

## **COUNCIL**

Minutes of a meeting of Council held in the Council Chamber, The Arc, Clowne on Wednesday 17<sup>th</sup> July 2019 at 10.00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Derek Adams, Adam Bailey, Rose Bowler, Jane Bryson, Dexter Bullock, Anne Clarke, Nick Clarke, Jim Clifton, Patricia Clough, Paul Cooper, Pat Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Tom Kirkham, Duncan McGregor, Clive Moesby, Tom Munro, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Liz Smyth, Janet Tait, Rita Turner, Deborah Watson, James Watson and Jen Wilson.

Officers:-

Dan Swaine (Joint Chief Executive Officer), Lee Hickin (Joint Strategic Director - People), Karen Hanson (Joint Strategic Director - Place), Theresa Fletcher (Chief Accountant and Section 151 Officer), Victoria Dawson (Team Manager Solicitor – Contentious and Deputy Monitoring Officer) and Jim Fieldsend (Team Manager Solicitor – Non-Contentious) and Nicola Calver (Governance Manager).

### **0147. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Tracey Cannon, Dan Salt and Ross Walker.

### **0148. DECLARATIONS OF INTEREST**

There were no interests declared at this meeting.

### **0149. CHAIR'S ANNOUNCEMENTS**

The Chair requested that Members complete the paperwork that they had been issued to indicate their wish to receive committee papers electronically or at an alternative address.

The Chair announced that he had recently attended a number of local events to represent the Council, including the Buxton Military Tattoo, Crich Memorial Pilgrimage and a tea party hosted by Derbyshire County Council's Chairman.

### **0150. MINUTES – 22<sup>nd</sup> MAY 2019**

It was noted that at Minute No 006, the recorded vote incorrectly listed 'Councillor P.A Cooper' as voting in favour of the motion, when she was in fact absent from the

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meeting. The Minute should have instead stated that 'Councillor C.P Cooper' had voted in favour of the motion.

Moved by Councillor Tom Munro seconded by Councillor Rita Turner

**RESOLVED** that subject to the amendment as noted above, the minutes of the meeting of Annual Council held on 22<sup>nd</sup> May 2019 be approved as a true and correct record.

### 0151. 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.

### 0152. 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 were submitted to this meeting of Council under Rule 9 of the Council Procedure Rules.

### 0153. 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 Natalie Hoy:

*'Council notes:*

*That the impacts of climate breakdown are already causing serious damage around the world.*

*That the 'Special Report on Global Warming of 1.5°C', published by the Intergovernmental Panel on Climate Change in October 2018, (a) describes the enormous harm that a 2°C average rise in global temperatures is likely to cause compared with a 1.5°C rise, and (b) confirms that limiting Global Warming to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society and the private sector.*

*That all governments (national, regional and local) have a duty to act, and local governments, that recognise this should not wait for their national governments to change their policies;*

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*That strong policies to cut emissions also have associated health, wellbeing and economic benefits;*

- *the content of Committee on Climate Change's report into the necessary increase in tree plantation required to achieve net zero carbon emissions by 2050;*
- *and that, recognising this, a growing number of UK local authorities have already passed 'Climate Emergency' motions.*

