

## EXECUTIVE

Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Monday, 11<sup>th</sup> May 2009 at 1000 hours.

### PRESENT:-

Members:-

Councillor E. Watts – Chair

Councillors J.E. Bennett, K. Bowman, A.J. Hodkin, D. Kelly, D. McGregor, A. Syrett and A.F. Tomlinson.

Officers:-

W. Lumley (Chief Executive Officer), S. Tomlinson (Director of Strategy), F. Bacon (Head of Revenue Services), K. Drury (Customer Service & Access Officer), L. Hickin (Leisure Operations Manager) P. Campbell (Head of Housing)(to Minute No.)), G. J. Clarke (Head of Planning) (for Minute No. 947 only), R. Owen (Senior Valuer)(for Minute No. 949 only), G. Galloway (Building and Contracts Manager)(for Minute No. 950 only), A. Wylie (Trainee Solicitor) and A. Bluff (Democratic Services Officer).

Also in attendance at the meeting was Councillors H. Gilmour, R. Bowler and H. Ward.

### 936. APOLOGY

An apology for absence was received on behalf of Councillor B.R. Murray-Carr.

### 937. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### 938. DECLARATION OF INTERESTS

The following declarations of interest were made;

Minute No.	Councillor	Level of Interest
940	Councillor J. E. Bennett	Level 1
940	Councillor K. Bowman	Level 1

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### 939. MINUTES – 6<sup>th</sup> APRIL 2009

Moved by Councillor E. Watts, seconded by Councillor A. F. Tomlinson.

**RESOLVED** that the minutes of a meeting held on 6<sup>th</sup> April 2009 be approved as a correct record.

### 940. RECOMMENDED ITEM FROM SCRUTINY COMMITTEE HELD ON 17<sup>TH</sup> MARCH 2009 – DISCRETIONARY SERVICES REVIEW REPORTS FOR ARTS AND CULTURAL EVENTS, COMMUNITY DEVELOPMENT AND WELFARE SERVICES AND GRANT TO JUNCTION ARTS

Councillor Bowler, Chair of Scrutiny Committee, presented the recommended item from Scrutiny Committee held on 17<sup>th</sup> March 2009 regarding, 'Discretionary Services Review Reports for Arts and Cultural Events, Community Development and Welfare Services and Grant to Junction Arts'.

Scrutiny had recommended that the decisions of the Executive from their meeting held on the 26<sup>th</sup> January 2009 be endorsed with the exception of the Parish Events Support Programme which they felt should be reinstated.

After lengthy discussion, Members agreed that their original decision should stand.

Moved by Councillor D. McGregor, seconded by Councillor A. J. Hodkin

**RESOLVED** that the recommendations of Executive from the 26<sup>th</sup> January 2009 stand.

(Leisure Operations Manager)

**Reason for decision:** To consider the views of Scrutiny Committee in relation to the results of the discretionary services review process.

### 941. RECOMMENDED ITEM FROM SCRUTINY COMMITTEE HELD ON 17<sup>TH</sup> MARCH 2009 – UPDATE OF THE REVIEW OF MEMBER SERVICE REVIEW PANELS

Councillor Gilmour, Chair of PPMG1, presented the recommended item from Scrutiny Committee held on 17<sup>th</sup> March 2009, regarding 'Update of the Review of Member Service Review Panels', which had been carried out by PPMG1.

Further to a query raised by the Chair, Councillor Gilmour confirmed that all Members had received the questionnaire.

Questions and discussion took place regarding the Officer / Member protocol and Members raised concern that they had not received void property reports at Member Service Review Panel meetings for quite a while.

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The Head of Housing agreed to follow up the issue concerning void property reports.

The Chair thanked Councillor Gilmour for presenting the report and asked his thanks be passed on to PPMG1 also.

Moved by Councillor E. Watts, seconded by Councillor D. McGregor

**RESOLVED** that 1) the report be approved,

2) the Head of Housing to follow up the issue concerning void property reports.

(Head of Housing)

### **942. RECOMMENDED ITEM FROM SCRUTINY COMMITTEE HELD ON 17<sup>TH</sup> MARCH 2009 – IMPROVING STREETS AND VILLAGES**

Councillor Ward, Chair of PPMG 3, presented the recommended item from Scrutiny Committee held on 17<sup>th</sup> March 2009, regarding the review carried out by PPMG3, 'Improving Streets and Villages'.

