

## COUNCIL

Minutes of a meeting of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 6<sup>th</sup> March 2024 at 10:00 hours.

### PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rita Turner (Vice-Chair), David Bennett, Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Will Fletcher, Louise Fox, Steve Fritchley, Justin Gilbody, Duncan Haywood, Cathy Jeffery, Tom Kirkham, Duncan McGregor, Clive Moesby, Sandra Peake, Jeanne Raspin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Janet Tait, Ashley Taylor, Deborah Watson, Jen Wilson, Carol Wood and Jane Yates.

Officers:- Karen Hanson (Chief Executive), Steve Brunt (Strategic Director of Services), Jim Fieldsend (Service Director of Governance and Legal Services & Monitoring Officer), Theresa Fletcher (Director of Finance & Section 151 Officer), Pam Brown (Director Executive, Corporate Services and Partnerships), Ollie Fishburn (HR & Payroll Manager), and Alison Bluff (Governance).

### CL73-23/24 APOLOGIES FOR ABSENCE

Apologies were received on behalf of Councillors Donna Hales, Rob Hiney-Saunders, Mark Hinman, Chris Kane, and Catherine Tite.

### CL74-23/24 DECLARATIONS OF INTEREST

The Monitoring Officer reminded Members that any Member in arrears of Council Tax of more than 2 months must not vote in decisions on or which might affect budget calculations and they must disclose at the meeting that this restriction applied to them. A failure to comply with these requirements was a criminal offence under Section 106 of the Local Government Finance Act 1992.

The following interests were declared:

Minute Number	Member	Interest
CL78-23/24 Proposed Amendment to the Council's Constitution (Contract Procedure Rules)	Councillor Steve Fritchley	Significant Other Interest – Director of Dragonfly Development Limited
	Councillor Emma Stevenson	Significant Other Interest – Director of Dragonfly Development Limited
	Councillor Janet Tait	Significant Other Interest – Director of Dragonfly Development Limited

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	Councillor Deborah Watson	Significant Interest – Director of Dragonfly Development Limited	Other Director of Dragonfly Development Limited
	Councillor Carol Wood	Significant Interest – Director of Dragonfly Development Limited	Other Director of Dragonfly Development Limited

### **CL75-23/24 CHAIR'S ANNOUNCEMENTS**

The Chair thanked those Members and officers who attended his Civic Dinner at The Holiday Inn, South Normanton. The event had raised £1329 which would be donated to the Royal British Legion. The Chair further thanked the two sponsors of the event, NAL Plant and the Glapwell Garden Centre, and also Councillor Justin Gilbody for his fabulous entertainment. The Chair's next event would be the Civic Service on Sunday 14<sup>th</sup> April at St Lawrence Church, Whitwell, starting at 2.30pm followed by afternoon tea to be held at the Whitwell Community Centre. Invitations had been sent out and the Chair noted he looked forward to seeing Members there.

### **CL76-23/24 MINUTES**

Moved by Councillor John Ritchie and seconded by Councillor Phil Smith

**RESOLVED** that the Minutes of a Council meeting held on 31<sup>st</sup> January 2024 be approved as a correct record.

### **CL77-23/24 PROPOSED AMENDMENT TO THE COUNCIL'S CONSTITUTION (SCHEME OF DELEGATION)**

Council considered a detailed report, presented by the Portfolio Holder for Corporate Governance, which sought Members' approval for a change to the officer delegation scheme in the Council's Constitution, relating to acceptance of external funding and its associated terms.

The Council received funding from various organisations, however, there was no specific power for officers to accept it and therefore they used their general day to day administrative powers for amounts below the key decision threshold.

Where the amount of the funding was over a key decision threshold, approval to receive the funding and agreement of any funding conditions, must be granted by the Executive. Occasionally, the deadline to agree to accept funding did not match the Executive meeting schedule and so the Chief Executive was required to exercise urgency powers.

It was proposed to change the officer delegation scheme for the delegation to Assistant Directors and Directors to:

*"To agree to the receipt of any external funding below the key decision level and the acceptance of any associated funding conditions",*

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and the proposed wording of the delegation to the Chief Executive to:

*“To agree to the receipt of any external funding and the acceptance of any associated funding conditions”.*

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie  
**RESOLVED** that the changes to the Officer Delegation Scheme be approved.

