

COUNCIL

Minutes of a meeting of the Council of the Bolsover District Council held as a Virtual Meeting and the Council Chamber, The Arc, Clowne on Wednesday, 16th September 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, 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, Liz Smyth, Janet Tait, Ross Walker, Deborah Watson, James Watson and Jen Wilson.

Officers: - Lee Hickin (Director – Corporate Resources and Head of Paid Service), Karen Hanson (Director of Environment and Enforcement), Theresa Fletcher (Section 151 Officer), Sarah Sternberg (Solicitor to the Council & Monitoring Officer), Grant Galloway (Director of Development), Chris Fridlington (Assistant Director of Development and Planning), Pam Brown (Head of Service – Leader’s Executive and Partnerships), Nicola Calver (Governance Manager), Donna Cairns (Senior Governance Officer) and Tom Scott (Governance Officer).

Chris McKinney (Principal Planning Officer) and Sarah Kay (Planning Manager – Development Control) joined the meeting for Minute Number CL740-20/21.

CL728-20/21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allan Bailey, Tracey Cannon and Dan Salt.

CL729-20/21 DECLARATIONS OF INTEREST

No declarations of interest were received.

CL730-20/21 CHAIR'S ANNOUNCEMENTS

The Chair had no announcements.

CL731-20/21 MINUTES

Councillor Ross Walker requested that an amendment be made to the minutes of the Council meeting on 22nd July 2020 under Minute No. CL719-20/21b (MOTION FROM COUNCILLOR PETER ROBERTS) from “Councillor Ross Walker spoke of his support for the motion and hoped Council would carry it” to “Councillor Ross Walker spoke of his support for the motion and hoped Council would not amend the motion”.

Subject to this one amendment, the minutes were moved by Councillor Tom Munro

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and seconded by Councillor Steve Fritchley (Leader of the Council).

RESOLVED that the minutes of a meeting of Council held on 22nd July 2020 be approved (as amended) as a true and correct record.

CL732-20/21 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.

a) Question from Sarah Bister to the Leader of the Council:

"Will the council do as the MP Mark Fletcher has suggested and send the planning decision 19/00583/OUT to an independent peer review hence demonstrating your commitment to put residents first?"

The Leader of the Council thanked Sarah Bister for her question. He explained that the Council has to build 272 houses a year, maintain a five year plan of housing supply, and plan for the future in an ever-changing world. This is all done with the aims of giving all residents somewhere to live, cater for a growing population, and ensure the houses are built to an acceptable standard.

The Leader of the Council added that he had asked the Monitoring Officer for guidance on the appropriateness of the Planning Application. The Monitoring Officer had informed him that the decision was taken by the Planning Committee in a fully transparent and accountable manner. The reasons for the decision were set out in the decision notice and were made on proper Planning grounds, and the local highway authority were satisfied that the application would give adequate access to the site via Park Avenue. For these reasons, the Monitoring Officer advised that the findings of a peer review would find that the Council took the decision correctly.

The Leader of the Council acknowledged that some residents were not happy with the decision, but this did not mean it was incorrect in Planning terms. He added that Planning decisions are taken with material Planning considerations in mind, which can cause conflict with local communities, but decisions must be taken based on Government guidance and Planning law. He added that an independent peer review would not be able to change the granting of Planning permission.

The Leader of the Council concluded by stating that he did not agree with the comments made by Mark Fletcher MP.

The Chair invited Sarah Bister to ask one supplementary question. Sarah Bister asked that if the decision was as transparent and correct as described, why not peer review it?

The Leader of the Council responded by saying he was confident the proper process had been adhered to and had full trust in the guidance given by Planning officers and the Monitoring Officer. He referred to the previously mentioned housing numbers the Council had to meet, and in particular the obligations on housing created by the developing Local Plan.

b) Question from Jackie Hole to the Leader of the Council:

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“In regards to the sale of the Asset of Community Value ACV/20/01 listed on 9th July 2020 at the east end of Park Avenue, Glapwell, will you put residents first by enabling a community group to purchase it at a reasonable price and time span in order to retain its unique status as the only listed Asset of Community Value within the district?”

