

## COUNCIL

Minutes of a meeting of the Council of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday, 8 September 2021 at 10:00 hours.

### PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rita Turner (Vice-Chair), Derek Adams, Allan Bailey, Rose Bowler, Dexter Bullock, Tracey Cannon, Anne Clarke, Nick Clarke, Jim Clifton, Tricia Clough, David Dixon, Maxine Dixon, David Downes, Fox, Steve Fritchley, Hales, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Duncan McGregor, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Liz Smyth, Janet Tait, Deborah Watson and Jen Wilson.

Officers:- Karen Hanson (Executive Director of Resources & Head of Paid Service), Grant Galloway (Executive Director of Strategy and Development), Sarah Sternberg (Monitoring Officer), Theresa Fletcher (Head of Finance & Resources), Nicola Calver (Governance Manager) and Alison Bluff (Governance Officer).

**The Chair asked the meeting to stand for 1 minutes' silence in respect of ex Councillor Toni Bennett who had recently passed away.**

### CL35-21/22 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jane Bryson, Paul Cooper, Mary Dooley, Tom Kirkham and Clive Moesby.

### CL36-21/22 DECLARATIONS OF INTEREST

Being members of the mineworkers' pension scheme, the following Members declared an interest in Agenda Item 7 (1) – Motion re Mineworkers' Pensions.

Councillor	Interest
Councillor Allan Bailey	Non Statutory Interests (other interests)
Councillor Derek Adams	Non Statutory Interests (other interests)
Councillor Dexter Bullock	Non Statutory Interests (other interests)
Councillor Jim Clifton	Non Statutory Interests (other interests)
Councillor Andrew Joesbury	Non Statutory Interests (other interests)
Councillor Chris Kane	Non Statutory Interests (other interests)
Councillor Steve Fritchley	Non Statutory Interests (other interests)
Councillor Duncan McGregor	Non Statutory Interests (other interests)

## COUNCIL

### CL37-21/22 CHAIR'S ANNOUNCEMENTS

#### Emergency Services and First Responders

As had been custom and practice for the last few years, and on behalf of the Council, the Chair would be raising the Union Jack flag outside of the Arc at 9.00am on Thursday 9<sup>th</sup> September 2021 to celebrate the work of the Emergency Services and First Responders. All Members and officers were welcome to attend if they so wished.

#### Honorary Alderman

Members were aware that the presentations of Honorary Alderman had been delayed from last year due to the Covid19 Pandemic, also, due to capacity in the Council Chamber, it had been decided to hold the ceremonial presentation of Honorary Alderman at an alternative venue to be confirmed in the near future.

#### Pinxton Parish Council Fun Day

The Chair read out a note on behalf of Councillor Mary Dooley who wished to pass on a 'big thanks' from Pinxton Parish Council to Leisure staff; Tom, Gracie and Isobel, who had worked hard at Pinxton Parish Council Fun day.

### CL38-21/22 MINUTES

The Chair noted an amendment was required to Minute Number CL26-21/22 of the minutes of the last meeting held on 21<sup>st</sup> July 2021, as per the wording highlighted in bold below.

#### Agenda Item 5 - Motion submitted by Councillor Tom Kirkham - Sale of Land at Park Avenue, Glapwell;

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

*Amend to;*

***The Director of Development confirmed that at this point that the sale of the land had already been completed on 21st June 2021 and that procedures were being undertaken by officers to process that sale.***

Councillor Tricia Clough also noted that at the last meeting, the Chair had requested that all Members receive a copy of the statement via email from the Director of Development (now the Executive Director of Strategy and Development), and to date she had not yet received it.

The Executive Director of Strategy and Development agreed that the commitment was given at the last meeting and confirmed that the statement would be sent to all Members in due course.

## COUNCIL

Moved by Councillor Tom Munro and seconded by Councillor Ray Heffer

**RESOLVED** that subject to the above amendment, the Minutes of a Council meeting held on 21<sup>st</sup> July 2021, be approved as a true and correct record.

(Governance Manager/ Executive Director of Strategy and Development)

### CL39-21/22      QUESTIONS FROM THE PUBLIC

In accordance with Council Procedure Rule 8, Members of the Public were able to ask questions to an Executive Member about the Council's activities for a period of up to 15 minutes.

No questions were submitted to this meeting of Council under Rule 8 of the Council Procedure Rules.

### CL40-21/22      QUESTIONS FROM MEMBERS

In accordance with Council Procedure Rule 9, Members of Council were able to ask questions about the Council's activities to either the Chair of the Council, Chairman of a specific Committee or a relevant Portfolio Holder.

No questions had been submitted by Members of Council under Council Procedure Rule 9.

