

# EXECUTIVE

**2<sup>nd</sup> NOVEMBER 2009  
AT 1000 HOURS**

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Sherwood Lodge  
Bolsover  
Derbyshire  
S44 6NF

Date: 23<sup>rd</sup> October, 2009

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of the Bolsover District Council to be held in the Council Chamber, Sherwood Lodge, Bolsover, on Monday, 2<sup>nd</sup> November, 2009 at 1000 hours.

Members are reminded that under Section 51 of the Local Government Act 2000 the Bolsover Code of Conduct was adopted by the Council on 16<sup>th</sup> May 2007. It is a Councillor's duty to familiarise him or herself with the rules of personal conduct by which Councillors must conduct themselves in public life. In addition, Members should review their personal circumstances on a regular basis with these rules in mind and bearing in mind the matters listed on the Agenda for discussion at this meeting.

Copies of the Bolsover Code of Conduct for Members will be available for inspection by any Member at the meeting.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their interests under paragraph 14 or 15 of the Code of Conduct provide written notification to the Authority's Monitoring Officer.

Members are reminded of the provisions of Section 106 of the Local Government Finance Act 1992 and the responsibility of Members to make a declaration at this meeting if affected by the Section and not to vote on any matter before this meeting which would have an affect on the Council's budget.

You will find the contents of the agenda itemised on page 63 and 64.

Yours faithfully,



Chief Executive Officer  
To: Chairman & Members of the Executive

**DECLARATION OF INTERESTS**

EXECUTIVE

DATE: 2<sup>ND</sup> November 2009

NAME OF MEMBER- \_\_\_\_\_

- Levels of Interest
1. Personal
  2. Personal and prejudicial

Nature of Interest \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AGENDA ITEM	SUBJECT	LEVEL OF INTEREST
Signed		
Dated		

Note

Completion of this form is to aid the accurate recording of your interest in the minutes only. This form, duly signed, should be provide to the Clerk at the conclusion of the meeting.

Good practice to give nature of interest – without declaring any confidentiality.

It is still your responsibility to disclose any interests which you may have at the commencement of the meeting, and before the relevant item on the agenda is discussed.

A nil return is not required.

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Minutes of a meeting of the Executive of the Bolsover District Council held in the Council Chamber, Sherwood Lodge, Bolsover, on Monday, 5<sup>th</sup> October 2009 at 1000 hours.

### PRESENT:-

Members:-

A.F. Tomlinson – Chair

Councillors, J.E. Bennett, A. J. Hodkin, D. Kelly, D. McGregor, B.R. Murray-Carr

Officers:-

W. Lumley (Chief Executive Officer), S.E.A. Sternberg (Solicitor to the Council and Monitoring Officer), S. Tomlinson (Director of Neighbourhoods), J. Brooks (Director of Resources), J. Sherwood (Environmental Health Residential Manager), L. Khella (Consultant Programme Manager), P. Coogan (Housing Innovation Officer)(for Minute Number 346 only)), and A. Bluff (Democratic Services Officer).

### 342. APOLOGIES

Apologies for absence were received on behalf of Councillors E. Watts, K. Bowman and A. Syrett.

### 343. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

### 344. DECLARATION OF INTERESTS

Minute No.	Councillor	Level of Interest
352	Councillor A.F. Tomlinson	Personal and Prejudicial

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### 345. MINUTES – 7<sup>TH</sup> SEPTEMBER 2009

Councillor Murray-Carr queried if a formal response had now been received from Old Bolsover Town Council with regard to maintenance of the Sherwood Street play area. The Chair and the Chief Executive Officer replied that in the absence of the Leader they were both unaware of a response being received.

Moved by Councillor D. Kelly, seconded by Councillor D. McGregor  
**RESOLVED** that the minutes of a meeting of the Executive held on 7<sup>th</sup> September 2009 be approved as a true record.

### 346. RENT ARREARS

In the absence of the Head of Housing, and to enable the Housing Innovation Officer to gather up to date information, it was agreed to defer the rent arrears item until later in the meeting.

### 347. WORKING NEIGHBOURHOODS FUND (WNF) MONITORING REPORT

The Chief Executive Officer introduced the first quarterly monitoring report for the Working Neighbourhoods Fund (WNF). The second quarterly monitoring report for the period July to September 2009, would be presented to Executive on 30<sup>th</sup> November 2009, and quarterly thereafter.

A number of WNF projects had been taking place; most notably was the Raising Aspirations project which had been awarded to Connexions Derbyshire in April this year following a competitive tendering process.

The Chief Executive Officer referred to the Apprenticeship Programme which had been presented to Council on 12<sup>th</sup> August 2009, (minute number 258 refers); Members were advised that further funding had now been awarded for this initiative through the Future Jobs Fund. An Apprenticeship Coordinator had been appointed and it was hoped to appoint an Apprenticeship Officer in the near future.

Members' attention was drawn to the main report which gave details of a current significant project; The Employer Engagement initiative. This initiative was responding to the needs of local unemployed people by co-ordinating and brokering relevant training. The proposed hosting / management arrangements would involve Derbyshire and Nottinghamshire Chamber of Commerce (DNCC) and accordingly Members approval was sought to suspend contract standing orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 to enable this initiative to go forward.

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The Consultant Programme Manager gave a further update on the Apprenticeship Programme.

The programme had been awarded £1.2 million of Working Neighbourhoods Fund and a further £390,000 had been secured through the Future Jobs Fund.

Five internal apprenticeship places had been secured for January 2010; Four would be within Leisure and one in Human Resources. This was for the 16 to 18 year old age group.

Twenty places had also been secured within other public sector organisations for the 18 to 24 year old category. These were at Chesterfield Royal Hospital, Derbyshire PCT and Derbyshire County Council.

The Chief Executive Officer added that these public sector organisations had also agreed to put in funding.

Moved by Councillor D. McGregor, seconded by Councillor J.E. Bennett.

**RESOLVED** that Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 be suspended for the reasons given above in relation to Derbyshire and Nottinghamshire Chamber of Commerce.

(Chief Executive's and Partnership Manager)

**Reason for decision:** To ensure that WNF is targeted to best effect and where needed and to ensure that the tendering process does not unjustifiably distort the result.

### 348. ARREARS – IRRECOVERABLE ITEMS OVER £1000

The Director of Resources presented the report to seek Members approval to write off outstanding debts, including costs, amounting to £6,743.62 in respect of persons unable to trace / bankrupt or companies in liquidation.

In response to a question raised by Councillor Bennett, the Director of Resources agreed that future reports would include the type of business in relation to the write off.

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

**RESOLVED** that the irrecoverable items including costs amounting to £6,743.62 be written off with the proviso that should any of the debts become collectable the amounts be re-debited.

(Director of Resources)

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**Reason for decision:** In order that the outstanding debts can be written off.

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

Moved by Councillor D. McGregor, seconded by Councillor J.E. Bennett

**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.

### **350. ARREARS – IRRECOVERABLE ITEMS OVER £1000 EXEMPT PARAGRAPH 3**

The Director of Resources presented the report to seek Members approval to write off outstanding debts, including costs, amounting to £6,732.06 in respect of accounts where the ratepayer had ceased to trade.