The Leader of the Council thanked Jackie Hole for her question. He explained that there is a strict process when dealing with Assets of Community Value as set out in the Localism Act 2011 that includes giving community groups a fair timespan to purchase an Asset. The legislation specifies that community groups have to be considered as potential bidders for any Asset, so the Council will give the relevant Parish Council notice of six weeks during which time the Council cannot sell the Asset. During this time, a community interest group can register its interest in placing a bid. Once this has been registered, there is a six month moratorium period where the Council cannot sell the land unless it is sold to a community interest group. If the land is not bought by a community interest group during these six months, the Council then has a twelve month period where it can sell the land to any bidder.

The Leader of the Council added that in terms of “reasonable price” as stated in the question, the Council must comply with legal guidance on Best Value and best consideration on sale value.

The Chair invited Jackie Hole to ask one supplementary question. Jackie Hole asked if the financial value of the Asset was more important than the value to the health and wellbeing of the residents who use the piece of land.

The Leader of the Council responded by stating that he was not legally allowed to offer his own opinion on the land until the process concerning the Asset was completed.

CL733-20/21 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, the Chairman of a specific Committee or a relevant Portfolio Holder.

Two questions had been submitted by Members of Council under Council Procedure Rule 9.

a) Question from Councillor Peter Roberts to the Leader of the Council:

“Is our council under threat of becoming a unitary authority and if so what does it mean for staff and the council as a whole?”

The Leader of the Council welcomed the question and felt the Government’s unitary plans were an infringement on democracy, regardless of politics. He added that the Government had already made a number of attempts to take power away from District Councils over the years, which had given District Councils less and less grants from the Government and made them more fragmented.

The Leader of the Council referred to the Government’s white paper on local government reorganisation and believed it would remove local democracy as we know it. He added that he had attended meetings with Derbyshire Leaders to discuss a Vision Derbyshire

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model for the County, and he asked for a mechanism be inserted to allow all Councils to implement changes, so Bolsover District Council would not be obliged to sign up to the Vision Derbyshire but could guide its development.

The Leader of the Council concluded by informing Members that he would keep them updated on the issue.

Councillor Peter Roberts did not submit a supplementary question.

b) Question from Councillor James Watson to the Leader of the Council:

“Councillors may recall Councillor Fritchley saying at the 22 July 2020 Council meeting ‘... the Leader of the Council has no individual delegated powers therefore he has no individual decision making powers, he cannot individually make decisions ...’

Councillors recently received a form which asks the Leader of the Council and in the alternate the Deputy Leader of Council to seemingly make an operational decision on whether another Councillor’s costs for attending a training course/event are to be paid or not by Bolsover District Council.

Has Councillor Fritchley ever approved or refused payment to other Councillors for costs relating to attending training/educational/award events?”

The Leader of the Council responded by stating that he had not refused any such requests and would decline a request if it was thought of as unreasonable. He added that he regarded Member training as vitally important and would like to encourage it as much as possible.

The Leader of the Council referred to the Constitution on the matter, which stated that it would be inappropriate for an officer to make a decision about events a Member will attend. He added that the Council has a cross-party Member Development Working Group which has put in place a strategy for the training needs of Members.

The Leader of the Council stated he did not believe this was an ‘operational decision’ as referred to in the question, because it was not a decision that changed how the Council operated or delivered its services. The amount spent on external training in the last year was £810.

The Leader of the Council concluded by stating that the question highlighted that the process may require a review.

Councillor James Watson did not submit a supplementary question.

CL734-20/21 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.

a) Motion from Councillor Peter Roberts:

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The development of Doles Lane garage site has created concern from residents around the area on the issue of access by emergency services when all 31 vehicles from the garage site are parked around Whitwell.

To this end I requested a site visit by Paul Smith fire brigade risk assessment safety officer.

His recommendations which are the substantive part of the motion are as follows and I move that this council choose at least one of them to mitigate the chaos from the dispersal of vehicles from the site while under construction and thereafter.

1) temporary permit parking while site under construction so only residents of the area can park, and therefore reduce the level of potential congestion on Mill Lane, Arthur Short Close and Doles lane;

2) Parking spaces along the length of Mill Lane from the point after Mill Walk permanent on all available land either side of road.