Councillor Ward advised the meeting that PPMG 3 had discussed the findings of the review and felt that there were no significant issues in the areas highlighted that were not already being addressed by the Council, especially in the case of Shirebrook, where PPMG3 had considered the Shirebrook Masterplan.

Members raised questions and discussion took place.

The Chair thanked Councillor Ward for presenting the report and asked his thanks be passed on to PPMG3 also.

Moved by Councillor E. Watts, seconded by Councillor D. McGregor

**RESOLVED** that the report be approved.

### **943. RENT ARREARS – VERBAL UPDATE**

The Head of Housing circulated information on area based targets in respect of housing rent arrears.

He advised the meeting that for the first time rent statements had been sent out to all council tenants and this had prompted some tenants to make arrangements to clear their arrears.

Members queried outstanding rent arrears for former tenants. The Head of Housing replied that this was currently being looked into and he would present a report to a future meeting on how this was going to be addressed.

Members welcomed the report and stated that the positive results were encouraging.

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Moved by Councillor K. Bowman, seconded by Councillor D. Kelly.  
**RESOLVED** that the report be received.

**Reason for Decision: To keep Members updated on the present position of housing rent arrears.**

### 944. ARREARS – IRRECOVERABLE ITEMS OVER £1,000

The Head of Revenue Services presented the report to seek Members approval to write off outstanding debts, including costs, amounting to £18,657.60 in respect of persons bankrupt or companies in liquidation.

Members asked questions and discussion took place.

Moved by Councillor A. M. Syrett, seconded by Councillor E. Watts,  
**RESOLVED** that the irrecoverable items including costs amounting to £18,657.60 be written off with the proviso that should any of the debts become collectable the amounts be re-debited.

(Head of Revenue Services)

**Reason for decision: In order that outstanding debts can be written off where they are uncollectable.**

### 945. COMPLIMENTS, COMMENTS, COMPLAINTS AND FREEDOM OF INFORMATION REQUESTS

The Customer Service and Access Officer presented the report which provided detailed information on the number of compliments, comments, complaints and freedom of information requests for the period 1<sup>st</sup> January 2009 to 31<sup>st</sup> March 2009 together with a summary for 2008/09.

Members asked questions.

Moved by Councillor J. E. Bennett, seconded by Councillor E. Watts  
**RESOLVED** that the report be received.

**Reason for decision: To keep Members informed of volumes and trends regarding compliments, comments, complaints and Freedom of Information requests.**

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### 946. KEY DECISION NOTICES FROM THE JOINT BOARD HELD ON 31<sup>ST</sup> MARCH 2009

Councillor Watts presented the key decision notices from the Joint Board held on 31<sup>st</sup> March 2009.

Moved by Councillor E. Watts, seconded by Councillor A. F. Tomlinson

**RESOLVED** that the Key Decision Notices from the Joint Board held on the 31<sup>st</sup> March 2009 be accepted.

**Reason for decision: To keep Members informed of key decisions made by the Leader as part of the Joint Board.**

### 947. AMENDED SYSTEM FOR PRE APPLICATION PLANNING ADVICE

The Head of Planning presented the report.

The report introduced a formalised system for pre-application planning advice which would involve Members in the process and also bring the process into line with Government advice. The formalised system would also dovetail into the introduction of charges for such advice if the Council decided to introduce charges in the future.

The Director of Strategy stated that although he welcomed Members involvement in planning applications he had concerns with regard to the Council entering into planning performance agreements, the legal consequences if Members did not comply with the protocols for expressing their opinions in pre application discussions and increased administrative costs. He added that if Members agreed to accept the recommendations in the report then Members would require formal training.

Members discussed the issues at length.

Councillor Kelly referred to option two and suggested a fourth recommendation be added being; 'with a twelve month period of review of the whole system from the date of implication'.

Clarification was sought on the definition of 'local Members' and it was agreed that this would be 'Members of the District Council representing any part of the parish within which the proposal lies.