*Council therefore resolves to:*

- *Declare a 'Climate Emergency' that requires urgent action.*
- *Make the Council's activities net-zero carbon by 2030.*
- *Achieve 100% clean energy across the Council's full range of functions by 2030.*
- *Ensure that all strategic decisions, budgets and approaches to planning decisions are in line with a shift to zero carbon by 2030.*
- *Support and work with all other relevant agencies towards making the entire area zero carbon within the same timescale;*
- *Ensure that political and chief officer leadership teams embed this work in all areas and take responsibility for reducing, as rapidly as possible, the carbon emissions resulting from the Council's activities, ensuring that any recommendations are fully costed and that the Executive and Scrutiny functions review council activities taking account of production and consumption emissions and produce an action plan within 12 months, together with budget actions and a measured baseline;*
- *Request that Council Scrutiny Panels consider the impact of climate change and the environment when reviewing Council policies and strategies;*
- *Work with, influence and inspire partners across the district, county and region to help deliver this goal through all relevant strategies, plans and shared resources by developing a series of meetings, events and partner workshops;*
- *Request that the Council and partners take steps to proactively include young people in the process, ensuring that they have a voice in shaping the future;*
- *Request that the Executive Portfolio holder with responsibility for Climate Change convenes a Citizens' Assembly in 2019 in order to involve the wider population in this process. This group would help develop their own role, identify how the Council's activities might be made net-zero carbon by 2030, consider the latest climate science and expert advice on solutions and to consider systematically the climate change impact of each area of the Council's activities;*
- *Set up a Climate Change Partnership group, involving Councillors, residents, young citizens, climate science and solutions experts, businesses, Citizens Assembly representatives and other relevant parties. Over the following 12 months, the Group will consider strategies and actions being developed by the*

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*Council and other partner organisations and develop a strategy in line with a target of net zero emissions by 2030. It will also recommend ways to maximise local benefits of these actions in other sectors such as employment, health, agriculture, transport and the economy.*

- *Enforce private sector to operate to the same standards as the public sector, when renting properties to tenants. I.e energy efficiency, insulated, renewable energy. Any non-compliant private sector landlords, to be dealt with, with enforcement of works to be carried out within a specified timescale or work to be undertaken by the Council and the landlords be billed accordingly.*
- *Report on the level of investment in the fossil fuel industry that our pensions plan and other investments have, and review the Council's investment strategy to give due consideration to climate change impacts in the investment portfolio;*
- *Ensure that all reports in preparation for the 2020/21 budget cycle and investment strategy will take into account the actions the council will take to address this emergency;*
- *Call on the UK Government to provide the powers, resources and help with funding to make this possible, and ask local MPs to do likewise;*
- *Consider other actions that could be implemented, including (but not restricted to): renewable energy generation and storage, providing electric vehicle infrastructure and encouraging alternatives to private car use, (to liaise with Central Government to expedite research and production of electric and hydrogen powered vehicles and for Government to enter into discussions with the Motor Industry concerning production of suitably powered clean vehicles to replace current combustion powered vehicles, i.e. HGV's and 4 x4's etc. Small electric vehicles alone are not the answer to transportation issues.) increasing the efficiency of buildings, in particular to address fuel poverty; proactively using local planning powers to accelerate the delivery of net carbon new developments and communities, coordinating a series of information and training events to raise awareness and share good practice.*
- *Enforce through the Licensing Committee that all licensed Taxis throughout the District to be Electric Powered vehicles by no later than 2030.*
- *All planning applications to be subject to conditions; i.e. all new builds domestic or commercial to include solar roof panels or tiles as part of the build process. All new house builds to have electric car charging points as standard. Any commercial development to also have electric car charging points for at least 50% of the car parking spaces within the development.*
- *Any trees felled during a building/ development programme to be replaced by the builder / developers by at least x 2 within the curtilage of the development.*
- *Conservation of rainwater on all Council buildings and sites throughout the District.*
- *Works to reduce/remove/find an environmentally sound alternative to reduce single use plastic throughout the district.*