3) Driveways allowed at the rear of Arthur Short Close and Mill Walk permanent to access the new road on the developed site.

4) Do nothing and hope emergency service access is available during and after development permanent.

These are the recommendations of a profession risk assessment officer

Councillor Peter Roberts wished to propose an amended motion to replace the one he had originally submitted to the agenda. The Chair advised that as the original proposer of the motion, Councillor Peter Roberts had the right to propose an amended version if he so wished.

Councillor Peter Roberts proposed and Councillor Ross Walker seconded the following amended motion:

This motion allows us to demonstrate that this councils rhetoric is matched by our action, when there is a potential risk to life and as we are building on garage sites across the district then rhetoric and actions apply across the district

This council on numerous occasions has voted to build on this site, proving it to be a District issue, to the objections of all the garage tenants and many from the wider community, who were concerned enough to ask me to raise the issue of access by emergency service to the area, when all 31 vehicles from the garage site are parked around Whitwell.

The Doles Lane Garage Site Whitwell example can demonstrate this council's commitment to community safety throughout the district.

A professional risk assessment officer has given us his view on the likely fall out of numerous parked cars having been displaced by the removal of the garages on Doles Lane , Whitwell. With, in his view the likelihood for congestion of parked vehicles on any chosen route to navigate a fire engine and crew to a potential fire especially on Mill Walk

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where the 45 metre rule is already compromised and difficulties accessing Mill Lane and Arthur Short close, Whitwell during and after the construction.

It is the duty of this council to protect our residents from potential risk

To this end I requested a site visit by Paul Smith fire brigade risk assessment safety officer

His recommendations are as follows and I move that this council choose at least one, being the ones the Council has most influence to affect and within our power to do, to mitigate the chaos from the dispersal of vehicles from the site while under construction and thereafter

- 1) temporary permit parking while site under construction so only residents of the area can park, and therefore reduce the level of potential congestion on Mill Lane, Arthur Short close and Doles lane*
- 2) Parking spaces along the length of Mill Lane from the point after Mill Walk permanent on all available land either side of road*
- 3) Driveways allowed at the rear of Arthur short close and Mill Walk permanent to access the new road on the developed site*
- 4) Do nothing and hope emergency service access is available during and after development permanent*

These are the recommendations of a profession risk assessment officer

Councillor Peter Roberts reserved the right of reply as proposer of the motion until other Members had discussed it.

Councillor Ross Walker reserved the right to speak as seconder of the motion.

Councillor Sandra Peake (Portfolio Holder for Housing) thanked Councillor Peter Roberts for highlighting this issue and for their conversations in advance of this meeting. The Head of Property Services had liaised with the risk assessment safety officer who confirmed that he had raised no concerns that would warrant further action from Derbyshire Fire Service. Councillor Sandra Peake added that to further address some of the concerns raised, action would be taken:

- to make the site safer using chains around the boundary, for someone to visit the site during construction to give residents confidence in the safety measures; and
- for the risk assessment officer to visit the buildings to check they have fire alarms and fire evacuation plans.

The Chair added that as a Ward Member of Whitwell, he hoped that the structural integrity of the path at Mill Lane would be maintained to allow mobility scooter users to travel on it.

Councillor Peter Roberts used his right of reply as the proposer to state that in his conversation with the risk assessment officer, it wasn't an issue about the site itself, but more about the car parking issues that would be created by construction on the site.

Councillor Sandra Peake explained that she had received a request from a member of the public to discuss the potential car parking issues and she would be meeting with them soon.

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The Chair sought to clarify precisely which parts of the motion's four recommendations Councillor Peter Roberts intended for Members to vote on, considering some of the assurances given by the Portfolio Holder for Housing on steps being taken.

Councillor Peter Roberts was satisfied that the Portfolio Holder for Housing was addressing the points raised and agreed to withdraw the motion as the proposer.

Councillor Ross Walker was concerned that comments from the Fire Service about the site's access issues had been ignored in favour of comments from Members about the issues, and did not withdraw his seconding of the amended motion.

The Chair advised that because approval to withdraw the amended motion had not been given by the seconder, Members would now vote on the amended motion.

