

COUNCIL

Minutes of a meeting of the Council of the Bolsover District Council held as a Virtual Meeting and in the Council Chamber, The Arc, Clowne on Wednesday, 22nd July 2020 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rita Turner (Vice-Chair), Derek Adams, Rose Bowler, Jane Bryson, Dexter Bullock, Tracey Cannon, Anne Clarke, Nick Clarke, Jim Clifton, Tricia Clough, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Natalie Hoy, Andrew Joesbury, Chris Kane, Tom Kirkham, Duncan McGregor, Clive Moesby, Evonne Parkin, Graham Parkin, Sandra Peake, Peter Roberts, Dan Salt, Liz Smyth, Janet Tait, Ross Walker, Deborah Watson, James Watson and Jen Wilson.

Officers: - Karen Hanson (Joint Director of Environment and Enforcement), Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Grant Galloway (Director of Development), Pam Brown (Head of Service – Leader's Executive and Partnerships), Karl Apps (Housing Strategy and Growth Manager), Jim Fieldsend (Team Leader – Solicitor – Non-Contentious), Nicola Calver (Governance Manager), Donna Cairns (Senior Governance Officer) and Tom Scott (Governance Officer).

Councillor Natalie Hoy arrived at the beginning of Minute No. CL720-20/21.

Councillor Rita Turner left the meeting during Minute No. CL726-20/21.

CL712-20/21 APOLOGIES FOR ABSENCE

No apologies for absence were received.

CL713-20/21 DECLARATIONS OF INTEREST

Councillor Steve Fritchley (Leader of the Council) declared an interest in Agenda Item 14 (Bolsover Homes Funding) as a Director of Dragonfly Homes.

The Monitoring Officer advised that this would be recorded as an 'other' interest in the minutes and would not prevent Councillor Steve Fritchley from participating in the item.

CL714-20/21 CHAIR'S ANNOUNCEMENTS

The Chair updated Members on two of his charitable activities. He stated that his relationship with the Just Good Friends Club had now come to an end, and in the last Civic year, he had raised in excess of £2,000 for it. He thanked Members for their assistance in raising this.

The Chair was delighted to report that he had now begun a year-long association with the Bolsover branch of the Soldiers, Sailors, Airmen and Families Association. He

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informed Members of how he had already made a contribution of £400 and the Association sought to support veterans of the British Armed Forces.

CL715-20/21 MINUTES

The Chair requested that an amendment be made to the minutes of the Council meeting on 4th March 2020 under Minute No. 0710. (MANAGEMENT STRUCTURE PROPOSALS) to make note of Councillor James Watson's vote against the proposals.

Subject to this one amendment, the minutes were moved by Councillor Tom Munro and seconded by Councillor Steve Fritchley (Leader of the Council).

RESOLVED that the minutes of a meeting of Council held on 4th March 2020 be approved as a true and correct record.

CL716-20/21 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.

CL717-20/21 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.

One question had been submitted by Members of Council under Council Procedure Rule 9.

a) Question from Councillor James Watson to the Leader of the Council

What executive powers including policy, operational and other matters does the Leader of the Council have over Bolsover District Council, and in particular whether the Leader of the Council can and does instruct and direct officers on operational matters and can and does direct the use of non-staff resource?

The Leader of the Council explained that in response to this question, he had referred to the Constitution and would summarise his own Executive powers as included within.

The Leader of the Council informed Members that the Constitution:

1) Includes powers for the Leader that related to process and governance rather than operational matters.

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2) States that the Executive is responsible in guiding the Council in the formulation of its aims and objectives within the budget and policy framework, which is approved by Council.

3) States that each Member of the Executive will be involved in the activities of all Council departments, focusing on those issues relating to the cross-cutting nature of the responsibilities those Members undertake.

4) States that the Leader's purpose is to provide effective political leadership and strategic direction for the Council, to ensure effective corporate governance, to provide effective stewardship of the Council, to Chair the Executive and ensure it runs according to its agreed terms of reference, and to ensure the Council delivers high quality and value for money services.

5) States that the Leader's Portfolio means that the Leader has no individual delegated powers, has no individual decision making powers, and their role is strategic rather than operational.

The Leader added to point 4) by stating his belief that that hard work of all Council officers during the Coronavirus pandemic had allowed him to fulfil his responsibility to ensure the Council delivers 'high quality and value for money services', and he wished to place on record his gratitude to every officer for this.