Councillor McGregor queried the ownership of the Station Hotel in Creswell. The Director of Resources said he would investigate and let Councillor McGregor know.

Moved by Councillor D. McGregor, seconded by Councillor B.R. Murray-Carr

**RESOLVED** that the irrecoverable items including costs amounting to £6,732.06 be written off with the proviso that should any of the debts become collectable the amounts be re-debited.

(Director of Resources)

**Reason for decision:** In order that the outstanding debts can be written off.

### **346. RENT ARREARS CONTINUED**

The Housing Innovation Officer circulated information on area based targets in respect of housing rent arrears and also former tenants rent arrears.

Although there were always fluctuations in the amount of rent arrears, the total figure still stood at just over £629,000. The Housing Enforcement Manager and

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the Tenancy Management Officers were working hard to get the figure decreased.

In a recent court case, the Council had been granted an eviction order where the tenant owed over £10,000 in rent arrears; that amount had now been deducted from the total arrears figure.

An advertisement had been placed for a 'Former Tenant Rent Administrator' to assist in the collection of former tenant rent arrears.

The Director of Neighbourhoods advised the meeting that further to discussion with the Portfolio Holder for Housing Management and the Chief Executive Officer, it was now felt appropriate to change to quarterly reporting for rent arrears. The report would be circulated with the agenda and include more detail to enable Members to deal with the current rent arrears situation.

The Deputy Leader added that this had also been discussed at an Efficiency meeting where it was agreed that quarterly reporting would gather more information and give more detail to Members of the reasons for arrears.

Moved by Councillor D. McGregor, seconded by Councillor B. R. Murray-Carr  
**RESOLVED** that 1) the report be noted,

2) the standard monthly agenda item for rent arrears be changed to a standard quarterly item; and the quarterly reports to give Members more detail of the general reasons for rent arrears to enable Members to consider the rent arrears, voids and former tenants arrears situation.

(Head of Housing / Head of Democratic Services)

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

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

Moved by Councillor B.R. Murray-Carr, seconded by Councillor D. Kelly  
**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.



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Councillor A.F. Tomlinson declared a personal and prejudicial interest in the following item and left the meeting.

Moved by Councillor B.R. Murray-Carr, seconded by Councillor J.E. Bennett  
**RESOLVED** that Councillor D. Kelly be elected chair of the meeting for the remaining item.

Councillor D. Kelly in the Chair

### **352. GROUP REPAIR SCHEME – WHALEY THORNS EXEMPT PARAGRAPH 3**

The Environmental Health Residential Manager presented the report to seek Members approval to award the 2009/10 Group Repair contract at Whaley Thorns to Groundwork Creswell. Accordingly, contract standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 would need suspending to allow the Head of Regeneration to negotiate the contract.

Members asked questions.

Moved by Councillor J.E. Bennett, seconded by Councillor D. McGregor  
**RESOLVED** that 1) the Head of Regeneration be authorised to negotiate the Group Repair contract with Groundwork Creswell for Whaley Thorns for 2009/10,

2) Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6, be suspended to allow the Head of Regeneration to negotiate the contract.

(Environmental Health Residential Manager)

**Reason for decision:**      **Awarding the contract to Groundwork Creswell will allow the Authority to continue to work with one of our main partners in regeneration and deliver jobs and training opportunities**

The meeting concluded at 1030 hours.

## **CHANGES TO MEMBERS ON OUTSIDE BODIES**

### (1) Joint Crematorium Committee

At Executive on 15<sup>th</sup> June 2009 Councillor Alan Hodkin was appointed as the Council's representative on the Chesterfield and District Joint Crematorium Committee.

It is proposed that Councillor K. Bowman replaces Councillor A. Hodkin on the Chesterfield and District Joint Crematorium Committee and they be notified accordingly.

**RESOLVED** that Councillor K. Bowman replaces Councillor A. Hodkin on the Chesterfield and District Joint Crematorium Committee and they be notified accordingly.

**RECORD OF EXECUTIVE DECISION - JOINT WORKING**

CBC:		Date of Decision:		
BDC: DEPUTY LEADER		15 <sup>th</sup> September 2009		
NEDDC: LEADER/DEPUTY LEADER				
CBC Non-executive Leader's Support Members present: N/a				
Title Reference: Minutes				
Consultee Member(s) (if applicable): N/a				
Key Decision References (if applicable):		Delegation References: CBC: R116L		
CBC:		BDC:		
BDC:		NEDDC:		
NEDDC:				
Report and background papers	Yes	Public <input type="checkbox"/>	Exempt <input type="checkbox"/>	Confidential <input type="checkbox"/>
Decision Status (CBC)	On Forward Plan	N/A		
	General urgency			
	+Special urgency		Authorised by:	
Record of Decision:				
That the notes and Records of Decision of the meetings listed be noted:				
(a) Record of Decision of Joint Board meeting held on 21 <sup>st</sup> July 2009				
(b) Notes of Joint Board meeting held on 21 <sup>st</sup> July 2009				
(c) Minutes of Chief Executives' meeting held on 19 <sup>th</sup> August 2009				
Reasons for Decision:				
To note progress on joint working				
Alternative options considered and rejected (if any) N/A				
Declarations of interests: None				
Decision subject to call-in	Yes			
Date Record issued: 18 <sup>th</sup> September 2009				
Contact Officer: A Goss				

CBC:		Date of Decision:		
BDC: DEPUTY LEADER		15 <sup>th</sup> September 2009		
NEDDC: LEADER/DEPUTY LEADER				
CBC Non-executive Leader's Support Members present: N/a				
Title Reference: RIEP Projects				
Consultee Member(s) (if applicable): N/a				
Key Decision References (if applicable):		Delegation References: CBC: R116L		
CBC:		BDC:		
BDC:		NEDDC:		
NEDDC:				
Report and background papers	Yes	Public <input type="checkbox"/>	Exempt <input type="checkbox"/>	Confidential <input type="checkbox"/>
Decision Status (CBC)	On Forward Plan	N/A		
	General urgency			
	+Special urgency		Authorised by:	
Record of Decision:				
That progress made on RIEP funded projects be noted.				
Reasons for Decision:				
To progress the joint working agenda				
Alternative options considered and rejected (if any) N/A				
Declarations of interests: None				
Decision subject to call-in		Yes		
Date Record issued: 18 <sup>th</sup> September 2009				
Contact Officer: A Goss				

