiny Committee (also known as Joint Scrutiny Panel) (3)	Councillors (2)	(0)	(1)	(0)	(0)

ADVISORY GROUPS

Committee	Labour Group (22)	Independent Group (11)	Conservative Group (2)	Reform (1)	Independent Councillor (1)
Pleasley Park and Vale Conservation Area Joint Advisory Group (5)	(3) Councillors: 1. Tom Kirkham 2. John Ritchie 3. Catherine Tite	(2) Councillors: 1. Janet Tait 2. Steve Fritchley	(0)	(0)	(0)
Local Plan Implementation Advisory Group (10) <i>*same as Planning Committee</i>	(6) Councillors: 1. Rob Hiney-Saunders 2. Tom Munro 3. Sally Renshaw 4. John Ritchie (Chair) 5. Catherine Tite (V-C) 6. Phil Smith	(4) Councillors: 1. Chris Kane 2. Steve Fritchley 3. Janet Tait 4. Deborah Watson	(0)	(0)	(0)
Member Development Working Group (7)	(4) Councillors: 1. David Bennett 2. Mary Dooley (V-C) 3. Catherine Jeffery (Chair) 4. Jeanne Raspin	(2) Councillors: 1. Deborah Watson 2. Sandra Peake	(1) Councillor Louise Fox	(0)	(0)
Housing Liaison Board (5)	(3) Councillors: 1. Phil Smith 2. Ashley Taylor 3. Vicky Waplington	(2) Councillors: 1. Rita Turner 2. Janet Tait	(0)	(0)	(0)

Bolsover District Council

Meeting of the Council on 8th October 2025

Overview & Scrutiny Annual Report 2024/25

Report of the Chairs of the Scrutiny Committees

Classification	This report is Public
Contact Officer	Scrutiny Officer

PURPOSE/SUMMARY OF REPORT

- To provide Members of the Council with an annual overview of the work programme of the Committees during 2024/25, in accordance with functional responsibilities of Scrutiny as detailed in Part 2, Article 6.3(2) and Part 3.6.1(10) of the Council's Constitution.

REPORT DETAILS

1. Background

- 1.1 The main purpose of the report is to allow Members to review the summary of Scrutiny's activities during 2024/25.
- 1.2 The report provides an overview on the core activity for each of the Committee's and details some of the impacts.

2. Details of Proposal or Information

- 2.1 Part 2, Article 6.1 of the constitution requires the Council to appoint four Scrutiny Committees to discharge the functions conferred by Part 1A, s9F of the Local Government Act 2000.
- 2.2 Within the Terms of Reference (Part 2, Article 6.2), the four Scrutiny Committees have delivered the following functions:
 - i. review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
 - ii. make reports and/or recommendations to the Council and/or the Executive in connection with the discharge of any functions;
 - iii. consider any matter affecting the area or its inhabitants;
 - iv. exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive; and

- v. assist the Council and the Executive with the development of future policies and strategies.
- 2.3 Each of the four Scrutiny Committees have conducted their proceedings in accordance with the Terms of Reference at Part 3.6.1 and the Scrutiny Procedure Rules set out in Part 4 of the Constitution.
- 3. Reasons for Recommendation**
- 3.1 The attached provides an overview of the work completed by Members of the Scrutiny Committees during 2024/25, and reviews the impact of work completed.
- 3.2 Members are asked to note the report as required by Article 6.3(2) of the Council's Constitution.
- 4 Alternative Options and Reasons for Rejection**
- 4.1 This report and the appendix have been prepared on behalf of the Scrutiny Committees with a view to informing Council of the Committee's undertaking of their statutory responsibilities.
- 4.2 There are no alternative options as Members are required to report to Council on an annual basis as determined in the Constitution.

RECOMMENDATION(S)

1. That Members review the attached Annual Report of the Scrutiny Committee's activities in accordance with the Council's Constitution.
-

IMPLICATIONS:

<u>Finance and Risk</u>		
Details:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
There are no financial implications arising from this report.		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u>		
Details:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
The Scrutiny Committee function is a statutory requirement pursuant to Part 1A, s9F of the Local Government Act 2000.		

In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in Part 1A, s9F(2) of the Local Government Act 2000.

Section 19 of the Police and Justice Act requires every local authority to have a Crime and Disorder Committee with the power to review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions. (Responsible authorities are effectively the statutory partners within a community safety partnership i.e. Police, local authorities (county and district), Fire and Rescue Authority, Probation Trusts and Clinical Commissioning Groups.)

On behalf of the Solicitor to the Council

Staffing Yes ☐ No ☒

Details:

None from this report.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes ☐ No ☒

Details:

None from this report.

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:

N/A

DECISION INFORMATION:

☒ **Please indicate which threshold applies:**

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

Yes ☐ No ☒

(a) ☐ (b) ☐

<p>Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p>District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected:</p>	<p>(a) <input type="checkbox"/> (b) <input type="checkbox"/></p> <p>All <input type="checkbox"/></p>
---	--

<p>Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p>Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p> Leader <input type="checkbox"/> 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>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
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<p>Links to Council Ambition: Customers, Economy, Environment, Housing</p>
<p>Scrutiny evaluates delivery against all Corporate Ambitions and Priorities</p>

DOCUMENT INFORMATION:

Appendix No	Title
1	Overview & Scrutiny Annual Report 2024/25

<p>Background Papers</p>



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Foreword of the Scrutiny Chairs

Throughout 2024/25, our Scrutiny Committees have continued to carry out their functions in accordance with the Council's Constitution.

This year, Members have focused their review work on issues of real importance to our communities. A joint review examined the security arrangements at The Arc, responding to concerns about anti-social behaviour and ensuring that robust policies and protocols are in place to protect both staff and the public. In addition, Scrutiny has carried out an in-depth review of the Council's approach to environmental despoilment, looking at how education and enforcement can be strengthened to reduce fly-tipping, littering and dog fouling, and to improve the appearance and safety of our shared public spaces.

These reviews have directly supported the Council's corporate ambitions: improving customer satisfaction with our services, ensuring our communities feel safe, and protecting the local environment so that the District is a place where people are proud to live, work and visit.

Alongside this, Committees have continued to monitor progress on past recommendations, to challenge performance where necessary, and to work constructively with officers, the Executive and partners in order to influence service improvements.

We would like to thank all Members, officers and partners for their contributions throughout the year. Their input has enabled Scrutiny to examine complex issues in detail and ensure that decision-making remains transparent, accountable and focused on delivering positive outcomes for the people of Bolsover District.

Councillor David Bennett

Chair of the Finance & Corporate Overview Scrutiny Committee (2024/25)

Councillor Vicky Waplington

Chair of the Customer Services Scrutiny Committee (2024/25)

Councillor Ashley Taylor

Chair of the Climate Change & Communities Scrutiny Committee (2024/25)

Councillor Sally Renshaw

Chair of the Local Growth Scrutiny Committee (2024/25)

Summary of 2024/25

Constitution Updates

During 2024/25, Scrutiny made an update to the constitution to strengthen the role of Members in the general awareness and understanding of financial and performance oversight.

Previously, all Scrutiny Members were invited to attend the Finance and Corporate Overview Scrutiny Committee only once a year for consideration of the annual budget proposals. This provision has now been broadened so that all Members serving on the thematic Scrutiny Committees are invited to attend all meetings of the Finance and Corporate Overview Scrutiny Committee in the capacity of invited Members (without voting rights).

The change ensures that Scrutiny Members can observe and engage with the Committee's work throughout the year, particularly in relation to quarterly performance monitoring and the examination of budget proposals. This update enhances transparency, promotes a stronger understanding of the link between financial resources, service delivery and corporate priorities, and supports more effective and joined-up scrutiny across the Council.

Member Training

Members received some training that related to the Scrutiny review on Security Policies, Protocols and Procedures from Derbyshire Constabulary:

- Security Briefing for Members from Tara Addison, Force Elected Official Advisor (Derbyshire Constabulary)

Customer Services Scrutiny Committee

During 2024/25, Members received a range of reports to Committee. Some were routine update reports and others were linked to service transformation and development of new policies:

Policy/Strategy/Programme Monitoring Reports:

- Homelessness and Rough Sleeping Strategy 2022-2027: Monitoring Update

Policy Development:

- Bolsover Tenants Challenge and Change Group - Review of The Voids Process
- Housing Strategy 2024-2029: Consultation Draft
- Housing Strategy 2024-2029: Final Draft
- Unreasonable Behaviour Policy
- The Electrical Safety Policy
- The Gas and Heating Compliance Policy
- Housing Domestic Abuse Policy 2025-2028

Performance Review Reports:

- Customer Service Standards and Compliments, Comments and Complaints 2022/23 – 1st January 2024 to 31st March 2024 and Annual Summary
- Housing Ombudsman Self-Assessment Report - Verbal Update
- LG&SCO and Housing Ombudsman Annual Report 2023/24
- Customer Service Standards and Compliments, Comments and Complaints 2023/24 – 1st April 2024 to 30th June 2024
- Customer Service Standards and Compliments, Comments and Complaints 2024/25 – 1st July 2024 to 30th September 2024
- Customer Service Standards and Compliments, Comments and Complaints Report 2023/24 – 1st October 2024 to 31st December 2024

Review Work

- Review of Members ICT & Support and ICT Service Delivery: Post Scrutiny Monitoring
- Review of Effectiveness of Council's Waste Collection and Disposal Education: Post Scrutiny Monitoring
- Joint Review of Security Arrangements at The Arc: Policies, Protocols and Procedures (in collaboration with the Local Growth Scrutiny Committee)

Local Growth Scrutiny Committee

During 2024/25, Members received a range of reports to Committee, some allowing us to monitor delivery of core projects and others to develop new policies for the Authority.

Policy/Strategy/Programme Monitoring Reports:

- Bolsover District Regeneration Fund Update
- Dragonfly Development Limited (DDL) Delivery Updates
- Dragonfly Development Limited (DDL) Shareholder Board Updates
- Pleasley Vale Regeneration Programme – Progress Updates
- UK Shared Prosperity Fund – Monitoring Updates
- Home England: Compliance Audit Report – 2024/25

Policy Development:

- Disposal and Acquisition Policy
- Social Value Policy Review

Performance Review Report:

- None for 2024/25

Review Work

- Review of Dragonfly Development Limited (DDL) Service Level Agreements
- Joint Review of Security Arrangements at The Arc: Policies, Protocols and Procedures (in collaboration with the Local Growth Scrutiny Committee)

Joint Scrutiny Committee: Customer Services and Local Growth

Joint Review of Security Arrangements at The Arc: Policies, Protocols and Procedures

The Customer Services Scrutiny Committee and Local Growth Scrutiny Committee agreed to undertake a joint review of security arrangements at The Arc, focussing on policies, protocols and procedures, as part of their 2024-25 Work Programme.

This review related directly to the remit of the Customer Services Committee:

- Emergency Planning
- Managing Complaints
- Customer Services
- Legal Requirements

As well as the Local Growth Scrutiny Committee:

- Facilities Management
- Legal Requirements

By working together, the Committees were able to bring a broader range of ideas and perspectives to the review, ensuring a more thorough and informed approach. This collaborative effort allowed for a more efficient use of resources and promoted a cohesive and integrated scrutiny process, which was particularly beneficial for such a large-scale and complex piece of work.

This review was initiated in response to growing concerns about the security of The Arc, its vulnerability to incidents of anti-social behaviour and potential critical risks that could threaten the safety of staff, Elected Members and the public.

The aim of the review was:

- To ensure that the Council has a clear approach towards security protocols and procedures in at The Arc.

The objectives agreed were:

1. Assess the Council's current security policies and procedures at The Arc in relation to incidents of ASB and situations of critical danger for staff, Elected Members and customers.
2. To examine incidents and data of previous occurrences of ASB and security issues from recent years at The Arc and identify areas for improvement.
3. To examine the Council's current approach to staff training for security procedures and public education on protocols in dangerous security situations.

The key issues identified for investigation included:

- Ensuring the safety of staff and customers at Council facilities

- Exploring the potential for implementing a security guard team
- Reviewing current security protocols
- Evaluating staff training for handling critical situations
- Assessing areas where the Council is performing well and areas that need improvement

The key findings arising from the review included:

- **Clear accountability:** There was no specific officer or Cabinet Member responsible for overseeing security responsibilities and inter-departmental coordination at The Arc.
- **Lack of a comprehensive security policy:** Existing procedures were fragmented; a unified policy would consolidate security arrangements and improve overall effectiveness.
- **Unclear incident response roles:** Procedures would benefit from defined responsibilities and clear escalation pathways during emergencies to ensure swift and coordinated action.
- **Need for regular review/testing of procedures:** Security protocols should be regularly reviewed and tested to ensure they remain effective and up to date.
- **Training gaps for staff:** Frontline and operational staff need consistent, ongoing training in conflict management and emergency response to enhance preparedness.
- **CCTV and perimeter security:** Consideration should be given to upgrading CCTV systems and perimeter security to improve monitoring and protection.
- **Security considerations for committee meetings:** Additional safeguards, such as barriers, codes of conduct and camera monitoring, are needed to ensure safe and orderly proceedings.
- **CTSA security audit:** A Counter Terrorism Security Advisor (CTSA) provided valuable feedback and Members have received a security briefing to enhance awareness and preparedness.
- **Emergency procedures under development:** Invacuation, evacuation and lockdown plans are being drafted but are not yet fully implemented; an accommodation review of the building is under development.
- **Proactive ongoing improvement:** Security measures should be continuously updated to address emerging threats and ensure the ongoing safety of staff, Elected Members and the public.

The Joint Committee put together 11 recommendations to assist the Council in improving security and safety arrangements at The Arc. The recommendations made during this review are detailed below.

1. That the Council introduce a clear security responsibility framework: appoint a senior officer responsible for security at The Arc, tasked with overseeing the development, implementation and regular updates of security policies; assign a portfolio holder from the Cabinet to be responsible for security, as part of their remit.
2. That the Council develops a comprehensive security policy for The Arc that addresses ASB, emergency situations and the safety of staff, Elected Members and customers.
3. That the Council ensures there are clear roles and responsibilities for security procedures and incident response at The Arc.

4. That the Council ensure security procedures are regularly reviewed, updated and tested.
5. That the Council explores options available to develop improved CCTV and monitoring systems at The Arc.
6. That the Council consider strengthening perimeter security for external physical threats such as vehicle mitigation.
7. That the Council addresses security arrangements for committee meetings held at The Arc.
8. That the Council conduct a security audit with a Counter Terrorism Security Advisor.
9. That the Council ensure staff and Elected Members are familiar with emergency, evacuation and invacuation procedures and reporting processes.
10. That the Council provide staff training for conflict management and emergency situations (particularly operational staff and front-of-house staff) and continue to regularly provide training on security related issues to staff and Elected Members.
11. That the Council review and update Panic Button procedures and provide SIA training for appropriate members of staff (such as the Leisure Duty Managers and the Enforcement Officers).

The timescales of Joint Review of Security Arrangements at The Arc: Policies, Protocols and Procedures:

- July 2024 – May 2025
- Agreed by Scrutiny: July 2025
- Date agreed by Executive: July 2025
- Post-Monitoring Period: 18 months commencing July 2025.

This review is now within its monitoring phase with interim reports expected in December 2025, June 2026 and December 2026.

Climate Change & Communities Scrutiny Committee

During 2024/25, Members received a wide range of reports to Committee:

Policy/Strategy/Programme Monitoring Reports:

- Health and Wellbeing Strategy – Monitoring Update
- Annual Review of Community Safety Partnership
- Community Outreach Programme – Member Update

Policy Development:

- None for 2024/25

Performance Review Reports:

- None for 2024/25

Review Work

- Presentation of Council Governance Arrangements in Relation to Dragonfly (Verbal)
- Presentation of Council's approach to Carbon Reduction (Verbal Presentation)
- Review of Council's Approach to Carbon Reduction – Post-Scrutiny Monitoring Interim Report
- Preparation for Annual Review of the Community Safety Partnership
- Review of the Council's Statement of Principles under the Gambling Act 2005
- Review of the Council's Energy Policy for Local Housing – Post Scrutiny Monitoring Report (Interim Report)
- Review of the Council's Approach to Environmental Despoilment Education and Enforcement

Annual Review of the Community Safety Partnership (CSP)

Section 19 of the Police and Justice Act 2006 requires every Local Authority to have a specified Committee (the "Crime and Disorder Committee") with the power to:

- Review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions.
- Make reports or recommendations to the local authority with respect to the discharge of those functions.

(Responsible authorities are effectively the statutory partners within a community safety partnership, including the Police, Local Authorities (County and District), Fire and Rescue Authority, Probation Trusts, and Clinical Commissioning Groups, as determined by section 5 of the Crime and Disorder Act 1998 (c. 37)).

Following on from last year's review, Members wished to focus on current delivery of the Bolsover CSP, progress against the CSP Plan, and recent achievements in crime prevention and community safety initiatives.

Key issues presented and areas of questioning included:

- An update on Bolsover CSP and current delivery.
- The Bolsover CSP Plan and its implementation.

- A report from Derbyshire Constabulary.
- A summary of achievements during 2024/25, including diversionary activities and crime prevention initiatives.
- Updates on Community Enforcement Rangers, the ASB Team, and a detailed ASB case study.

Officers invited to attend included representatives from Bolsover District Council's Community Safety and Enforcement Team and Derbyshire Constabulary. Members engaged with officers to scrutinise service delivery, explore the effectiveness of partnership working, and consider areas for future improvement. The review provided Members with assurance on the progress made in addressing crime and anti-social behaviour across the District and informed any recommendations for further development of the CSP.

Review of the Council's Approach to Environmental Despoilment Education and Enforcement

The Climate Change and Communities Scrutiny Committee agreed to undertake a review of the Council's approach to environmental despoilment education and enforcement, as part of the 2024-25 Work Programme.

The issue was initially raised due to concerns about environmental despoilment in Bolsover District, including fly-tipping, littering, and dog fouling. These issues not only pose risks to public health and the environment but also undermine the District's aesthetics and the Council's corporate goals for a cleaner, safer community. The review sought to assess the effectiveness of current enforcement and education strategies, with the aim of improving the District's cleanliness and public perception.

The aims of the review were:

- That the Council reduces fly-tipping, littering and dog fouling to improve the aesthetical value of Bolsover District, to protect local wildlife and to reduce the cost of dealing with the unauthorised illegal depositing of waste by assessing the service's effectiveness in tackling environmental despoilment.
- That the Council becomes an excellent authority at 'keeping the District clean' rather than 'cleaning the District'.

The objectives agreed were:

1. Understand what Environmental Despoilment involves (fly tipping, littering and dog fouling), the Council's statutory duty and enforcement powers, and policies available to the Council.
2. Analyse the current data of incidents of environmental despoilment across the District.
3. Review the current arrangements undertaken by the Enforcement Team, Streetscene Services and Environmental Health to reduce or prevent Environmental Despoilment.
4. Improve public information/education on environmental despoilment.

5. Identify benchmarking opportunities and areas for improvement; ensure there is a clear strategy of enforcement action to improve the quality of the environment across the District.

The key findings arising from the review are:

- Environmental despoilment, particularly fly-tipping, remains a significant and persistent issue across the District, impacting both the quality of the environment and residents' sense of place.
- Current enforcement outcomes are limited, with performance data showing a low percentage of reports leading to fixed penalty notices or prosecutions, particularly for fly-tipping, dog fouling and littering.
- The joint Environmental Health service with North East Derbyshire District Council offers a useful foundation, but there is a clear need to explore alternative models or tools that could enhance enforcement capability and effectiveness.
- Hotspot locations for fly-tipping require targeted action, including surveillance, signage, and operational task groups to focus efforts and improve accountability across departments.
- The coordination between departments—Streetscene, Community Safety and Environmental Health—must be strengthened through revived Corporate Enforcement Group meetings, structured evidence processes, and shared training opportunities.
- Public engagement and education are essential components of any long-term solution, with the Council needing to amplify its communications, provide clear guidance on waste disposal, and increase the visibility of enforcement actions to deter offending.
- Improved transparency and performance benchmarking through accessible, meaningful data and public updates will help build community trust and demonstrate the Council's commitment to tackling environmental offences.

The Committee put together 11 recommendations to assist the Council in improving the effectiveness of its response to environmental despoilment across Bolsover District. The recommendations made during this review are detailed below.

1. That the Council undertakes a piece of work, led by the Assistant Director of Streetscene, Community Safety and Enforcement, to explore alternative ways of working to improve the level and effectiveness of environmental enforcement activity across Bolsover District
2. That the Council targets fly-tipping hotspots (such as top 5 most frequently visited from 2023/24 including Outgang Lane in Pleasley, Wood Lane in Shirebrook, and Talbot Street in Pinxton), through targeted patrols and installation of surveillance cameras where appropriate.
3. That the Council prioritise completing the installation of the 15 metal signs and place additional signage in high-risk areas (such Outgang Lane in Pleasley, Wood Lane in Shirebrook, and Talbot Street in Pinxton) in lay-bys and secluded spots.
4. That the Council explores options for CCTV surveillance in fly-tipping hotspots.