SUPPLEMENTARY QUESTION

Councillor James Watson referred to an organisational structure he understood had been circulated to staff by the Communications Officer showing the Leader in direct control of officers. He also referred to correspondence he had undertaken with the Head of Paid Service, where the Head of Paid Service had suggested that the Leader was consulted when Delegated Decisions were taken. Councillor James Watson believed that this suggested that the Leader did have operational control, and asked if this was correct or not.

The Chair invited the Monitoring Officer to provide operational and Constitutional guidance on this question.

The Monitoring Officer explained that in terms of the organisational structure referred to by Councillor James Watson, there has always been an Officer/Member interface in place and this is what the chart was showing. She added that in terms of Councillor James Watson's correspondence with the Head of Paid Service, she explained that it would be remiss of any Council officer to do anything deliberately or directly against the wishes of the Leadership – not in terms of operational decisions, but not going against strategy and policy that has already been decided.

The Leader of the Council thanked the Monitoring Officer for clarifying these points and was happy to use this as his response to Councillor James Watson. He added that times like the Coronavirus pandemic required leadership, and Members and officers had worked very hard out in communities to provide guidance and reassurance. He had (along with Councillor Duncan McGregor) sent a thank you card to every member of staff because of this, and he wished to place on record his thanks to all of them for their work in the midst of the pandemic.

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CL718-20/21 MOTIONS

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

The Chair noted that two motions had been submitted from Councillor James Watson and Councillor Peter Roberts.

CL718-20/21a MOTION FROM COUNCILLOR JAMES WATSON

a) Motion from Councillor James Watson:

Council resolves that from the date when general membership of Committees is next determined that:

(i) the number of Executive members sitting on any one regulatory committee is limited to less than half the total number of Executive members and;

(ii) the Leader and Deputy Leader of the Council cannot be a member of a regulatory committee.

Councillor James Watson moved the motion and explained that it was based on his experiences of sitting on Growth Scrutiny Committee in relation to the Committee's review of sale of land at Park Avenue in Glapwell.

Councillor James Watson added that as he understood it, a developer approached the Council to purchase the piece of land to aid his planning application. The developer was told to approach the Council again if planning permission was granted. The planning application came before Planning Committee in February 2020 and a vote was taken to grant the permission. An Executive Member in attendance voted in favour of granting the permission, and another Executive Member in attendance stopped a planning officer from speaking on it.

Councillor James Watson believed this was not appropriate and created a conflict of interest. He concluded by stating that many other Councils managed to keep a distance between Executive Members and regulatory Committees, and his motion was an attempt to do the same at Bolsover District Council.

Councillor Ross Walker seconded the motion and used his right to speak by stating his belief that the idea behind the motion was very good and would allow the Council to move forward.

Councillor Ross Walker added a request that a recorded vote be taken for approval of the motion. The Chair reminded him that the time to discuss the vote and its operation would come after Members had spoken on the motion.

Councillor Duncan McGregor spoke on the motion and reminded Members that the Leader of the Council had previously stated he would look at meeting schedules, remuneration and statistics as part of the preparation for the 2023 elections and consult on it in 2021. However, the Coronavirus pandemic and Government guidelines on

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working from home had meant that the Leader had begun to investigate this now from a different perspective.

Councillor Duncan McGregor continued by stating that he was also addressing motion b) from Councillor Peter Roberts in his response. He added that some staff and Members were very reluctant to return to the office in the midst of the pandemic, so as part of the Leader's investigations, he had asked Councillor Duncan McGregor and the Council's Directors to assess the benefits to the Council of continued working from home.

Councillor Duncan McGregor advised that with all of this in mind, he was proposing a comprehensive review of the democratic process of Bolsover District Council. This was to include remotely attended meetings, the encouraging of Scrutiny members to play a greater part in their own geographical area, more detailed agendas with reports, the timings of meetings and the freedom to reschedule meetings. The review was also to include commissioning an Independent Remuneration Panel, and consideration of a return to the committee style of governance which would give Members the power to decide as well as recommend.

He added that a full report of the resource implications of this proposal would be prepared, and reports would begin to come forward for discussion by Autumn 2020. These reports would include information on participation in community activities, accessibility to the public, voting records, and attendance records. The draft proposals would be consulted on with all group leaders, and would be influenced by any relevant Government legislation including any proposal or white paper on Local Government reform/unitary status.