Moved by Councillor D. Kelly, seconded by Councillor D. McGregor

**RESOLVED** that 1) the changes to the pre-application process as proposed in the report, including the definition of Member notification categories, the request form for pre-application advice, the protocol to guide Member involvement in pre-application discussions, the code of good practice and the standard agenda for pre-application meetings, be approved,

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2) the definition of local Members is; Members of the District Council representing any part of the parish within which the proposal lies,

3) the Head of Planning be delegated to amend the wording of the documents approved to correct minor errors, or to improve wording without changing their essential format, and to up date the documents to reflect legislation changes and/or any future policy changes approved by the Council. The changes be launched at a Development Control Customer Focus Group meeting,

4) a twelve month period of review of the whole system from the date of implication.

(Head of Planning)

**Reason for decision:**      **The recommendations follow national advice and will enable Council members to participate more meaningfully in the planning process.**

### **948. THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

Moved by Councillor D. McGregor, seconded by Councillor E. Watts

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

### **949. SURRENDER OF DUNHOLME LEASE EXEMPT PARAGRAPH 3**

The Senior Valuer presented a report in respect of an early surrender of the Council's lease on Dunholme House at Doe Lea.

Dunholme House was on a site held on a lease from Derbyshire County Council for a term of 25 years from August 1993 with a 5 year rent review pattern.

Derbyshire County Council had advised that they were willing to accept an early surrender of the District Council's lease on the basis of a payment of £20,000 and the site being cleared and secured.

Moved by Councillor A. Tomlinson, seconded by Councillor K. Bowman

**RESOLVED** that the Council pay Derbyshire County Council £20,000 to enable an early surrender of the Dunholme lease.

(Senior Valuer)

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**Reason for decision:** In order to relieve the Council of a rental and maintenance liability for a property it no longer requires.

### **950. ASSET MANAGEMENT PLAN EXPENDITURE EXEMPT PARAGRAPH 3**

The Buildings and Contracts Manager presented the report in respect of the Asset Management Plan expenditure.

The Authority was currently entering year three of a seven year asset management expenditure plan. A desk top review of the current approach had identified a number of areas for improvement and the report addressed these issues and recommendations for improvements.

Members raised questions and lengthy discussion took place.

Moved by Councillor A. Tomlinson, seconded by Councillor J. E. Bennett  
**RESOLVED** that 1) the framework of the Asset Management Plan as outlined in the report be approved in principle,

2) consideration of any future financing to be approved separately.

(Buildings and Contracts Manager)

**Reason for decision:** In order to demonstrate best use of Council resources in terms of finance and asset management.

### **951. LUNCHTIME ADJOURNMENT**

The time being 1230 hours, consideration was given as to whether the day's business could be concluded by 1400 hours.

Moved by Councillor E. Watts, seconded by Councillor K. Bowman  
**RESOLVED** that the meeting continue.

### **952. KISSINGATE LEISURE CENTRE FIRE REINSTATEMENT WORKS EXEMPT PARAGRAPH 3**

The Director of Strategy presented the report in respect of the fire reinstatement works at Kissingate Leisure Centre following the evaluation of the four tenders received for carrying out the works.

Members raised questions and discussed the issues raised in the report.

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The Director of Strategy advised the meeting that Contract Standing Orders 4.8.10.7 of the Council's Constitution had been applied in the evaluation of the tenders and this would need reflecting in the recommendations.

Moved by Councillor A. M. Syrett, seconded by Councillor J. E. Bennett

**RESOLVED** that 1) subject to agreement by the insurer, the reallocation of the £24,000 identified within the 2009/10 Asset Management Plan towards the shortfall of the proposed alterations to Kissinggate Leisure Centre be approved,

2) the use of £6,411 of the savings identified by the Buildings and Contracts Manager from the 2009/10 Asset Management Plan be approved.

3) that under Contract Standing Orders 4.8.10.7 of the Council's Constitution, Executive approve an exception to the usual treatment of tenders for the reasons given in the report.

(Director of Strategy / Leisure Operations Manager)

**Reason for decision:** Consider support of the preferred option for the refurbishment of Kissinggate Leisure Centre following the fire on 7th November 2008.

The meeting concluded at 1245 hours.