5. That the Council reintroduces regular quarterly meetings of the Corporate Enforcement Group (Streetscene, the Enforcement Team and Environmental Health).
6. That the Council develops a clear process for evidence collection for fly-tipping sites that ensures evidence is properly managed.
7. That the Council organises joint training sessions for the Enforcement team, Streetscene workers and Environmental Health that focuses on improving understanding of each team's roles; as well as bi-annual training for evidence collection, ensuring there is a specific process for collecting physical evidence.
8. That the Council delivers public awareness campaigns to educate residents about the risks of hiring unlicensed waste collectors and provides clear, accessible guidance on how to verify waste carrier licences.
9. That the Council enhance public information on fly-tipping and littering by regularly featuring updates on enforcement actions and responsible bulky waste removal options through existing communication channels and the newly established social media platforms, including the Bolsover District Council Facebook page.
10. That the Council enhance transparency by publishing meaningful data and information on fly-tipping activities on the website and through social media, that demonstrate what the Council is doing to tackle environmental despoilment.
11. That the Council provide advice on how to handle hazardous items such as needles and syringes, ensuring residents are informed on the safe disposal of such materials and the risks associated with handling them improperly.

This review is now within its monitoring phase with a first interim progress report expected in Spring 2026.

Finance & Corporate Overview Scrutiny Committee

The Finance and Corporate Overview and Scrutiny Committee has provided oversight of a range of core governance and accountability arrangements, responses to the recommendations of assurance providers and helping to ensure robust arrangements were maintained. This Committee has provided a forum for Scrutiny Members to review and scrutinise the Council's financial position.

The Scrutiny element of the Committee has been responsible for receiving and scrutinising the Council's Treasury Management Strategies and associated policies, reviewing budget proposals in line with the Budget and Policy Framework Procedure Rules in the Council's Constitution, and reviewing performance against the Council's Corporate Ambitions and associated performance indicators.

During 2024/25, Members received a range of reports to Committee.

Treasury Strategy Reports 2025/26 – 2028/29 Including:

- Treasury Management Strategy
- Capital Strategy (Capital)
- Corporate Investment Strategy (Borrowing & Investment)

Budget Monitoring:

- Annual Corporate Debt Monitoring Performance Report 2023/24
- Budget Monitoring Report – Financial Outturn 2023/24
- Budget Monitoring Report – Quarter 1 – April to June 2024/25
- Budget Monitoring Report – Quarter 2 – July to September 2024/25
- Revised Budgets 2024/25
- Setting of Council Tax 2025/26
- Proposed Budget – Medium Term Financial Plan 2024/25 – 2028/29

Performance Review Reports:

- Corporate Ambitions Performance Update – April to June 2024 (Q1 – 2024/25)
- Corporate Ambitions Performance Update – July to September 2024 (Q2 – 2024/25)
- Corporate Ambitions Performance Update – October to December 2024 (Q3 – 2024/25)
- Corporate Ambitions Performance Update – January to March 2025 (Q4 – 2024/25)

The Committee's Main Achievements/Outcomes

The Committee plays a crucial role in adding value to the organisation through its scrutiny and oversight activities. Over the course of the year, it has monitored non-financial performance against the Council's Ambition targets on a quarterly basis, inviting officers to meetings to provide context and explain areas where performance did not meet expectations.

The Committee has also scrutinised the Medium-Term Financial Plan prior to making recommendations to the Executive on budget proposals, in accordance with the Budget

and Policy Framework Procedure Rules. Alongside this, the Committee has reviewed quarterly budget monitoring reports to ensure that financial performance is closely examined and understood.

The Committee has further scrutinised the setting of Council Tax rates and examined the statement of accounts before approval, ensuring that the Council's finances are presented accurately and transparently.

Through these activities, the Committee has made a substantial and positive contribution to the Council's overall governance, financial control, and risk management arrangements, strengthening confidence in the organisation's decision-making and accountability.

Scrutiny Impact

During 2023/24, the three themed committees monitored implementation of review recommendations. Progress across the year was as follows:

Review	Recommendations						Status
	Achieved	Achieved (Behind target)	On track	Overdue	Extended	Alert	
Council's Approach to Carbon Reduction	5	1	2	0	1	0	The Climate Change Officer started at the Council in July 2024. Progress is being made and the recommendations will be completed during 2025. The new Performance team, which has recently taken over responsibility for corporate Performance reporting, will be reviewing the format and delivery of these reports during summer 2025. As part of this review, the team aims to incorporate carbon reduction data, as outlined in recommendation 2.3, into the quarterly Performance updates. Following the major changes and updates to the Council website during Spring 2025, progress has been delayed for recommendations 2.5 and 2.8.
Review of Members ICT & Support and ICT Service Delivery	7	5	0	0	1	0	New AV equipment has been procured for the Council Chamber however this has not included power supplies. This will potentially be looked at in the future. Recommendations almost complete and signed off pending agreement of Chief Exec and Director of ICT.
Review of Effectiveness of Council's Waste Collection and Disposal Education: Post Scrutiny Monitoring	9	0	0	0	1	1	Bi-weekly e-newsletter, online recycling guides, and regular InTouch features promote waste education. School outreach continues but with low uptake. Recycling messages run on Council digital screens, with a new Comms campaign and 2026 bin calendar planned. Streetscene has strengthened practices ahead of an updated waste policy (Oct 2025). Redesign of the calendar and education materials is delayed pending further review and consultation. One recommendation is marked Alert as it is not able to be completed due to LGR implications.
Review of the Council's Energy	2	1	0	0	2	0	Savills completed the Stock Conditions Survey with 92.7% access. Bolsover District Council secured 40% of Warm Home Social Fund funding to raise EPCs to level C,

Policy for Local Housing							supporting efficiency upgrades at 100 homes over three years, with further projects planned. Energy grant information and educational articles are now online, supported by a planned Climate Plan communications strategy. Additional funding will also deliver housing improvements through DDL and Bassetlaw on both Council and private properties.
Review of the Council's Approach to Environmental Despoilment Education and Enforcement	0	0	11	0	0	0	This review was only complete during June of this year – an interim monitoring report is expected in Spring 2026.
Joint Review of Security Arrangements at The Arc: Policies, Protocols and Procedures	1	0	10	0	0	0	This review was only complete during June of this year – an interim monitoring report is expected in December 2025.
Total No. of Recommendations Monitored	24	7	23	0	3	1	This year, a total of 58 recommendations were monitored. Of these, 24 have been fully achieved, with a further 7 achieved but behind the original target. 23 recommendations are currently on track, three have required extensions, and one is in the alert (cancelled) category. There are no overdue recommendations. Overall, Scrutiny Post Monitoring demonstrates steady progress, with most recommendations either completed or progressing as planned, while a small number require additional focus.

The year ahead

Setting the Committee Work Programmes

In spring 2025, all Members were invited to suggest topics for scrutiny. The three thematic committees considered the proposals and agreed the areas they will investigate during the 2025/26 municipal year, setting out their draft work programmes.

The Local Growth Scrutiny Committee will review opportunities for skills and employment among young people across the District, assessing how the Council can support skills development and access to work in response to local economic changes.

The Customer Services Scrutiny Committee will review Grounds Maintenance and Green Space Standards, examining how the Council prioritises and delivers grounds maintenance across the District. This will include partnership working, resource allocation, public engagement, and levels of satisfaction with green space initiatives, hedgerows, and other natural features.

The Climate Change and Communities Scrutiny Committee will review Community Health and Wellbeing Support for Isolated and At-Risk Residents, evaluating the accessibility, reach, and impact of wellbeing services and initiatives, particularly in rural, isolated, and disadvantaged communities.

Progress on these thematic reviews will be temporarily paused while the Council recruits a new Scrutiny Officer. The Finance and Corporate Overview Scrutiny Committee will continue to scrutinise the Council's financial position through its ongoing examination of the Budget and Policy Framework.

Bolsover District Council

Meeting of Council on 8th October 2025

Weekly Food Waste Collection Service

Report of the portfolio holder for Environment

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

PURPOSE/SUMMARY OF REPORT

- To request approval to increase the Waste Services Team staffing establishment and associated budget, to establish a separate weekly food waste collection service.
- Agree changes to the Council's Waste and Recycling Collection Policy for the inclusion of a separate weekly food waste collection service.

REPORT DETAILS

1. Background

Food Waste Collection

- 1.1 From the 1st of April 2026, the Council will have need to meet its new statutory duty in the undertaking of separate weekly collection of food waste from all domestic households. From this date, food waste must be collected separately from waste collected in black (residual), burgundy (dry mixed recycling), and green (garden) bins. The Council's Waste and Recycling Collection Policy has been updated in readiness of this change. (**Appendix A**) and consulted with Customer Services Scrutiny Committee (19th August 2025).
- 1.2 The Department for Environment, Food and Rural Affairs (Defra) have previously awarded new burdens capital funding to the Council for the purchase of food waste containers and collections vehicles of £699,908.
- 1.3 Streetscene (Waste) Services Team found this insufficient to purchase the number of vehicles they felt were necessary to operate a separate weekly food waste collection service. At a meeting of Council (22nd May 2024), the Defra funding was accepted and a further £321,500 capital funding approved to meet the shortfall anticipated.
- 1.4 Streetscene (Waste) Services assessment of the number of vehicles needed, took into account Bolsover's urban\rurality (60\40) profile where collections are undertaken across a total District area of 15,982 hectares, which based on modelling a household participation rate of 65% (approximately) equates to 6 vehicles (teams) plus 1 relief to afford breakdown, maintenance and repair cover.
- 1.5 During 2024/25, the Council received notice of an award of revenue transitional resource grant from Defra of £265,077.21 for the implementation of weekly food waste collection.

Container delivery	Project management	Procurement	Communications	Total
£126,021	£67,000	£2,000	£70,056	£265,077

- 1.6 An assessment of operational staffing resource took into consideration collection team structures of driver plus 2 porters, operating within the established 4-day (9.25 hour) compressed 37 hour working week, utilising 12 tonne (G.V.W) vehicles rather than 7.5 tonne, to contain daily work\payload, on 1 delivery to the waste disposal\transfer point.
- 1.7 Based on the team structure set out above, eventually 20 staff consisting of 13 porters (Grade 4) and 7 drivers (Grade 5) are required to operate the new separate weekly food waste collection service, being 6 teams of 3 and cover provision for annual leave and sickness absence of 2 further staff members.
- 1.8 Delivery of food waste caddy bins (which will include publicity material) to all district households is intended to commence from mid-January 2026. For the purposes of undertaking the delivery of the containers and training, including familiarisation of staff with the new collection system and geographical areas, it is proposed to recruit 10 of the required staff from mid-January 2026 at a cost of £164,500 for the period.
- 1.9 42,000 external (23 litre) food waste bins have been purchased and stored at one of the Council's business centres in readiness to be delivered to district households.

Summary of Financial Implications – By the Section 151 Officer

- 1.10 The Government's Collection and Packaging Reforms, including Simpler Recycling, have meant Bolsover District Council has been awarded a number of different grants. In 2024/25, we were awarded £699,907.63 in capital transitional costs grant; an amount of £511,500 was awarded for vehicles and £188,408 was provided for purchasing kerbside caddies and communal wheeled bins.
- 1.11 Council approved this and a further £321,500 of capital funding to enable the purchase of 7 vehicles which it was felt were required to operate the food waste collection service.

Defra capital transitional costs grant – received 2024/25	£699,908
Council capital programme funding	£321,500
Total capital budget	£1,021,408
Less Caddies purchased during 2024/25	£139,050
Less 7 vehicles ordered during 2024/25	£817,887
Balance of capital budget remaining 2025/26	£64,471

- 1.12 The Government's Simpler Recycling policy requires retail and packaging producers to meet the cost of the collection and disposal of their packaging. Levies charged to packaging producers and retailers provides income to the Government's Extended Producer Responsibility (EPR) Scheme. Local Authorities receive payments from the EPR scheme, to meet the collection and treatment of recyclable waste based on an assessment of costs carried out by Government.

- 1.13 In November 2024, the Council received provisional notice of its EPR assessment for 2025/26 of £379,000. After this was checked and challenged by the Council, it increased in July 2025 to £693,860.67.
- 1.14 Guidance received from MHCLG and the District Council's Network during December 2024 when the Council's Medium-Term Financial Plan (MTFP) was being prepared, was that the EPR payments for 2025/26 were not ring-fenced and were in effect a windfall to mainly district councils who had done poorly from the Local Government Finance Settlement. Therefore, as happened at many other districts/boroughs, the initial assessment of £379,000 was included in the MTFP as extra income to support all general fund services, and no extra costs were included against it. This means only the additional income of £314,860.67, awarded to us in July 2025, is new money to the MTFP in the 2025\26 period. The government's EPR scheme administrator (PACK UK) has since confirmed that Councils must in future be able to demonstrate EPR funding allocated is utilised in improving the performance and efficiency in delivery of waste services.
- 1.15 The Council will continue to receive EPR payments on an annual basis based on Government assessment. However, as retailers reduce packaging to save on costs they incur under the scheme, EPR income may eventually reduce. We have been informed from the start that only the first year of funding was confirmed and that future years' payments will be subject to waste levels collected. This is inevitable from the nature of the scheme, as there may be less packaging for us to collect and recycle if the retailers are successful in reducing their costs from EPR payments.
- 1.16 It is expected that the revenue transitional resource grant from Defra of £265,077.21, will be a one-off receipt to help with the implementation of the weekly food waste collection.
- 1.17 In addition to the capital and revenue funding already mentioned, it was anticipated that there would be further Government New Burdens funding to meet the future cost of providing the ongoing weekly food waste collection service. However, correspondence received from Defra (September 2025) informed us that ongoing funding for food waste collection services will be included in the Spending Review 2025 reflecting the Government's wider commitment in its Fair Funding Review 2.0 consultation. The Spending Review is not expected to be announced until the week commencing the 15th of December 2025, and it is unknown at this stage, if the weekly food waste collection funding will be separately identifiable.
- 1.18 The uncertainty surrounding this Government funding has meant that we are unable to present to Members at this time, the full detail regarding the new expenditure requirements to provide this service. We are expecting to receive funding for this service from the Government and through continuing EPR payments, but the level of the funding is too uncertain for us to commit to establishing the expenditure budgets. Therefore, this report is seeking the funding for just 10 of the permanent, full-time porter posts. The cost of this is £380,383 per annum, based on a grade 4. We are confident that this cost will be met from the EPR payments.
- 1.19 New budgetary implications arising from this report are therefore £380,383 per annum from 2026/27, with £164,500 required in 2025/26 as per paragraph 1.8. Both funded by EPR payments or grant received.
- 1.20 Like many Councils, there is a risk to Bolsover District Council that we commit to incurring extra costs in providing the food waste collection service without knowing how much of the new burden will be funded, and the funding when known is

insufficient. We are mitigating this by only committing in this report, to the number of staff it is necessary to recruit to get this service ready to operate by the 1st of April 2026. This is a statutory duty placed on us as a waste collection authority, by the Government, and it is felt this is a prudent strategy.

- 1.21 A further decision will be required regarding the remaining staff needed to undertake the service as set out in paragraph 1.7 of this report. A decision cannot be made on this until we are aware of the full extent of the Government funding available. As we will need to commence a recruitment process early in the new year it is proposed that the decision is delegated to the Chief Executive Officer in consultation with the Portfolio Holder for the Environment.

2. Reasons for Recommendation

- 2.1 To ensure budget is established and ensure adequate resources are in place to meet the statutory deadline of introducing separate weekly food waste collections by not later than the 1st of April 2026.

3 Alternative Options and Reasons for Rejection

- 3.1 Not implementing weekly food waste collection is not an option open to the Council.

RECOMMENDATIONS

In light of the uncertainty around the Government funding to meet the cost of introducing new statutory weekly food waste collections, Council is asked to:

1. Approve the establishment of 10 new full-time, permanent positions on grade 4, who will be required to undertake the new weekly food waste collection service. The cost is £380,383 per annum (subject to the usual LG pay awards).
2. Approve a budget of £164,500 for 2025/26, to meet the cost of employing the 10 staff (in recommendation 1) to undertake delivery of food waste collection caddies along with promotional materials; and, undertake training and familiarisation with the new service arrangements from mid-January 2026.
3. Approve the update to the Waste and Recycling Collection Policy to reflect inclusion of a separate weekly food waste collection service (**Appendix 1**).
4. To delegate to the Chief Executive Officer in consultation with the Portfolio Holder for the Environment, the decision to approve the establishment of 10 additional full-time permanent positions consisting of 3 porters (Grade 4) and 7 drivers (Grade 5) to undertake the weekly food collection service

Approved by Councillor Hiney-Saunders Portfolio Holder for the Environment, under which Streetscene Waste Service arrangements fall.

IMPLICATIONS.

Finance and Risk: Yes ☒ No ☐

Details:

The financial implications for this report can be found throughout but are summarised from paragraphs 1.10 onwards by the Section 151 Officer. There is a risk that EPR payments may reduce over time, but only committing to expenditure well within the level of the income received in 2025/26, it is felt this is mitigated.

On behalf of the Section 151 Officer

<u>Legal (including Data Protection):</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details:		
<p>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.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>		
<u>Environment:</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details:		
<p>Vehicles procured for the collection of waste are diesel (combustion) engine powered and meet current Euro6 emission standards and operate on 100% biodiesel (Hydrated Vegetable Oil – HVO) offering 91% reduced CO2 exhaust emissions.</p> <p>Food waste collection offers environmental benefits by diverting waste from landfills, in turn reducing harmful methane gas emissions and supporting a circular economy by way food waste treatment processes producing biogas for energy generation and fertiliser for agriculture.</p> <p>The introduction of the weekly food waste collection presents an opportunity for the Council to increase its combined recycling rate to 50% (approximately) if we achieve 50% diversion of putrescible (organic) waste from the black bin (residual) waste stream.</p>		
<u>Staffing:</u>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Details:		
<p>Proposals set out within the report recommends increased staffing of 10 posts to meet future requirements of the Council's waste collection arrangements. Recruitment and management of staff will be undertaken in line with established Council Policy.</p> <p style="text-align: right;">On behalf of the Head of Paid Service</p>		

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 checked="" type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies.</i>	Yes
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) All Wards
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"/>	<u>Details:</u> N/a

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

DOCUMENT INFORMATION	
Appendix	Title
1	Waste Collection and Recycling Policy

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>
N/a

290823

Bolsover District Council

Waste and Recycling Collection Policy

(2025)

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اگر آپ کو یہ دستاویز سمجھنے میں مدد کی ضرورت ہو یا یہ بڑے حروف یا ترجمہ کی شکل میں درکار ہو تو برائے مہربانی اس صفحے کے آخر میں دیے گئے نمبر پر ہم سے رابطہ کریں۔

CONTROL SHEET FOR WASTE AND RECYCLING COLLECTION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Waste & Recycling Collection Policy
Current status – i.e. first draft, version 2 or final version	Version 1.4 (2025) Version 1.3 (2023) Version 1.2 (2022) Version 1.1 (2017) Version 1.0 (2013)
Policy author	Executive Director Services
Location of policy – i.e. L-drive, shared drive	
Member route for approval	Executive
Cabinet Member (if applicable)	Cllr R Hiney-Saunders
Equality Impact Assessment approval date	3.04.13
Partnership involvement (if applicable)	N/a
Final policy approval route i.e. Executive/ Council /Planning Committee	Executive, Council
Date policy approved	30.09.13
Date policy due for review (maximum three years)	Reviewed September 2025 Next Review June 2028
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	XXXX

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1. Introduction

Bolsover District Council Council's Waste and Recycling Collection Policy aims to ensure that refuse and recycling services are provided in an effective and efficient manner in order to maximise recycling and reduce the amount of waste disposed of by way of landfill.

The Council operate 'alternate week collection' (AWC) arrangements and provides households with access to their '3 bin' system to facilitate collection of residual (black bin), recyclable (burgundy bin) and compostable (green bin) waste. Separate weekly food waste collections are undertaken from 1st April 2026.

Prior to the Council expanding its kerbside recycling and composting collection service, households were provided with one 240litre black bin, emptied on a weekly basis. Since establishing a '3 bin' system and weekly food waste collection, households now receive equivalent to 383litre of waste receptacle bin collection capacity each week. The provision of the increased bin capacity (burgundy and green) has greatly influenced increased recycling of household waste and reduction of residual waste disposed of by way of landfill. Introduction of separate weekly collection of food waste further aims to divert putrescible (organic) waste from the residual waste stream.

The policy's intention is to support the Council's alternate weekly collection (4 bin) system and communicate agreed policies so as to avoid uncertainty for customers, Elected Members and Officers of the Council.