AMENDMENT

In accordance with Council Procedure Rule 12.6, Councillor Duncan McGregor moved an amendment to motion a) proposing that this Council has a comprehensive review of the Democratic processes of Bolsover District Council. He explained that as a consequence of this amendment, he would not support the Councillor Peter Roberts motion b) because those proposals would be dealt with under the Democratic processes review.

Councillor Ray Heffer seconded the amendment and reserved the right to speak.

The Chair invited Members to speak on the amendment.

Councillor Sandra Peake believed the amendment was excellent and would show that the Council could adapt in changing times.

Councillor Deborah Watson stated she would support the amendment and looked forward to discussing the review with the Leader of the Council and Councillor Duncan McGregor.

Councillor Duncan McGregor was invited to speak to exercise his right of reply. He spoke in favour of his amendment and stated that he hoped some of his background information had allayed the concerns of Councillor James Watson and Councillor Peter Roberts. He added that he had long held the view that returning to the Committee system would allow all Members to play more of a role in democratic voting, and it would make Members more accountable to the public.

The Chair stated that he would be departing from protocol as he was aware that the

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second motion on the agenda from Councillor Peter Roberts had been referred to and Councillor Peter Roberts requested to speak to clarify his motion and the consequence of the amendment. Councillor Peter Roberts spoke on the amendment and stated that he had talked to a number of Council officers about working from home, and they had indicated they would like to continue working from home because it made travel arrangements for those living from long distances a lot easier. The Monitoring Officer confirmed that Cllr Peter Robert's motion would be dealt with separately as the next item.

Councillor Steve Fritchley (Leader of the Council) spoke on the amendment and stated he had already asked Directors, Heads of Service and Managers to look closely at the way the Council operates in terms of working from home.

Councillor Ross Walker spoke on the amendment and asked if the review would include looking at times of meetings to allow Members with full time jobs more chance to attend. Councillor Duncan McGregor explained that this would be included.

As mover of the original motion, Councillor James Watson exercised his right to reply. He referred to Councillor Duncan McGregor stating that group leaders would be consulted with on the review, and felt it was very important that all factions of the Council be included in this.

Councillor Duncan McGregor responded by stating that the makeup of the Committee or the group that would consider the review would be inclusive. He added that all Groups would be involved.

As a recorded vote had been requested, the Chair advised that three Members were required for this request to be granted. The Chair, confirming this requirement was met, stated that a recorded vote would be taken on the amendment.

For the motion – 25 *(Councillors Derek Adams, Rose Bowler, Jane Bryson, Dexter Bullock, Jim Clifton, Paul Cooper, David Dixon, Maxine Dixon, Mary Dooley, David Downes, Steve Fritchley, Ray Heffer, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Tom Munro, Evonne Parkin, Graham Parkin, Sandra Peake, Liz Smyth, Janet Tait, Rita Turner, Deborah Watson and Jen Wilson.)*

Against the motion – 4

(Councillors Tracey Cannon, Dan Salt, Ross Walker and James Watson.)

Abstentions – 5

(Councillors Anne Clarke, Nick Clarke, Tricia Clough, Tom Kirkham and Peter Roberts.)

The Chair indicated that the amended motion had been carried and would now be voted on as the substantive motion. On being put to the vote, the substantive motion was carried.

It was **RESOLVED** that that this Council has a comprehensive review of the Democratic processes of Bolsover District Council.

(Monitoring Officer)

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CL719-20/21b MOTION FROM COUNCILLOR PETER ROBERTS

The Chair advised that a minor amendment to the motion from Councillor Peter Roberts had been circulated as part of a Supplementary Agenda to Members.

b) Motion from Councillor Peter Roberts:

That Council resolves that the ability to work from home becomes normal practice for Officers and Councillors if they request it and where it is appropriate.

Councillor Peter Roberts spoke further in support of the motion he had moved, believing that the motion would allow officers and Members better work/life balance than before the Coronavirus pandemic. He felt it would also be better for the environment, cut down staff travel expenses, and ultimately make officers and Members more productive.

Councillor Dan Salt seconded the motion and reserved the right to speak.

Councillor Duncan McGregor spoke on the motion and stated he would not support it because he felt that the substantive motion a) now covered the points in the motion by Councillor Peter Roberts. He added that the review from that substantive motion would seek to include ideas from Members just like the ones in Councillor Peter Roberts' motion.

Councillor Ross Walker spoke of his support for the motion and hoped Council would carry it.