CBC:		Date of Decision:		
BDC: DEPUTY LEADER		15 <sup>th</sup> September 2009		
NEDDC: LEADER/DEPUTY LEADER				
CBC Non-executive Leader's Support Members present: N/a				
Title Reference: BCN Consultancy (Building Control) – Update on Financial Position				
Consultee Member(s) (if applicable): N/a				
Key Decision References (if applicable):		Delegation References: CBC: R116L		
CBC:		BDC:		
BDC:		NEDDC:		
NEDDC:				
Report and background papers	Yes	Public <input type="checkbox"/>	Exempt <input type="checkbox"/>	Confidential <input type="checkbox"/>
Decision Status (CBC)	On Forward Plan	N/A		
	General urgency			
	+Special urgency		Authorised by:	
Record of Decision:				
<ol style="list-style-type: none"> <li>1. That the budget position of BCN at the end of August 2009 as set out in Appendix A to the report be noted.</li> <li>2. That a further report be made to Joint Board should the budget forecast change significantly over the next three months.</li> <li>3. That staff and managers at BCN be thanked for their hard work and contribution to the success of the consortium.</li> </ol>				
Reasons for Decision:				
To effectively manage the budget of BCN and deal with any staffing issues in accordance with employment legislation and local government code of practise.				
Alternative options considered and rejected (if any) N/A				
Declarations of interests: None				
Decision subject to call-in	Yes			
Date Record issued: 18 <sup>th</sup> September 2009				
Contact Officer: A Goss				

Committee:	Executive	Agenda Item No.:	7.
Date:	2 <sup>nd</sup> November 2009	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Working Neighbourhoods Fund		
Report by:	Partnership Consultant Programme Manager		
Other Officers Involved	Chief Executive's and Partnership Manager		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Deputy Leader of the Council – Cabinet Member for Regeneration Leader of the Council		

## **RELEVANT CORPORATE AIMS**

REGENERATION – Developing healthy, prosperous and sustainable communities.

### **TARGETS**

The Working Neighbourhoods Fund will impact on the National Indicator 153 – Working age people claiming out of work benefits in the worst performing neighbourhoods. Bolsover District Council has agreed a holding target with the LAA of reducing the out of work claimant rate within the worst performing neighbourhoods from 28.7% to 25.4% by March 2011. The Local Authority's success in tackling worklessness will also be measured against a further 4 indicators, these being:

- NI 117 – 16 to 18 year olds who are not in education, training or employment
- NI 118 – Take up of formal childcare by low income working families
- NI 163 – Working age population qualified to at least Level 2 or higher
- NI 172 – VAT registered businesses in the area showing growth.

### **VALUE FOR MONEY**

The principles of Value for Money – economy, efficiency and effectiveness will be applied in all interventions considered.

## **THE REPORT**

### **Background**

1. Executive Members will recall the Authority's award of Working Neighbourhoods Fund in 2008 (Minute No. 886 refers). The Working Neighbourhoods Fund was introduced as part of the Local Government Finance Settlement and is one element of the new Area Based Grant. It provides resources to local authorities to tackle worklessness and low levels of skills and enterprise in their most deprived areas.

2. The WNF allocation to Bolsover District Council is:

2008/09	£2,055,516
2009/10	£2,440,522
2010/11	£2,535,018

3. As part of the Council's approach to tackling worklessness, a Core Worklessness Group has been established which has delegated authority, through the Leader of the Council, to evaluate and agree direct intervention projects in accordance with the Commissioning Framework

### **Chesterfield Law Centre – Free Legal Advice to Bolsover Residents**

6. The Chief Executive Officer and the Leader of the Council have agreed to suspend Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 in relation to an initiative that will enable the activities of Chesterfield Law Centre to be extended into the district of Bolsover.
7. The project will give people living in the district of Bolsover access to specialist free legal services in social welfare law – employment; housing, housing debt (including prevention of homelessness). Furthermore, clients with enquiries about their employment, loss of employment, conditions of work and wages will be able to access specialist employment advice via a dedicated telephone service.
8. This activity will complement a new initiative being developed by the Local Strategic Partnership which aims to reduce financial exclusion across the district by working with key partners such as Community Voluntary Partners, North East Derbyshire Citizens Advice Bureau and the Derbyshire Unemployed Workers Centre. Residents of Bolsover are not currently able to access legal aid advice and an extension of Chesterfield Law Centre's services via outreach centres within the district would provide this facility.
9. Chesterfield Law Centre has secured £25,000 from the Derbyshire Primary Care Trust as a contribution to the proposed service within Bolsover. Income from the Legal Services Commission for each case closed will also contribute towards the cost of delivery. Providing additional resources through the Working Neighbourhoods Fund (£54,556

to March 2012) will pump-prime the service and there is a commitment from Chesterfield Law Centre to continue the outreach facility for a minimum of 5 years. It is envisaged that this service will be sustainable after three years of operation.

10. Endorsement from the Executive is now being sought to suspend CSO's for the initiative as outlined above.

### **ISSUES/OPTIONS FOR CONSIDERATION**

Whether to endorse the suspension of Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 as set out in the report.

### **IMPLICATONS**

Financial: Detailed in the report

Legal: The suspension of Contract Standing Orders in relation to the intervention as detailed in the above paragraphs, as a tendering process would usually be required for WNF commissioned interventions under the Local Authority's Procurement procedures.

Human Resources: None

### **RECOMMENDATION(S) that;**

**Executive endorses the Chief Executive Officer's decision taken in consultation with the Leader of the Council to suspend Contract Standing Orders 4.8.3, 4.8.4, 4.8.5 and 4.8.6 for the reasons given above in relation to Chesterfield Law Centre**

### **REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

To ensure that WNF is targeted to best effect and where needed and to ensure that the tendering process does not unjustifiably distort the result.

ATTACHMENTS:           **N**  
FILE REFERENCE:  
SOURCE DOCUMENT:



Committee:	Executive	Agenda Item No.:	8.
Date:	2 <sup>nd</sup> November 2009	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Patch Management Policies – Litter and Dog Bin Policy		
Report by:	Street Services Manager		
Other Officers Involved	Members of Patch Management Working Group		
Director	Director of Neighbourhoods		
Relevant Portfolio Holder	Cabinet Member for Environment		

## **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The adoption of this policy will enable officers, members and the public to have a clear understanding of the Council's role, duties and aspirations, in relation to the provision of litter and dog bins

### **TARGETS**

The following is one of the Council's Corporate Plan 2008 -11 key priorities:

Protect, enhance and improve the natural and built environment in a sustainable way.

The following target will help to deliver this priority:

Increase the standard of street cleanliness to more than 95% of streets being of an acceptable standard by March 2011

The provision and servicing of dog and litter bins are amongst a number of activities deployed by the Council in order to achieve the above target.

### **VALUE FOR MONEY**

The policy will enable officers to deal with issues on a consistent basis, which should reduce the time spent on dealing with Member and customer issues.

## **THE REPORT**

The Patch Management Working Group (PMWG) has identified a need for a Council Policy on the following subject;

Litter and Dog bins

A copy of the draft policy is attached.

The draft report was submitted to the following groups / committees for consideration and comment.

Equalities Services Development Group (ESDG) on 6<sup>th</sup> April 2009.  
Senior Management Team (SMT) on 21<sup>st</sup> May 2009.  
Policy & Performance Management Group 2 (PPMG 2) on 25<sup>th</sup> August 2009  
Scrutiny Committee on 13<sup>th</sup> October 2009

The attached final draft policy was agreed by the Patch Management Working Group on 14<sup>th</sup> October 2009.