Bolsover District Council are, by virtue of the Environmental Protection Act 1990, Waste Collection Authorities; and, as such, (Section 45(1), duty bound to collect household waste from domestic properties and commercial premises where requested to do so. The Council undertakes its duty in accordance with powers set out at Section 46 of the Act.

2. Scope

Where a Waste Collection Authority (WCA) has a duty by virtue of the Environmental Protection Act (s.45(1)(a) to arrange for the collection of household waste from any premises, the authority may require the occupier, by notice served (s.46(1)) on them, to place the waste for collection in a receptacle of a kind and number specified and on a day and at a position or place.

Section 57 of [The Environment Act 2021](#) (Separation of Waste) amends the Environmental Protection Act 1990 (s45A) in regard of a Waste Collection Authority's duties, inserting new sections 45AZA to 45AZG, setting out Government's 'Simpler Recycling' arrangements and new duty of undertaking separate weekly food waste collections.

The kind and number of receptacles required to be used must be such as are reasonable, but subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and/or composted and waste which is not (s.46(2)).

The authority may provide the above-mentioned receptacles free of charge; or, may require the occupier to provide them. The authority may make provision with respect to the size, construction, and maintenance of the receptacles; the placing of the receptacles for the purpose of facilitating the emptying of them; and the substances or articles which may or may not be put into the receptacles or the compartments of the receptacles and the precautions to be taken where particular articles or substances are put into them (s46(3) and (4)).

In England and Wales, a waste collection authority is not obliged to collect household waste placed for collection in contravention of a requirement under section 46(11).

A Waste Collection Authority may, at the request of any person, supply them with receptacles for commercial or industrial waste which they have requested the authority to arrange to collect. The authority must make a reasonable charge for any receptacle supplied unless in the case of a receptacle for the collection of commercial waste, the authority consider it appropriate not to make a charge (s.47(1)).

A waste collection authority may also require the occupier of premises in which industrial or commercial waste is stored to provide receptacles of a kind and number specified (s47(2)).

A waste collection authority must make such arrangements for emptying, without charge, privies serving one or more private dwellings in their area. They must also, if required by the person who controls a cesspool serving only one or more private dwellings in their area, remove the contents of the cesspool but, in this case, the authority may make a reasonable charge for the service. The authority, if requested to do so, by the person who controls any other privy or cesspool in their area, may on the payment of a reasonable charge by that person, empty the privy or, as the case may be, remove the contents of the cesspool (Environmental Protection Act 1990, s.45(5) and (6)).

A Waste Collection Authority has powers to charge for the collection of bulky items of household waste as afforded by the Refuse Disposal (Amenity) Act 1978. Bulky items of household waste are defined as items that because of their size and nature will not fit in the normal household waste bin provided by the collection Authority. Industrial and commercial waste is excluded from the term 'bulky household waste'.

The Waste and Recycling Collection Policy outlines how Bolsover District Council discharge their duty in delivering their waste and recycling collection service, as well as requirements of householders to participate fully in the service to recycle and dispose of their waste.

On occasion, due to the nature (i.e. private drives) size and tenure of new housing developments, the Highway Authority or Developer may not arrange for streets to be adopted for maintenance at public expense in accordance with the Highways Act s38.

The Council in the undertaking of waste collection and environmental maintenance services may have need to access un-adopted streets to facilitate service delivery. In such instances, the Council may consider entering in to 'indemnity agreements' with developers or their successors in title to safeguard the Council when accessing such streets not adopted for maintenance by the Highway Authority, so as to facilitate the undertaking of waste collection, street cleansing or grounds maintenance services to better ensure a uniform level of streetscene standards throughout developments.

3. Service Functions

3.1 Presentation of Refuse Bins for Collection

A kerbside waste and recycling collection service is provided across the District. Information is provided to households to inform residents on how, where and when their refuse and recycling bins are to be presented in anticipation of collection.

The kerbside, for the purpose of this policy, is described as pavements and/or grass verges which abut the adopted highway; in particular, areas which fall outside a residents private land boundaries.

However, the Council recognise, that due to the make-up of certain areas of highway land or for safety reasons, it may not be suitable to present bins in such places; therefore, the Council will nominate an 'agreed collection point' to facilitate the collection of household waste in such situations and notify householders accordingly.

3.2 Presentation of refuse and recycling receptacles

Residents are required to present refuse and recycling receptacles at the kerbside by 6.00am and return them back to their storage point (within the household's property boundary) after emptying has taken place on the same day of collection.

Residents are requested to assist the Council in collection of their household waste on nominated collection days, by not obstructing footways and carriageways with parked vehicles, caravans or other objects or structures.

Residents who live in a rural community (e.g., an isolated farm or house) will have their waste collected by a smaller, one person operated collection vehicle. Residents of such households will be required to present and/or store their wheeled bins as near as possible to the adopted highway (i.e. Kerbside) to facilitate waste collection. It may be necessary for the Council to nominate 'collection points' to such households; in particular where such properties are situated some distance from the adopted highway (i.e. Kerbside).

3.3 Frequency of collection

The Council will collect residual household waste and segregated household recyclables on an alternate weekly basis; this entails collection of residual waste one week and recyclable waste the following week.

In undertaking this, the Council provide households with 3 wheeled bins to facilitate kerbside collection (or agreed collection point) of waste; as follows:

- (i) Black Wheeled Bin – residual household waste presented for collection in black wheeled bins. This is waste which may not be recycled by way of the Council's kerbside recycling (burgundy, green and brown) bin collection arrangements. Collection of black wheeled bins operates 12 months of the year on alternate weeks.
- (ii) Burgundy Wheeled Bins – recyclable household waste presented for collection in burgundy wheeled bins. This is waste which is sent to varying material processors for remanufacturing in to new products or re-use. Collection of burgundy wheeled bins operates 12 months of the year on alternate weeks.

- (iii) Green Wheeled Bins – household vegetative garden waste presented for collection in green wheeled bins. This is waste which is sent to composting processes and turned in to useable organic compost. Collection of green wheeled bins operates throughout the main growing seasons, normally between March and November. Green bins are collected on a fortnightly basis throughout this period.
- (iv) Brown Caddy Bins – household food waste presented for collection in brown caddy bins. This is waste is sent to varying material processors Anaerobic Digestion treatment. Collection of brown caddy bins operates 12 months of the year on a weekly basis.

Compostable liners may be used which can be bought from supermarkets, discount stores, DIY stores and garden centres. Please only buy compostable bags that are labelled for commercial or industrial composting only and may display the 'seedling' logo and meet EN 13432 standard. Bags marked for home composting are not suitable.

The Council provides supplementary information to households on the types of waste which may be placed in each coloured bin.

Due to the impact of Bank Holidays, collections may be made a day later. For example if the normal collection day is a Friday, then the collection may be made on a Saturday instead; albeit, this may depend on how Bank Holidays fall; for instance, throughout the Christmas holiday period. The Council will notify in advance, householders of Bank Holiday Collection arrangements. This may be in the form of calendars provided to household's and/or the Council web site.

3.4 **Assisted Refuse Collection Service**

The Council is aware some people may be unable to move their wheeled bins, perhaps due to illness or incapacity. If you can show that infirmity or disability prevents you being able to move your bin to the collection point, the Council can provide a collection/return service so residents may participate fully in refuse and recycling collection arrangements.

Residents, who are unable to transport their wheeled bins to and from the required collection point, because of ill health, infirmity or disability, and without other occupants in the household able to assist them (16 years and over), may apply to be placed on the 'assisted collection' register.

Applicants will be asked to undertake an Assisted Collection Application explaining why they are unable to move their wheeled bin. Supporting information will be requested as part of the approvals process; for example, proof of Disability Living Allowance and \ or Attendance Allowance. A Council officer may also contact applicants to discuss their application.

Residents placed on the 'assisted Collection' register will have their wheeled bins collected by a collection operative from an agreed location, emptied into the collection vehicle and then returned to that same location, subject to the extent of their disability. An assisted service is therefore available in two forms:

- (a) Part Return – provided to residents who are not capable of presenting their full wheeled bin but are capable of returning it when emptied.
- (b) Full Return – provided to residents who are not capable of presenting their full wheeled bin neither capable of returning it when emptied.

Alternatively the Council may consider issuing smaller bins to applicants which, due to their smaller size, better enable the resident to continue presenting their own wheeled bin and maintain their independence.

Assisted Collections are awarded to an individual rather than the householder; and, where an individual's circumstances change, they must inform the Council.

The Council will periodically review the assisted collection register.

3.5 **Side Waste Policy**

The Council will not collect any extra residual refuse which is presented for collection with black wheeled bins.

(i) No side waste (refuse)

The presentation of 'side' waste (extra waste which is placed next to the black wheeled bin) does not support waste minimisation principles or encourage residents to maximise recycling. Therefore any excess household refuse left beside the residual (black) wheeled bins will not be collected.

Residents, who are unable to contain their residual refuse within the wheeled bin provided, are encouraged to recycle as much as possible. If they are still unable to contain their refuse within their black wheeled bin, they may take this waste to their nearest Household Waste Recycling Centre (HWRC).at:

- Stonegravels, Chesterfield;
- Buttermilk Lane, Duckmanton,
- Taylor Lane, Loscoe

HWRC's are normally open 9.30am to 5pm daily.

The Council will provide advice to householders on reducing/recycling their waste upon request or where issues arise from collection difficulties; e.g. reports of overloaded bins, raised lids or contamination (incorrect placement of waste in the 4 coloured bin system) reported by collections teams.

Should a householder continue to present residual side waste, the Council may undertake a waste analysis of their presented waste and provide educational advice and guidance.

The Council have also adopted enforcement powers under Section 46 of the Environmental Protection Act 1990, to serve statutory notice on households to present waste for collection in accordance with this policy; this may also involve fixed penalty fines. However, this action will be used only as the last resort where other approaches have been unsuccessful.

The Council may on occasion relax its 'no side waste' policy during periods of severe inclement weather.

(ii) Additional Recycling Waste Policy

The Council encourages residents to maximise the amount of their household waste presented for recycling and acknowledges that some residents, on occasion, may have additional recyclable waste, which exceeds capacity of their wheeled (burgundy) recycling bin. When this arises, residents may, at any time, present bagged recyclables at the side of their burgundy wheeled bin. Wherever possible clear bags should be used rather than traditional black or opaque bags.

If a household's recycling demands are such that they frequently exceed capacity of their burgundy wheeled bin, then the Council may consider issuing that household with a second burgundy bin to meet their needs.

Where a household has instances where large card packaging requires recycling, this may be presented as side waste in so far it is folded/packed in to manageable bundles giving consideration to the collection operative's requirements in respect of manual handling and placement in collection vehicles.

3.6 Flat Bin Lids

Residents are encouraged to ensure their weekly household waste is efficiently packed in the bin and ensure the lid is flat. This may be achieved by tearing/flat packing boxes and squashing plastic containers, etc.

A lid is either flat or ajar, whether one, six or twelve inches. The Council takes its statutory health and safety obligations for its employee's very seriously by insisting on flat lids.

In blustery conditions it is not uncommon for bin lids which are raised/ajar to be blown in the faces of collection operatives; likewise, over spilling objects to fall on staff whilst bins are being processed on the automated bin hoists.

Bin hangers with tick boxes are used by collection teams to advise residents of a variety of things, including ajar/raised lids which are incorrectly presented. These are only used in cases where residents have not presented bins in line with the Council requirements.

3.7 Overloaded Bins

Where a wheeled bin is presented and is considered to be overloaded, either by weight or volume of material, it will be rejected at the discretion of the collection operative and not emptied for health and safety reasons. The wheeled bin will only be emptied when deemed 'manageable' by the collection team.

Overloaded and/or heavy bins pose Health and Safety risks to our employees. It is not uncommon for heavy bins to be thrown from automated bin hoists when being processed throughout the automated cycle which present a risk to staff.

The Council have a duty of care to ensure (Health and Safety at Work etc Act 1974) that its employees and agents are safeguarded from unnecessary risks. Heavy bins and overloading is therefore discouraged. Collection operatives will advise residents of heavy bins using the Bin Hanger system.

3.8 Bins which are not presented correctly

Refuse and recycling bins are to be presented for collection by 6.00am on the designated day of collection. It is important that householders present bins by this time as collection times throughout the day may vary due to the impact of vehicle breakdowns, banks holiday and other operational issues. Households are advised not to rely on normal 'waste collection crew' arrival times as their normal bin presentation time, due to the effect operational issues may have on arrival times.

If refuse bins are not presented by the required time on the day of collection, bins reported as missed by residents will not be considered a 'missed' collection for reporting reasons.

Responsibility for disposal of the waste will then become that of the householder whose collection may be delayed until the next scheduled day; i.e. if a householder's black bin collection is delayed, they will have to wait 2 weeks until the next scheduled collection. However, in exceptional circumstances, we may consider a '*one off gesture of goodwill* collection'.

Where householders do not present refuse bins for collection in accordance with Council requirements, the Council will not undertake to make return arrangements.

In such instances, the householder will have the following options:

- Take their waste to a Household Waste Recycling Centre (HWRC)
- Store the waste until the next scheduled collection day. If this results in excess waste (i.e. residual black bin) the Council may allow a householder to present bagged 'side waste' (up to 2 bags) in particular where a householder is unable to access a HWRC due to infirmity, disability or access reasons.

Refuse and recycling bins not presented for collection at the time collection crews arrive at the property, will be recorded by collection operatives and the Council Customers Service Team will be advised to assist in answering enquiries or complaints received from householders in respect of 'missed collections'.

Should a 'missed collection' be reported on the designated day of collection; and, subject to the record sheet failing to show the receptacle as not being presented for collection, the Council will return to collect the waste within the next 2 working days, where possible.

3.9 Bins not collected due to Operational & Environmental Conditions

On occasion waste and recyclable collections may be affected by operational vehicle breakdowns, road access problems or severe weather conditions.

In the event of operational vehicle breakdowns and road access issues, some resident's wheeled bin collections may be delayed until the following day. In such instances, residents will be advised, upon contacting the Council Contact Centre, to leave their bins presented and make sure they do not block footways; following which, the Council will endeavour to collect them the next working day.

In the event of severe weather (i.e. heavy snow fall) conditions, wheeled bin collections may be delayed or even temporarily suspended arising from safety concerns. In the event of such, residents may be advised to leave bins presented in anticipation of collection taking place the following day; or, advised to return their

wheeled bin to its normal household storage point; following which, they will be advised of collection arrangements when conditions improve. Residents may be advised via the Council's websites, Contact Centres, social and local media.

3.10 Multi-Occupancy Properties and Mixed Use Premises

At properties such as flats, mixed use premises and/or mobile home parks, it is not always practical to provide each household (i.e. residency) with their own individual wheeled bin. In such instances, the Council may provide larger (communal) wheeled bins up to 1100litre in size to facilitate the collection of household waste and/or recyclables.

The Council aims to provide residents of such premises with 'at least' black, burgundy and brown bins to enable segregation of their waste to facilitate recycling in an effective manner. The Council endeavours to work with residents of such premises to encourage recycling.

3.11 Refuse and Recycling Bin Provision, Replacement and Repairs

The Council is committed to helping residents reduce the amount of waste they produce and increase levels of recycling to reduce residual (black bin) waste which influenced households being provided with 180litre black bins in place of prior issued 240litre bins.

The Council's '3 bin' kerbside alternate weekly collection and weekly food waste collection service provides each household with the following receptacles:

- 1 black wheeled bin 180litre in size for general (residual) waste. Only waste produced by the householder on a normal 'day to day' basis should be placed in this wheeled bin. It should not contain commercial waste, bulky items, excessively heavy, hazardous type waste or recyclable material.
- 1 burgundy wheeled bin 240litre in size for household recycling of paper, card packaging, plastic bottles, plastic food containers\trays and plastic film (placed in plastic bag) cans, bottles, textiles, shoes (placed in a plastic bag) and small household batteries (placed in a clear plastic bag placed on top of the bin lid).
- 1 green wheeled bin 240litre in size for household recycling\composting of garden vegetative waste.
- • 1 brown caddy bin 23litre in size for the recycling\composting of household food waste.

The cost of providing refuse bins at new build properties will be met by the developer and/or occupier of the new property.

A resident who causes damage to wheeled bins which cannot be repaired; or, is either lost/stolen will be charged for a new replacement bin.

Damage to wheeled bins caused by waste collection crews during the collection process will be replaced or repaired free of charge at the Council expense.

New and/or replacement bins will be delivered to householders as soon as practicable (not later than working 10 days) after the request has been made or after required payment is received.

When householders move home they must leave all wheeled bins at the property ready for the new occupant to use. At no time should householders transfer refuse bins to another property.

All refuse bins supplied to householders shall always remain the property of the Council.

Householders are responsible for the storage, safe keeping and cleaning of refuse and recycling receptacles provided by the Council.

The cost of providing new and/or replacements bins, where relevant, will be charged in accordance with the Council's Chargeable Waste Collection Rates.

3.12 **Additional Residual Bin Capacity**

The Council recognises that individual households with 6 or more permanent resident persons may find it difficult to contain all of their residual waste within a 180\240 litre black wheeled bin. Households who demonstrate they are actively recycling, may request additional residual and/or recycling wheeled bins to assist with recycling or disposing of their waste.

In such instances, residents will be required to complete an application form for additional refuse bin capacity.

Additional recycling (burgundy\green) wheeled bin capacity will be provided free on request for households with 6 or more occupants, or where there is other demonstrable need. However, a 'one off' charge will be made for additional residual (black) wheeled bin capacity.

No charge will be made for increased recycling (burgundy) wheeled bin capacity; insofar the level of increased capacity is reasonable. No charge will be made where increased capacity arises from **medical waste** requirements.

Households, who request additional residual (black) wheeled bin capacity, must demonstrate they are actively recycling as much of their household waste as possible by using their burgundy, green and brown bins.

Households who do not recycle will **not** be issued with extra bin capacity, and the Council may withdraw extra bin capacity if households fail to recycle. Residual (black) bins are not intended for disposal of items that can be recycled.

Households who produce large amounts of **medical wastes** (Category E) due to disability or other similar causes, are able to apply for extra residual (black) wheeled bin capacity. The Council will still consider other factors above when making their decision in provision of extra bin capacity.

The Council will periodically review households who have additional wheeled bin capacity and will send a review form every 2 years to check that such households still require extra bin capacity.

3.13 **Bulky Domestic Household Waste Collection**

The Council offers a service for the removal of bulky items of household waste from outside your home. This is known as the 'Bulky Domestic Waste Collection Service'

and is to assist residents who are unable to take large items, such as furniture, to their local Household Waste Recycling Centre (HWRC).

This service is intended for a variety of large household waste items, such as settees, wardrobes, fridges, tables, chairs, carpets, which will not fit in a normal household wheeled bin.

Residents are able to arrange for bulky collections by calling the Council, for which a small payment is required.

Payment may be made by credit/debit card by calling the Council Contact Centres; alternatively, payment may be made by cash, credit/debit card or payment kiosks at the Council's Contact Centre offices situated throughout the District.

Bulky items will be collected within 10 working days of receipt of payment. Residents who arrange and make payment for bulky collections will be provided with a collection date.

The 'Bulky Domestic Waste Collection Service' is not intended for the collection of garden waste. Residents are provided with a 'free' kerbside green wheeled bin, service for the collection of garden waste. However, for excessive quantities of garden waste the Council can provide a no obligation quotation for its removal.

The Council will make arrangements to collect a wide range of bulky waste items (see table below); however, there are certain items that we are not obliged to collect.