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- *Review all its single use plastic packaging and replace with a biodegradable or reusable alternatives.*
- *Remove all single-use cutlery/plates etc at council run premises and replace with proper cutlery and crockery and offer a biodegradable cutlery and crockery if necessary.*
- *Remove the use of polymer tea/coffee cups and plastic lids.*
- *Provide and sell refillable beverage containers cups/bottles for tea, coffee and water*
- *Introduce clearly signed, and easily accessible, self-service refill water stations at the Arc and in other council owned/sponsored locations around the District*
- *Work with local businesses around the District to provide water refill location points within their premises*
- *Enforce the maximum permissible penalties against those responsible for fly-tipping, littering and dog fouling.*
- *Place, where possible, plastic netting catchers, on rivers, waterways etc.*
- *Replace seasonal planting in maintained public space areas with evergreen planting, including wildflower/pollenating/seasonal and perennial flowering plants.*
- *Introduce more wildflower planting along verges and in areas where suitable. Introduce a marking system, to prevent these areas being accidentally mowed.*
- *Implement an extensive tree planting programme on all council owned land across the District and encourage landowners, estates, private companies, to initiate tree planting programmes. (Grants are available from the Forestry Commission. The Countryside Stewardship Woodland Grant is a Defra scheme delivered by the Forestry Commission. BDC would benefit financially from any tree planting programme.)*
- *Bolsover District Council will constantly review their Carbon Reduction Plan and where appropriate will review their impact on the environment and when new issues that impact its operation are identified they will address these issues and incorporate a response into the Carbon Reduction Plan.) and report back to council every six months with actions to address this emergency.'*

Councillor Nick Clarke duly seconded the motion, highlighting concerns about the impact of climate change and the urgent need for the Council to take actions to combat climate change as set out in the motion. He also called upon the Government to give local authorities more powers to address climate change. He recognised that the Council was already engaged in a lot the actions covered in the motion as part of the Carbon Reduction Plan. A number of other aspects of the motion were outside the Council's direct control.

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In accordance with Council Procedure Rule 12.6 (a) (i), Councillor Nick Clarke moved an amendment to refer the motion to the Council's Carbon Reduction Sub-Group for consideration which would then report back to Council in due course.

The amendment was duly seconded by Councillor David Downes.

It was confirmed that the Carbon Reduction Sub-Group would have cross-party (or political group) membership.

Councillor Natalie Hoy, who moved the original motion, consented to the amendment to the motion which therefore became the substantive motion.

**RESOLVED** that the motion be referred to the Council's Carbon Reduction Sub-Group.

b) The following motion was submitted for consideration by Councillor James Watson:

*'(i) For each and every municipal year from 2020/21 to 2022/23 (inclusive) for at least one third of Ordinary Council meetings and at least one third of Standing Committee meetings are scheduled so not to commence before 6:30pm on the day the meeting is due to be held and;*

*(ii) If a meeting is scheduled not to commence before 6:30pm during the municipal years 2020/21 to 2022/23 (inclusive) but is subsequently cancelled, this meeting shall not count towards the amounts stated in paragraph (i) above.'*

In presenting the motion, Councillor James Watson pointed out the new make up of the Council membership following the May 2019 election, with 20 new Members elected to the Council. He estimated that around 15 of those Members were in employment, either full or part time. He had put forward the motion in order to provide greater flexibility for Members to attend meetings, fitting around their other commitments. It was also suggested that this would enable more members of the public to attend.

The motion was duly seconded by Councillor Allan Bailey.

Councillor Duncan McGregor stated that he believed there was no public demand for a move to evening meetings. He also considered that the proposal would increase costs to the Council, particularly in relation to staff. A change in working practices would be required, which could lead to changes in terms and conditions. Additional staff resources would be required to facilitate evening meetings and there could be an impact on the availability of officers to the public during the day. He therefore could not support the motion at this time.

Councillor Duncan McGregor moved an amendment to the motion to propose that the matter be reviewed and reported back to Council in preparation ahead of the 2023 District Council election. The amendment was duly seconded by Councillor Steve Fritchley.

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Councillor Jim Clifton commented that he believed the proposal would lead to additional journeys by Members leading to greater carbon emissions, contrary to the concerns about climate change discussed by the Council under the previous motion.

In exercising his right of reply, Councillor James Watson doubted that the proposal would lead to additional staffing costs as the majority of council staff have flexible working conditions and that they would take time off during the day if they were required to attend an evening meeting. He informed Council that many other district councils have evening meetings and they can suit officers as well. In respect of parish councils, Councillor James Watson believed there were sufficient days available to avoid clashes with any parish council meetings. He also considered there to be no impact on carbon emissions as there would be no difference whether Members travelled to the Council at 10am or 7pm, evening meetings did not mean there would be any additional journeys.