### CL41-21/22      MOTIONS

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

a) The following motion was submitted for consideration by Councillor Steve Fritchley:

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

#### *Mineworkers’ Pension Scheme*

- 1. The Scheme’s Trustees had little choice but to accept the Government’s proposal to divide future surpluses on a 50:50 basis, as a condition of securing the Government’s guarantee during the negotiations in 1994. (Paragraph 16).*
- 2. The Government failed to conduct due diligence during the 1994 negotiations and undertook no empirical analysis or evaluation to inform or support the 50:50 split it proposed. The Government was negligent not to take actuarial advice. (Paragraph 17).*
- 3. The 50:50 split was, and remains, arbitrary. (Paragraph 18).*
- 4. To date, the Government has received £4.4bn from the Mineworkers’ Pension Scheme. This is already more than the 1994 expectations of what the Government would*

## COUNCIL

receive. The Government is also due to receive at least another £1.9bn, on top of 50% off any future surpluses. (Paragraph 22).

5. The Government has not paid any funds into the Scheme since the surplus sharing arrangement was put in place in 1994. (Paragraph 23).

### Fairness of the current terms

6. Many former mineworkers have chronic health issues directly related to their former occupation, and the former coalfields are amongst the most deprived areas of the UK. Sadly, their numbers are also decreasing year by year. Over half of Scheme members receive less than the average pension. Given the success of the Scheme, and the vast sums which have been paid to the Government, it is unconscionable that many of the Scheme's beneficiaries are struggling to make ends meet. (Paragraph 31).

7. We recognise that the Government's guarantee is important, has contributed to the success of the Scheme, and has benefitted Scheme members. However, we are not convinced by the Government's argument that its entitlement to 50% of surpluses is proportionate to the relatively low degree of risk it actually faces in practice. The number of Scheme members and the relative size of the fund has fallen significantly since 1994. Yet, the Government's 'price' for the guarantee has not been adjusted to reflect that fact. With no formal period review mechanism built into the agreement, pension members remain tied to an expensive arrangement. (Paragraph 46).

8. Given that the Scheme has continued to produce strong returns despite the 2008 Financial Crisis and the COVID-19 pandemic, there is little reason to believe the Government will be required to pay into the Scheme before it is wound-up. Even if, in extremis, the Government is required to financially contribute at some point in the future, realistically its contribution will not come close to the (at least) £6.3bn it is currently due to receive in total. (Paragraph 47).

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

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

### Changing the terms of the 1994 agreement

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

## COUNCIL

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

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

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

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

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

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

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

Councillor Andrew Joesbury reserved his right to speak on the motion which he supported. He proposed that the Council write to Mark Fletcher, MP for Bolsover, seeking his support for a change in the Miners Pension Scheme where a great number of his constituents had been miners and families of miners.

Councillor Peter Roberts reserved his right to speak on the motion and read out a statement which concluded that he could not support the motion as it would deny the NHS £1.9b

Councillor Janet Tait reserved her right to speak on the motion which she supported. In

## COUNCIL

response to Councillor Peter Robert's statement, she noted that the motion was not asking for the abolition of the 50:50 split but a reduction in the funds that the government received. She felt this was fair due to the reducing number of claimants and that the former mineworkers would still receive a guarantee on their pension.

Councillor Steve Fritchley noted Councillor Roberts' and Tait's comments. He agreed with Councillor Joesbury's proposal that the Council write to Mark Fletcher MP, seeking his support on the motion in the knowledge that he was representing a former mining community.

It was moved by Councillor Steve Fritchley and seconded by Councillor Derek Adams that the Council supported the eighteen recommendations of the House of Commons Business, Energy and Industrial Strategy Committee Mineworkers' Pension Scheme Sixth Report of Session 2019-21, as listed above and that the Council write to Mark Fletcher, MP for Bolsover, seeking assurance of his support on the motion.

In accordance with Council Procedure Rule 14.4 of the Council's Constitution, Councillors Duncan McGregor, Steve Fritchley and Councillor Sandra Peake requested that a recorded vote be taken on the motion.

For the motion (29) - Councillors Derek Adams, Allan Bailey, Rose Bowler, Dexter Bullock, Tracey Cannon, Anne Clarke, Nick Clarke, Jim Clifton, Tricia Clough, David Dixon, Maxine Dixon, David Downes, Stan Fox, Steve Fritchley, Donna Hales, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Tom Munro, Duncan McGregor, Evonne Parkin, Graham Parkin, Sandra Peake, Liz Smyth, Janet Tait, Rita Turner, Deborah Watson and Jenny Wilson.

Against the motion (1) - Councillor Peter Roberts

Abstentions – (0)

**RESOLVED** that –

(1) the Council supported the eighteen recommendations of the House of Commons Business, Energy and Industrial Strategy Committee Mineworkers' Pension Scheme Sixth Report of Session 2019-21 as listed above,

(2) the Council write to Mark Fletcher, MP for Bolsover, seeking assurance of his support on the motion.

(Leader of the Council)

b) The following motion was submitted for consideration by Councillor Clive Moesby;

Councillor Steve Fritchley presented the motion on behalf of Councillor Moesby who was not present at the meeting.

***“That Bolsover District Council writes to:-***

- ***the Chancellor, Rishi Sunak MP, requesting that the £20 increase to Universal Credit is made permanent and extended to claimants on legacy benefits.***
- ***urge the government to end the five week wait for Universal Credit by***

## COUNCIL

*converting advances into grants instead of loans.*

- *continue to work alongside partner organisations to provide help and assistance wherever possible to all those struggling during these difficult times.*
- *Mark Fletcher MP (MP for Bolsover) to ascertain his stance/position on the reduction to Universal Credit”.*

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

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

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

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

Councillor David Dixon reserved his right to speak on the motion. He referred to the comment in the motion which stated that unemployment was expected to continue to rise and Councillor Dixon felt this was misleading. As far as he was concerned unemployment was falling and there were over 1 million jobs which had vacancies.