Items We Will Collect (Household Waste)	Items We Won't Collect (Industrial/Commercial Waste)
<ul style="list-style-type: none"> ▪ Beds and Mattresses ▪ Bicycles ▪ Bedroom Furniture (free standing) ▪ Carpets ▪ Computers ▪ Cookers ▪ Dishwashers ▪ Fridge and Freezers ▪ Garden Waste (by quote only) ▪ Kitchen furniture (free standing) ▪ Room furniture (free standing) ▪ Settees and Arm Chairs ▪ Swing, slides (free standing) ▪ Tables and Chairs (free standing) ▪ Televisions and Hi-fi's ▪ Toys ▪ Washers and Tumble Dryers 	<ul style="list-style-type: none"> ▪ Aerials and Satellite dishes ▪ Asbestos ▪ Baths, Sinks, Toilets, Bidets ▪ Boilers and Radiators ▪ Building Materials (bricks, tiles, rubble) ▪ Car Parts of any description ▪ Bunkers (concrete/metal) ▪ Fitted kitchen/bedroom units ▪ Worktops - Kitchen worktops etc ▪ Garages, Greenhouses, Sheds ▪ Gates and Fences ▪ Hazardous waste items ▪ Internal/External Doors ▪ Mirrored wardrobe doors ▪ Oil tank and Gas Cylinders ▪ Soil, earth, stones, concrete ▪ Storage heaters (due to asbestos) ▪ Trees ▪ Windows (frames and/or Glass)
<p><u>The Council may, where requested, provide a separate quotation to collect and dispose of wastes listed in the 'items We Won't Collect' column.</u></p>	

Residents are required to leave items arranged for collection in an accessible place at the front of the property, preferably at the property curtilage near to the kerbside, whilst giving regard to:

- Bulky items must be presented by not later than 6.00 a.m. on the notified day of collection, in a safe and easily accessible position (i.e. not behind locked gates, garages/sheds, in one place and on the ground floor outside blocks of flats)
- They must be within reasonable carrying distance of the collection vehicle (i.e. property curtilage near to the kerbside).
- Residents are asked not to allow items stored outside, such as mattresses\soft furnishing, to become sodden with rain water as this increases their weight considerably, presenting manual handling issues to our staff.
- If there is no access we will leave a note and call you back to discuss proper access arrangements.
- We reserve the right to refuse to take items that are left at the rear of the property and/or unreasonable distances from the collection vehicle.
- **We will not enter premises to collect items of waste!** However, the Council may provide quotations, upon request, to remove bulky items from inside premises (*i.e. the undertaking of house clearances*)

Refunds will only be provided in the event collections are cancelled and/or varied within 48hrs of the notified collection date (excluding Saturdays, Sundays and Bank Holidays).

The Waste Electrical and Electronic Equipment Regulations (WEEE) require manufacturers and retailers to be responsible for WEEE recycling and provide a 'Take Back' service in order to comply with their producer responsibility requirements to recycle EEE waste.

Residents are therefore reminded to ask retailers for details of their free 'Take Back' scheme when purchasing new white goods and large electrical items (*i.e. cookers, washers, fridges, freezers*).

Residents are further reminded that, if items they wish to dispose of are in good condition and flame retardant (for upholstered items) they may wish to consider either giving the item away through the local classifieds, or passing them on to one of many charitable organisations who in turn may be able to re-home the items with families on low incomes.

Throughout Derbyshire operates a network of Furniture Recycling Projects (i.e., Repair Cafes) and further information about how to donate old furniture can be found on [Derbyshire County Council's website](#).

Alternatively, the [Freecycle Network](#) is open to all individuals who want to 'recycle' that special something rather than throw it away; whether it's a chair, a fax machine, piano or an old door.

3.14 Clinical Waste Collection Service

The Council will arrange for the collection of clinical waste on receiving instruction from a Health Care Professional (i.e. Doctor's Surgery).

Residents who receive health care treatment in their home and generate clinical waste should discuss with their District Nurse or Health Care Professional (GP or

surgery nurse) to advise how to dispose of clinical waste arising from treatments in their home. The Health Care Professional will complete a 'waste risk assessment form' and advise the Council of their need for a clinical waste collection service.

Clinical waste is categorised as follows:

<p>Group A</p> <ul style="list-style-type: none"> • Identifiable human tissue (all identifiable human tissue, whether infected or not, may only be disposed of by incineration), blood, animal carcasses and tissue from veterinary centres, hospitals or laboratories. • Soiled surgical dressings, swabs and other similar soiled waste. • Other waste materials, e.g. from infectious disease cases, excluding any in Groups B–E.
<p>Group B</p> <ul style="list-style-type: none"> • Discarded syringe needles, cartridges, broken glass and any other contaminated disposable sharp instruments or items.
<p>Group C</p> <ul style="list-style-type: none"> • Microbiological cultures and potentially infected waste from pathology departments and other clinical or research laboratories.
<p>Group D</p> <ul style="list-style-type: none"> • Drugs or other pharmaceutical products.
<p>Group E</p> <ul style="list-style-type: none"> • Items used to dispose of urine, faeces and other bodily secretions or excretions which do not fall within Group A. This includes used disposable bed pans or bed pan liners, incontinence pads, stoma bags, and urine containers. (Where risk assessments show no infection risk exists, Group E waste is not classed as 'clinical waste'.)

The Council will facilitate collection and disposal of clinical household waste; namely:

- Group 'E' type waste (Non Infectious) may be mixed into the normal domestic residual wheeled (black) bin.
- If the household generates Group 'E' type waste (Non Infectious) in excess of 20% of the normal 180\240litre domestic bin, a special collection can be arranged or (dependent upon circumstances) an extra 180litre residual wheeled (black) bin may be issued to the household throughout the duration of their increased waste needs.
- Group 'A' type waste (Infectious) must be collected and taken for incineration. A special collection is arranged for this; **Group 'A' waste must not be placed in the household wheelie bin at any time.**
- Group 'B' type waste (used syringe needles and other contaminated sharps) should be put into a sharps container and disposed of in accordance policy (agreed 1st October 2015) of the Derbyshire Local Medical Committee, West Pennine Local Medical Committee and Derbyshire Community Health Services Trust on arrangements for the collection of infectious healthcare waste, offensive waste and sharps generated from patient's homes.

Bolsover District Council no longer provide sharps boxes for patients from whom a collection of sharps is required. Instead, these should be obtained on prescription from their health care practice.

The Council will only arrange collections of five full 1litre sharps boxes where a patient is housebound, and a referral has been made and approved.

GP surgeries and health care centres provide sharps disposal points for full sharps boxes for patients who self-medicate. Patients therefore have need to return them to their health care centre.

Group ‘B’ waste must not be placed in household bins at any time.

3.15 Commercial Waste Collections

The Council provides a Commercial Waste Collection service, upon request, to all companies and businesses (including schools and residential/nursing homes - non-medical) located within the District.

All businesses have a legal duty to ensure they have proper and adequate arrangements in place to deal with the disposal of waste arising from their commercial trading activity. This is a statutory requirement laid down by the Environmental Protection Act 1990 (section 34) and their Simpler Recycling duty (Environmental Protection Act 2021) to present mixed dry recyclable (MDR) and food waste separately to that of their general residual waste types.

A charge is made for the service which is dependent on the volume of waste produced, number of containers, access arrangements and possibly the type of waste generated.

A range of containers is available to suit varying waste disposal needs:

Size	Height	Depth	Width
23litres	380mm	290mm	240mm
140 litres	1000mm	560mm	480mm
240 litres	1080mm	730mm	580mm
360 litres	1100mm	860mm	620mm
770 litres	1390mm	777mm	1265mm
1100 litres	1404mm	986mm	1265mm
Open Skips	Various	Various	Various
Closed Skips	Various	Various	Various

The Council is able to provide a no-obligation quotation for the collection of commercial waste.

3.16 Services to charities and community organisations

The Council will undertake collection of waste from charities and community organisations within the District when requested.

Registered ‘not for profit’ charities and community organisations will be provided with wheeled refuse bins (4 bins system) to meet their organisation’s waste requirements and wherever possible, provide access to a recycling service.

Refuse bins will be emptied on alternate weeks with no collection charge. However, the Council will make a charge for providing extra bin capacity greater than that described above; in particular, where additional wheeled bin capacity is requested.

Waste from charities is dealt with by way of the Controlled Waste Regulations 2012 as either commercial (chargeable) or household waste (non-chargeable) such as:

- a) Waste from premises occupied by a charity, for example headquarters and offices, is classed as commercial waste for which waste collection and disposal charge will be applied.
- b) For charity shops selling donated goods originating from a domestic property, waste will be regarded as household waste for which a collection charge can be made. Where waste originates from a non-domestic property a collection and disposal charge can apply.
 - i. Charity Shops only includes those that are registered as a charity, a community interest company and a non-for-profit organisation. Charity Shops not falling into these categories will be charged for disposal.
 - ii. On occasions when it is uncertain if the waste is household or commercial waste, the Charity Shop must provide **evidence** that the waste is household in order not to be charged for disposal. This could take the form of a confirmation letter from the resident or a collection order form.
- c) Waste from a community interest company, charity or other non for profit company which collects goods for re-use or waste to prepare for re-use from domestic property is household waste for which a collection charge can be made. Where waste originates from a non-domestic property a collection and disposal charge will be applied.
- d) Waste from care homes exempt from Council tax (e.g. due to mental health issues) is classified as household waste for which no collection and disposal charges will be made.

Where charities operate commercial services (e.g. café) waste generated is regarded as commercial waste for which collection and disposal charge will be applied.

Where waste originates from a non-domestic property (e.g., working men's clubs and Housing Association offices) collection and disposal charges will be applied, irrespective of the registered charity status, as the commercial waste classification takes precedence over the charitable status.

The Council do not include waste disposal costs in some 'not for profit' organisation's waste collection charges. However, subject to their charitable status waste disposal costs are included as required by Derbyshire County Council's (Waste Disposal Authority) policy position to meet requirements of The Controlled Waste (England and Wales) Regulations 2012 as set further set out at section 5 of this policy.

3.17 **Education, Awareness Raising and Enforcement**

The Council provides a wide range of information to inform residents and households of arrangements for the collection of their waste.

The Council believes that building awareness and having an educational approach is important to help residents understand their role in reducing the amount of waste they produce and increase recycling.

The Council further recognise that when education and awareness initiatives have not achieved their desired outcomes to encourage residents to participate correctly in the Council's waste collection arrangements; in particular, where a residents

actions result in environmental despoilment or anti-social behaviour; then, the Council may, as a last resort, undertake enforcement activities in accordance with the Council 'Enforcement Policy' and as such, will follow the principles of a staged approach.

In undertaking the collection of waste from district households, the Council require that such waste are presented in Council approved wheeled bins to ensure its effective and safe collection from the kerbside by refuse collection vehicles with specified bin hoists to suit the Council's approved wheeled bins.

The Council's waste collection operatives are empowered to reject collection of residual and recyclable waste wheeled bins for the following reasons:

- Overloaded wheeled bin (by weight or volume)
- Raised bin lid (bin lid ajar)
- Wrong bin presented on collection day (e.g. burgundy recycling bin presented on residual black bin week)
- Non-collected waste present in wheeled bin for collection (e.g. construction, DIY or soil waste)
- Contamination of recyclable materials (incorrect waste types placed in burgundy, green or brown bins).
- Side waste presented (*except for burgundy bin collections where bagged side waste may be presented at any time*).

Where wheeled bins are rejected for collection, due to one of the above reasons, the Council's collection operatives will place a 'bin hanger' on the residents wheeled bin advising of the reason.

Bin hangers may also be used as educational prompts to advise residents of incorrect placement of waste in wheeled bins; rather, than reject a bin for collection. However, after repeated prompts (bin hanger placement) collection teams may reject bins for collection where advice has been ignored.

Cross contamination in recycling (burgundy\green) bins may result in whole vehicle loads being rejected at the material delivery point and the Council incurring cost of up to £200 per tonne. Therefore, the Council may withdraw on a permanent and/or temporary basis recycling (burgundy\green\brown) bins from households who fail to meet the Council's requirements to segregate waste in to the correct coloured bin.

The Council has adopted powers under Section 46 of the Environmental Protection Act 1990 for the issuing of Fixed Penalty Notices (FPN) to residents\households who (after education and awareness initiatives have been ineffective) fail to comply with the Council waste and recycling collection arrangements. The Council stress that the use of enforcement action will be the 'last resort'.

4. Principles

The Council's Corporate Priorities and Strategic Objectives are key principles which underpin the provision of Waste and Recycling Collection Services to residents, households and business throughout the District.

To further underpin delivery of the Council's Waste and Recycling Collection Service, the Council will ensure:

- (a) **Value for Money** - Flexibility and adaptability of the Waste and Recycling Collection Service is essential in order to meet the changing demands of our waste streams and resident's recycling needs. By working together with partners, we aim to provide value for money services which meet resident's needs.
- (b) **Equality** - The Council is committed to providing services accessible and inclusive to all sections of the community that meet residents and customer's needs. We will tailor our approach to ensure those who have difficulty accessing the service are not disadvantaged and will offer assistance (i.e. assisted bin collection) where an individual's need is demonstrated. Every endeavour will be made to ensure our service meets requirements of the Equality Act 2025 and a Equality Impact Assessment has been undertaken.
- (c) **Sustainability** - Sustainability is and will remain a key issue in provision of our Waste and Recycling Collection Services. Principles of the Waste Hierarchy will remain at the heart of our service delivery to best ensure the Districts' waste avoid landfill type disposal and in doing so contribute to a better environment and support the circular economy for today and future generations.
- (d) **Partnership Working** – By working in partnership with others we will be able to maximise our resources to positively influence economy and equity in service delivery and encourage shared ownership and engagement in wider recycling and waste reduction; in doing so we will add value to what we are able to achieve.
- (e) **Communication** – Central to our policy will be the need to change attitudes and behaviour in some members of our community, both residents and businesses. Whilst many people are already committed to recycling and waste reduction, there are still some that see waste as “someone else's” problem and that their responsibility ends with depositing waste in the bin. The Council will look to engage with the wider community and, in particular, hard to reach members of the community, through education and awareness campaigns to encourage them to improve how they manage and recycle their own waste arisings.
- (f) **Better Customer Experience** – The Council Contact Centres and staff will aim to meet customer queries and complaints with equity and respect at all times.

5. Statement of Waste Classification

The Council in determining sources of household, industrial and commercial waste collected by way of arrangements set out in this policy and need to charge for waste disposal, gives due regard to duties placed upon the Council as summarised by (s2) The Controlled Waste (England and Wales) Regulations 2012 (*Classification by place of production*) as follows:

No	Description	Classification	Exceptions
1	Private storage premises used wholly or mainly for the storage of articles of domestic use	Household	

2	Land belonging to or used wholly or mainly in connection with domestic property or caravan where waste from the property or caravan is treated as household waste	Household	
3	A private garage	Household	Where the garage has a floor area exceeding 25m ² or is not used wholly or mainly for the accommodation of a private motor vehicle, the waste is to be treated as commercial waste
4	A vehicle or vessel used wholly for the purposes of living accommodation	Household	Where the vehicle or vessel is used in the course of a business for provision of self-catering accommodation the waste is to be treated as commercial waste
5	A place of worship	Household	
6	A residential hostel which provides accommodation only to persons with no other permanent address or who are unable to live at their permanent address	Household	
7	A penal institution	Household	
8	A charity shop selling donated goods originating from domestic property	Household	Excludes waste arising from any commercial activity such as a café.
9	A caravan or mobile home site for gypsies and travellers	Household	
10	Premises used wholly or mainly for public meetings	Household waste	Excludes waste arising from any commercial activity such as hiring the place for weddings, etc.
11	Domestic property used in the course of a business for the provision of self-catering accommodation	Commercial	
12	A caravan: (a) used in the course of a business for provision of self-catering accommodation, or (b) which is not allowed to be used for human habitation throughout the year by virtue of a licence or planning permission	Commercial Commercial	

13	Premises occupied by a charity and wholly or mainly used for charitable purposes	Commercial	Waste from a place of worship or premises used wholly or mainly for public meetings is to be treated as household waste
14	A camp site or a tent pitched on land other than a camp site	Commercial	Where waste is from domestic premises at a camp site, it is to be treated as household waste
15	A royal palace	Commercial	
16	Premises occupied by a club, society or any association of persons in which activities are conducted for the benefit of the members	Commercial	
17	Premises occupied by: (a) a court; (b) a government department; (c) a local authority; (d) person appointed by or under any enactment to discharge public function; (e) a body incorporated by Royal Charter	Commercial	Waste classified as household waste or industrial waste because it is from a place: (a) otherwise described in this table (except for entry 27); or (b) described in section 75(5) or (6) of the Act (household waste or industrial waste)
18	A hotel	Commercial	
19	Any part of a composite hereditament used for the purposes of a trade or business	Commercial	
20	A market or fair	Commercial waste	
21	The practice of a general medical practitioner	Commercial	
22	A workshop or similar premises which is not a factory only because: (a) those working there are not employees; or (b) the work carried on there is not carried on by way of trade or for purposes of gain	Industrial waste	Where the principal activities at the premises are computer operations or the copying of documents by photographic or lithographic means the waste is to be treated as commercial waste
23	Waste from a laboratory	Industrial	
24	Waste from a scientific research association	Industrial	
25	Waste from premises used for the breeding, boarding or stabling of animals	Industrial	

26	Waste imported into England or Wales	Industrial	
27	Directive waste from a place (including any vehicle, vessel or aircraft) not otherwise described in this table or in section 75(5) or (7) of the Act(15) (household waste and commercial waste)	Industrial	

6. Delivery and Implementation

The 'Waste Hierarchy' central to UK policy and legislation since the 1990's, is at the heart of the Council's Waste and Recycling Collection Policy in reducing environmental impact in how we manage the District's waste, defined as follows:



Waste prevention is the first tenet of the hierarchy which represents the most efficient and sustainable use of resources.

Reduce is an important part of this hierarchy to better ensure we generate less waste; for instance, purchasing products with the least packing; whereas, Re-use keeps products in the consumption sphere for a longer period and avoids the creation of waste. Re-use implies that a product is used again for the same purpose for which it was originally conceived.

To this extent, the Council Burgundy, Green and Brown bin collection arrangements aim to divert products from the black bin (residual) waste stream and facilitate their recycling in to new products for re-use and/or composting.

The Waste and Recycling Collection Policy is therefore focused on changing the behaviour and attitudes of the wider community including elected Members, businesses, partners, voluntary sector and residents to reduce the District's waste levels, increase recycling and reduce the amount of waste disposed (being the lowest tenet of the Hierarchy) using land fill type disposal.

BOLSOVER DISTRICT COUNCIL

Meeting of Council on 8th October 2025

Appointment of Independent Persons

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

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

PURPOSE/SUMMARY OF REPORT

To approve the appointment of two additional Independent Persons.

REPORT DETAILS

1. Background

- 1.1 Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct for elected and co-opted members. This includes a requirement for the Council to have a code of conduct with which all members must comply and have arrangements in place to deal with complaints regarding breaches of the code. The Council also has a requirement to deal with complaints regarding breaches of Codes of Conduct received against Town and Parish Councillors.
- 1.2 The Act provides that the Council must appoint at least one Independent Person to help with any such complaints.
- 1.3 An Independent Person has the following functions:
 - They must be consulted by the Council before it makes a finding as to whether a member has failed to comply with the code of conduct following investigation or decides on action to be taken in respect of that member;
 - They may be consulted by the Council in respect of a standards complaint at any other stage; and
 - They may be consulted by a member or a co-opted member of the Council against whom a complaint has been made
- 1.4 In order to be independent for these purposes an appointee must not:-

- be or have been in the previous five years a member, co-opted member or officer of the Council; or
 - a relative or close friend of such a person.
- 1.5 The Independent Person will also discharge the functions of a panel established by the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015 giving advice/views/recommendations to Council before it decides to dismiss any of its Statutory Officers.
- 1.6 A person cannot be appointed as an Independent Person unless the vacancy has been advertised, the person submitted an application to fill the vacancy and the person's appointment has been approved by the Council.
- 1.7 Up until the end of September the Council had two Independent Persons however one of the Independent Persons submitted his notice following 8 years in the role and his term ended on 30th September.

2. Details of Proposal or Information

- 2.1 A recruitment exercise in compliance with the 2011 Act has been carried out and five applicants were interviewed by the Monitoring Officer and Governance and Civic Manager in September 2025.
- 2.2 Standards Committee has previously recommended that the Council appoint up to three Independent Persons (September 2023). As a result, the Monitoring Officer is in a position to recommend two people for the role of Independent Person and has put forward the names of Melvin Kenyon and Alistair Davies. Details of both candidates experience and relevant expertise/skills are attached at Appendix 1 to this report. In addition, extremely favourable references for both Melvin and Alistair have been provided.
- 2.3 The appointment of two further Independent Persons will ensure that the Council is able to fulfil its responsibilities under both the Act and the Regulations and will provide resilience if the any of the Independent Persons being unavailable or if there is a conflict.

3. Reasons for Recommendation

- 3.1 Council must appoint at least one Independent Person to support its arrangements for dealing with standards matters. There is currently one person undertaking that role however the appointment of two suitable persons will support the Council to comply with legislative requirements and support its standards arrangements.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to appoint further Independent Persons. It is good practice to have more than one Independent Person and due to the level of complaints received recently having three Independent Persons will provide resilience where one or two of the Independent Persons is unavailable or where there are conflicts of interest.

RECOMMENDATION(S)

1. That Council appoints Melvin Kenyon and Alistair Davies as Independent Persons.

Approved by Councillor Donna Hales, Deputy Leader & Portfolio Holder
for Corporate Governance

<u>Finance and Risk</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: An allowance of £800 per annum is paid to each Independent Person. <div style="text-align: right;">On behalf of the Section 151 Officer</div>		
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Localism Act 2011 requires the appointment of an Independent Persons The Local Authorities (Standing Orders)(England) (Amendment) Regulations 2015 require a panel advising the Council on the dismissal of a statutory officer to consist of at least two Independent Persons. <div style="text-align: right;">On behalf of the Solicitor to the Council</div>		
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no staffing implications arising from this report. <div style="text-align: right;">On behalf of the Head of Paid Service</div>		
<u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details: There are no Equality and Diversity, and Consultation implications arising from this report.		
<u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
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 arising from this report.		