## **ISSUES/OPTIONS FOR CONSIDERATION**

The ESGD recommended that the equality impact assessment be accepted and no changes were necessary to the document. The Litter and Dog Bin Policy EIA be reviewed in three years time.

SMT recommended that the policy be agreed.

PPMG 2 recommended some alterations to the text to make it more user friendly and requested clarification on some of the terms / legislation and that following these the policy be agreed.

Scrutiny Committee recommended that the policy be submitted to Executive for approval.

## **IMPLICATIONS**

Financial: None  
Legal: None  
Human Resources: None

## **RECOMMENDATION(S) that;**

- 1. Patch Management Group ensures that departmental procedures are in place to deliver the policy,**

2. The Litter and dog bin policy be approved and implemented from 1<sup>st</sup> January 2010.

**REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

To improve the way in which the provision of litter and dog bins is dealt with by the Council

ATTACHMENTS:                    Y  
FILE REFERENCE:  
SOURCE DOCUMENT:

# **BOLSOVER DISTRICT COUNCIL**

## **Litter and Dog Bin Policy**

March 2009



**This Policy addresses the following Corporate Aims (show those which are appropriate to the policy only):**



COMMUNITY  
SAFETY



CUSTOMER  
FOCUSED SERVICES



ENVIRONMENT



REGENERATION



SOCIAL INCLUSION



STRATEGIC ORGANISATIONAL  
DEVELOPMENT

## **Bolsover District Council Equalities Statement**

Bolsover District Council is committed to equalities as an employer and in all the services provided to all sections of the community.

- The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.
- The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Improvement Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

## CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Dog and Litter Bin Policy
Document type – i.e. draft or final version	Draft V 3 171009
Location of Policy	L:TECH/district_services/Procedures/Litter and Dog Bin Policy v3 171009
Author of Policy	Grounds Maintenance & Cleansing Manager
Member route for Approval & Cabinet Member concerned	PPMG Scrutiny Executive Council Portfolio for Environment
Reviewed by Patch Management Group	14th October 2009
Reviewed by Director of Strategy	Not applicable
Date Risk Assessment completed	Existing Risk assessments specific to the various activities
Date Equality Impact Assessment approved	Approved 6 <sup>th</sup> April 2009
Partnership Involvement (if applicable)	Not applicable
Date added to the Forward Plan	Not applicable
Policy Approved by	
Date Approved	

Policy Review Date	
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	

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# 1 Introduction

- 1.1 Bolsover District Council is designated as a principal litter authority in accordance with part 4 of the Environmental Protection Act 1990 (EPA 90) as amended by the Clean Neighbourhoods and Environment Act 1995 (CNEA 95), this legislation places both a duty on and gives powers to the authority in dealing with refuse and litter.
- 1.2 The 1990 Act also designates other bodies as litter authorities these include but are not limited to Derbyshire County Council, Town and Parish Councils, Educational Establishments and Transport Infrastructure Establishments.
- 1.3 The 1990 Act does not provide a definition of litter, although the Courts have considered the definition to be wide. Subsection 86(13) of the 1990 Act allows for the part of the Act which refers to refuse to include animal droppings of any description.
- 1.4 In practice, litter is most commonly assumed to include materials, often associated with smoking, eating and drinking, that are discarded and left by members of the public otherwise than in proper receptacles.
- 1.5 The provision and servicing of dog and litter bins are amongst a number of activities deployed by the Council in order to comply with our duty in respect of the above legislation.
- 1.6 Section 5(1) of the Litter Act 1983 enables litter authorities to provide and maintain refuse or litter receptacles in any street or public place. They should consider carefully the design and location of bins to ensure they are available at points where the public need to dispose of litter. Where bins are provided section 5(3) of the 1983 Act requires them to be emptied, cleansed and maintained so that the bin and its contents does not become a nuisance or give reasonable grounds for complaint.
- 1.7 The Council also has powers under the Dogs (Fouling of Land) Act 1996 and as made an Order designating land within its area where it is an offence not to clear up after ones dog has fouled any land covered by the Order.
- 1.8 Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land.
- 1.9 There are currently 125 external dog bins and 350 external litter bins, throughout the district.



## 2. Scope

- 2.1 The policy shall apply to all relevant land and relevant highways within the geographical boundaries of the Bolsover District Council area.
- 2.2 Land is 'relevant land' of a principal litter authority if it is open to the air and is land which is under the direct control of such an authority to which the public are entitled or permitted to have access with or without payment.
- 2.3 A place on land shall be treated as 'open to the air' notwithstanding that it is covered if it is open to the air on at least one side.
- 2.4 Every highway maintainable at the public expense other than a trunk road which is a special road is a 'relevant highway' and the local authority which is, for the purposes of this legislation, 'responsible' for so much of it as lies within its area is the district council.
- 2.5 The policy does not apply to bins in the district that are provided by other litter authorities.

## 3. Principles

- 3.1 The Council will use all its powers, wherever it can, to do anything it considers will promote or improve the wellbeing of the area and the social, economic and environmental well-being of its communities.
- 3.2 This Council is committed to providing a Cleaner, Greener, and Safer Environment.
- 3.3 The following is one of the Council's Corporate Plan 2008 -11 key priorities:

Protect, enhance and improve the natural and built environment in a sustainable way.

The following target will help to deliver this priority:

Increase the standard of street cleanliness to more than 95% of streets being of an acceptable standard by March 2011

## 4. The Policy Statement

- 4.1 The Council will provide, maintain, empty and cleanse sufficient numbers of dog and litter bins throughout the district as necessary to help in the discharge of our duties as a principal litter authority.

Provide – Bins both post mounted and free standing which meet the needs of the local community, whilst causing the minimum impact on the surrounding environment.

Maintain – bins to a standard by which they are fit for purpose and in themselves are not detrimental to the environment and replace damaged/ stolen bins within 5 working days.

Empty – bins on such a frequency as necessary to prevent them from becoming a nuisance or giving reasonable grounds for complaint, minimum weekly/maximum daily.

Cleanse – bins on such a frequency as necessary to prevent them from becoming a nuisance or giving reasonable grounds for complaint, minimum twice a year.

Publish – the location and emptying schedule of all litter and dog bins for which it is responsible.

- 4.2 Where the Council is required to replace or agrees to install new dog and litter bins regard will be given to the siting to ensure that the bins are of practical use to all.
- 4.3 The Council will monitor the usage of all dog and litter bins and utilise monitoring data to determine the ongoing viability regards the location of each bin.
- 4.4 When the Council receives a request for additional dog and litter bins the following criteria will be used in order to make a decision as to the need for additional bins:
- Current provision of dog and litter bins within the general area.
  - Land use type and designated cleansing zone.
  - Number of requests received for the removal of dog fouling within the immediate area.
  - Number of complaints received regarding dog fouling within the immediate area.
  - Number of requests received for the litter response service within the immediate area.
  - Number of complaints received regarding litter within the immediate area.
- 4.5 For this purpose the terms general area refers to a 500m radius and immediate area refers to a 200m radius.
- 4.6 We will also consult the following groups to input in to the decision of additional bins;

Local Residents

Local Businesses

Environmental Health – Dog Warden and Enforcement Officers

Community Action Network – Rangers

Leisure & Tourism (where necessary)

Planning Department

Parish/Town Council

Derbyshire Coalition for Integrated Living

Derbyshire County Council (where necessary)

Any other prominent local stakeholders

4.7 The Council will provide, maintain, empty and cleanse dog and litter bins on behalf of other litter authorities, throughout the district, at a reasonable charge and where resources allow; when a request is made by the other litter authority.