Having previously declared their interest in the following item of business, Councillors Fritchley, Watson, Wood, Tait, and Stevenson left the meeting.

### **CL78-23/24          PROPOSED AMENDMENT TO THE COUNCIL'S CONSTITUTION (CONTRACT PROCEDURE RULES)**

Council considered a detailed report, presented by the Portfolio Holder for Resources, which sought Members' approval to a proposed change to the Council's Contract Procurement Rules.

The Council's Contract Procurement Rules provided a framework for the procurement of all goods services and works for the Council, and all purchases were required to go through a set process depending on the value of the purchase.

The proposed changes to the Contract Procurement Rules were required to enable the Council to make a direct award to Dragonfly Management (Bolsover) Limited in relation to all contracts subject to it meeting the specific criteria as set out within Regulation 12 of the Regulations.

Dragonfly Management (Bolsover) Limited (DMBL) was a company wholly owned and controlled by the Council and provided over 80% of its services directly to the Council. This meant DMBL was Teckal company, and the Council could make direct contractual awards to it without complying with the statutory requirements set out in The Public Contract Regulations 2015 ('the Regulations').

Dragonfly Developments Limited (DDL) was also a company wholly owned by the Council, however, it was not a Teckal company. The threshold for public works contracts was currently £5,372,609 and the Council could award contracts below this threshold provided the Contract Procurement Rules provided for this, which was now proposed in part 4.8.4 at section (5).

The proposed changes were shown as tracked changes in the appendix to the report and clarified the position on signing / awarding contracts.

Councillor Kirkham queried what provisions were in place to ensure the Council still received value for money and the same level of transparency as in open tenders when awarding contracts to Dragonfly.

The Monitoring Officer replied that each case would be considered on its own merits, and if it were in the best interest of the Council or if it were more appropriate to go out to full tender.

Councillor Kirkham noted that a key element of the Service Level Agreement with Dragonfly related to value for money and the performance of Dragonfly and Members had

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been advised they would receive updates from the Monitoring Officer regarding the Dragonfly Shareholder Board. However, Members had not received these updates nor seen agendas and minutes from the meetings. He added that if the Council was going to award directly to Dragonfly, and as a wholly owned company of the Council, Members were to help steer and direct it to the Council's priorities and also have more of a say in Dragonfly, then Members needed to see the agendas and Minutes and be able to attend Shareholder Board meetings.

The Monitoring Officer replied that in terms of the decision making route, if an award were going to be given to Dragonfly, a report would go to the Shareholder Board and then to Executive for a formal decision, which would be subject to Scrutiny review. Currently, the makeup of the Shareholder Board was Executive Members, however, this was being looked at along with the roles and responsibilities going forward.

Councillor McGregor acknowledged Councillor Kirkham's concern and advised that the Shareholder Board Minutes would be shared with Members.

Councillor Moesby added that it was being looked at to add Scrutiny Members onto the Shareholder Board.

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby  
**RESOLVED** that changes to the Contract Procurement Rules as set out in the report be agreed.

Councillors Fritchley, Watson, Wood, Tait, and Stevenson returned to the meeting.

### **CL79-23/24      SKY LANTERNS AND HELIUM BALLOONS CHARTER**

Council considered a detailed report, presented by the Portfolio Holder for Environment, in relation to sky lanterns and helium balloons with a Scrutiny Committee recommendation that the Council introduce a charter to ban the release of either of these on any land or property owned by the Council.

Sky lanterns, (also known as Chinese lanterns), and helium balloons, could travel a long way before they fell to the ground. As well as being a litter nuisance, the risks they presented included fire, danger to animals and livestock causing injury or death, contamination to crops, and false alarms/significant danger to aviation traffic such as planes and helicopters. In addition, there were concerns that lanterns could be drawn into aircraft engines and could delay take-off and landing, and lanterns drifting across a night sky had been mistaken by the public and coast guards for marine distress signals.