DECISION INFORMATION

<input checked="" type="checkbox"/> Please indicate which threshold applies:	
Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected: None.	All <input type="checkbox"/>

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Leader <input checked="" type="checkbox"/> Deputy Leader <input checked="" 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"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing

DOCUMENT INFORMATION	
Appendix No	Title
1	Details of Independent Persons' experience and skill

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.

Melvin Kenyon

Melvin has spent much of his working life in senior leadership roles to FTSE 250 board level. He has worked as both an executive and non-executive director in private and public sectors. He has a wide-ranging business, operational and management experience, with a particular focus on information technology. For most of his career he has carried out analytical and investigative work and he prides himself on attention to detail, a fiercely logical, fact-based approach to his work and high-quality report-writing. He now spends much of his professional life in the investigation of standards complaints and related work (see below) and runs his own company, Kenyon Brabrook Ltd.

After leaving university he spent over 20 years in retail - at the John Lewis Partnership, Richard Shops, and the Boots Group before moving on to T&S Stores (a FTSE 250 company with 1400 stores and 15,000 employees) where he sat on the PLC board for over five years, prior to its £500m+ acquisition by Tesco. He also had a spell as a management consultant, advising retail clients, at Price Waterhouse. Later in his career, after leaving T&S Stores and working for a period as an interim manager, he opted to join the public sector and spent almost 10 years working for an agency of the Department for Education in Nottingham in various leadership positions, including that of Chief Operating Officer.

Since leaving that role, for the past 10 years he has been a non-executive director in social housing - at Ongo Homes (where he was Senior Independent Director, Vice-Chair and served on the Governance and Remuneration Committee), the Jigsaw Homes Group (where he is also a member of the Remuneration and Nominations Committee), and the James Farmer and Lemmoin-Cannon Almshouse Charity. Until recently he was a member of the Audit and Risk Management Committee of Nottingham Trent University. He was also a non-executive director of the Nottingham-based LEAD Academy Trust, where he chaired the Audit and Risk Committee.

As noted above he now spends much of his professional life in the investigation of standards complaints and related work. He has led investigations (sometimes several times) for almost 40 local authorities working at parish, town, district/borough and unitary councils across England. He has also done similar work for the Two Counties Trust (based at Kirkby-in-Ashfield) and for the Society of Local Council Clerks.

He is experienced at carrying out investigations and presenting his findings at Standards Hearings. The outcomes of those hearings have not infrequently appeared in local and national media and can be found in the public domain through an internet search.

He currently serves as an Independent Person for four authorities – Pendle Borough Council, Basingstoke & Deane Borough Council, Cotswold District Council and Stroud District Council. His work as an Independent Person typically involves working with the Monitoring Officer in the assessment of standards complaints

Alistair Davis

Alistair has over 25 years' management experience in the private sector and is currently a senior manager who has demonstrable experience dealing with personnel at all levels.

He sits on the Derby City Council School Admissions Appeal Panel as a lay member and also does voluntary work within the justice system.

He has also been an Independent Person with Derby City Council since 2023.

In his voluntary role he is required to conduct himself effectively during the hearing process, making an effective contribution to judicial decision making and making impartial decisions.

This role requires him to understand and appreciate different perspectives, communicate with sensitivity and respect, work and engage with people professionally, make fair and transparent decisions, show self-awareness and be open to learning.

In his day to day working career, he frequently assesses whether standards are being met, and give effective leadership so that all employees can achieve their goals.

He has proven decision making skills and considers himself to be an excellent communicator.

He has been managing people (and processes) in a leadership role for over 30 years and during that time has gained a wealth of skills. This includes supporting (and enforcing where necessary) policies that ensure workplace culture is a positive experience for all and free from harassment.

BOLSOVER DISTRICT COUNCIL

Council

on 8th October 2025

Review of the Council's Statement of Principles under the Gambling Act 2005

Report of the Portfolio Holder for Environmental Health and Licensing

Classification	This report is Public
Contact Officer	Michelle James Policy and Performance Officer (Temporary)

PURPOSE/SUMMARY OF REPORT

To invite Council to adopt the revised draft Gambling Act 2005 Statement of Licensing Principles together with the draft Gambling Act 2005 Local Area Profile.

REPORT DETAILS

1. Background

- 1.1 Under The Gambling Act 2005 ('the Act'), the Council is responsible for issuing premises licences for casinos, bingo halls, betting shops, adult gaming centres and licensed family entertainment centres as well as permits for gaming machines in pubs, clubs, and other alcohol licensed premises.
- 1.2 The Act contains three licensing objectives, which underpin the functions of the Gambling Commission and the local authority, acting in their capacity as the Licensing Authority. These objectives are central to the regulatory regime created by the Act and are:
 - preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime;
 - ensuring that gambling is conducted in a fair and open way, and;
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.3 The Gambling Act 2005 imposes a statutory requirement upon Bolsover District Council, as the statutory Licensing Authority to prepare a Statement of Principles (alternatively referred to as 'the Policy'). This is the Council's tool in regulating

gambling in the district, it sets out what the Council's expectations are as to how operators should behave and ensures the general public and Responsible Authorities are aware as to how the Council approaches Gambling Regulation.

- 1.4 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out the requirements for the form and publication of the policy which the Council proposes to apply when exercising its functions under the Gambling Act 2005.
- 1.5 In 2018 an extensive review was undertaken to ensure that the Council's Policy was consistent with the Gambling Commission's Guidance to Licensing Authorities ('the GLA') and in a format common to neighbouring authorities to enable consistency and transparency. The Policy, together with a Local Area Profile ('the LAP') was published in 2019. The Act requires the Council to republish its policy every three years.

Since this time, the policy has remained largely unchanged save for minor amendments which aimed to achieve the following:

- Modify the format of the Policy to ensure it remains cohesive and consistent with that of neighbouring local authorities;
 - Ensure the Policy is consistent with legislation and statutory guidance;
 - Increase the clarity of the Policy;
 - Update local demographics; and
 - Provide clarity on delegations.
- 1.6 The Joint Environmental Health Service conducted an initial review of the Policy and the LAP and identified a number of minor amendments necessary to bring the Policy up to date with the GLA and local demographics.
 - 1.7 Following consideration of a draft Policy and LAP through the Licensing and Gambling Acts Committee, a 12-week public consultation opened between 2 June 2025 and 24 August 2025. The Consultation was carried out through the Ask Derbyshire website, publicised via the Council's website and social media platforms as well as contacting a range of stakeholders directly.
 - 1.8 A full evaluation of the response was carried out and this, together with copies of the consultation responses and the unchanged Policy and LAP, were considered by the Licensing and Gambling Acts Committee on 11 September 2025.
 - 1.9 The Committee noted the low level of response to the consultation and that the changes to the Policy and LAP were largely to bring them in line with local demographics.

2. Details of Proposal or Information

- 2.1 The revised draft Gambling Act 2005: Statement of Principles (Appendix 1) and Local Area Profile (Appendix 2) have been drafted in line with the legislation and current guidance issued by the Gambling Commission and can be found attached as **Appendix 1 and 2**.

- 2.2 Following a lengthy public consultation and member scrutiny, a recommendation has been made to Council that the process for adopting the final draft Policy and LAP agreed by the Licensing and Gambling Acts Committee on 9 June 2022 (Attached as Appendix 1 and 2) be followed.
- 2.3 Despite a lengthy consultation period, direct communication with partners over the review and promotion through Ask Derbyshire, only two responses were received. One of the respondents confirmed support for the policy as it stands, the other incorporated as an amendment to the information on the Council website and did not impact upon the Policy.
- 2.4 The only changes to the policy were to bring the policy up to date with the Gambling Commissions Guidance to Licensing Authorities and to update our local demographics.
- 2.5 In order to adopt the revised Policy and LAP the Council must comply with the requirements set out in The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 and must do the following:
- Publish the revised Policy on the Council's website for a period of at least 4 weeks before the date on which it comes into effect;
 - Make the revised Policy available for inspection at the Council offices for a period of at least 4 weeks before the date on which it comes into effect, and;
 - Publish a notice of the Council's intention to publish the revised statement, on a public notice board in or near the Council's offices, no later than the first day on which the revised Policy is published in line with the requirements above.

3. Reasons for Recommendation

- 3.1 The Council is required to prepare and publish a Statement of Principles under the Gambling Act 2005 every three years.

4 Alternative Options and Reasons for Rejection

- 4.1 The Council can choose not to prepare and publish a new Statement of Principles; however, this would leave the authority open to successful legal challenge by way of appeal against decisions on licensing matters or judicial review.

RECOMMENDATION(S)

- (1) That Council approve the recommendation from the Licensing and Gambling Act Committee that the final draft Gambling Act 2005: Statement of Principles and Local Area Profile be adopted to take effect on 23 February 2026.
- (2) That Council require the Joint Assistant Director – Environmental Health to follow the formal process to adopt the final draft Gambling Act 2005: Statement of Principles and Local Area Profile.

Approved by Councillor Hiney-Saunders, Portfolio Holder for the Environment

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Details: There will be a minor cost associated with the implementation of the policies. This can be accommodated from within existing budgets. On behalf of the Section 151 Officer	
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Details: It is a legal requirement under the Gambling Act 2005 that a licensing authority prepare and publish a statement of principles every three years. Having a policy which is up to date, compliant with the legislation, fit for purpose and clear to Licence Holders and Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review. On behalf of the Solicitor to the Council	
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Details: There are no staffing implications for this report. On behalf of the Head of Paid Service	
<u>Equality and Diversity, and Consultation</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Details: An Equality Impact Assessment has been conducted.	
<u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
The Gambling 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 responsible management of licensable activities within the district and mitigate environmental impacts.	

DECISION INFORMATION:

<input checked="" type="checkbox"/> Please indicate which threshold applies:	
Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District, or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input type="checkbox"/>
District Wards Significantly Affected: <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick All if all wards are affected:	All <input checked="" type="checkbox"/>

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Leader <input type="checkbox"/> 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"/>	

Links to Council Ambition: Customers, Economy, Environment, Housing
All

DOCUMENT INFORMATION:

Appendix No	Title
1	Draft Statement of Principles 2026-2029 – Gambling Act 2005
2	Draft Local Area Profile 2026-2029

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>

Gambling Act 2005
Statement of Licensing Principles
2025 – 2028
DRAFT

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 Gambling Act 2005 Statement of Licensing Principles

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Gambling Act 2005 Statement of Licensing Principles 2025-2028
Current status – i.e. first draft, version 2 or final version	Draft
Policy author (post title only)	Environmental Health Team Manager (Licensing)
Location of policy (whilst in development) – i.e. L-drive, shared drive	S Drive
Relevant Cabinet Member (if applicable)	Robert Hiney-Saunders
Equality Impact Assessment approval date	TBC
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	Licensing Committee and Council
Date policy approved.	
Date policy due for review (maximum three years)	
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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PART A - Introduction and Scope

1.0 Introduction

- 1.1 Section 349(1) of the Gambling Act 2005 ["the Act"] imposes a statutory requirement upon Bolsover District Council as the statutory Licensing Authority ["the Authority"] to prepare a Statement of Principles ["the Statement"] and to review and publish it every three years. The Statement will come into effect on **[DATE]** and will have effect until **[DATE]**. However, the Authority may review and alter the Statement from 'time to time' within that period. Any alterations will be consulted on and re-published.
- 1.2 This Statement of Principles will be published on the Bolsover District Council website at www.bolsover.gov.uk.
- 1.3 The aim of the Authority in this Statement is to effectively manage the impact of gambling activities within the district and ensure they are conducted in a fair, responsible, safe, and transparent manner, while minimising the potential harm to individuals and the community. The Statement sets out key objectives and guiding principles for regulators, operators, and stakeholders, providing a robust framework for regulatory decision-making. The Authority recognises the positive contribution gambling activity can make to the local economy and seeks to balance this with its responsibility to protect individuals from harm.
- 1.4 When applying the principles outlined in this Statement the Authority will consider each application on its individual merits, taking into account the context of this Statement, any relevant legislation and guidance and codes of practice issued by the Gambling Commission.
- 1.5 This statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

2.0 Declaration

- 2.1 The Authority in preparation of this Statement has had due regard to:
 - The Gambling Act 2005;
 - The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006;
 - Current guidance issued by the Gambling Commission and by the Secretary of State under Section 25 of the Act; and
 - Responses from those consulted on the Statement.

3.0 The Bolsover District and Local Area Profile

- 3.1 Bolsover District is located in Derbyshire and covers an area of 161 miles or 417 square kilometres. Bolsover is mainly rural but contains the four market towns of Bolsover, Clowne, Shirebrook and South Normanton.
- 3.2 Bolsover has approximately 35,262 households, the second highest in Derbyshire, and a population of approximately 82,829, the second lowest in Derbyshire. The proportion of young people (0-15 years) in Bolsover is around 17.2% and is close to the average of 16.8% for Derbyshire, but slightly lower than the 18.4% average for England. Approximately 20.6% of the population in Bolsover are aged over 65, slightly lower than the average of 22.5% for Derbyshire, but slightly higher than the average of 18.7% for England. The minority ethnic population in the district is approximately 6.7% and is close to the average of 6.3% for Derbyshire but is significantly lower than the 26.5% average for England. (Derbyshire County Council Observatory's, Area Profile for Bolsover).
- 3.3 A local area profile will be prepared based on local knowledge and taking into account a wide range of factors, data and information held by the Licensing Authority and its partners. It is anticipated that the local area profile will give operators a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Authorities' website at www.bolsover.gov.uk.
- 3.4 A map showing the administrative boundaries of the district can be found at **Appendix 1**.

4.0 Consultation

- 4.1 The Gambling Act requires the Licensing Authority to consult the following on the Licensing Authority Statement of Principles or any subsequent revision:
- In England and Wales, the chief officer of Police for the Authority's area;
 - One or more persons who appear to the Authority to represent the interests of person carrying on gambling businesses in the Authority's area, and;
 - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 4.2 A full list of those consulted is shown in **Appendix 2**.

5.0 Licensing Objectives

5.1 In exercising their functions under the Gambling Act 2005, licensing authorities must have regard to the three licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way, and;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

6.0 Licensing Authority Functions

6.1 The Act gives licensing authorities several important regulatory functions in relation to gambling. Their main functions are to:

- Issue a Statement of Principles setting expectations about how gambling will be regulated in the district;
- License premises where gambling activities are to take place;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by means of issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission;
- Maintain registers of licences and permits that are issued and small society lottery registrations.

6.2 The following matters are not dealt with by the Authority, and are the responsibility of the Gambling Commission:

- Operator Licences
- Personal Licences
- Remote Gambling
- The National Lottery

6.3 In carrying out its licensing functions within the framework established by this Statement, the Authority will have particular regard to:

- maintaining a close working relationship with the responsible authorities;
- taking necessary and appropriate steps for the protection of children and other vulnerable persons, and;
- the need to treat each application on its own merits taking into account the individual circumstances at each premise.

7.0 Responsible Authorities

- 7.1 Responsible authorities are public bodies that must be notified of all premises licence applications and are entitled to make representations to the Authority. They also have the power to apply for a review of a premises licence. They are listed in full at section 157 of the Act.
- 7.2 The Authority is required to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:
- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 7.3 In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, the Authority designates the Derbyshire County Council's Local Safeguarding Children Board for this purpose.

8.0 Interested Parties

- 8.1 Interested parties are those who can make representations about premises licence applications or apply for a review of an existing licence. These parties are defined in the Act as follows:
- “For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:
- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities.
 - b) has business interests that might be affected by the authorised activities, or
 - c) represents persons who satisfy paragraph (a) or (b)”
- 8.2 The Licensing Authority is required to state the principles it will apply in exercising its powers under the Act to determine whether a person is an

interested party. The overriding principle is that each case will be decided upon its merits.

- 8.3 The principles outlined in this section of the Statement ensure that those who are likely to be directly affected by the proposed activities can exercise their right to be heard.

Principles to be applied in determining if someone is an interested party.

8.4 Sufficiently close to the premises

In determining what “sufficiently close to the premises” means, and whether someone has “business interests that might be affected” the Authority may take any or all of the following into account which appear relevant to it:

- the proximity of their home or business to the application premises;
- the nature of their residency (e.g. private resident, commercial tenant, resident in home for the vulnerable etc.);
- the nature of the business making the representation;
- the nature of the authorised activities to be conducted on the application premises;
- the size and capacity of the application premises;
- the likely catchment area for the application premises;
- the routes likely to be taken to and from the application premises;
- the character of the area;
- the density of the built-up area;
- the topography of the area;
- local area profile, and;
- mitigating measures contained within the applicants’ risk assessment.

- 8.5 The Authority will interpret the phrase “business interest” widely and not merely confine the phrase to meaning those engaged in trade and commerce. It may therefore include charities, churches, medical practices, schools and other establishments and institutions.

- 8.6 Similarly, a wide interpretation will be given to those categories of persons and organisations that represent residents and businesses. These may include residents and tenants’ associations, trade unions and other associations, as well as individuals whose role is to represent the interests of one or more residents or businesses such as a councillor, MP, or legal representative.

- 8.7 If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, then without further evidence relating to the licensing objectives supporting the representation, the Authority would not consider this to be a relevant representation because it relates to “demand” or competition.

- 8.8 It is for the Authority to determine on a case-by-case basis whether or not a person making a representation is an “interested party”. The Authority may ask for evidence to identify who is being represented and show that they have given

authority for representations to be made on their behalf. In cases which are not clear-cut, the benefit of the doubt will usually be exercised in favour of the person making the representation. Evidence will not be sought from elected members who are representing the ward likely to be affected.

9.0 Representations

Form of representation

- 9.1 When dealing with applications made pursuant to the Act, the Authority must consider representations from “responsible authorities” and “interested parties”. The Authority deems it appropriate to set clear guidance on the form and content of representations to be submitted to them.
- 9.2 No part of this Statement aims to undermine a person’s right to make a representation and all representations will be considered on a case-by-case basis.
- 9.3 All representations must be made in writing unless there are exceptional circumstances under the Equality Act which mean they may be made in another form. They must be received by the Authority within the time limits set by the relevant regulations. For a representation to be relevant it should:
- be positively tied or linked by a causal connection to particular premises, and;
 - relate to the licensing objectives, or;
 - raise issues under this Statement, the Commission’s Guidance or Codes of Practice.
- 9.4 Representations received outside the statutory period for making such representations or which otherwise does not comply with the Regulations will be invalid and will not be taken into consideration when the application is determined.

Content of representation

- 9.5 A representation should indicate the following:
- (i) The name, address and a contact number for the person making the representation.
 - (ii) The capacity in which the representation is made (e.g. interested party, responsible authority, licensee) and if made as a representative should indicate who is being represented.
 - (iii) The name and address of the premises in respect of which the representation is being made.
 - (iv) The licensing objective(s) relevant to the representation.
 - (v) Why it is felt that the application:

- is not reasonably consistent with the licensing objectives, or;
 - is not in accordance with this Statement, the Commission's Guidance, or the relevant Codes of Practice, or;
 - otherwise, should not be granted, or;
 - should only be granted subject to certain specified conditions.
- (vi) Details of the evidence supporting the opinion in (v).

- 9.6 It is in the interest of those making representations that they include as much detail and evidence as possible at the time the representation is made. The Authority will determine whether a representation should be excluded as frivolous or vexatious based on the normal interpretation of the words. A representation may therefore be excluded if it obviously lacks seriousness or merit or is designed to be antagonistic. An example may be a representation received from a rival operator which is based solely on the fact that the new premises would compete with their own.
- 9.7 A preferred form of representation is available and can be downloaded at www.bolsover.gov.uk or requested directly from the Licensing Team.
- 9.8 Ordinarily, where representations are received the Authority will hold a hearing. However, a hearing does not have to be held where the Authority thinks that a representation is frivolous, vexatious, will certainly not influence the Authority's determination of the matter, are not relevant, or are substantially the same as previous representations relating to the same premises. It is for the Authority to determine whether a representation falls within these categories, however, representations which comply with this part of the Statement are unlikely to do so.

Irrelevant considerations

- 9.9 Whilst not intended to provide an exhaustive list, the following matters may not be taken into account and representations relating to them are likely to be discounted:
- need and demand for the relevant premises;
 - issues relating to nuisance;
 - traffic congestion and parking;
 - likelihood of the premises receiving planning permission or building regulation approval, and;
 - moral grounds.
- 9.10 Any person seeking to operate gambling premises must first have applied for or obtained an operating licence from the Gambling Commission. The Commission will therefore have made a judgement as to the applicant's suitability to operate the proposed form of gambling and therefore this issue is not relevant to the subsequent assessment of the premises licence application.