4.8 The Council will work with other statutory providers and local businesses to ensure that the most appropriate litter and dog bin provision is delivered throughout the district.

## 5. Responsibility

5.1 Street Services

Committee:	Executive	Agenda Item No.:	9.
Date:	2 <sup>nd</sup> November 2009	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Compliments, Comments, Complaints and Freedom of Information Requests		
Report by:	Customer Service and Access Officer		
Other Officers Involved	Support Officer (Customer Service and Performance)		
Director	Chief Executive Officer		
Relevant Portfolio Holder	Customer Focused Services		

### **RELEVANT CORPORATE AIMS**

CUSTOMER FOCUSED SERVICES – Providing excellent customer focused services

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

The effective management of complaints and customer requests is central to good customer service. It also provides a good source of information which the Council can use to improve services.

### **TARGETS**

Local performance indicators for handling written complaints and Ombudsman complaints.

### **VALUE FOR MONEY**

A centralised complaints and freedom of information requests service maximises the use of staffing resources as well as the provision of management information.

## **THE REPORT**

To provide information on the number of compliments, comments, complaints, freedom of information and personal data requests for the period 1<sup>st</sup> July 2009 to 30<sup>th</sup> September 2009.

### **Compliments**

Table A shows the number of written compliments received for the period. In total 34 written compliments were received thanking the Council for efficient and helpful service across a variety of Departments.

## Comments

Table B shows the number of written comments received for the period. All 10 of the comments received were responded to within standard (20 working days).

7 comments concern waste services (green bins/ recycling).

Table C shows the above information by department.

## Complaints

### Stage one

Stage one complaints refer to expressions of dissatisfaction made verbally by customers. The table below provides a breakdown of stage one complaints handled by the Contact Centres by service area and volume for the period 01/7/09 to 30/09/09:

<b>Stage One Complaints</b>		
<b>Service Area</b>	<b>01/04/09 - 30/06/09</b>	<b>01/07/09 - 30/09/09</b>
Complaints regarding housing repairs e.g. out of time, quality	1	0
Complaints regarding refuse, grounds maintenance, cleansing services e.g. not returning bin to collection point, missed green bin collection	70	75
Missed clinical waste collection	27	20
Missed domestic bin collection	296	228
Missed blue box collection	51	136
Bin not fully emptied	4	0
<b>Total</b>	<b>449</b>	<b>459</b>

For the same period Contact Centres handled 7,739 requests for service in total.

### Stage two

Table D shows the number of stage two or written complaints received for the period by date order. Of the 17 complaints received, two remain open but within timescale, 14 were responded to within our customer service standard of 20 working days and one was out of time.

Table E shows the above information by department.

### Stage three

Table F shows the number of stage three complaints received for the period by date order. These are complainants who have already made a stage two complaint and

still feel dissatisfied. During this period 2 stage three complaints were received and both were responded to within standard.

### Ombudsman

Table G shows the status of Ombudsman complaints for 2009/10 as of 30<sup>th</sup> September 2009. During this period 1 complaint was received which was responded to within 10 calendar days, well within the Local Government Ombudsman's timescale of 28 calendar days. The Ombudsman also decided two complaints - no evidence of maladministration for one and a local settlement.

### Freedom of Information (FOI)

Table H shows the number of requests for 'freedom of information' for the period by date order. Of the 82 requests received, all (100%) were responded to within the government standard of 20 working days.

Table I shows the above information by department.

### Personal Data requests (DP)

Table J shows the number of requests for 'Personal Data' for the period by date order. There were 10 requests made. Although the timescale for Data Protection requests is 40 calendar days, requests made under authority from the Police (for the apprehension/ prosecution of offenders etc) are dealt with swiftly and responses are sent as soon as possible.

### Performance

A target of 93% has been set for responding to stage two complaints within 20 working days for 2009/10. For this period 94% has been achieved.

## **ISSUES/OPTIONS FOR CONSIDERATION**

None

## **IMPLICATIONS**

Financial: - None

Legal: - None

Human Resources: - None

## **RECOMMENDATION(S)**

**That the report be received**

## **REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

To keep Members informed of volumes and trends regarding compliments, comments, complaints and freedom of information requests.

**ATTACHMENTS: Y**

Table A: Compliments summary for the period 01/07/09 – 30/09/09

Table B: Comments summary for the period 01/07/09 – 30/09/09

Table C: Comments summary by department 2009/10

Table D: Stage two complaints summary for the period 01/07/09 – 30/09/09

Table E: Stage two complaints summary by department 2009/10

Table F: Stage three complaints summary for the period 01/07/09 – 30/09/09

Table G: Ombudsman complaints summary for 2009/10

Table H: Freedom of information summary for the period 01/07/09 – 30/09/09

Table I: Freedom of information summary by department 2009/10

Table J: Personal data requests

FILE REFERENCE: - N/A

SOURCE DOCUMENT: - N/A

**Table A - COMPLIMENTS SUMMARY 01/0709 – 30/09/09**

Date Received	Area	Summary of Compliment	Departments Involved
01/07/09	Not known	Thanks for a helpful and prompt enquiry service	CSPD
08/07/09	Hodthorpe	Thanks for a prompt and efficient service regarding a drains repair	Contact Centre Regeneration
09/07/09	Bolsover	Thanks for a prompt and efficient service regarding a fly tipping removal	Contact Centre Street Services
10/07/09	Bolsover	Thanks for a helpful and prompt service regarding being re-united with pet dog	CSPD Environmental Health
10/07/09	South Normanton	Thanks for assistance given when mobility scooter stopped working opposite the Contact Centre	Contact Centre
13/07/09	Shuttlewood	Thanks for being informed about discount off TV licence	Finance Contact Centre
13/07/09	Clowne	Thanks for a prompt and efficient service regarding a fly tipping removal	CSPD Street Services
15/07/09	Mansfield	Thanks for a good service regarding a grass cutting job	Contact Centre Street Services
16/07/09	Alfreton	Thanks for a friendly and understanding service at contact centre regarding benefits	Contact Centre Revenues
16/07/09	Glapwell	Happy with how the Housing Department has handled past requests	Housing
17/07/09	Chesterfield	Thanks for commitment regarding an event	Community Services
17/07/09	Stanfree	Thanks for new security system	Community Services
17/07/09	Not known	Thanks for new burglar alarm	Community Services
20/07/09	Not known	Thanks for an enjoyable experience regarding an event at Pleasley	Leisure
20/07/09	Not known	Thanks for an enjoyable experience regarding an event at Pleasley	Leisure
20/07/09	Bramley Vale	Thanks for a good service regarding a replacement bin	Contact Centre Street Services
22/07/09	Bolsover	Thanks for a helpful and attentive service	Contact Centre