Following referrals from the Customer Standards & Complaints Officer and the Leader of the Council, Scrutiny chose to investigate further to establish what the Council could do to mitigate the impacts at a local level.

It was found that several organisations were running national awareness campaigns and calling for the celebratory use of these items to be banned through national regulatory action. These included the Peak District National Park, the Countryside Alliance, the Marine Conservation Society, and the RSPCA. The RSPCA website also provided alternative suggestions to the use of sky lanterns and helium balloons:  
<https://www.rspca.org.uk/adviceandwelfare/litter/balloon-and-sky-lantern-alternatives>

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Whilst there was limited additional impact the Council could have at a local level due to current national legislation, designating restrictions on use on Council owned land would bring the Council in line with over 50% of English councils. As a result of the Scrutiny review, Scrutiny Members had agreed five recommendations including that the Council write to the Government lobbying for change to national legislation, in line with the national campaign. Scrutiny had also drafted a Charter for adoption by the Council in line with the approach taken by other councils nationally. All five recommendations were detailed in the appendix attached to the report.

Councillor Jen Wilson spoke from her own experience and noted that when helium balloons lay deflated on the ground in hay fields, they would get baled into the hay which was used to feed horses. Councillor David Bennett also noted the significant danger to aviation and the impact on life and limb and that he would like to see an outright ban of sky lanterns and helium balloons.

Moved by Councillor Anne Clarke and seconded by Councillor Ashley Taylor  
**RESOLVED** that the Council adopts and promotes a charter as follows: -

*Bolsover District Council has banned the release of sky lanterns and balloons on any land or property owned by the Council.*

*We are committed to encouraging businesses, communities, landowners, and individuals to switch to alternative ways of celebrating and commemorating events.*

*Bolsover District Council pledges to: -*

- Promote the restriction of the release of all types of helium-filled balloon and sky lantern on property and land owned by the Council. This includes those that are made from bamboo or claim to be biodegradable.*
- Engage with businesses, communities, landowners, schools, and individuals to encourage them to sign up to this charter.*
- Raise awareness of safer and more environmentally friendly alternatives that people can celebrate with, through promotion and campaigns.*

### **CL80-23/24      LEVEL OF COUNCIL TAX 2024/25**

Council considered a detailed report, presented by the Portfolio Holder for Resources, which set out the proposed level of Council Tax for 2024/2025.

The Localism Act 2011 required the billing authority to calculate a Council Tax requirement for the year. The approved demand on the Collection Fund for the Council should be **£4,691,334**. The Council had now received all parish precept demands which totalled **£4,583,187** so the total demand on the Collection Fund in 2024/25 would be **£9,274,521**.

In order to calculate the Council Tax requirement for the area at the relevant bands, the demands of the County Council, Police Authority, Fire Authority, and parish councils would also need to be taken into account. The Council had now received all

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the relevant precept demands from these other local authorities that precept upon the Council as the billing authority for Council Tax.

The Chair reminded Members that a recorded vote would need to be taken on this item as required by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

The recommendations in the report were moved by Councillor Clive Moesby and seconded by Councillor David Bennett.

For the motion (25):

Councillors David Bennett, Anne Clarke, Rowan Clarke, Amanda Davis, Mary Dooley, Steve Fritchley, Justin Gilbody, Duncan Haywood, Cathy Jeffery, Tom Kirkham, Duncan McGregor, Clive Moesby, Tom Munro, Sandra Peake, Jeanne Rospin, Sally Renshaw, John Ritchie, Phil Smith, Emma Stevenson, Janet Tait, Ashley Taylor, Rita Turner, Deborah Watson, Jen Wilson, and Jane Yates.

Against the motion (3):

Councillors Will Fletcher, Louise Fox, and Carol Wood.

Abstentions (0).

**RESOLVED** that 1) the Council Tax for the Financial Year 2024/25 as set out in the report be approved,

2) the officers as set out in section 1.6 of the report be approved to undertake the identified duties in accordance with section 223 of the Local Government Act 1972, and the Council's Chief Financial Officer be delegated the authority to authorise any amendments to the list of named officers that may prove necessary during the course of the financial year.