The only exception is in relation to track premises licences. In this case an operator's licence is not required and the suitability of the applicant may, in appropriate cases, be taken into consideration.

- 9.11 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of principle, Codes of Practice local area profile and the premises licence holders local risk assessment.

10.0 Exchange of Information

- 10.1 The Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 2018 and General Data Protection Regulation (GDPR) 2018 will not be contravened.
- 10.2 The Authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 10.3 The Authority has measures in place to ensure compliance with Data Protection. More information can be found on the Authorities' website www.bolsover.gov.uk.

11.0 Equality and Diversity

- 11.1 Bolsover District Council is committed to promoting equal opportunities, valuing diversity, and tackling social exclusion. The Authority will aim to provide opportunities that meet the diverse needs of different people and groups of people by ensuring that services and employment opportunities are accessible to all. Everyone will be treated fairly and with respect. Diverse needs will be understood and valued. The Authority will aim to eradicate all forms of discrimination.
- 11.2 Further information on the Authorities' Statement can be found on the website www.bolsover.gov.uk.

12.0 Enforcement

- 12.1 Part 15 of the Act gives "authorised persons" power of investigation and section 346 enables licensing authorities to institute criminal proceedings in respect of offences described in that section. In exercising these powers, the Authority will endeavour to follow the Authorities' Corporate Enforcement Policy, and the

Regulator's Compliance Code. The principles require that enforcement should be:

- **Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, and keep regulations simple and user friendly, and;
- **Targeted:** regulation should be focused on the problem and minimise side effects.

- 12.2 It is the intention of the Authority to establish and maintain enforcement protocols with other enforcement agencies. The Authority will work closely with the Gambling Commission and exchange information on suspected illegal gambling and any proposed action that the Authority considers necessary.
- 12.3 The main enforcement and compliance role for the Authority in terms of the Act will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority but will be notified to the Gambling Commission.
- 12.4 The Authority may institute proceedings in respect of a number of offences as identified in section 346 of the Act. Where illegal gambling is contained to one premises or one local area, the Authority will take the lead on the investigation and, where appropriate, the prosecution of illegal gambling. In general, the Gambling Commission will take the lead where there is a potential for national or regional impact.
- 12.5 Where a licensed premise is situated in more than one administrative area, then the Authority will liaise with the other authority to determine the most appropriate course of action and who will lead any investigation or prosecution.
- 12.6 The Authority will avoid duplication with other regulatory regimes so far as possible.

13.0 Inspections

- 13.1 The Authority will inspect gambling premises and facilities for compliance with the Act and any licence conditions through the application of a risk-based inspection programme.
- 13.2 The inspection programme will in principle operate a light touch in respect of low-risk premises whilst applying greater attention to those premises which are considered to present a higher risk.

- 13.3 In addition to programmed inspections, the Authority will also investigate any evidence-based complaints that it receives.
- 13.4 The Authority will adopt a risk-based assessment approach for determining the frequency of compliance inspections. The risk rating will be based broadly on the following factors:
- location of the premises and their impact on the surrounding area;
 - enforcement history of the premises;
 - nature of the licensed or permitted operation;
 - potential to have an adverse effect on the licensing objectives, and;
 - management record.

14.0 Duplication with other regulatory regimes

- 14.1 In complying with the provisions of the Gambling Act 2005, whilst the Authority recognises the requirements of other legislation this Statement is not intended to duplicate the existing legislation and regulatory orders which incur statutory obligations.
- 14.2 In particular, in making a determination in respect of any application, the Authority will not take into account irrelevant matters, such as the likelihood of the application receiving planning permission or building regulation approval.

15.0 “Demand” for gaming premises

- 15.1 The Authority will not consider the demand for gaming premises when making decisions about applications for a premises licence under the Act.

PART B – Premises Licences

16.0 General Principles

- 16.1 Premises licences will be subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. This Licensing Authority may exclude default conditions and also attach others, where it is believed to be appropriate.
- 16.2 In exercising their functions under Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks is:
- In accordance with any relevant code of practice issued by the Gambling Commission;

- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives, and;
- In accordance with the Authority's statement of licensing principles.

16.3 In determining applications, the Authority will take into consideration all relevant matters and representations. What the Authority considers to be relevant and irrelevant are detailed in 1.6 to 1.9 of this Statement.

17.0 Definition of Premises

17.1 In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence provided they are for different parts of the building and different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track, or shopping mall to obtain discrete premises licences where safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and ensure that mandatory conditions relating to access between premises are observed. Premises cannot be properly regarded as different premises if they are separated only by temporary or removable partitions.

17.2 In relation to an application to split existing licensed premises, thereby creating multiple premises, the Authority will expect the primary use of each premises to be the main business in accordance with the type of licence held. Any activities other than the primary use will be considered ancillary to the main business.

18.0 Applications and Conditions

18.1 The Gambling Commission plays a leading role in preventing gambling from being a source of crime and will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling. Except for applicants for track premises, anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a premises licence can be issued. The Authority will not generally therefore be concerned with the suitability of an applicant. Where concerns arise about a person's suitability, the Authority will bring those concerns to the attention of the Commission.

18.2 The Authority will however be concerned with issues such as the impact of the licensed premises in terms of crime and disorder and matters such as the

location of the premises and their internal layout in terms of protecting children and vulnerable persons. Such issues are discussed in more detail in the paragraphs below relating to the specific types of gambling premises. See local risk assessments at section 2.4.

- 18.3 The procedure for obtaining premises licences is set by regulations. Should a licence be granted it will be made subject to mandatory and/or default conditions set by the Secretary of State. The Authority may choose to exclude default conditions if it thinks it appropriate and may also impose other specific conditions which are appropriate to the application.
- 18.4 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 18.5 Decisions upon individual conditions will be made on a case-by-case basis. The Authority cannot attach the following conditions to a premises licence:
- any condition on the premises licence which makes it impossible to comply with an operating licensing condition.
 - conditions relating to gaming machine categories, numbers, or methods of operation.
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated) and
 - conditions in relation to stakes, fees, winning or prizes.

19.0 Licensing Objectives

- 19.1 Premises licences granted must be reasonably consistent with the licensing objectives. Regarding these objectives, this Authority has considered the Gambling Commissions' Guidance to Local Authorities and comments below.

Preventing gambling from being a source of Crime and Disorder

- 19.2 The Gambling Commission will play a leading role in preventing gambling from becoming a source of crime and will maintain rigorous licensing procedures that aim to prevent inappropriate people from providing facilities for gambling.
- 19.3 The Authority places considerable importance on the prevention of crime and disorder and will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in its area. A high

standard of control is therefore expected to be exercised over licensed premises.

- 19.4 The Authority will, when determining applications, consider whether the granting of a premises licence will result in an increase in crime and disorder.
- 19.5 The Authority will have particular regard to the likely impact of licensing on related crime and disorder in the district particularly when considering the location, impact, operation and management of all proposed licence applications.
- 19.6 In considering licence applications, the Authority will particularly take into account the following:
 - the design and layout of the premises;
 - the training given to staff in crime prevention measures appropriate to those premises;
 - physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - where premises are subject to age restrictions, the procedures in place to conduct age verification checks, and;
 - the likelihood of any violence, public order, or policing problem if the licence is granted.
- 19.7 Where an application is received in relation to premises in an area noted for particular problems with organised crime, part of this determination will include consultation with the Police and other relevant authorities. The Authority may then consider whether specific controls, such as a requirement for the provision of door supervisors, need to be applied in order to prevent those premises being a source of crime.
- 19.8 As far as disorder is concerned, there are already powers in existing anti-social behaviour and environmental protection legislation to deal with nuisance, whether it arises as a result of noise from a building or from general disturbance once people have left a building. The Authority does not therefore intend to use the Act to deal with general nuisance issues, for example parking problems, which can easily be dealt with using alternative powers. The Authority has no jurisdiction under the Act to deal with general nuisance issues.
- 19.9 In accordance with the Guidance, the Authority will only seek to address issues of disorder under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance. A disturbance could be serious enough to constitute disorder if Police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it and whether those people live sufficiently close to be affected or have business interests that might be affected.

- 19.10 The Authority will consult with the Police and other responsible authorities when making decisions in this regard and will give due weight to any comments made by the Police or other responsible authorities.

[Ensuring gambling is conducted in a Fair and Open Way](#)

- 19.11 The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business (and therefore relevant to the Operating Licence) or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both issues will be addressed by the Commission through the operating and personal licensing regime. This is achieved by ensuring that:

- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry;
- easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted;
- the rules are fair;
- advertising is not misleading;
- the results of events and competitions on which commercial gambling takes place are made public, and;
- machines, equipment, and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.

- 19.12 Because betting track operators do not need an operating licence from the Commission the Authority may, in certain circumstances, attach conditions to a licence to ensure that the betting is conducted in a fair and open way. The Authority may in these circumstances also consider the suitability of the applicant to hold a track premises licence. Such factors which the Authority may take into consideration are set out below:

- references to adduce good character;
- criminal record of the applicant;
- previous experience of operating a track betting licence, and;
- any other relevant information.

[Protecting children and other vulnerable persons from being harmed or exploited by gambling.](#)

[Access to licensed premises](#)

- 19.13 The access of children and young persons to those gambling premises which are adult only environments will not be permitted.

- 19.14 The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 19.15 The Authority may consult with the Derbyshire Safeguarding Children Board and the Derbyshire Safeguarding Adults Board on any application that indicates there may be concerns over access for children or vulnerable persons.
- 19.16 The Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children or vulnerable persons on particular categories of premises. This may include such requirements as:
- supervision of entrances;
 - segregation of gambling areas from areas frequented by children;
 - measures/training covering how staff would deal with unsupervised young children on the premises;
 - supervision of gaming machines in non-adult gambling specific premises, and;
 - appropriate measures/training for staff as regards suspected truant school children on the premises.
- 19.17 The Act provides for a Code of Practice on access to casino premises by children and young persons and the Authority will work closely with the Police to ensure the appropriate enforcement of the law in these types of premises.

Vulnerable persons

- 19.18 The Act does not define “vulnerable persons”.
- 19.19 The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes that “vulnerable persons” include:
- people who gamble more than they want to;
 - people who gamble beyond their means, and;
 - people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol, or drugs.
- 19.20 The Authority encourages Applicants to offer controls in their local risk assessment, that limit access to gambling or further access to alcohol where the customer shows signs that they may be a “vulnerable person”.
- 19.21 Where the legislation allows, the Authority will look particularly closely at applications that are made for premises close to sensitive areas or developments, for example:
- Residential areas;
 - Schools and other educational establishments;

- Residential hostels for vulnerable adults, and;
- Premises licensed for alcohol or gambling.

19.22 The Authority will pay particular attention to any Codes of Practice which the Gambling Commission issues as regards the licensing objectives, protecting children and other vulnerable persons from being harmed or exploited by gambling, in relation to specific premises, e.g. casinos.

20.0 Local Risk Assessments

- 20.1 The Gambling Commission's [Licence Conditions and Codes of Practice \(LCCP\)](#) sets out a requirement for operators to consider local risks. Local risk assessments apply to all non-remote casino, adult gaming centre, bingo, family entertainment centre, betting, and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.
- 20.2 Licensees are required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures, and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this Statement.
- 20.3 Licensees must review (and update as necessary) their local risk assessments:
- a) when applying for a new premises licence;
 - b) when there are significant changes at a licensee's premises that may affect their existing risk assessment;
 - c) to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy; and
 - d) when applying for a variation of a premises licence.
- 20.4 Compliance with the requirement to conduct local risk assessments is a condition of licence and failure to comply can result in the Gambling Commission reviewing the operator's licence. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the licensing Authority.
- 20.5 Where concerns do exist, perhaps prompted by new or existing risks, a Licensing Authority may request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions is required.

- 20.6 The Licensing Authority has an expectation that all local risk assessments will take into account the local social profile of the area and that a copy is retained at the premises for inspection.

21.0 Betting Premises and Tracks

- 21.1 Betting premises relates to those premises operating off-course betting that is other than at a track.
- 21.2 Tracks are sites where races or other sporting events take place. Betting operators may operate self-contained betting premises within track premises, although they would normally only open on event days. There may be several licensed premises at any track.

Permitted activities include:

- off-course betting;
 - on-course betting for tracks;
 - betting by way of betting machines, and;
 - gaming machines as stipulated by regulations.
- 21.3 Factors for consideration when determining the application will be:
- location, particularly in relation to vulnerable persons;
 - suitability of the premises;
 - size of premises in relation to the number of betting machines;
 - the ability of staff to monitor the use or abuse of such machines, and;
 - the provision for licence holders to ensure appropriate age limits are adhered to.

This is not an exhaustive list, and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

- 21.4 All licences will usually be issued subject to the mandatory and default conditions prescribed by the Secretary of State. However, from time to time the Authority may attach additional conditions where there is clear evidence, in the circumstances of the individual case, that they are required to supplement the mandatory and default conditions.
- 21.5 The Authority shall require an appropriately defined plan of the premises to accompany each application.

Matters Relevant to Tracks

- 21.6 The Authority may have a number of premises that could apply for a premises licence to operate as a 'Track' for the purposes of the Gambling Act.
- 21.7 Should the Authority receive an application for a license to operate a Track we would act in accordance with the relevant legislation and Gambling Commission Guidance.
- 21.8 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:
- proof of age schemes
 - CCTV
 - supervision of entrances / machine areas
 - physical separation of areas
 - location of entrances
 - notices / signage
 - specific opening hours
 - self-barring schemes
 - provision of information leaflets / helpline numbers for organisations such as GamCare
- 21.9 This list is not mandatory, nor exhaustive, and is merely indicative of example measures to ensure that any conditions are consistent with the licensing objectives and the Authorities' approach to Gambling regulation.

22.0 Adult Gaming Centre (AGCs)

- 22.1 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises.
- 22.2 These premises must be operated by the holder of a gaming machine general operating licence from the Gambling Commission as well as a premises licence from the Authority.
- 22.3 Permitted activities include:
- the provision of gaming machines as stipulated by regulations.
- 22.4 Factors for consideration when determining the application for an AGC will include:
- the location;
 - the hours of operation;

- the ability of operators to minimise illegal access by under 18's to the premises.

This is not an exhaustive list, and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

22.5 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entrances
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures to ensure that any conditions are consistent with the licensing objectives and the Authority's approach to Gambling regulation.

22.6 Conditions may be applied by the Authority in support of the licensing objectives if it is felt necessary. Mandatory and default conditions will be attached by regulations issued by the Secretary of State. No one under the age of 18 is permitted to enter an AGC.

23.0 (Licensed) Family Entertainment Centres

23.1 The Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority for example, that there will be sufficient measures to ensure that under 18-year-olds do not have access to the premises.

23.2 Permitted activities include:

- the provision of gaming machines as stipulated by regulations.

23.3 Factors for consideration when determining the application for an AGC will include:

- the location;
- the hours of operation;

- the ability of operators to minimise illegal access by under 18's to the premises.

23.4 Applicants would be encouraged to offer their own measures to meet the licensing objectives, however, appropriate measures/licence conditions imposed by the Authority may cover issues such as:

- proof of age schemes
- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entrances
- notices / signage
- specific opening hours
- self-barring schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures to ensure that any conditions are consistent with the licensing objectives and the Authority's approach to Gambling regulation.

24.0 Casinos

- 24.1 This Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Council.
- 24.2 Guidance issued by the Gambling Commission regarding particular issues concerning casinos, such as suitability and layout, betting machines, monitoring use of machines by children and young persons, or number, nature and circumstances of betting machines will be considered by the Authority when making decisions on casino applications.
- 24.3 Should the Authority receive an application for a casino we would act in accordance with the relevant legislation, Gambling Commission Guidance, and work with the applicant to ensure that any conditions are consistent with the licensing objectives and the Authority's approach to gambling regulation.

25.0 Bingo Premises

- 25.1 The holder of a bingo operating licence will be able to apply for a bingo premises licence to provide any type of bingo game, including cash and prize bingo. Commercial bingo halls will also require a bingo premises licence from the Authority. If the only type of bingo to be provided is prize bingo, then this may be authorised by way of a permit.
- 25.2 If children are allowed to enter premises licensed for bingo, then controls must be in place to prevent them from participating in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted, the Authority will expect to see that:
- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults (over 18s) are permitted to the area where the machines are located;
 - access to the area where the machines are located is supervised;
 - that where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and;
 - at the entrance to, and inside any such an area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 25.3 The Gambling Commission has issued guidance about the need for licensing authorities to take into account the suitability and layout of bingo premises. Therefore, plans should make clear what is being sought for authorisation under the bingo premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. It would be helpful to the Authority and the responsible authorities if the plans were marked using a colour-coded scheme or at a minimum by use of a key to denote the use of those areas shown. The Gambling Commission has issued guidance on the division of a building into more than one premises which can be found on the [Gambling Commission website](#).
- 25.4 A limited number of gaming machines may also be made available at bingo licensed premises.
- 25.5 Bingo is a class of equal chance gaming and is permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold as directed by the law, otherwise it will require a bingo operating licence which will have to be obtained from the Gambling Commission.

26.0 Travelling Fairs

- 26.1 Provided a travelling fair allows only category D gaming machines (including coin pushers, cranes, and grabbers) to be made available, and the facilities for gambling (whether by way of gaming machine or otherwise) amount together to no more than an ancillary amusement at the fair, then no application for a licence is required under the Act. Fairground operators must source all their machines from Gambling Commission licensed suppliers and any employees working with the gaming machines must be at least 18 years old.
- 26.2 The Authority will want to satisfy itself from time to time that gambling at a travelling fair is within the definition of section 286 of the Act. A guide for those wishing to operate gambling machines at travelling fairs is available on the Commission's website.

27.0 Provisional Statements

- 27.1 Developers may wish to apply to the Authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need to hold an operating licence in order to apply for a provisional statement.
- 27.2 An application for a provisional statement shall include such plans and other information in relation to the construction, alteration or acquisition as prescribed in regulations.
- 27.3 When considering representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
 - b) which, in the Authority's opinion, reflects a change in the operator's circumstances.
- 27.4 This Authority has noted the Gambling Commissions Guidance that 'A licensing authority should not take into account irrelevant matters; one example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.'

28.0 Reviews

- 28.1 A premises licence may be reviewed by the Authority of its own volition or following the receipt of an application for a review from a responsible authority or interested party. Reviews cannot be delegated to an officer of the Authority – the lowest level of delegation permitted is to a licensing sub-committee.
- 28.2 The Act provides that licensing authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises. Officers of the Authority or of a responsible authority may be involved in the initial investigations of complaints leading to a review or may try informal mediation or dispute resolution techniques prior to a full-scale review being conducted.
- 28.3 If at any time the Authority considers it necessary in their scheme of delegation, they will establish a system that determines who initiates reviews and that may include a “filter” system to prevent unwarranted reviews from being conducted.
- 28.4 In relation to a class of premises, the Authority may review the use made of premises and, in particular, the arrangements that premises licence holders may have made to comply with licence conditions. In relation to these general reviews, the Authority would most likely be acting as a result of specific concerns or complaints about particular types of premises which would cause it to want, for example, to look at the default conditions that apply to that category of licence. In relation to particular premises, the Authority may review any matter connected to the use made of the premises if it has reason to suspect that licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate.
- 28.5 Representations and review applications will be considered by the Authority in accordance with the relevant legislation, guidance issued by the Commission, this Statement of Principles, Codes of Practice local area profile and the premises licence holders local risk assessment.
- 28.6 For more information on what the Authority deems to be a relevant or irrelevant representation in relation to a review, please see section 1.8 of this Statement above.

PART C - Permits, Temporary Use Notices & Occasional Use Notices

29.0 Prize Gaming Permits

- 29.1 These permits cover gaming where the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised

by the gaming - the prize is determined by the operator before play commences.

- 29.2 Any application to the Authority must be accompanied by a plan of the premises. The applicant will be required to set out the types of gaming that they intend to offer, and they should be able to demonstrate:
- that there are policies and procedures in place to protect children and other vulnerable people from harm; and
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible under a Prize Gaming Permit.
- 29.3 Consideration will also be given to the proximity of premises to schools and vulnerable adult centres, residential areas where there may be a high concentration of families with children, and town centre or edge of town centre locations.
- 29.4 It should be noted that a permit cannot be issued in respect of a vessel or a vehicle.
- 29.5 The applicant must be 18 years of age or over. Relevant convictions will be taken into account, especially with respect to child protection issues.

30.0 Unlicensed Family Entertainment Centres

- 30.1 There are two classes of Family Entertainment Centres. Licensed Family Entertainment Centres (FECs) and Unlicensed Family Entertainment Centres (UFECs). Licensed FECs are explored in more detail at 2.7 of this Statement.