Councillor Janet Tait reserved her right to speak on the motion which she supported. She noted that a lot of claimants of Universal Credit were actually in work but were receiving low pay, therefore, it would not only be the unemployed who would benefit from the £20 remaining in place.

Councillor Liz Smyth reserved her right to speak on the motion which she supported. She noted that the Covid19 Pandemic was far from over, and the impact of furlough coming to an end was yet unknown.

Councillor Nick Clarke reserved his right to speak on the motion which he supported. He noted that rising fuel prices were already being transferred to customers and with winter approaching people would have to choose whether to put food on their table or cut their heating costs.

Councillor Sandra Peake reserved her right to speak on the motion which she supported. She agreed with Councillor Clarke’s and Tait’s comments and added that the additional £20 was a lifeline to some people so it was important it remained in place.

The Chair reserved his right to speak on the motion which he supported. He noted that food costs were also rising along with fuel costs and there was already an inadequacy of food choice in shops for people who had limited financial resources.

Councillor David Dixon reaffirmed his view that the comment in the motion regarding

## COUNCIL

rising unemployment was misleading. The £20 per week was put in place as a temporary measure by the government. The national numbers in July 2020 for unemployment was 5.2% and the local numbers were down at 4.2% and this had been falling.

Councillor Rose Bowler reserved her right to speak on the motion which she supported. She felt that if the £20 was removed the amount of people needing food parcels would increase.

Councillor Andrew Joesbury reserved his right to speak on the motion which he supported. As well as the removal of the £20 increase, he also noted the unfairness that public sector workers had been on a pay freeze for 10 years and that the government had recently announced that they were going to increase national insurance by 1.5%.

It was moved by Councillor Steve Fritchley and seconded by Councillor Andrew Joesbury that Bolsover District Council write to the Chancellor, Rishi Sunak MP, requesting that the £20 increase to Universal Credit be made permanent and extended to claimants on legacy benefits, and; urges the government to end the five week wait for Universal Credit by converting advances into grants instead of loans; continues to work alongside partner organisations to provide help and assistance wherever possible to all those struggling during these difficult times, and; writes to Mark Fletcher MP, to ascertain his stance/position on the reduction to Universal Credit”.

**RESOLVED** that Bolsover District Council -

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

(Leader of the Council)

## **CL42-21/22 ENVIRONMENTAL HEALTH UPDATE**

Members considered a report presented by the Portfolio Holder for Environmental Health and Licensing, which provided an update on the work undertaken by the Environmental Health Service during 2020/2021, and also the impact and response to Covid19.

The Portfolio Holder highlighted some examples on demands of the service during the year. At the peak of the lockdown last summer, there had been a 300% increase in domestic burning complaints when the household recycling centres were closed. Contrastingly, there had been a reduction in complaints regarding noise nuisance from dogs barking as more people were at home but at the same time there had been a lack of tolerance for general noise nuisance where complaints had increased.



## COUNCIL

A new app had been trialled where customers could collate evidence and send it to Environmental Health to request help with noise nuisance – this had been successful and would continue post Covid.

A new team manager was in post in the Environmental Health Protection Team, which had meant performance had improved in a number of different areas such as planning application consultations and air quality monitoring.

The Licensing section had also received increased requests for advice for example, from taxi drivers and a number of operational improvements had been introduced such as online applications and the licences themselves being issued by email. New staff had been appointed to streamline this work and this enabled the Licensing and Enforcement officers to continue with more enforcement activities. The Licensing Policy was also being reviewed.

The Environmental Enforcement Team were dealing with increased numbers of fly tipping, especially since the second lockdown. Work was underway to review CCTV and surveillance technologies to help capture evidence and undertake enforcement around these waste crimes. Members would note that there had been a recent successful prosecution of a roofer from out of the District who had fly tipped his waste in the rural hamlet of Stainsby.

Neighbourhood patrols were fully restored earlier this year to ensure littering and dog fouling offences were both deterred and detected. Members could encourage their residents to report these types of offences along with any evidence to the Council.

Food hygiene and safety inspections had also increased as new operators such as home bakers / caterers had started operating and selling through new platforms such as Facebook Market Place.

A dedicated Covid19 team had been established using funding from Derbyshire County Council Public Health and surge funding from Ministry of Housing Communities & Local Government to enhance capacity and meet demand, particularly with regard to compliance, business advice and support.

Additional ring-fenced grant funding which had been provided by the government through the Contain Outbreak Management Fund (COMF) was to support Covid19 related activities, including public health interventions, compliance and enforcement.

The investment in the service was certainly being felt with increased capacity within teams to undertake statutory duties and respond to requests for service. Two new Environmental Health Officer posts were also being funded for officers to undertake the 2-year MSc. Environmental Health course.