### **CL81-23/24      COUNCIL CORPORATE PLAN - BOLSOVER DISTRICT THE FUTURE 2024-2028**

Council considered a detailed report, presented by the Leader of the Council, which sought Members' approval for the Council's Corporate Plan - Bolsover District The Future 2024-2028.

To accompany the Plan, the Chief Executive provided a presentation and a short montage of video clips of staff carrying out their daily duties.

Bolsover District The Future 2024-2028, built on the success of the Council Ambition 2020-2024, and recognised the pivotal role that the Council played in delivering and working with and influencing public and private sector partners, government, and businesses to make Bolsover District a great place to live, work and spend time.

The new plan had a separate aim for Housing to reflect the Council's ambitions in this area and recognised the importance of the new Social Housing Consumer Standards. The plan set out the four aims (Customers, Economy, Environment, and Housing) together with the Council's priorities under each aim.

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To support the delivery of the Plan, a performance management framework was being developed with Service Managers to enable active monitoring of the plan.

Consultation on the priorities which underpinned the Council's aims had been wide and had received broad support. Consultees included the Citizens' Panel, Equality Panel, and employees. Senior Leadership Team and the Council's four Scrutiny Committees were also consulted on the initiatives and targets supporting the priorities.

The Chief Executive highlighted some of the great achievements the Council had accomplished during the life of the 2020/2024 Plan.

The video clips would be put on the Council's website and roadshows would also take place with Q&A sessions for staff with the Leader and KH attending and also representation from Senior Leadership Team.

The Leader echoed those Members comments that the Council should be proud of what it had achieved so far. The Council now had to face combined authorities and the Leader had put together a second to none devolution team where staff had demonstrated flexibility, which was key, along with resilience.

Moved by Councillor Steve Fritchley and seconded by Councillor Duncan McGregor

**RESOLVED** that (1) the Council's Corporate Plan, 'Bolsover District The Future 2024-2028', be approved,

(2) the Chief Executive be authorised to make any subsequent minor amendments to 'Bolsover District The Future 2024-2028',

(3) the Chief Executive and the Senior Leadership Team manage the supporting performance management framework to ensure that it stays aligned to 'Bolsover District The Future 2024-2028', vision, aims and priorities.

### **CL82-23/24          PAY POLICY STATEMENT 2024/25**

Council considered a detailed report, presented by the Portfolio Holder for Corporate Governance, which sought Members' approval for the Council's Pay Policy Statement 2024/2025.

The Annual Pay Policy Statement 2024/25, set out the Council's policy on pay for senior managers and employees in accordance with the requirements of Section 38 of the Localism Act 2011 and Supplementary Guidance 2013.

The Pay Policy Statement was presented to Council on an annual basis. Any amendments to the policy statement, other than minor updates to reflect the 2023/24 pay agreement and 2024/25 pay agreement, would require the approval of Council. The Annual Pay Policy Statement 2024/25 reflected the current position based on decisions previously taken at Council and was attached as an appendix to the report.

Under the Local Government Transparency Code 2015 additional organisational information was required to be published annually on the Council's website. This consisted of third tier organisation charts, senior salaries information, including functional responsibilities, budget amounts and numbers of staff responsible for, together with

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details of trade union facility time.

Moved by Councillor Duncan McGregor and seconded by Councillor Clive Moesby  
**RESOLVED** that the Annual Pay Policy Statement 2024/25 be approved.

### **CL83-23/24 STATEMENT OF LICENSING POLICY - DELEGATED DECISION**

Council considered a detailed report, presented by the Portfolio Holder for Environment, which provided information regarding a decision taken by the Chief Executive under delegated powers in relation to the Statement of Licensing Policy, and to explain the reasons for the decision taken.

The Council was a Licensing Authority for the purpose of the Licensing Act 2003 ('the Act'). Section 5 of the Act required all Licensing Authorities to prepare and publish a Statement of Licensing Policy that they proposed to apply in exercising their functions under the Act during the five-year period to which the policy applied.