27/07/09	Bolsover	Thanks for a helpful and prompt service regarding replacement bin	Contact Centre Street Services
31/07/09	Whitwell	Thanks for a good service regarding a noise nuisance complaint	Environmental Health
04/08/09	Not known	Thanks for a helpful service and very happy with the information provided	Regeneration
06/08/09	Bolsover	Young man who delivered wheelie bin both pleasant and polite	Street Services
12/08/09	Carr Vale	Very helpful service filling in benefits forms	Contact Centre
13/08/09	Derbyshire	Thanks to staff involved in Wise Up	Leisure
25/08/09	Creswell	Really enjoy the pool at Creswell, it is well run, friendly and clean	Leisure
28/08/09	New Houghton	Compliment for marvellous response and help after attempted theft	Community Services
03/09/09	Shirebrook	Thanking staff for helping through a difficult time	Benefits
07/09/09	Hodthorpe	Thanking housing for new kitchen	Housing
08/09/09	Not known	Thanking warden services for kind assistance to S.O.S call	Housing
18/09/09	Sutton-in-Ashfield	Thanking Central Control for looking after her for many years	Housing
18/09/09	Barlborough	Thanking Council for golf lessons at Bondhay Golf Club	Leisure
24/09/09	Bolsover	Thanking officer for courteous way compensation query was dealt with	CSPD
24/09/09	South Normanton	Appreciation to the Leader and the Police for all their hard work, dedication and support against anti-social behaviour of neighbours	Environmental Health
21/09/09	Bolsover	Thanking Leisure for organising activities for Transition Project for Bolsover School	Leisure
29/09/09	Bolsover	Compliment to hedge cutters who did a great job	Street Services

**Table B - SUMMARY OF COMMENTS 01/0709 – 30/09/09**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Comment</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Summary of Response</b>
09/07/09	South Normanton	Would like an additional green bin	Street Services	24/07/09	11	Explained that green bin allocation was one per household and any increase would impact on resources
16/07/09	Glapwell	Regarding lack of privacy and being unable to park car on the road	Housing	28/07/09	7	Explained that Council does not have resources to make garden a parking area but informed may carry out the work themselves subject to permission
04/08/09	Stanfree	Regarding blue and green bin service - unhappy that bin not collected every week	Street Services	07/08/09	4	Problems with blue box recycling collections which is being monitored. Green bin allocation is one per household
06/08/09	Creswell	Unhappy with the work done on steps	Housing	14/08/09	6	Emergency and Responsive Manager visited and arranged for work to be carried out to the steps
11/08/09	Stanfree	Further comment regarding green bin service - unhappy that bin not collected every week	Street Services	02/09/09	15	Advised not obliged to have green bin but where service is offered garden waste will not be collected in black bin.
13/08/09	Tibshelf	Unhappy with the policy of one green bin per household	Street Services	19/08/09	4	Explanation that the service is one bin per household and that a streamered collection of waste is expected in 2010

**Table B - SUMMARY OF COMMENTS 01/0709 – 30/09/09**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Comment</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Summary of Response</b>
25/08/09	Clowne	Could an adult lane be introduced for the early morning swim? Also showers very hot for children	Leisure	10/09/09	11	Explained that pool is not big enough for lanes. Shower temperature has been reviewed and altered
25/08/09	Tibshelf	Further comments concerning the green waste collection service - some residents generate more waste than the current system allows for	Street Services	21/09/09	18	Explained that the Council provides a number of waste collection methods to enable residents to dispose of household waste
21/09/09	South Normanton	Want further recycling opportunities. No facilities for cardboard, plastic bottles or juice cartons	Street Services	08/10/09	13	Explained that DCC is currently waiting for approval for an In Vessel Composting facility at Arkwright which is in final planning stage. Expecting to be commissioned 2010/2011
21/09/09	Tibshelf	Further comments concerning Green Waste Service claims questions not answered	Street Services	01/10/09	7	Re-iterated advice previously given about waste collection methods

**Table C: Comments Summary by Department 2009/10**

Department/Section	01/04/09 – 30/06/09			01/07/09 – 30/09/09			01/10/09 – 31/12/09		
	No. of Comments	No. Responded to in time	No. responded to out of time	No. of Comments	No. Responded to in time	No. responded to out of time	No. of Comments	No. Responded to in time	No. responded to out of time
Contact Centres	1	1							
Customer Service & Performance									
Community Services	1	1							
Environmental Health	2	2							
Street Services	9	9		7	7				
Housing	3	3		2	2				
Legal									
Leisure	1	1		1	1				
Planning	1	1							
Regeneration									
Revenues	3	3							
<b>Totals</b>	<b>21</b>	<b>21</b>		<b>10</b>	<b>10</b>				

**Table D - Summary of Stage Two Complaints 01/07/09 – 30/09/09**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Complaint</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Remedy</b>
01/07/09	Bolsover	Regarding a non reply with regards to anti social behaviour	Housing	24/07/09	17	Apologised that response sent to complainant previously was not also passed to MP and advised that Anti Social Behaviour Case Worker will be visiting to discuss further options
09/07/09	Mansfield	Regarding not being able to access the website to view association Planning documents	ICT Planning	27/07/09	12	Apologised that due to error on our system documents were unavailable for viewing. Problems in the past were caused by different software and are not likely to happen again
15/07/09	Sutton-In-Ashfield	Regarding release of information requested under the Freedom of Information Act 2000	Revenues Legal	23/07/09	6	Re-iterated that information requested is protected under Data Protection Regulation. Advised that the information relates to a tenant that no longer resides at the property and therefore we will not disclose the information
16/07/09	Mansfield	Concerning the length of time taken to make a decision regarding Housing Benefit Payments	Revenues	28/07/09	8	Explanation given as to why Local Housing Allowance is paid direct to tenant

**Table D - Summary of Stage Two Complaints 01/07/09 – 30/09/09**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Complaint</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Remedy</b>
17/07/09	Alfreton	Regarding green bin service – unhappy that neighbour’s bin was not emptied when presented with his due to building works	Street Services	04/08/09	12	An explanation given regarding number of bins at households, apology given for any inconvenience
29/07/09	Pinxton	Dissatisfied about being turned down for a flat swap	Housing	14/08/09	12	Explanation given that property in question not available for re-let. No evidence of anything having been done incorrectly
31/07/09	Mansfield	Further correspondence concerning the length of time taken to make a decision regarding Housing Benefit Payments	Revenues	14/08/09	10	Re-iterated advice given in 'Stage two' response (crossed in post)
11/08/09	South Normanton	Complaint about no benefit being paid and having to pay council tax on a property he owned but rented out	Revenues	02/09/09	16	Explanation regarding the customer's residency and conflicting evidence provided to support claim
11/08/09	Scarcliffe	Unhappy with the progress being made regarding adaptations to improve vehicular access for disabled daughter	Housing	08/10/09 (Holding letter sent 08/09/09)	34	Apologised for delay due to multi-agency approach and time needed to arrange a meeting. Also explained more information needed from Social Worker
20/08/09	Shirebrook	Unhappy about the height of the adjoining hedge and the action being taken by the Council	Housing	16/09/09	18	Officers from the Council visited the property and are now working with the tenant with a view to reducing the size of the hedge to one more manageable