Councillor David Dixon noted the good work which had been carried out by the various Environmental Health teams at West Lea in Clowne and requested his thanks be relayed to the team for making a massive difference there.

Councillor Sandra Peake noted the work of the refuse collectors during the pandemic and wished her thanks be passed on to them.

## COUNCIL

Councillor Tricia Clough thanked the Portfolio Holder for the report and also the Environmental Health team. She added that the New Houghton Hub which had recently reopened had received a 5 star award from Environmental Health for their community café which meant they could provide meals at a rate that people in the community could afford to eat.

Other Members thanked the Portfolio Holder for a detailed report and noted the excellent work of the Environmental Health Team during the year and requested their acknowledgement be relayed to the team.

The Executive Director – Resources thanked Members for their comments and added that the Environmental Health team had been grateful for the additional investment in the service which had enabled them to do a full service review and create the vacancies that the Portfolio Holder had referred to in the report. The team had welcomed the approach which had helped them to concentrate on the day job and be more proactive in their work instead of fire fighting with the volume of work that they had encountered particularly through Covid19 and the infection control work.

Moved by Councillor Deborah Watson and seconded by Councillor Derek Adams  
**RESOLVED** that the update on the work of the Environmental Health Service during the Covid19 pandemic period be noted.

(Portfolio Holder for Environmental Health and Licensing)

### **CL43-21/22 INDEPENDENT PERSON APPOINTMENT**

Members considered a report presented by the Monitoring Officer in relation to the position of Independent Person to assist with the Standards process until the end of September 2025.

Under the Localism Act 2011, the Council was required to appoint Independent Persons who must be consulted by the Authority before a decision was taken on a complaint against a Member, and who may be consulted by the Member and at any other time by the Authority.

In addition, the Independent Persons may also be involved in any disciplinary action against any of the three statutory officers, those being the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer.

To be appointed, an Independent Person must go through a recruitment process and not have been a Member, co-opted member or officer of the Authority or a parish council in the District or be a relative or close friend of any such person. They also cannot have been a Member or officer of the District or parish council in the last five years.

At the Meeting of Council held in September 2017, it was agreed to appoint Ian Kirk to this role for a four year term. This term was due to expire on 14th September 2021 and it was considered, in the Monitoring Officer's opinion, that Ian Kirk continue to be an ideal candidate for the role, and on that basis should be offered a further four year term of engagement to carry out this service to the Authority.

## COUNCIL

Moved by Councillor Duncan McGregor and seconded by Councillor Steve Fritchley  
**RESOLVED** that Ian Kirk be appointed as an Independent Person to assist with the Standards process until the end of September 2025.

(Monitoring Officer)

### **CL44-21/22 SENIOR MANAGEMENT REVIEW**

Members considered a report presented by the Leader which provided an update on the Senior Management Review and the reporting arrangements for Assistant Directors.

At its meeting on 12<sup>th</sup> July 2021, Council approved the disestablishment of the two Joint Director posts and established a full-time Executive Director post, namely Executive Director of Resources. This allowed for two Executive Directors dedicated solely to Bolsover District Council.

Following formal consultation with the two Joint Directors, Karen Hanson was appointed to the newly established post of Executive Director of Resources and also appointed to the role of Head of Paid Service. These appointments took effect from 2<sup>nd</sup> August 2021. Grant Galloway was appointed as Executive Director of Strategy and Development.

The report to Council on 12<sup>th</sup> July 2021, also requested the Executive Directors carry out a review of the management structure in terms of reporting lines and responsibilities for departments. Discussions had taken place with the leadership of the Council's Strategic Alliance partner and informal discussions with Heads of Service / Assistant Directors in order to arrive at a preferred option.

To enable the Council to achieve its ambitions, the reporting structure as outlined in Appendix 1 to the report, was currently considered the most appropriate.

Subject to further consultation with North East Derbyshire District Council in relation to joint officers, it was proposed that all Heads of Services be re-titled as Assistant Directors within the new structure – this would provide consistency across the Senior Management Team. It should also be noted that there were no significant changes to Assistant Director job roles proposed - the changes related to reporting lines and job titles only and did not require formal consultation or approval. All staff affected were aware of the review.

Whilst some service areas and Assistant Directors would remain joint as part of the Strategic Alliance Management Team, other posts would remain single Council posts, and these were outlined in the report.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor  
**RESOLVED** that the reporting structure for the Senior Management Team as outlined in Appendix 1 to the report be endorsed.

### **CL45-21/22 SUSPENSION OF COUNCIL PROCEDURE RULES**

The Leader proposed that Procedure Rules of Debate for Council be suspended to enable Members to discuss the contents of the letter from the RH Robert Jenrick MP,

## COUNCIL

without restraint.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor **RESOLVED** that the Council's Procedure Rules of Debate be suspended to enable Members to discuss the contents of the letter from the RH Robert Jenrick MP, without restraint.

### **CL46-21/22      LOCAL GOVERNMENT REORGANISATION**

Members considered a letter from the RH Robert Jenrick MP, Ministry of Housing Communities & Local Government (MHCLG), in relation to the Government's Levelling Up agenda regarding local government reorganisation.