Councillor James Watson did not support the amendment to review the proposal in time for 2023 as it did not address the issues faced by the present Council membership.

The Chair requested the Chief Executive Officer read out the proposed amendment to the motion. [The additional or altered words are shown underlined below]

*That Council consider in advance of the next electoral cycle commencing in 2023, whether:*

*(i) for each and every municipal year from 2023/24 to 2026/27 (inclusive) for at least one third of Ordinary Council meetings and at least one third of Standing Committee meetings should be scheduled so not to commence before 6:30pm on the day the meeting is due to be held and;*

*(ii) If a meeting is scheduled not to commence before 6:30pm during the municipal years 2023/24 to 2026/27 (inclusive) but is subsequently cancelled, this meeting should not count towards the amounts stated in paragraph (i) above.'*

On being put to the vote, the amendment was carried.

The substantive motion as amended was then put to the vote.

**RESOLVED** that Council consider in advance of the next electoral cycle commencing in 2023, whether:

(i) for each and every municipal year from 2023/24 to 2026/27 (inclusive) for at least one third of Ordinary Council meetings and at least one third of Standing Committee meetings should be scheduled so not to commence before 6:30pm on the day the meeting is due to be held and;

(ii) If a meeting is scheduled not to commence before 6:30pm during the municipal years 2023/24 to 2026/27 (inclusive) but is subsequently cancelled, this meeting should not count towards the amounts stated in paragraph (i) above.'

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c) The following motion was submitted for consideration by Councillor David Dixon:

*Council notes that:*

- *the basic allowance paid to elected members by this authority is among the highest in the country for an English non-metropolitan District Council of its size and nearly double what is paid in neighbouring North East Derbyshire.*
- *the last Independent Remuneration Panel commissioned to review the basic allowance reported to Council in October 2014 and its recommendations were mostly ignored by the ruling administration.*
- *In 2016/17 (the most recent data published on the Bolsover District Council website), the total bill for the basic allowances paid to elected members was £368,388.04. For North East Derbyshire, it was £270,646.88, despite having 16 more Councillors on the authority.*
- *The total cost of members' allowances, including basic, special responsibility and others, for 2016/17 was £456,493.10.*

*Council believes that:*

- *at a time of significant financial pressure for local authorities across the country, it is unacceptable for elected members to be costing the authority nearly half a million pounds per year in allowances - money which could be better spent on services for the residents of this district.*

*Council resolves to:*

- *convene an urgent Independent Remuneration Panel to comprehensively review the rates of allowances paid to members and make recommendations for new rates which are fairer to the taxpayers of this district.*
- *in the interim, immediately re-set the basic rate to that which is paid at North East Derbyshire District Council (£5223), which is a reasonable average for an English non-metropolitan District Council.*

The motion was duly seconded by Councillor Maxine Dixon.

Councillor Steve Fritchley, Leader of the Council, informed Council that he had responded to the Independent Remuneration Panel's recommendations in 2014. He stated that no national standards or protocols dictated how allowances must be set and that it was open to local authorities to determine the rates they pay Members. At Bolsover District Council, Special Responsibility Allowances were less than the rates at comparable district councils. The Leader referred to the total Members' Allowances payments in 2014/15 for Ashfield District Council (£378k) and Mansfield District Council (£449k) and the average rate paid to each Member for the same year at each of these councils, as £11,484.64 and £12,000 respectively, compared to the average rate of £11,715 at Bolsover District Council.

The Leader outlined that the Council's position in respect of Members' Allowances was to recognise the contribution of all Members and reflect this in the basic allowance, rather than having higher Special Responsibility Allowances for a limited number of Members.

The Leader moved an amendment to the motion, removing from the first bullet point of the third paragraph the words "*convene an urgent*", replacing them with



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*“undertakes”*, and removing the words *“which are fairer to the taxpayers of this district”* at the end of the same sentence and replacing them with *“in advance of the next local elections in 2023”*. The final bullet point was also to be removed.