**Table D - Summary of Stage Two Complaints 01/07/09 – 30/09/09**

Date Received	Area	Summary of Complaint	Departments Involved	Date Response Sent	No of work days	Remedy
02/09/09	Shirebrook	Rang out of hours service as no light in bathroom and partially sighted, told not an emergency and that an operative would call out on Tuesday. No-one came so paid local electrician to fix it	Housing	28/09/09	18	Matter not an emergency as only one light not working. £25 compensation offered as advised would be attended to on Tuesday, which did not happen because the operatives returned to work on Wednesday
02/09/09	Creswell	Daughter tried to ring in Tuesday 01/09/09 to pay council tax, experienced a long wait and was answered by another department	Revenues	29/09/09	19	Apology for delay. Explained difficult to gauge number of advisors to match calls. Looking to provide more information to staff to manage this more effectively within Revenues
02/09/09	Unknown	Unhappy about not being informed when not selected for interview	Human Resources	16/09/09	10	Advised that Council's policy is not to respond to applicants who are not successful in securing an interview. Applicants are advised of this when applying on-line. However, considering a standard email response with e-recruitment provider
11/09/09	Barlborough	Neighbour dispute over a fence and what action the Council is taking	Housing Community Services	22/09/09	7	Legal are considering facts of case concerning the boundary, will notify both parties of decision and any action required

**Table D - Summary of Stage Two Complaints 01/07/09 – 30/09/09**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Complaint</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Remedy</b>
16/09/09	Whitwell	Unhappy he is paying slightly more rent than neighbours and claims all properties are exactly the same	Housing	05/10/09	13	Detailed explanation of how rent is calculated
28/09/09	Whaley Common	Been flooded out due to poor workmanship from Council, damage to clothes, carpets, tiles, wants financial compensation	Housing			Open but within timescale
22/09/09	Clowne	Blue box emptied and a dirty one left	Street Services			Open but within timescale



**Table E - Complaints (Stage 2) Summary by Department 2009/10**

Department/Section	01/04/09 – 30/06/09			01/07/09 – 30/09/09			01/10/09- 31/12/09		
	No. of Complaints	No. Responded to in time	No. responded to out of time	No. of Complaints	No. Responded to in time	No. responded to out of time	No. of Complaints	No. Responded to in time	No. responded to out of time
Contact Centres	4	4							
Customer Service & Performance				1	1				
Community Services	1	1							
Environmental Health	3	3							
Street Services	4	4		2	2				
Finance									
Housing	4	4		9	8	1			
HR				1	1				
ICT				1	1				
Legal				1	1				

<b>Leisure</b>									
<b>Planning</b>	<b>2</b>	2		<b>1</b>	1				
<b>Regeneration</b>									
<b>Revenues</b>	<b>5</b>	5		<b>5</b>	5				
<b>Totals</b>	<b>23</b>	<b>23</b>		<b>21</b>	<b>20</b>	<b>1</b>			

**Table F - Summary of Stage Three Complaints 01/07/09 – 30/09/09**

<b>Date Received</b>	<b>Area</b>	<b>Summary of Complaint</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Remedy</b>
14/07/2009	Clowne	Further complaint regarding a member of staff following a request for help with financing a bond for a privately rented flat	Housing	31/07/09	13	Re-iterated advice given in Stage Two response is still correct - housing application position, criteria not met to be considered for a bond for private housing and debt remains on housing account
10/09/2009	Mansfield	Further complaint from landlord about a tenant's housing benefit application not being processed in a timely manner	Benefits	05/10/09	17	Re-iterated advice given in Stage Two response is still correct - benefit claim was correctly processed

### Summary of Ombudsman Complaints 2009/10

Date Received	Area	LGO's Summary of Complaint	Departments Involved	Date Response sent	No. of Calendar Days	Date Decision Letter Received	Ombudsman's Decision
19/05/09	Whitwell	In 2007 the Council refused to install gas to allow for a gas cooker and subsequently undertook work to replace the existing heating system in the property with an alternative system without proper consideration of personal preferences. Furthermore, the Council has failed to make any allowance for the damage to the living room carpet and internal decoration as a result of the renovations	Housing	16/06/2009	27	07/07/09	<b>No or insufficient evidence of maladministration</b>

### Summary of Ombudsman Complaints 2009/10

Date Received	Area	LGO's Summary of Complaint	Departments Involved	Date Response sent	No. of Calendar Days	Date Decision Letter Received	Ombudsman's Decision
09/06/09	Creswell	The Council delayed dealing with antisocial behaviour from neighbours and allowed confidential diary sheets to be passed to the alleged perpetrators, which resulted in being attacked. Also feels that the Council should have provided him with alternative safe accommodation whilst it investigated his allegations of antisocial behaviour	Housing	03/07/09	24	28/08/09	<b>Local settlement - £200 (injustice of having an unnecessary confrontation with the perpetrator)</b>
24/06/09	Clowne	<b>Informal complaint</b> – Received a notice to quit (private rented accommodation) and the Council would not help	Housing	06/07/09	12	27/07/09	<b>No Maladministration</b>
25/06/09	Clowne	The Council removed most of the pebble dash coating to the property last year and has not returned to replace it. Complained before about the appearance of the property but has received no response	Housing				

### Summary of Ombudsman Complaints 2009/10

Date Received	Area	LGO's Summary of Complaint	Departments Involved	Date Response sent	No. of Calendar Days	Date Decision Letter Received	Ombudsman's Decision
20/07/09	Scarcliffe	Planning Department failed to inform them about a covenant on their land when applying for planning permission. Also that the Council wanted too high a price to release that covenant and delayed in dealing with the matter	Planning	No information requested		20/07/09	No maladministration
18/08/09	Pinxton	That the Council has failed to take appropriate action in response to complainant's reports of untidy gardens at 106 and 108 Wharf Road	Environmental Health	02/09/09	10		