The Chair advised Members that Bolsover District Council was probably the first Council in Derbyshire to debate the contents of the letter and that a representative from the BBC was present to film the debate.

The letter from the Robert Jenrick, followed on from the Prime Minister's speech of 15<sup>th</sup> July 2021, regarding the government's intention to widen devolution beyond cities to counties, towns and villages, as they had promised in their pre-election manifesto.

The letter explained that the government did not want to or could not deliver full devolution alone and wanted to work with local government. The Leader noted that in effect, the government was leaving it to local politicians to come to some arrangement. The letter also stated that "not one size fits all, and no authority would be forced to wear a model that was ill fitting".

The Leader noted that the government's proposals for combined authorities was not new. Members had discussed 'Vision Derbyshire' with Derbyshire County Council last year and had decided not to be involved. Derbyshire County Council had now written to Robert Jenrick asking to be considered for inclusion in early discussions about county deals.

'Vision Bolsover' was the Council's attempt to shape the future but this depended on the decisions Members made today, either locally or nationally. The Leader stated that Members may consider that what the Council wanted to achieve could only be possible by being part of a bigger authority, and Members may be right but there would be a price to pay and the Leader had asked Senior Management Team to analyse the pros and cons.

The Leader stated that Bolsover District Council wanted to help shape the future. However, it would not help shape the future if it constantly waited for someone else to make the decision for it. At the end of this debate there would hopefully be a clear idea of what Members' stance was on local government reform. The BBC was filming out of particular interest and Politics Today also had a particular interest in what Bolsover was doing. Times may be difficult in some urban areas but the Leader felt that rationalising staff numbers would not overcome the difficulties and a faceless bureaucracy would not provide an efficient service to the tax payer - and that is what it was about - the people that Members represented.

## COUNCIL

The Leader added that the debate on local government reform would also be communicated to residents via the Council's In Touch magazine where they would be given an opportunity to comment in writing or via the Council's website.

Councillor Duncan McGregor thanked the Leader for his words and his rallying call for Members to be proactive and take the initiative in shaping the future of Bolsover and its constituents. Like the Leader, he also remembered previous calls for amalgamation of councils and the demand for greater efficiencies, and being told that bigger was better, and with absolute certainty, he had never experienced this to be the case. This was backed up by evidence across the country where the anticipated benefits had failed to materialise.

Councillor McGregor stated that the Council maintaining its democratic accountability, its direct connectedness to its communities, its ability to represent the people it lived with, was critical to a healthy and sustainable social economic and political future.

If county councils imposing unitary authorities achieved what they were asking for, they would have an average population almost 5 times larger than the current average size of all English councils. With a national average of 3,300 voters per councillor, England was already substantially less locally represented than other major western countries. District councils and local town and parish councils continued to offer the most direct representation between their electorate and their representatives with an average of 2,000 voters per councillor - county councils by contrast had 9,000 voters per councillor on average.

Councillor McGregor stated that the issue of local government reform today was not a failure of local government but a failure of support of local government over years to provide sufficient funding and autonomy to enable local government to flourish and energise the economic recovery of local communities.

Local district and parish councils were the bedrock of how local communities would build a new more prosperous future for its communities. It was Members that understood best their local community, their needs, their opportunities, and could build on its strengths. This had been clearly demonstrated as the Council had worked in collaboration across its partners to support its communities through the Covid pandemic. It was the Council that developed collaboration where it was needed - across employers, community and the third sector, and health and care organisations, to enable its community to find the resilience to weather the more severe impact on lives and livelihoods. The Council could have done more had it been better supported from central government to do so and not been stymied by years of underinvestment.

Councillor McGregor urged Members to listen closely to their conscience as they debated the future of Bolsover District Council on the call for a unitary council for Derbyshire. He implored Members to consider whether they really believed in their heart of hearts that the people of Bolsover District would be better served, would be given a brighter future under different County arrangements. Or did Members think that they, who understood their local communities so intimately, could achieve more by continuing to work in the spirit of collaboration and partnership to get on with the job they had been elected to do, especially as the Council had faced the consequences of the Covid pandemic - Councillor McGregor emphatically suggested that they could.

## COUNCIL

Councillor McGregor further stated that Members should not allow themselves to be distracted by yet another vocacious debate on reorganisation. The Council had the Vision Bolsover plan, and he urged Members to proceed with it and deliver.

The Executive Director of Strategy and Development spoke about the potential structures that could be put in place across Derbyshire with agreement. The government's proposals for reform for the way in which services were delivered across the country, could result in no change at all but it could be about creating a single county or a regional council located in one of the major cities – depending on the size, it could be Derby, Nottingham, or even as far afield as Leicester.

The county of Derbyshire, including Derby City, was a very diverse area, which saw districts, villages, towns and a city, which had very different needs, different economic prosperities and different challenges. From the rural Peak District in the west and the heavily populated city in the south and the towns and villages of the former mining communities in the north and the east.

The type of local authority structure adopted would have an impact on the access and accountability the electorate would have, so generally, the more accessible politicians were, the easier to hold them to account, have dialogue with them and be more likely they would understand the needs of their constituents. There was plenty of evidence to suggest this - the larger the authority, the more remote and less connected people were.