The Policy established a set of controls which the Council considered appropriate for the effective management of licensable activities within the district. The Policy acted as a guide for Members, applicants, responsible authorities, and members of the public and aimed to promote fair, consistent, and proportionate decision making.

Section 4 of the Act provided that, in carrying out its functions, a Licensing Authority must 'have regard to' Guidance issued by the Secretary of State under Section 182 as appropriate. Modifications to Section 182 Guidance had been published during 2023 and early 2024. These revisions needed to be considered and time given to review and prepare a revised Statement of Licensing Policy ready for statutory consultation and final publication.

As the Council's Licensing Policy Statement was due to expire on 31<sup>st</sup> January 2024, a decision was taken under delegations to republish the existing Statement of Licensing Policy to cover the interim period required to consider modifications to the guidance issued by the Secretary of State.

A draft, revised Licensing Policy Statement was considered by the Climate Change and Communities Scrutiny Committee on 20<sup>th</sup> February 2024, and by the Licensing and Gambling Acts Committee on 22<sup>nd</sup> February 2024. The draft policy would be subject to a 6-week consultation period before being further considered by the Licensing and Gambling Acts Committee.

Final approval of a new policy would be considered by Council on the recommendations of the Licensing and Gambling Acts Committee.

Moved by Councillor Anne Clarke and seconded by Councillor Steve Fritchley  
**RESOLVED** that the decision taken by the Chief Executive under delegations with regard to the Council's Statement of Licensing Policy be noted.

### **CL84-23/24 APPOINTMENT OF CHAIR OF THE CLIMATE CHANGE AND COMMUNITIES SCRUTINY COMMITTEE**



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Members considered a detailed report, presented by the Monitoring Officer, for Council to decide upon the appointment of the Chair of the Climate Change and Communities Scrutiny Committee.

Following the recent resignation of the Chair of the Climate Change and Communities Scrutiny Committee, Councillor Catherine Tite, it was necessary for the Council to elect a new Chair.

The other Members on the Climate Change and Communities Scrutiny Committee were Councillors Ashley Taylor (Vice Chair), Rob Hiney-Saunders, Cathy Jeffery, Emma Stevenson, Janet Tait, Ross Walker, and Carol Wood.

Councillor Duncan McGregor nominated Councillor Emma Stevenson to be Chair of the Climate Change and Communities Scrutiny Committee. The nomination was seconded by Councillor Anne Clarke.

**RESOLVED** that Councillor Emma Stevenson be Chair of the Climate Change and Communities Scrutiny Committee.

### **CL85-23/24 COUNCIL MEETING SCHEDULE 2024/25**

Council considered the proposed schedule of meetings for 2024/2025, presented by Councillor Duncan McGregor, Portfolio Holder for Corporate Governance.

Each year the Council considered a calendar of its meetings for the forthcoming municipal year. This was to ensure that the Authority had in place an efficient meeting schedule that met the needs of Members and facilitated decision making in line with statutory deadlines.

Councillor Ashley Taylor noted his disappointment that there had been little consideration for meetings to be held at different times during the day to accommodate those Members who were in full time employment, which limited those Members' contribution to the Council. He requested that consideration be given to this when the next meeting schedule was being prepared.

Moved by Councillor Duncan McGregor and seconded by Councillor Tom Munro

**RESOLVED** that 1) the 2024/25 calendar of meetings, as attached at Appendix 1 to the report, be approved,

2) delegated authority be granted to the Governance and Civic Manager following consultation with the Chair of the relevant Committee(s)/Working Group(s) to amend the calendar of meetings 2024/25 as and when required.

### **CL86-23/24 CHAIRMAN'S CLOSING REMARKS**

The Chair thanked everyone's contribution to the meeting and reiterated his pride in being Chair of the Council and what the Council had achieved and was still achieving.

He reminded those present of his Civic Service to be held on Sunday 14<sup>th</sup> April and

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added that there would also be a commemorative event at the Oxcroft Centre, Stanfree, for Pat Cooper, former District and Bolsover Town Parish Councillor, who sadly passed away in 2020, and kindly requested Members to support the event if they could.

The meeting concluded at 11:11 hours.