The amendment was put to the vote and was not carried.

b) Motion submitted by Councillor James Watson:

That Council resolves from the conclusion of this meeting that Councillors do not attend any further physical or hybrid meetings at Bolsover District Council premises, but instead for all Councillors to attend all meetings virtually until a day that all Councillors can attend a physical meeting of Council at Bolsover District Council premises.

Councillor James Watson moved the motion and explained that one particular aspect this motion was considering was the risk created by people attending meetings in person during the pandemic. He was also concerned that Members attending in person was unlawful because it went against the advice given to them by the Monitoring Officer.

Councillor Ross Walker seconded the motion and reserved the right to speak.

Councillor Duncan McGregor spoke on the motion and said the Monitoring Officer had advised him that the hybrid style of meetings was not only in line with Government guidance, but was similar to the way Government meetings were operating in the pandemic. He added that Members' Internet connections at their homes were not always reliable, and some Members felt Zoom meetings did not encourage debate, so he believed it was democratic to offer Members a choice.

Councillor Duncan McGregor continued that some Parish Councils already used The Arc for hybrid meetings themselves, and the arrangements for Members sitting in the Council Chamber had been agreed in consultation with Health & Safety officers.

AMENDMENT

In accordance with Council Procedure Rule 12.6, Councillor Duncan McGregor moved an amendment to motion b) proposing that it instead reads:

"That Council resolves from the conclusion of this meeting that Councillors can choose to use Zoom or hybrid."

Councillor Derek Adams seconded the amendment and reserved the right to speak.

Councillor Sandra Peake spoke on the amendment and stated she would support it because she felt it was good to offer Members a choice.

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Councillor Ross Walker spoke as seconder to the original motion and believed that allowing people to attend meetings in person was a moral issue because of the risks it was causing. He added his belief that Members should lead by example by not coming to The Arc.

Councillor Natalie Hoy spoke on the amendment and stated she would support it because it would suit the wide ranging needs of all Members.

Councillor Liz Smyth spoke on the amendment and stated she would support it because it was inclusive to all Members.

Councillor Rose Bowler spoke on the amendment and stated she would support it because despite trying to use Zoom, she had sometimes had connection issues and been forced to come into The Arc.

Councillor Nick Clarke spoke on the amendment and stated he would not support it because nobody should be pressured to come into the Arc during such a dangerous time. He added that people working from home all over the country had drastically reduced the carbon footprint. With these points in mind, he felt all meetings should be fully virtual.

The Chair sought advice from the Monitoring Officer on whether or not the amendment was constitutionally acceptable. The Monitoring Officer stated that the amendment negated the original motion and could therefore not be put forward.

Councillor Duncan McGregor agreed to withdraw his moved amendment based on this advice, because he felt Members had been given an adequate amount of information on the subject to vote on the original motion instead.

Councillor Derek Adams agreed to withdraw the amendment as seconder.

Councillor Derek Adams spoke on the original motion by making reference to Councillor Ross Walker saying Members should “lead by example”, because he felt this was exactly what Members were doing by coming into The Arc – offering solidarity with frontline workers having no choice but to go out to work.

Councillor Ross Walker spoke on the original motion and stated he supported the contribution made by Councillor Nick Clarke.

The Chair handed back to Councillor James Watson as mover of the original motion.

Councillor James Watson thanked Members for their discussions. He felt that Members choosing to come into The Arc were putting their own interests before those of others, because they were forcing more staff to be on hand at The Arc and were risking further COVID transmission to their Ward residents. He reiterated his belief that the hybrid arrangements had not fully taken on board legal advice, which could risk voiding decisions made by the Council during the pandemic.

The Chair confirmed he had received three requests to hold a recorded vote on the original motion from Councillors Duncan McGregor, Sandra Peake and Liz Smyth. The Chair stated that a recorded vote would be taken on the original motion.

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For the motion – 9

(Councillors Anne Clarke, Nick Clarke, Tricia Clough, Tom Kirkham, Graham Parkin, Peter Roberts, Janet Tait, Ross Walker and James Watson.)