The needs of the rural communities were different to a city region or a larger metropolitan area - this was because of the size and concentration of the people, and the wider range of services that they provided. It would therefore make sense to ensure that whatever local government model was put in place, it had the right balance between being small enough to be accountable and accessible, and large enough to benefit from economy of scale, and that the type and make-up of population across the area was similar so it should be urban focused or rural focused.

There were three types of local authority structure; the 2 tier model, which was a district who was the lower tier, and the county council which was the upper tier – as was the current structure for the Bolsover and DCC, presently. Services such as housing, refuse collection, grounds maintenance and economic development were delivered by the District Council, and highways, adult social care and education was delivered by the County Council.

The advantages of a 2 tier model was that services were delivered at a local level and there was a better understanding of the needs of the area - it also had the advantage of being accountable and accessible ensuring people had more of a voice. Countywide functions such as transport were dealt with under one organisation giving them the ability to take a holistic view of cross boundary impacts, which was important. The disadvantages were that residents may not always understand which council provided which service, and economies of scale may not always be realised.

The 1 tier model, or the unitary authority, was where all services were delivered by one authority and this would likely to be a countywide organisation which would probably include Derby City. All functions currently undertaken by the District and County Council and Derby City would be delivered from one administrative centre

## COUNCIL

with potentially local hubs.

The advantage of a unitary authority was uniformed services delivered across the former district areas - there was a wider tax base and only one set of decision makers and amalgamation of services was likely to reduce costs and increase resilience. The disadvantages were a reduction in accountability and the organisation would be less accessible. There would be a reduction in the number of elected members. A quick reckoning was that the average number of members in a unitary authority was 61, the average number of members in a district council was 43, and the average number of members in a county council was 61 – this nearly mirrored the county of Derbyshire. This meant that there would likely be a reduction in members equal to the number of members representing all the districts across Derbyshire.

Regional Council was likely to be more than 1 unitary authority with a recognisable single identity. For example, this could mirror D2N2 LEP area where you could have 4 unitary authorities, Derby and Derbyshire and Nottingham and Nottinghamshire, or more likely, Derby and Derbyshire become one unitary and Nottingham and Nottinghamshire another, or if it got wider into Leicestershire, it could become a combined mayoral region. The advantages were similar to the unitary authority model but in a larger scale. These were a few examples of models that could be introduced with many variations between two tier and regional councils.

It was believed that Derby City had already put in a proposal to government about forming a south Derbyshire unitary authority and had recently met with Derbyshire local authorities to discuss the proposal. The Leader had outlined earlier that there was evidence to suggest that a full scale skirmish was brewing in Derbyshire for the county council preferred option of Vision Derbyshire. It was unclear how Derbyshire County Council saw the end governance structure of how this would be set up but at the very least, it would have a governance structure made up of participating council members, with officers working directly for them, or, it may end up being a unitary authority forced on them given the actions of Derby City, or it could just be that they wanted to implement the 'case for change' document, which relied on bringing forward efficiencies through scale but relied on redundancies, so they were planning to spend £48m on exit costs, which would equate to around 1,500 people being made redundant across Derbyshire.

Again, it would make sense to ensure that whatever local government model was put in place, it had the right balance between being small enough to be accountable and accessible and large enough to benefit from economies of scale, and that the type and make-up of the population that it served was similar, either urban or rural focused.

The Head of Paid Service clarified what was known so far. Other than the letter from Robert Jenrick MP, a webinar question and answer session had taken place on 27<sup>th</sup> July 2021, with senior council officers and leaders which provided a little more information.

At the webinar, the Ministry was clear that it would not impose any top down government solutions, and reorganisation was not a requirement for a county deal.

There was an acceptance that deals could be done within 2 tier areas as well as unitary, and areas with a combination of the two. There was not a single specified

## COUNCIL

structure or governance model for county deals – the need for consensus would depend on the model and the detail being presented. County deals would build on the government's work at a local level in towns' high streets and on local infrastructure – they would be based around the local identity and operate on a geography that did not isolate neighbouring areas and prevent them from accessing devolution opportunities.

The nature of a governance structure would also depend on the nature of the deal and the types of powers and flexibilities provided within that deal. There was an expectation that different county deals would have different governance models, powers and funding, to maintain a flexible approach and recognise local need. The government definitely emphasised that it would not be a one size fits all approach.

There was an expectation of improvement in governance, efficiencies and joined up services, and strong leadership would be fundamental along with effective local scrutiny to help residents know who was accountable for decision making in their area.

The government wanted feedback on the types of powers and flexibilities that councils would like to see that would unlock delivery of outcomes rather than further requests for funding, and places with the clearest most innovative and readily deliverable proposals that supported levelling up would be prioritised.

It was expected that most county deal discussions would take place following the publication of the levelling up white paper in the autumn. Several questions had been asked at the webinar around a date for the white paper and the Ministry had made it very clear that it would be the autumn but would not give any further definite date. They had a lot of proposals to go through and were currently having discussions and the Ministry were already talking to some areas about their proposals.