Councillor Liz Smyth spoke on the motion and stated she would not support it because, as outlined by Councillor Duncan McGregor, the substantive motion a) would cover it. She added that the process for deciding further working from home arrangements would be better served as part of a thorough review process.

Councillor James Watson spoke on the motion and stated he would support it because regardless of the review, the motion would give the public a clear indication that the Council wants to address working from home arrangements.

Councillor Duncan McGregor spoke again on the motion and believed that the review would allow for proper consultation with staff, which the motion would not.

Councillor David Dixon spoke on the motion and stated he would not support it, because he felt the issue required consulting the staff involved.

The Chair stated that he endorsed the comments of Cllr David Dixon and Councillor Liz Smyth, and that any changes should be subject to consultation with all staff and Members. This was to take place as part of the review under the previous item.

AMENDMENT

In accordance with Council Procedure Rule 12.6, Councillor Duncan McGregor moved an amendment to motion b) proposing that this Council has a comprehensive review of the Democratic processes of Bolsover District Council. He explained his belief that the substantive motion a) and the review would cover this, and the review

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would include working from home arrangements.

Councillor Liz Smyth seconded the amendment and reserved the right to speak.

As mover of the original motion, Councillor Peter Roberts exercised his right to reply. He felt that officers and Members could be consulted right now on working from home arrangements. He believed that Members and officers were already working from home anyway, so consulting them on it should not take long.

The amendment was put to the vote and was carried.

The Chair confirmed that the carried amendment would now become the substantive motion and would now be voted on. The substantive motion was carried.

It was **RESOLVED** that that this Council has a comprehensive review of the Democratic processes of Bolsover District Council.

(Monitoring Officer)

CL720-20/21 POLITICAL BALANCE REVIEW AND CHANGES TO COMMITTEE SEATS

At this point Councillor Natalie Hoy joined the meeting.

The Chair noted that an updated version of this report had been circulated as part of a Supplementary Agenda to Members. The updated version included an amended appendix, and this would be the version proposed and discussed.

Councillor Clive Moesby spoke on the report and stated that in response to the appendix, the Labour Group would propose:

- 1) That Labour Group representation on General Licensing / Licensing and Gambling Acts Committee stays the same
- 2) To remove Councillor Steve Fritchley from Planning Committee
- 3) To remove Councillor Rita Turner from the Union Employee Consultation Committee
- 4) To nominate Councillor Rose Bowler to join the Healthy, Safe Clean and Green Scrutiny Committee

Councillor Deborah Watson spoke on the report and stated that the Independent Group would propose its appointments would remain as listed in the appendix, except for:

- 1) To remove Councillor Evonne Parkin on Planning Committee and replace with Councillor Ray Heffer

Councillor David Dixon indicated that the Conservative Group had no further proposals to make regarding the appendix.

Councillor Ross Walker spoke on the report and stated that the Community Independents would propose:

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- 1) To nominate Councillor Allan Bailey to join the General Licensing / Licensing and Gambling Acts Committee
- 2) To remove Councillor Graham Parkin from Planning Committee
- 3) To nominate Councillor Graham Parkin to join the Safety Committee
- 4) To remove Councillor Ross Walker from Union Employee Consultation Committee
- 5) To remove Councillor Allan Bailey from New Bolsover Joint Committee

Councillor Graham Parkin queried the changes to his appointments made by the Community Independents Group. The Monitoring Officer advised this was a Group matter, and Councillor Ross Walker as the Group Leader confirmed that the changes he had announced would stand.

The report and all of the Group proposals were moved by Councillor Clive Moesby and seconded by Councillor Deborah Watson.

On being put to a vote it was **RESOLVED** that Council endorses the amended report and appendix and approves all of the proposed Committee changes made by Group Leaders.

(Governance Manager)

CL721-20/21 APPOINTMENT OF VICE-CHAIR FOR HEALTHY, SAFE, CLEAN AND GREEN COMMUNITIES SCRUTINY COMMITTEE

The Chair indicated that Executive Members would be unable to vote on this item. The Monitoring Officer added that Executive Members could still move and second the motion.

Councillor Clive Moesby moved that Councillor Anne Clarke be nominated as the Vice-Chair for Healthy, Safe Clean and Green Scrutiny Committee. Councillor David Downes seconded the nomination.