Against the motion – 24

(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, Natalie Hoy, Andrew Joesbury, Chris Kane, Duncan McGregor, Clive Moesby, Tom Munro, Evonne Parkin, Sandra Peake, Liz Smyth, Rita Turner, Deborah Watson and Jen Wilson.)

Abstentions – 0

The Chair indicated that the motion had not been carried.

CL735-20/21 APPOINTMENTS TO COMMITTEES AND ADVISORY GROUPS

The Chair explained that an amended version of the appointments had been circulated to Members. The updated version replaced Appendix 2 to the report, 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) To add Councillor David Downes to General Licensing Committee and Licensing & Gambling Acts Committee
- 2) To remove Councillor Chris Kane from Pleasley Park & Vale Conservation Group
- 3) To remove Councillor Jen Wilson from Tenant Participation Review and Development Group

Councillor Deborah Watson spoke on the report and stated that in response to the appendix, the Independent Group would propose:

- 1) To add Councillor Liz Smyth to Tenant Participation Group
- 2) To add Councillor Liz Smyth to the Local Plan Steering Group
- 3) To add Councillor Ray Heffer to the Pleasley Vale Advisory Group
- 4) To remove Councillor Ray Heffer from Planning Committee and add Councillor Graham Parkin

Councillor Ross Walker spoke on the report and stated that in response to the appendix, the Community Independents would propose:

- 1) To remove Councillor Allan Bailey from General Licensing Committee and Licensing & Gambling Acts Committee

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- 2) To add Councillor Allan Bailey to Safety Committee
- 3) To add Councillor Ross Walker to Union / Employee Consultation Committee
- 4) To add Councillor Allan Bailey to New Bolsover Joint Committee

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

Councillor Mary Dooley was concerned that a lot of time had been taken up earlier in the meeting with Questions from the Public, when the Leader of the Council could just have responded to them via letter. The Chair agreed to note this suggestion.

In addition to his proposals, Councillor Ross Walker nominated himself to join Growth Scrutiny Committee. Councillor Deborah Watson was concerned that this could mean Councillor Tracey Cannon would not sit on any Scrutiny Committee, but the Monitoring Officer advised that it was an issue for Group Leaders to decide and there was a practice but no rule relating to this.

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

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)

CL736-20/21 APPOINTMENTS TO OUTSIDE BODIES AMENDMENT

The Chair noted that this item had been withdrawn from the agenda with his consent.

CL737-20/21 DECISIONS MADE UNDER EMERGENCY DELEGATED POWERS

The Director of Environment and Enforcement presented the report advising on decisions taken under Emergency Delegated Powers.

The recommendation in the report was for Members to note the decisions detailed within. This recommendation was proposed by Councillor Steve Fritchley (Leader of the Council) and seconded by Councillor Ray Heffer.

On being put to a vote it was **RESOLVED** that Council notes the decisions in the report taken under Emergency Delegated Powers.

CL738-20/21 EXCLUSION OF THE PUBLIC

Councillor Tom Munro moved and Councillor Mary Dooley 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).

On being put to the vote it was **RESOLVED** that the public be excluded from the meeting

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during discussion of the following items of business.

CL739-20/21 PURCHASE OF SECTION 106 PROPERTIES FROM AVANT OFF SKINNER STREET, CRESWELL

Councillor Sandra Peake presented a report proposing an increase in the Capital Programme to include the cost of purchasing properties off Skinner Street in Creswell.

Councillor Sandra Peake proposed the recommendations in the report. This was seconded by Councillor Duncan McGregor.

Councillor Ross Walker felt this was a very good opportunity for the Council.

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

(i) the content of the report be noted..

(ii) the increase in the Capital programme to include the cost of purchasing the 9 properties from Avant off Skinner Street – Creswell be agreed

(Section 151 Officer)

CL740-20/21 CHAIRMAN'S CLOSING REMARKS – BRIEFING ON PLANNING FOR THE FUTURE WHITE PAPER

The Chair explained that officers from Planning would now give Members a presentation on the Government's 'Planning for the Future' white paper and its implications for the Council.

The Assistant Director of Development and Planning, the Principal Planning Officer and the Planning Manager – Development Control delivered this presentation to Members.

The meeting concluded at 12:45 hours.