Areas that wished to take part in early discussions had been asked to get in touch with ministers prior to 13<sup>th</sup> August 2021. The Council was aware that DCC had done that – they had submitted an interest as a priority area and meetings were starting to take place. The government was open to considering early proposals from a few councils if they already had well advanced plans but would need to have significant support in place.

The white paper was expected to set out links to wider government strategies including the spending review and the vision to build back better following the pandemic. Locally led changes including district council merges may be considered but only if they improved local government in the area, if they had local support and were supported by all councils concerned, they had a credible geography of 2 or more existing local government areas that were adjacent, and would not pose an obstacle to locally led joint working. A credible geography could potentially be in the region of 300,000 to 6000,000 population, or potentially have regard for local circumstances, identity and economies of scale.

The Head of Finance & Resources stated that as Members were aware, every autumn revised budgets were updated for the current year based on the latest information within the Council, and this was brought to Members for approval in December.

The Medium Term Financial Plan (MTFP), was also updated for future years and for



## COUNCIL

this, the financial settlement from the government was needed. This was called the Spending Review (SR) and it informed the Council how much government funding it would receive, what level the council tax could be set at and the multipliers to allow the Council to charge business rates. This was the most important information because there was nothing the Council could do to change it. As an unprotected service, quite often, local government had to make do with what funding was left.

Since 2004, the government had cut funding to local authorities year on year. There had been annual efficiency savings, the Gershon report on councils making efficiency gains without cutting services, the government's policy of austerity in the 2007 Spending Review which continued today.

After managing to meet the Gershon efficiency targets, new ways to close the funding gap were needed, so the Council formed a Strategic Alliance with North East Derbyshire District Council in 2011, and the Council had made savings of £4.779m.

However, although savings could be made by sharing management and other service costs, it had become apparent that even slight differences in the ambition of the councils' could mean the workload of joint staff become unmanageable and this had resulted in a loss of capacity at both councils as they both tried to make progress in similar services at the same time.

With regard to the 2021 autumn Spending Review, the Public Accounts Committee had published a report that looked at the effect of Covid19 on local government finance as well as the prospects for reform of local government funding.

Counties in particular were facing huge deficits in social care. Many districts were predicting to be in difficulty when reforms were implemented due to shifting business rate growth elsewhere and the equalisation of council tax doing the same based on the latest known information. The estimate of the Council's deficit was £3.2m for 2024/25.

There were potential savings from the government's levelling up proposals of unitary authorities where county and district services were carried out in one - some joining up of back-office functions due to economies of scale in finance, payroll, ICT, legal etc., but there was likely to be large redundancy costs, such as mentioned in the Price Waterhouse Cooper's document, 'Case for Change', which proposed making approximately 1500 jobs redundant. Savings in Members' allowances was likely as only one set of Members was present in this model.

The Regional Council's model was similar to the one tier model but likely to be much larger with the same implications, although in the Head of Finance & Resource's opinion, the number of redundancies was likely to be drastically higher.

Whichever model was used, it was felt by the APSE Local Government Commission, that the current system of local government funding was not sustainable. Recommendations made by the Commission included a settlement that would ensure every council had sufficient resources to exercise its roles and responsibilities and meet the needs of its communities. If this type of settlement were to be provided, the Head of Finance & Resource's wondered if the Council would be discussing Local Government Reform at all.

## COUNCIL

The Monitoring Officer noted that as outlined in the Queen's speech, the government's parliamentary timetable for legislation was full and it did not include local government reorganisation. There were also some other high profile matters in relation to the Housing white paper, which were missing from the timetable and this demonstrated pressure on parliamentary time. Without something in the timetable the government was reliant on existing legislation which required agreement from all local authorities involved to any reorganisation or devolution proposal before there could be change – so local government reform cannot be imposed. Looking for this agreement is what Robert Jenrick's letter was about as well as trying to promote proposals for agreed change.

Councillor David Dixon queried the types of discussions and responses the Leader had had from other councils in the area. The Leader replied that discussions had started almost 2 years ago with Derbyshire County Council's Vision Derbyshire where officers had decided that councils would have to contribute at least £50k each, plus officer time to set up a super structure to look at implementing it. The Executive Director of Strategy and Development added that one other district council had signed up in principal to Vision Derbyshire in relation to the governance structure and investing £50k, two other authorities would be taking it through their approval process in the coming few weeks, two more authorities were not interested in taking it any further and two other authorities were not indicating what they were intending to do.

Councillor Andrew Joesbury welcomed the debate and hoped Bolsover would lead the way for the rest of Derbyshire. He wanted the Council to stay as it was. Councillors were at the heart of their communities and the people they represented needed direct communication with them, not someone who was unfamiliar with the area and deciding what was right for a local community. He added that the Council had done a lot of good work in the District that needed to be left alone.

Councillor Stan Fox read out a statement on behalf of Councillor Mary Dooley. The statement concluded with Councillor Dooley urging Members to say no to the government's reform of local councils. Councillor Fox added that he supported Councillor Dooley's statement.