Under the Act, FECs can provide category C and D gaming machines, whereas UFECs can provide only category D machines. UFECs are regulated through FEC permits. An application for a permit may only be granted if the Authority is satisfied that the premises will be used as an UFEC, and if the Police have been consulted on the application.

- 30.2 Applicants will need to demonstrate:
- that there are policies and procedures in place to protect children and other vulnerable people from harm;
 - a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FEC's;
 - that the applicant has no relevant convictions (i.e. those set out in Schedule 7 of the Act), and;
 - that staff are trained to have a full understanding of the maximum stakes and prizes.
- 30.3 The Authority cannot attach conditions to an UFEC permit.

31.0 Alcohol Licensed Premises

- 31.1 The Act provides an automatic entitlement to provide two gaming machines of category C or D (see glossary) in alcohol licensed premises. The premises licence holder must notify the Authority of his or her intention and pay the prescribed fee. Although the Authority has no discretion to refuse the notification, the authorisation may be removed if gaming has taken place on the premises that breaches a condition of section 282 of the Act.
- 31.2 The Authority may also issue “licensed premises gaming machine permits” to premises in this category on application for any additional number of category C and/or D machines. This would replace any automatic entitlement under section 282 of the Act.
- 31.3 The Authority must have regard to the licensing objectives and the Gambling Commission Guidance when granting these permits. Factors for consideration will include:
- location, particularly in relation to children and vulnerable persons;
 - suitability of the premises, size of premises in relation to the number of betting machines;
 - the ability of staff to monitor the use or abuse of such machines, and;
 - the provision for licence holders to ensure appropriate age limits are adhered to.

This is not an exhaustive list, and each application will be judged on its merits. Any effective measures to support the licensing objectives will be taken into account.

- 31.4 It is a condition of the automatic entitlement to make available two gaming machines (of category C or D) that any relevant provision of a code of practice under section 24 about the location and operation of a gaming machine is complied with. The Authority will take account of these provisions and the relevant codes of practice are available on the [Gambling Commission website](#).

32.0 Club Gaming Permits and Club Machine Permits

- 32.1 Members’ Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A (no more than one), B4, C or D), equal chance gaming and games of chance.

Members Clubs, Miners’ welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will only enable the premises to provide gaming machines (3 machines of categories B3A (no more than

one), B4, C or D). Commercial clubs are not allowed to provide category B3A gaming machines.

32.2 The Authority may only refuse an application on the following grounds:

- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- b) the applicant's premises are used wholly or mainly by children and/or young persons;
- c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- d) a permit held by the applicant has been cancelled in the previous ten years, or;
- e) an objection has been lodged by the Commission or the Police;

and in the case of (a) or (b) must refuse the permit.

The Authority may grant or refuse a permit, but it may not attach conditions to a permit.

32.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds on which an application may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The permit holder must demonstrate compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

33.0 Occasional Use Notices

33.1 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice must be served on this Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to

consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

- 33.2 The Authority has little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. The Authority will need to consider whether a notice in respect of premises can be dealt with under the definition of a “Track”. It will also need to consider whether the Applicant is permitted to avail him/herself of the notice.

34.0 Temporary Use Notices

- 34.1 Temporary Use Notices (TUN) can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner. Premises which are not licensed for gambling may be used by a licensed operator for an aggregate period of 21 days in 12 months for prescribed types of gambling. It is noted that it falls to the Authority to decide what constitutes a “set of premises” where Temporary Use Notices are received relating to the same building/site (see Gambling Commission’s Guidance to Licensing Authorities).
- 34.2 The holder of a relevant operating licence must give notice to the Authority, the Commission, and the Police on the prescribed form with the relevant fee. These responsible authorities are the only authorities permitted to object to a TUN.
- 34.3 This Licensing Authority will have regard to the licensing objectives when considering whether to object to any notice received.

35.0 Small Society Lotteries

- 35.1 The Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:
- for charitable purposes;
 - for the purpose of enabling participation in, or of supporting, sport, athletics, or a cultural activity; or
 - for any other non-commercial purpose other than that of private gain.

N.B. A society established for the sole purpose of conducting a small society lottery will not meet the definition of the Act. Gambling activity should be ancillary to the main purpose of the society.

- 35.2 This Licensing Authority will exercise its functions under this Act in relation to lotteries in accordance with the principles contained in the guidance issued by the Gambling Commission.
- 35.3 Small society lotteries are distinguished from large society lotteries by the amount of the proceeds that they generate. A lottery is small if the total value of tickets put on sale in a single lottery is £20,000 or less and the aggregate value of the tickets put on sale in a calendar year is £250,000 or less. Other lotteries are dealt with by the Gambling Commission.
- 35.4 Small society lotteries are required to be registered with the Local Authority in the area where their principal office is located.

PART D – Glossary of Terms and Delegations

36.0 Glossary of Terms

- 36.1 Many of the terms used in this Statement of Licensing Principles are defined in the appropriate section of the Act. Section 353 identifies various terminologies and directs the reader to the relevant section of the Act, where appropriate, for a full and complete meaning of the term.
- 36.2 In the interest of clarity the following terms, which are used in this Statement of Licensing Principles, are defined below.

Terminology	Definition
“the Act”	The Gambling Act 2005 (c19).
“Authority”	This refers to the “Licensing Authority” as defined by section 2 of the Act.
“authorised person”	An officer of a Licensing Authority, and an officer of an Authority other than a licensing Authority, both of whom have been authorised for a purpose relating to premises in that Authority’s area.
“authorised Local Authority officer”	An officer of a Licensing Authority who is an authorised person for a purpose relating to premises in that Authority’s area.
“gambling commission”	An organisation established under section 20 of the Act that is responsible for regulating gambling in Great Britain.
“guidance”	“Guidance to Licensing Authorities”, issued by the Gambling Commission under section 25 of the Gambling Act 2005.
“interested parties”	Defined at paragraph 2.3 of this statement of licensing principles.

Terminology	Definition
“mandatory condition”	A condition that must be placed on a licence by virtue of regulations.
“regulations”	Refers to regulations made under the Gambling Act 2005.
“responsible authorities”	Public bodies that must be notified of applications for premises licences and they also have the right to make representations in relation to those applications. They are listed in full in section 157 of the Act.
“Category C & D Machines”	These are machines normally sited in pubs and arcades and are subject to a lower limit for stakes and payout.

37.0 Delegation of Functions

The Authority 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 Authority will implement the suggested delegation of functions as outlined.

Matter to be dealt with	Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority Statement of Principles	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a variation to a licence		X Where representations have been	X Where no representations received/representations

		received and not withdrawn	tations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations have been received from the Commission or responsible authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections have been made and not withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other authorisations and permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice			X
Decision on whether a representation is irrelevant, or falls within the categories defined within the Act (frivolous,			X

vexatious, repetitive etc).			
To determine whether the Licensing Authority should make a representation, and the content of it.			X
To initiate the review of a Premises Licence			X
Revocation of a Premises Licence for failure to pay the annual fee			X

38.0 Contact Details

The Authority's Environmental Health Service is a joint service with North East Derbyshire District Council. The points of contact for any licensing issues or enquiries are:

By post: Licensing Team
 Joint Environmental Health Service
 Bolsover District Council
 The Arc
 High Street
 Clowne
 S43 4JY

Telephone: 01246 217884/01246 217885/01246 217848

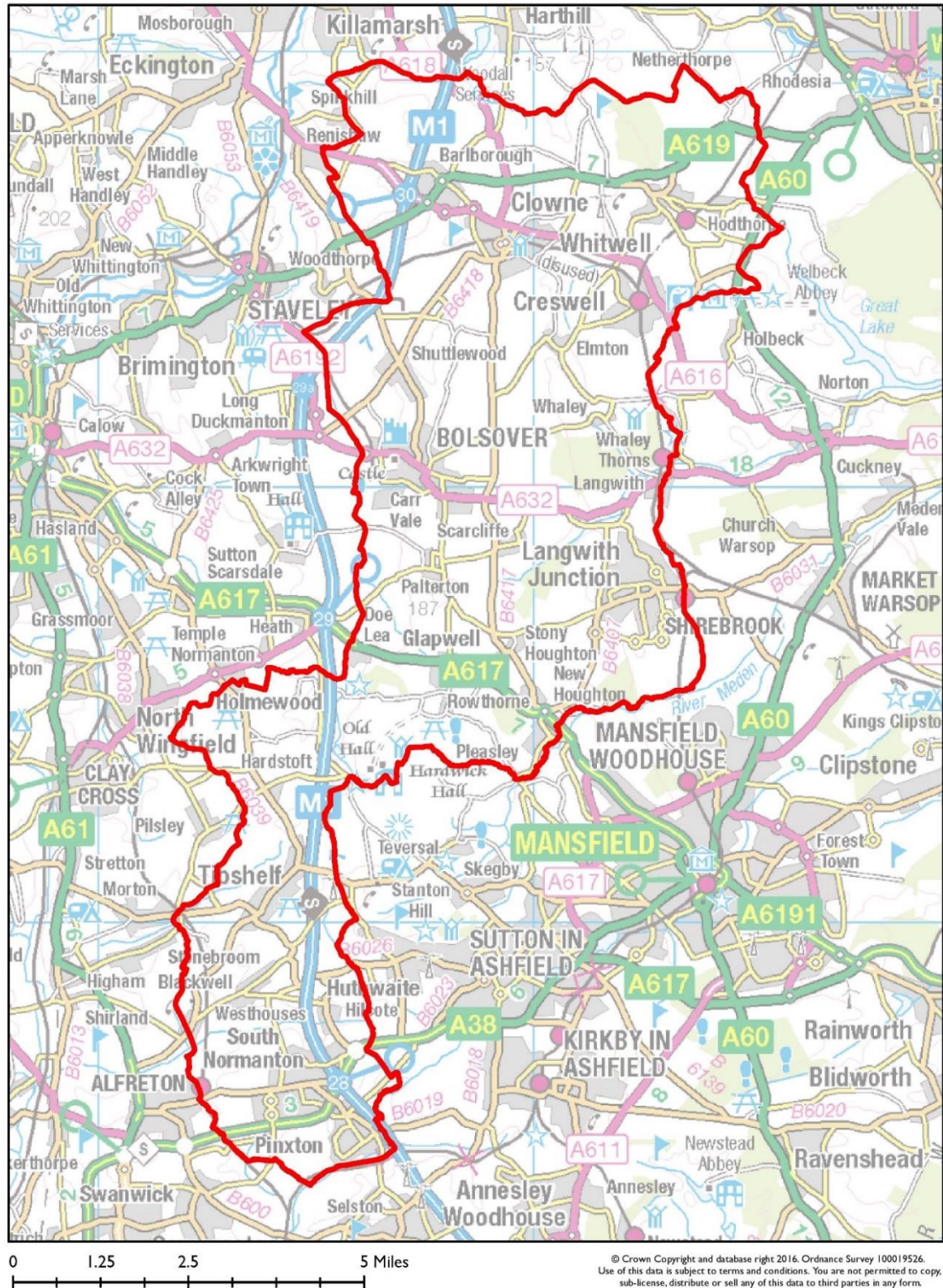
Email: licensing@bolsover.gov.uk

A copy of this Statement of Principles is available at www.bolsover.gov.uk.

The Act and the guidance issued by the Gambling Commission is available at www.gamblingcommission.gov.uk.

Appendix 1

Bolsover District Council



Appendix 2

The Authority consulted widely upon this Statement before finalising and publishing.

The Authority is required to consult with the following under the Gambling Act 2005:

- The Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Gambling Act 2005.

The Authority consulted with the following:

- All neighbouring licensing authorities
- All premises licences holders
- Environmental Health (BDC)
- Planning (BDC)
- Derbyshire Constabulary
- BACTA
- GamCare
- Gamble Aware
- Gambling Commission
- His Majesty's Courts Service
- British Beer and Pub Association
- Derbyshire County Council: Safeguarding Adults Team
- Derbyshire County Council: Safeguarding Children Team
- East Midlands Chamber of Commerce and Industry
- Derbyshire Fire and Rescue Service
- Skills & Education Group
- Trading Standards, Derbyshire County Council
- Natalie Fleet (MP)
- Federation of Licensed Victuallers Associations
- Betting and Gaming Council
- Police and Crime Commissioner
- Remote Gambling Association
- British Horseracing Authority
- Bolsover District Council Members
- Parish Councils
- Youth Offending
- Health and Safety Executive
- National Crime Agency
- Home Office

Gambling Act 2005

Local Area Profile

2025 – 2028

DRAFT

DRAFT

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

Local Area Profile

This document is the Bolsover District Council Local Area Profile, as described by the Gambling Commission Guidance to Local Authorities for Consideration by operators when creating their Local Risk Assessments.

This Local Area Profile is published by the Council concurrently with the Gambling Act Statement of Licensing Principles and published on our website – www.bolsover.gov.uk

The Gambling Commission's [Licence Conditions and Codes of Practice](#) (LCCP) formalise the need for operators to consider local risks posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in the licensing authority's policy statement.

Whilst there is no mandatory requirement to have a Local Area Profile, there are a number of significant benefits to both the Licensing Authority and operators, in having a better awareness of the local area and risks:

- it enables licensing authorities to better serve their local community, by better reflecting the community and the risks within it;
- greater clarity for operators as to the relevant factors in licensing authority decision making, will lead to improved premises licence applications, with the operator already incorporating controls and measures to mitigate risk in their application;
- it enables licensing authorities to make robust but fair decisions, based on a clear, published set of factors and risks, which are therefore less susceptible to challenge, and;
- it encourages a proactive approach to risk that is likely to result in reduced compliance and enforcement action.

The Council's policy statement sets out its approach to regulation with clear reference to local risks. The Local Area Profile runs alongside the Licensing Statement, this is to ensure that this profile can be reviewed and updated regularly without the need for full consultation.

Risk Assessment considerations

This local area profile has been prepared based on local knowledge and taking into account a wide range of factors, data and information held by the Licensing Authority and its partners. It is anticipated that the local area profile will give operators and a better awareness of the local area and the risks, which includes both potential and actual risks. This will be available on the Council's Website.

In assessing Local Area Profiles the licensing authority can also take into account:

- (a) Local crime statistics;
- (b) Any problems in the area relating to gambling establishments such as anti-social behaviour;

- (c) The location of any nearby sensitive premises such as facilities used by vulnerable persons e.g. drug and alcohol addictions, and;
- (d) Whether there is any indication of problems with young persons attempting to access adult gambling facilities in that type of gambling premises in the area.

Bolsover District Council hopes that the local area profiles will help to inform specific risks that operators will need to address in their risk assessment which will form a part of any new licence application, or an application to vary a licence.

In preparing local risk assessments, operators will need to consider risks in relation to how the premises will be or is run. Identification of risks associated with these elements will be dependent on the type of premises and the local area. Elements to be considered include:

- How the gambling operation will relate to how the operator conducts its business
- What gambling products it provides in the premises
- The facilities to enable gambling within the premises
- The staffing levels within the premises
- The level and requirement for staff training
- Whether loyalty or account cards are used or not
- The policies and procedures it has in place in relation to regulatory requirements of the Act or to comply with the LCCP
- The security and crime prevention arrangements it has in place
- How it advertises locally and on the premises
- The marketing material within the premises
- The display and provision of information, etc.

Operators are also required to review their local risk assessment if significant changes in local circumstances occur. The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:

- Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area.
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The design and layout of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. The design of the premises is an important factor when considering local risks. Premises which are located within an area which has a high number of children and young people present throughout the day may identify that the standard external design is not appropriate.

Control measures to mitigate the risk of attracting children to gambling or gaining access to restricted premises will need to be considered.

Risks to be considered may include:

- Whether the premises allows a direct line of sight of gaming machines from the cashier counter.
- Whether the premises sufficiently covered by CCTV to enable the identification of offenders.
- Whether the premises windows are screened or covered to obscure the interior of the premises.
- What age verification policies are in place.
- Provision of magnetic door locks.

Operators must ensure that they consider the local area profile, as well as local crime statistics which can be found on the [Derbyshire Constabulary website](#) .

Risk assessments would be expected to include relevant control measures to counteract issues identified by the operator. Where there is a particular area of concern they should contact the most appropriate Responsible Authority before submitting an application for a new licence or variation.

Bolsover District Council

Bolsover District Council is a local government district in the north eastern corner of Derbyshire, in the heart of England. It borders the districts of Chesterfield, North East Derbyshire, and Amber Valley in Derbyshire, Mansfield and Bassetlaw in Nottinghamshire and Sheffield in South Yorkshire.

Bolsover District has a population of approximately 82,829 and comprises of four main market towns.

The main town is Bolsover which is dominated by the impressive Castle set high on the hilltop. This quaint market town has a number of independent shops and cafes which provide a range of services for visitors and local people and is surrounded by countryside with a number of walks and trails.

Shirebrook, Clowne, South Normanton and Pinxton are all fast growing towns that contain a unique blend of local and national businesses. These provide a range of opportunities for residents and businesses including community farms, East Midlands Designer Outlet and business parks all located near the M1 network.

Often referred to as the 'jewel in the crown', Bolsover District has a nucleus of parishes that contain villages and hamlets with considerable character and history, many parts of which are designated as conservation areas.

The wealth of historical attractions dotted across the area is second to none with Bolsover Castle, Hardwick Hall, Creswell Crags and Stainsby Mill, all of which are surrounded by beautiful countryside, country parks, walks and trails.

Once dominated by the coal industry, the landscape and nature of the Bolsover District has changed with mother-nature reclaiming back the pit tips and replacing it with

country parks and nature reserves; and brownfield sites being turned into business parks with new technology firms offering a range of job opportunities for local people.

Bolsover District is a growth area with a rich heritage and a prominent central location in the country. We have an excellent track record of delivering high quality physical, residential and commercial development which is reinvigorating the landscape whilst respecting its industrial legacy.

At the time of this Local Area Profile being published Bolsover District Council has 10 licensed gambling premises, which consists of Betting Shops, Adult Gaming Centres and a Bingo establishment. An overview map showing the locations across this district and proximity to schools is below. There are then 6 maps for the main centre locations showing the premises and their specific proximity to education establishments,

TOWN/AREA	NO LICENCES/PERMITS	TYPE
Bolsover	1	Betting Shop
Clowne	1	Betting Shop
Creswell	1	Bingo
Shirebrook	2	Betting Shop
South Normanton	1	Betting Shop
Tibshelf	4	Adult Gaming Centres
TOTAL NUMBER OF PREMISES	10	

For further information about the Local Area profile please contact the Council's Licensing Team.