This was to have the effect of carrying out the review of Members Allowances in time for the next electoral cycle, from May 2023 and to remove the proposal to immediately reset the basic allowance, which was not permitted in law without a recommendation from the Independent Remuneration Panel.

The amendment was duly seconded by Councillor Duncan McGregor, who stated that he considered the Conservative Government’s austerity measures had a far greater effect on services for the residents of this district than the relatively small level of potential savings from reducing Members Allowances.

The Leader clarified that the review would be carried out in preparation for May 2023, in time to implement any recommendations or changes for the next electoral cycle.

Councillor James Watson expressed his disappointment that the review would be postponed for this length of time and that there was no reason for action not to be taken now.

Councillor Jim Clifton stated that he had not received any complaints relating to the levels of Members Allowances and that the basic allowance reflected the value of Members. He considered that the recently elected Members had only limited experience of the work of Members and once they had more experience, they may take a different view.

Councillor Deborah Watson considered that it was appropriate to review Members Allowances in time for the next electoral cycle as the current Members would have considered the current rates when determining whether to stand for election.

In exercising his right of reply on the amendment, Councillor David Dixon stated that he had evidence of complaints about the level of Members Allowances and that the Council has power to affect the services to local people by cutting this level of expenditure from the budget.

On being out to the vote, the amendment was carried. Debate on the substantive motion as amended continued.

It was commented by some Members that they considered serving as a councillor to be an honour and a privilege and that they did not do so the basis that they would receive an additional income. However it was also commented that the opportunity should not be limited only to the wealthy and to those who can afford it without financial support; some Members would not be able to serve without the provision of the allowance.

The substantive motion, as amended, was then put to the vote.

**RESOLVED** that Council notes the motion as amended, and resolves to undertake an Independent Remuneration Panel to comprehensively review the rates of allowances paid to Members and make recommendations for new rates in advance of the next local elections in 2023.

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### **0154. REPORTS ON URGENCY ITEMS TAKEN BY THE EXECUTIVE**

When appropriate, meetings of Council were to receive a report from the Executive detailing any Key Decisions taken under special urgency provisions or Key Decisions exempt from Call-in.

There were no urgency decisions to report to this meeting of Council.

### **0155. RECOMMENDED ITEMS**

There were no items recommended for consideration at this meeting of Council.

### **0156. LEADER TO ANNOUNCE CHANGES TO THE EXECUTIVE AND PORTFOLIOS**

Councillor Steve Fritchley, Leader of the Council announced the following additional appointments to Executive subsequent to Annual Council: Councillor Nick Clarke, Councillor Liz Smyth and Councillor Deborah Watson.

The Leader also announced that the Executive Members' Portfolios were as follows:

- Leader of the Council, Councillor Steve Fritchley - Policy, Strategy, Resources And Media
- Deputy Leader, Councillor Duncan McGregor - Corporate Governance
- Councillor Sandra Peake - Housing & Community Safety
- Councillor Mary Dooley - Partnerships and Transformation
- Councillor Clive Moesby - Finance & Resources
- Councillor Nick Clarke - Environmental Impact
- Councillor Deborah Watson - Street scene & Environmental Health
- Councillor Liz Smyth - Economic Development

### **0157. REVISED COMMITTEE APPOINTMENTS AND APPOINTMENTS TO OUTSIDE BODIES**

The Chief Executive Officer invited each Group Leader or representative to move the required amendments to the Committee appointments as indicated in the table at Appendix 1 to the report.

Councillor Steve Fritchley moved the recommendations of the report and moved that that Councillor Anne Clarke be appointed to Healthy, Safe, Clean and Green Communities Scrutiny Committee to replace Councillor Nick Clarke who had been appointed to the Executive. This was duly seconded by Councillor David Downes.