Councillor David Dixon moved that Councillor Natalie Hoy be nominated as the Vice-Chair for Healthy, Safe Clean and Green Scrutiny Committee. Councillor Maxine Dixon seconded the nomination.

The Chair put both nominations to the vote.

On being put to a vote it was **RESOLVED** that Councillor Anne Clarke be appointed as Vice-Chair of Healthy, Safe Clean and Green Scrutiny Committee.

(Governance Manager)

CL722-20/21 MEMBER DEVELOPMENT ANNUAL REPORT

Councillor Sandra Peake presented the Member Development Annual Report 2019/2020 to Members.

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Councillor James Watson asked if the Member Development programme had included any training for Members on Chairing skills. Councillor Sandra Peake confirmed Chairing training had been included.

On being put to a vote it was **RESOLVED** that Council notes the Member Development Annual Report 2019/2020.

(Governance Manager)

CL723-20/21 CONTRACT PROCEDURE RULES

The Team Leader (Solicitor) (Non-Contentious) presented a report to Members proposing changes to the Council's Contract Procedure Rules as part of its Constitution.

The Team Leader (Solicitor) (Non-Contentious) explained that two weeks ago, Standards Committee considered and supported the proposed changes to the Rules. In addition to these changes, there were two further proposals in this report and its appendices:

1) As recommended by Standards Committee, it was proposed that when an officer publishes a Delegated Decision, the procurement route is explained fully in the decision notice.

2) A change was also proposed relating to the threshold for when documents are signed or sealed. There was previously a conflict in the Rules as a section stated £50,000 and another stated £75,000. It was proposed that all referenced be amended to £75,000.

Councillor Clive Moesby moved the recommendation in the report. This was seconded by Councillor Deborah Watson.

On being put to a vote it was **RESOLVED** that Council approve the proposed changes to the Council's Procurement Rules.

(Monitoring Officer)

CL724-20/21 EXCLUSION OF THE PUBLIC

Councillor Tom Munro moved and Councillor Duncan McGregor seconded that the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

Councillor James Watson requested that the vote on the motion to exclude the public be a recorded vote, because he felt the public had a right to see a record in the minutes of exactly who had voted to exclude them. The Chair advised that three Members were required for this request to be granted. To Chair confirmed this requirement had not been met.

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The Chair indicated that the live stream of the meeting would now end, and thanked people for watching.

RESOLVED that the public be excluded from the meeting during discussion of the following items of business.

RV: Councillors James Watson and Ross Walker requested that their votes against the motion to exclude the public be recorded.

CL725-20/21 PURCHASE OF SECTION 106 PROPERTIES FROM RIPPON HOMES OFF BALL HILL - SOUTH NORMANTON

Councillor Sandra Peake presented a report to Members proposing an increase in the Capital programme to include the cost of purchasing the 3 identified properties from Rippon Homes off Ball Hill – South Normanton.

Councillor Sandra Peake moved the recommendations in the report. This was seconded by Councillor Derek Adams.

On being put to a vote it was **RESOLVED** that:

- (i) Council notes the contents of this report.
- (ii) Council agrees to the increase in the Capital programme to include the cost of purchasing the 3 properties from Rippon Homes off Ball Hill – South Normanton.
(Director of Development)

CL726-20/21 BOLSOVER HOMES FUNDING

Councillor Sandra Peake presented a report to Members proposing the capital funding to deliver the Bolsover Homes 4 year social house building framework contract, to update on right to buy receipts and to seek approval to proceed on the scheme.

Councillor Ross Walker stated that he fully supported social housing, but he believed the price quoted for this was too high.

Councillor Rita Turner left the meeting during discussion of the report.

On being put to a vote it was **RESOLVED** that:

- (i) Council approves up to £36.2 million of capital funding to deliver the Bolsover Homes 4 year social house building framework contract.
- (ii) Council notes the position on Right to Buy receipts and support measures to reduce paying funds back to Central Government by using them on these schemes wherever possible.
- (iii) Delegated authority be given to the section 151 Officer to amend any of the

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financial arrangements (capital or revenue) to ensure the schemes progress.

(iv) Council approves funding as laid out in the body of the report to deliver the Whitwell Cluster.

RV: Councillors Peter Roberts, Ross Walker and James Watson requested that their votes against the proposals be recorded.
(Section 151 Officer)

CL727-20/21 CHAIRMAN'S CLOSING REMARKS

The Chair had no closing remarks.

The meeting concluded at 1200 hours.