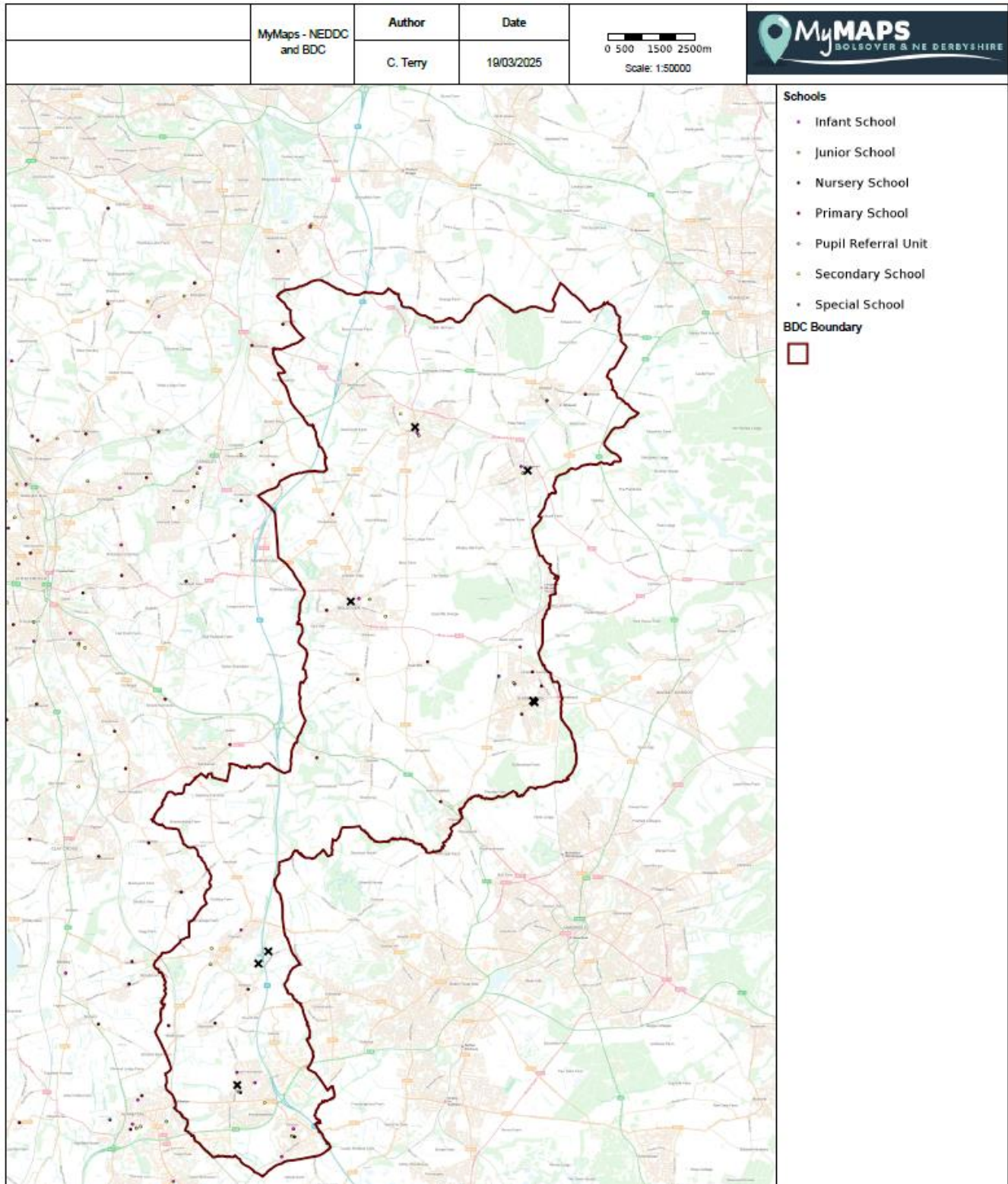
Email: licensing@bolsover.gov.uk

Telephone: 01246 217884/01246 217885/01246 217848

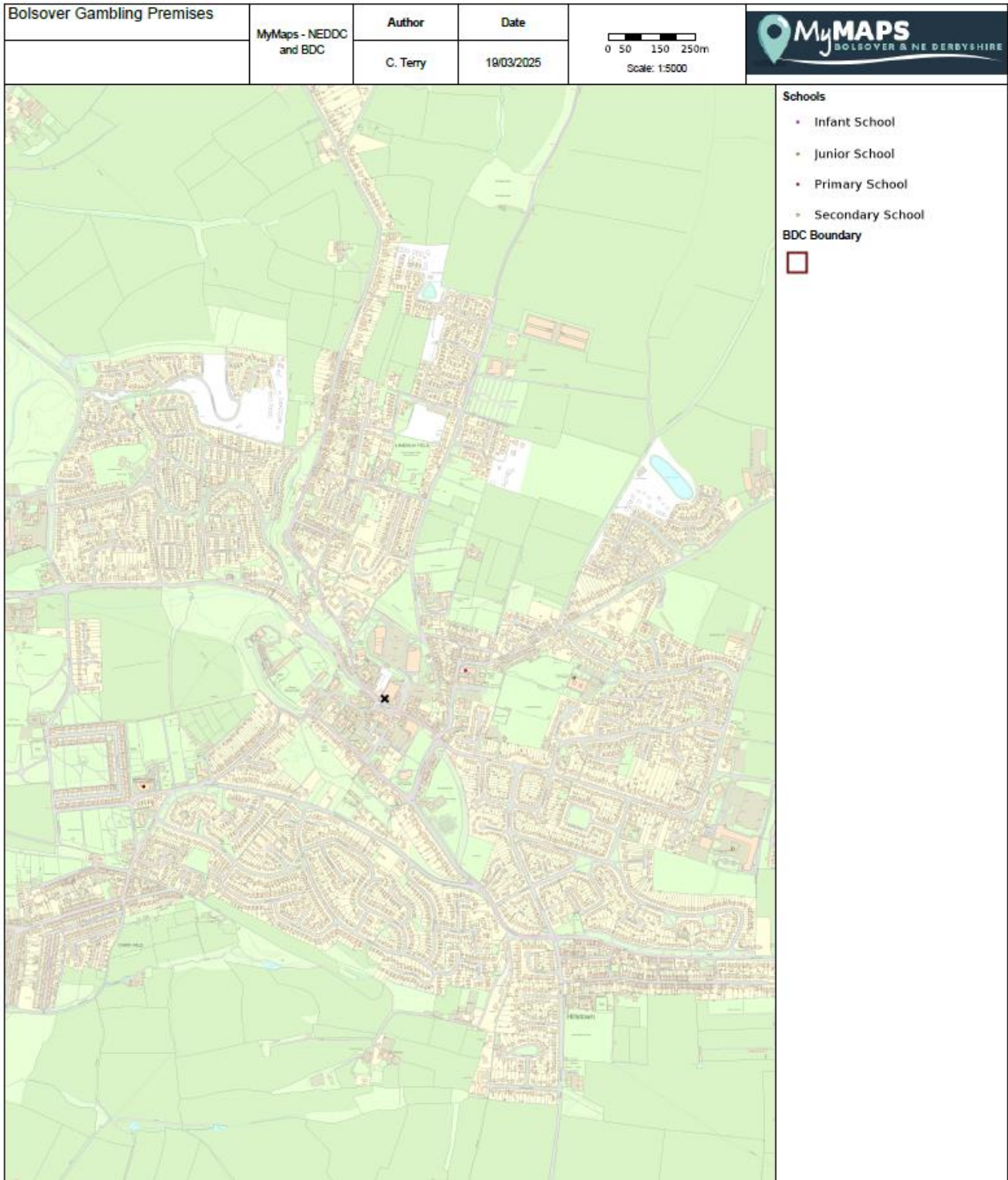
Address: Licensing Team

Joint Environmental Health Service
Joint Environmental Health Service
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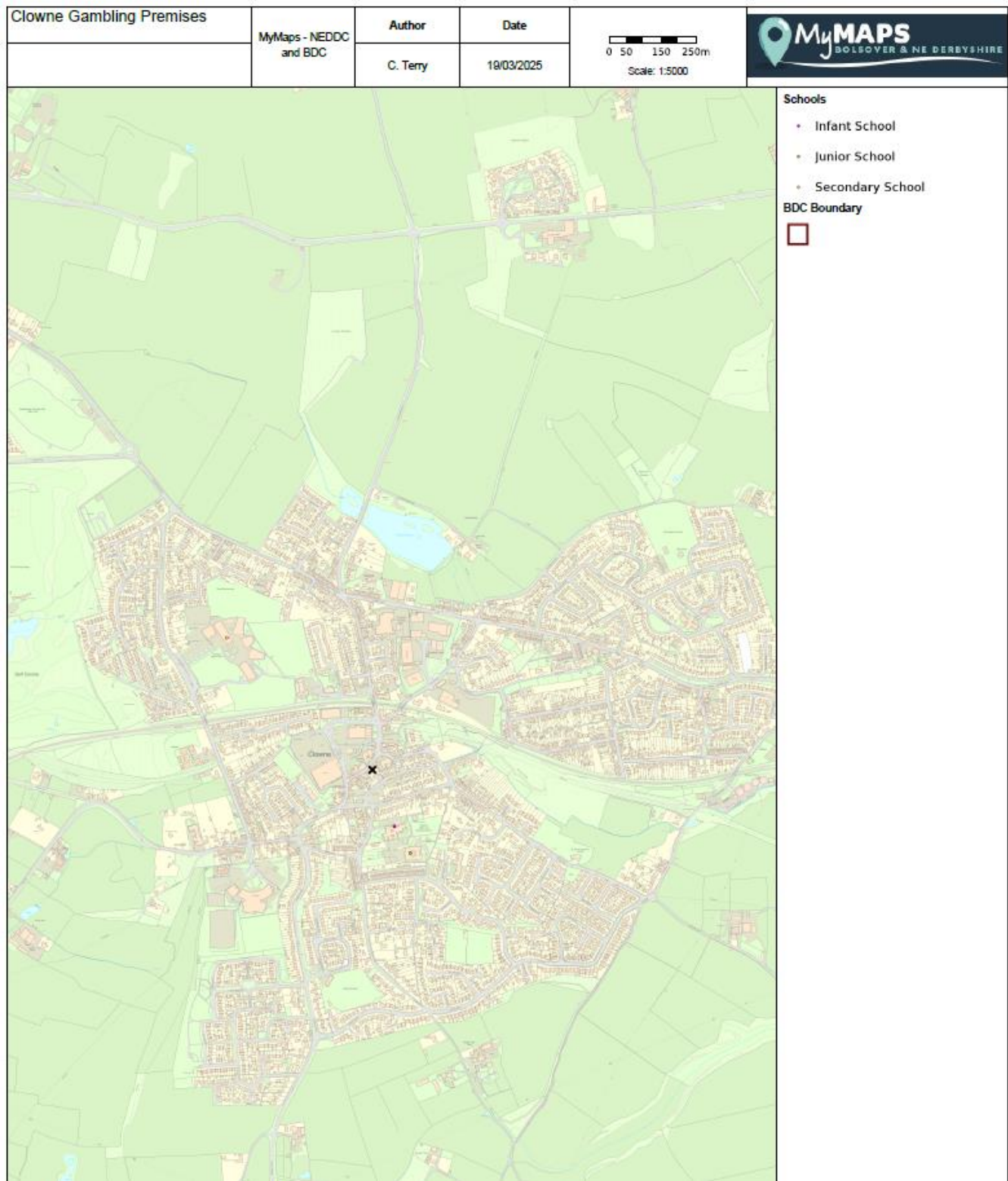
BDC Overview



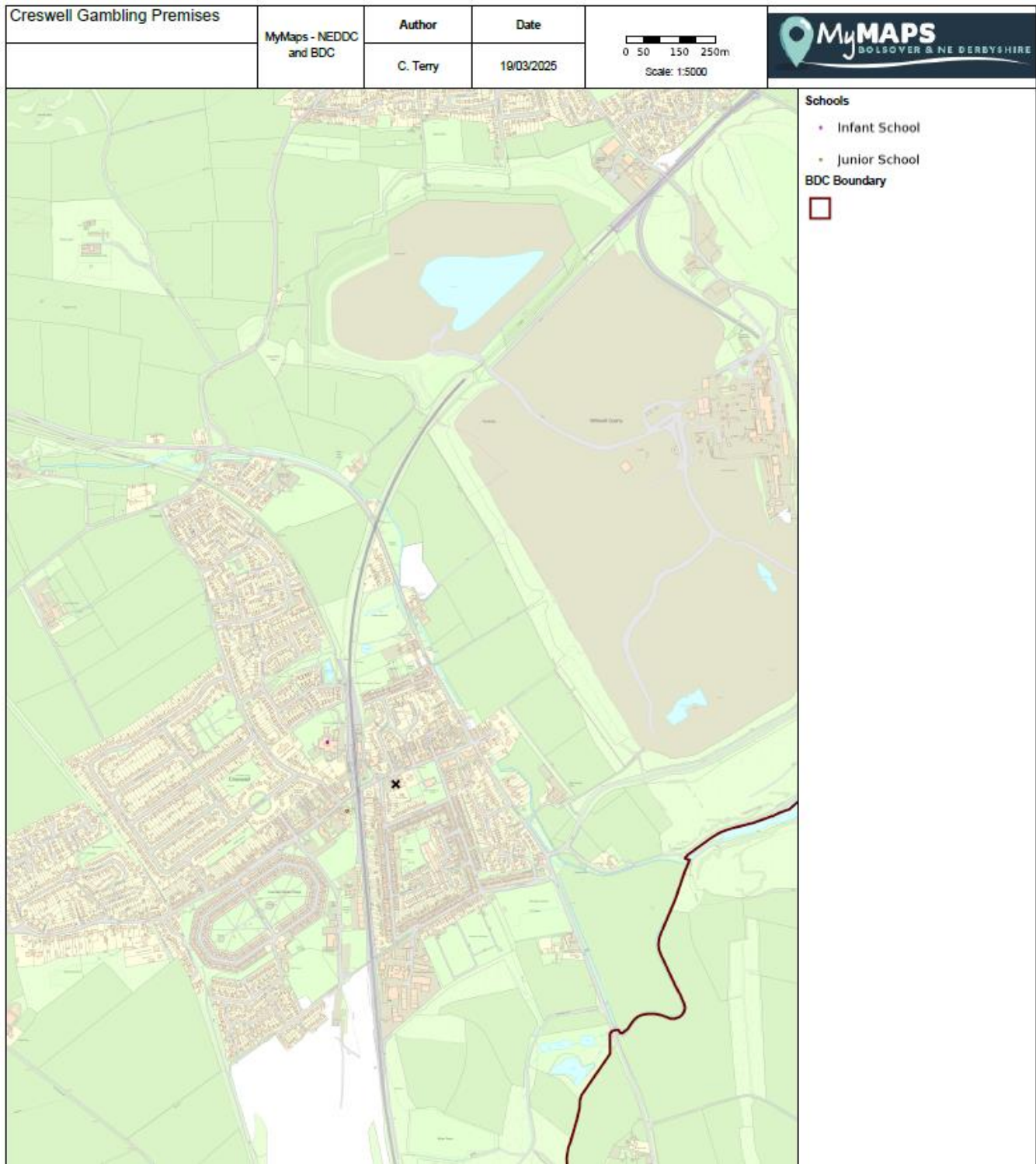
Local area profile Map – Bolsover



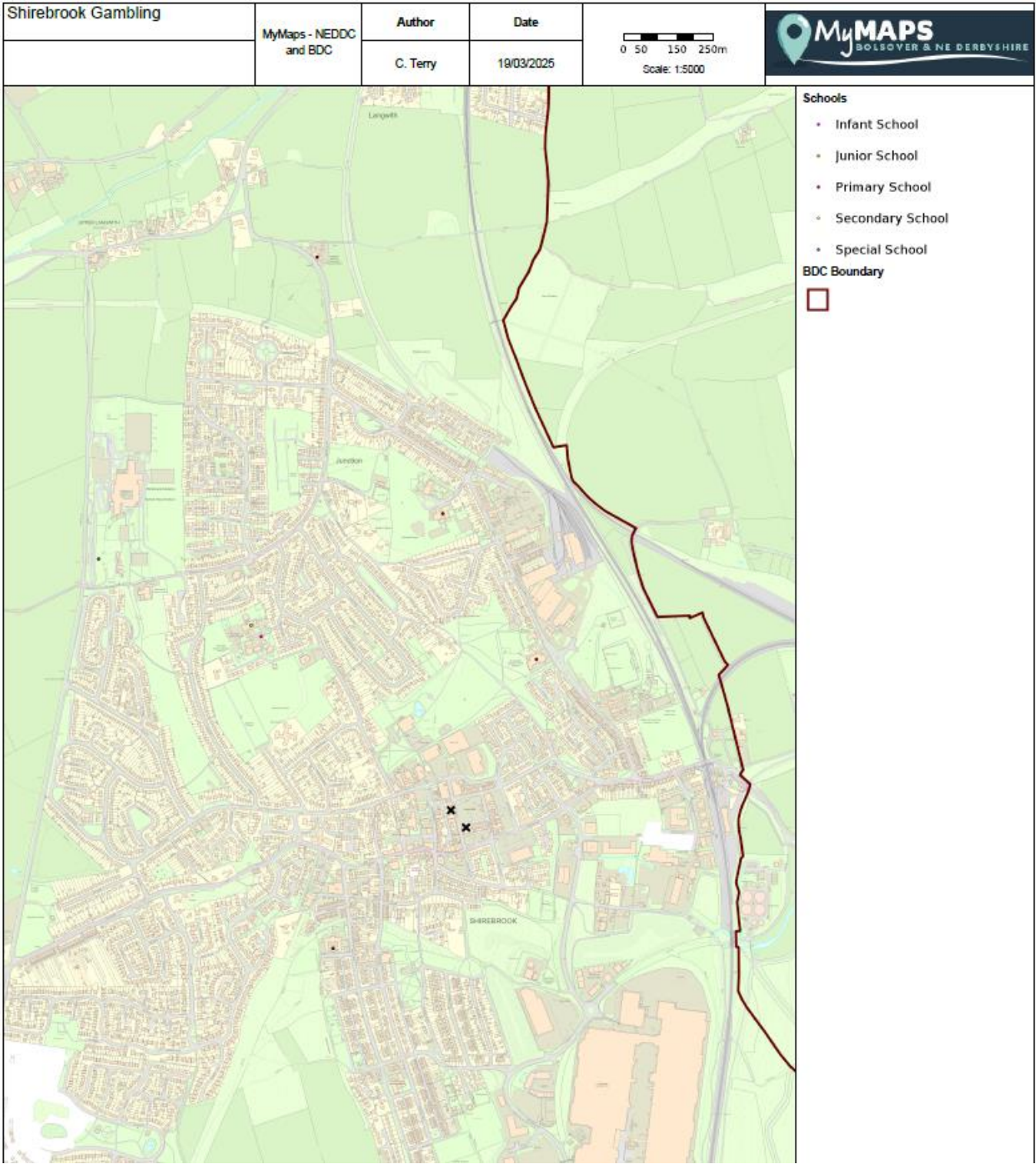
Local Area Profile Map – Clowne



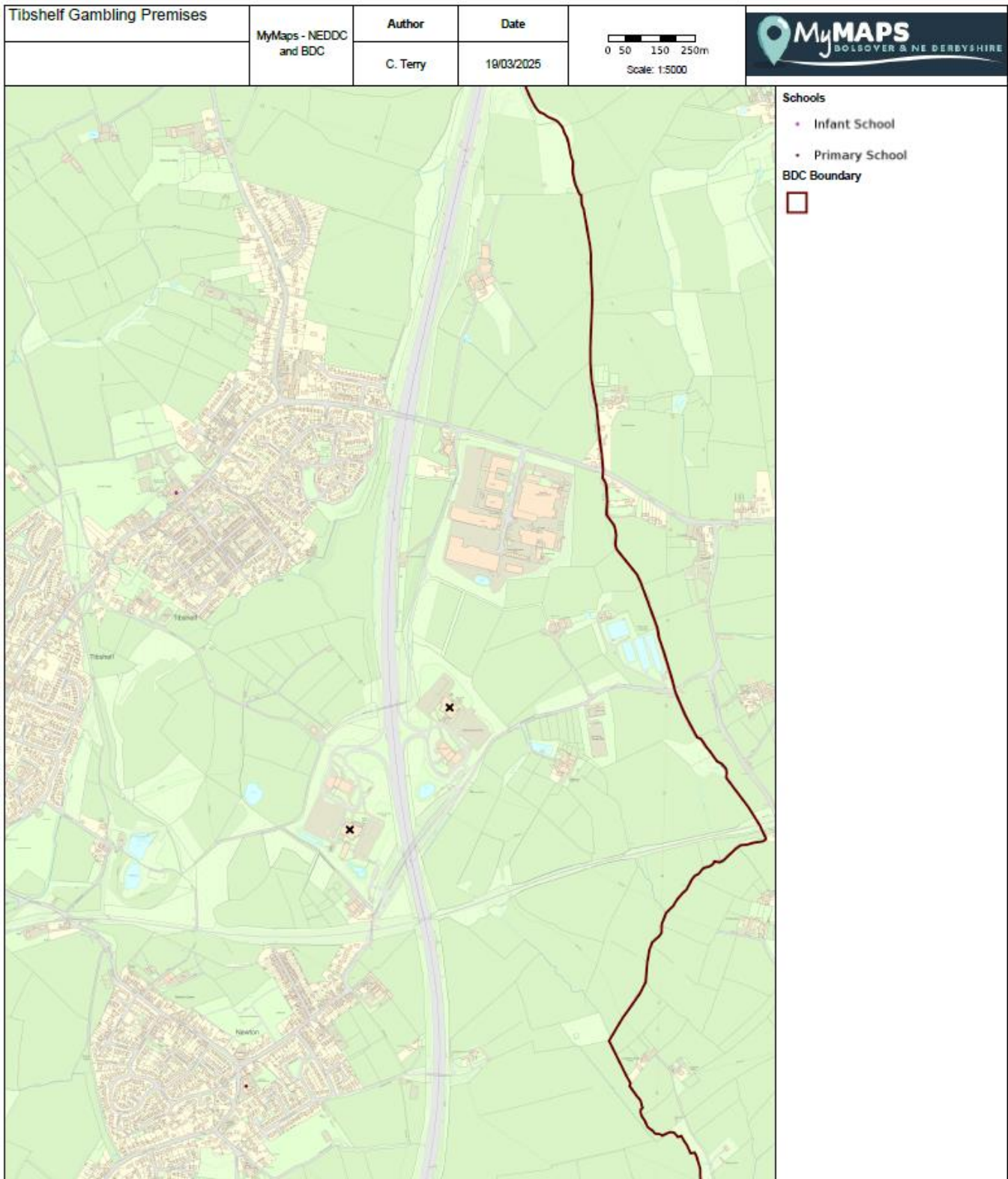
Local Area Profile Map – Creswell



Local Area Profile Map – Shirebrook



Local Area Profile Map – Tibshelf



Local Area Profile Map – South Normanton