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It was moved by Councillor Deborah Watson that Councillor Peter Roberts be appointed to Growth Scrutiny Committee, to replace herself, that Councillor Andrew Joesbury be appointed to Customer Services and Transformation Scrutiny Committee and removed from Healthy, Safe, Clean and Green Communities Scrutiny Committee, that Councillor Dexter Bullock be appointed to Healthy, Safe, Clean and Green Communities Scrutiny Committee and removed from Customer Services and Transformation Scrutiny Committee. It was also moved that Councillor Jim Clifton be appointed to Audit Committee to replace Councillor Liz Smyth and that Councillor Ray Heffer be appointed to Joint ICT Committee (previously vacant) and Councillor Peter Roberts be appointed to New Bolsover Joint Committee (previously vacant).

These proposals were duly seconded by Councillor Liz Smyth.

Councillor Graham Parkin moved the appointments of Councillor James Watson to Planning Committee and Councillor Evonne Parkin to the Safety Committee. This was duly seconded by Councillor Allan Bailey.

These motions were put to the vote en bloc.

**RESOLVED** that Council

- i) agree to a mid-year revision to the appointments to Committees and Advisory Groups as detailed in Appendix A to these minutes.
- ii) grant delegated authority to the Joint Chief Executive Officer to appoint or amend appointments to the Joint Employment and Appeals Committee.
- iv) approve the amendments to the appointments to Outside Bodies as attached to the report.

### **0158. OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19**

Council considered a report presented by Councillor Rose Bowler on behalf of the Scrutiny Chairs from the Municipal Year 2018/19 which provided an update on the work of the Scrutiny Committees over the previous year.

The report summarised the wide range of issues addressed through the Committees during the last municipal year and also looked back at the impact of previous recommendations.

Moved by Councillor Rose Bowler and seconded by Councillor Jen Wilson

**RESOLVED** that the report be noted.

### **0159. ANNUAL STANDARDS REPORT**

Councillor Clive Moesby, Vice-Chair of the Standards Committee presented the Annual Report on behalf of the Independent Member Mrs Ruth Jaffray, co-opted Chair of Standards Committee. The Annual Report reviewed the work that had been undertaken by the Standards Committee during the 2018/19 Municipal Year

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Council was informed of the role of the two Independent Persons, who assist in the process of investigating complaints and provide an impartial view to the Monitoring Officer. The Council's two Independent Persons were Mr Stephen Wainwright and Mr Ian Kirk.

During the 2018/19 Municipal Year, 11 Parish and 2 District complaints were received by the Monitoring Officer, all of which were closed with no further action.

Another function of the Standards Committee was to review the Council's Constitution. A number of areas were considered by the Constitution Working Group during the year and with the support of the Standards Committee, recommended changes were approved at Annual Council in May 2019.

Amongst other areas of review outlined in the report, the Standards Committee had submitted a consultation response to the Parliamentary Committee on Standards in Public Life's review of local government ethical standards.

The Customer Service and Transformation Scrutiny Committee had undertaken a review during 2018/19 of how the Standards Committee operated. The recommendations arising from this review formed part of the Standards Committee Work Programme for 2019/20.

Moved by Councillor Clive Moesby and seconded by Councillor David Downes  
**RESOLVED** that the Annual Report by the Standards Committee be received and noted.

### **0160. PAY POLICY STATEMENT 2019/20**

Council considered a report of Councillor Duncan McGregor, Portfolio Holder for Corporate Governance which sought approval for publication of the draft Pay Policy Statement as set out in Appendix 1 to the report.

The Pay Policy Statement for the Council had been reviewed as part of an annual process and updated for 2019/20.

Moved by Councillor Duncan McGregor and seconded Councillor Steve Fritchley  
**RESOLVED** that Council approve for publication the draft Pay Policy Statement 2019/20 attached to the report.

### **0160a. CHAIR'S CLOSING REMARKS**

The Chair reminded Members to consider that in Council and Committee meetings they are in the public eye and that how Members present themselves should reflect that.

The meeting closed at 1115 hours.

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