Councillor Deborah Watson stated that as an Independent Councillor and with no party political agenda, she failed to see how good representation of people in rural areas could be achieved by a unitary authority that was remote, and by councillors who did not truly understand the needs of each local area. The Council had worked hard to continue to provide the services it needed throughout all the cuts imposed on it over the years by the government and throughout the pandemic. She suggested it would be better to remove the County level of authority as it had very few services left that it did not outsource and very few schools it controlled as they rapidly became academies. Councillor Watson felt that the District Council would be best placed to deliver these County services and the County was already renting office space at the Arc to deliver some services it needed to deliver in the locality. The Council had proved efficiencies could be made and provided jobs for local people which protected the environment as well as boosting the local authority.

Councillor Sandra Peake queried the future of parish and town councils as they currently received great support from the District Council. The Leader noted that unlike district councils, parish and town councils did not need government authority to set up, neither did they receive any government funding. The Monitoring Officer

## COUNCIL

added that it was district councils' electoral services which helped set up the process of parish and town councils but she had not seen anything from the government to say what would happen to them one way or the other in the future.

Councillor Liz Smyth spoke about small businesses in the District and the crisis of the pandemic where the Council had stepped up to the plate. During the crisis, £26m of business grants had been paid out to local businesses by the Council via the Economic Development team and Revenues and Benefits team, who had done an amazing job. The process had become quite complicated at one point but these had been dealt with by real staff talking to businesses on the phone and taking them through the process step by step. A lot of businesses were saved and jobs were safeguarded. Councillor Smyth felt that it would be politically naïve to take away that valuable tier of local government. She agreed with Councillor Watson's comments about removing the County level of authority and that the District could take on some of their work.

Councillor Andrew Joesbury also agreed with Councillor Watson's comments and noted the number of services which had been cut by the County Council including youth services. He felt that the District Council carried out a far better job delivering services.

Councillor Nick Clarke spoke about the centralisation of the police service in the early 2000s, the reduction of the numbers of police due to efficiency cuts and the loss of local knowledge and he felt that the same would happen if the District Council's services were lost to a unitary authority.

Councillor Anne Clarke supported Councillor Clarke's comments and added that she had also witnessed loss of local knowledge in her previous career as a nurse. She added that it was the people at grass roots level that had the knowledge to deliver services well.

The Chair noted that North Yorkshire County Council had proposals to become a rural unitary authority. Derbyshire by contrast, approaching Manchester, was a mix of urban, rural, industrial and ex mining and this was repeated across Derbyshire east, south and west, which made it a nonsense to be any type of single authority.

The Chair thanked Members who had raised the point of the Council's local accountability which was absolutely crucial and key. He also supported Members' comments regarding Derbyshire County Council.

The Leader reaffirmed his earlier comment that if the issue of local government reform turned into a full scale skirmish amongst councils, it would take the public's eye off what was really happening in central government. A solution was needed and the Leader felt that this was that the Council stayed as it was. He added that local authorities should be telling government to fund council's properly for the services and functions it was elected to do.

In response to a query from Councillor Peter Roberts regarding funding, the Leader explained that he did not have the answer going forward.

Councillor Duncan McGregor thanked Members' for a good discussion on the issue of local government reform and stated that Bolsover District Council was a good council

## COUNCIL

who had resolved its own financial ways and means of being able to progress and provide services to local residents which was Members' sole purpose. He emphasised that services would be affected if local government reform went ahead and reaffirmed that the Council would be consulting its residents via the In Touch magazine and also the Council's website.

It was moved by Councillor Duncan McGregor and seconded by Councillor Sandra Peake that Bolsover District Council supported the continuation of two tier government in Derbyshire and urged other Derbyshire councils to do the same, and also that the Leader of the Council be empowered to explore other alternatives if necessary.

In accordance with Council Procedure Rule 14.4, of the Council's Constitution, Councillors Duncan McGregor, Steve Fritchley and Councillor Sandra Peake requested that a recorded vote be taken on the motion.

Before the vote was taken, Councillor Natalie Hoy declared her position as a cabinet Member at Derbyshire County Council.

For the motion (29) - Councillors Derek Adams, Allan Bailey, Rose Bowler, Dexter Bullock, Tracey Cannon, Anne Clarke, Nick Clarke, Jim Clifton, Tricia Clough, David Dixon, Maxine Dixon, David Downes, Stan Fox, Steve Fritchley, Donna Hales, Ray Heffer, Andrew Joesbury, Chris Kane, Tom Munro, Duncan McGregor, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Liz Smyth, Janet Tait, Rita Turner, Deborah Watson and Jenny Wilson.

Against the motion (0)

Abstention (1) Councillor Natalie Hoy

**RESOLVED** that –

(1) Bolsover District Council supported the continuation of two tier government in Derbyshire and urged other Derbyshire councils to do the same,

(2) the Leader of the Council be empowered to explore other alternatives if necessary.

(Leader of the Council)

## **CL47-21/22 CHAIRMAN'S CLOSING REMARKS**

In closing the meeting, the Chair reminded Members that Thursday 9<sup>th</sup> September 2021, would mark the 20<sup>th</sup> anniversary of the ghastly events which happened in New York. He asked that thoughts be given to the people of New York and all the people who were impacted by the events.

The meeting concluded at 12:20 hours.