### Table H - Summary of FOI Requests 01/0709 – 30/0909

Date Received	Ref number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
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**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
01/07/09	283/0910	Request to find out if the Regulation of Investigatory Powers Act has been used to monitor/investigate the behaviour of residents	Community Services Legal Planning Environmental Health	17/07/09	12	Yes
01/07/09	284/0910	Regarding the treating/caring for those with dementia	DCC	01/07/09	1	No - Transferred
01/07/09	286/0910	Procurement method for external consultants	Procurement			Case closed - no clarification received
02/07/09	285/0910	Teaching staff and education	DCC	02/07/09	0	No - Transferred
02/07/09	287/0910	The number of sports venues	Leisure	30/07/09	20	Yes
03/07/09	288/0910	Payments made to councillors for attending meetings	Finance	07/07/09	2	No – Exempt (publicly available)
03/07/09	289/0910	Information relating to Trading Standards test purchasing activities for under age sales of tobacco products	DCC	07/07/09	2	No - Transferred
06/07/2009	290/0910	Name of forwarding address for tenant	Revenues (benefits)	08/07/09	2	No – Exempt (data protection)
06/07/2009	291/0910	Sourcing and procurement of Food within catering operations	Procurement	17/07/09	9	No - No information held
06/07/2009	292/0910	Business Rate Accounts without Small Business Rate Relief	Revenues	27/07/09	15	Yes
08/07/09	293/0910	Level of Rent Arrears	Housing	27/07/09	13	Yes

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
08/07/09	294/0910	Renewal date, value and a copy of the winning tender for any contract for the Computer/Server hardware maintenance	ICT	27/07/09	13	Partially - some information provided, some not held
09/07/08	295/0910	How many staff have been on long term sick leave	HR and Payroll	27/07/09	12	No - cost exceeds ceiling
10/07/09	296/0910	What percentage of buildings owned or rented by the council contain phenolic foam insulation	Housing Regeneration	28/07/09	12	Partially- some information provided, some not held
13/07/09	297/0910	Information relating to Trading Standards regarding Energy Performance Certificate regulations	DCC	13/07/09	1	No - Transferred
14/07/09	EIR	W H David & Sons Ltd, Langwith Road, Langwith Junction <sub>1</sub>	Environmental Health	06/08/09	18	Yes
14/07/09	298/0910	If the council has hosted a visit by foreign dignitaries and or other overseas visitors since January 2008	CEPT CSPD	28/07/09	10	No information held
15/07/09	299/0910	Full expense claims of the chief executive and deputy chief executive for each of the last four years	HR and Payroll	31/07/09	12	Yes
16/07/09	300/0910	Applications for a disabled facilities grant	Environmental Health	28/07/09	8	Yes
20/07/09	301/0910	Regarding swimming pool inspection reports	Leisure	04/08/09	11	Partially- some information provided, some not held

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
20/07/09	302/0910	Total costs incurred due to employment of external consultants and agency workers	Finance Heads of Service	07/08/09	13	Yes
21/07/09	303/0910	General fund revenue account - annual revenue outturn returns	Finance	29/07/09	6	Yes
21/07/09	304/0910	Salary rates and grading for each Chief Officer and Assistant Chief Officer post	HR and Payroll	05/08/09	11	Yes
21/07/09	305/0910	QRW4 Returns supplied to the Department of Communities and Local Government	Finance	29/07/09	6	Yes
21/07/09	306/0910	Information on Councillor Allowances	HR and Payroll	05/08/09	11	Partially- some information provided, some not held
21/07/09	307/0910	Staffing and Post numbers	HR and Payroll	29/07/09	6	Yes
22/07/09	308/0910	Figures on noise complaints relating to non-residential and commercial premises	Environmental Health	30/07/09	6	Partially- some information provided, some not held
27/07/09	309/0910	Regarding Local Education Authority	DCC	27/07/09	1	No - Transferred
27/07/09	310/0910	Requiring a list of all full and part time job vacancies	HR and Payroll	30/07/09	3	Yes
27/07/09	311/0910	Employees suspended from their duties on full pay	HR and Payroll	29/07/09	2	No information held
27/07/09	312/0910	Empty properties both domestic and commercial	Revenues Regeneration	30/07/09	3	Yes



**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
27/07/09	313/0910	Regarding Zoo Licensing Act	Environmental Health	30/07/09	3	No information held
28/07/09	318/0910	Any plans the local authority has regarding an increase in death rates due to swine flu	DCC	28/07/09	1	No - Transferred
29/07/09	314/0910	Planning applications featuring a change of use from A1 (shop), under the Town and Country Planning (Use Classes) Order 1987	Planning	05/08/09	4	Partially- some information provided, some not held
31/07/09	315/0910	Money spent combating any variation of the Conficker computer virus	ICT	04/08/09	2	No information held
31/07/09	316/0910	Information regarding bailiff enforcement	Revenues	04/08/09	2	Partially- some information provided, some not held
31/07/09	317/0910	List of subcontractors, suppliers and consultants that have worked on or are working on the council's Decent Homes Improvement programme from 2007,2008 & 2009	Housing	14/08/09	10	Yes
03/08/09	319/0910	Parking Ticket Data	DCC	03/08/09	1	No - Transferred
03/08/09	320/0910	Full time equivalent staff and cost of services	HR and Payroll Finance	14/08/09	9	Partially- some information provided, some not held

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
03/08/09	321/0910	Impact of housing development on garden land	Planning	05/08/09	2	No- Time limit
06/08/09	322/0910	Regarding Council Tax Benefit and Housing Benefit claims and Housing Register	Revenues Housing	14/08/09	6	No - time limit
07/08/2009	323/0910	Regarding telephone system	ICT	14/08/09	5	Yes
08/08/2009	324/0910	Expenditure by council on Automatic Number Plate Recognition technology	Community Services	11/08/09	2	No information held
06/08/09	325/0910	Requesting further info re swimming pool reports	Leisure	11/08/09	3	Yes
10/08/09	326/0910	Authorities spending on Geographic Information System	ICT	19/08/09	7	Yes
11/08/09	327/0910	Provide list of celebrities/high profile figures who have been paid to front publicity campaigns or attend events	CSPD	18/08/09	5	No information held
11/08/09	328/0910	Information on telephone system	ICT	02/09/09	15	No information held
09/08/09	329/0910	Provide information on Chief Executive's salary	HR and Payroll	04/09/09	17	Yes

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
12/08/09	330/0910	How many affordable homes were identified as needed in latest housing survey and how many are planned for 2009/10 and 2010/2011	Planning	14/08/09	2	Yes
12/08/09	331/0910	Information regarding purchasing of Smart cars in last 5 years	Community Services	02/09/09	14	No information held
14/08/09	332/0910	Information on creating, developing, maintaining and extending any internal/external websites operated by authority	ICT CSPD	19/08/09	3	Yes
18/08/09	333/0910	Information of cost to council of external legal advice on disputes that have escalated to Information Commissioners Office or beyond	CSPD	02/02/09	10	Partially- some information provided, some not held
19/08/09	334/0910	Details of representations received by Council from Prince's Foundation for the Built Environment since September 1st 2007	Planning	02/09/09	10	No information held
18/08/09	335/0910	Schemes funded by Council since Feb 2008 which promote or inform public of achievements of Council, local area or benefits of living in local area	Heads of Service	16/09/09	20	Yes
27/08/09	336/0910	Seeking information on housing benefit amounts	Revenue Services	02/09/09	3	Partially - some information provided, some not held

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
26/08/09	337/0910	Seeking information relating to Trading Standards and counterfeit tobacco	DCC	27/08/09	1	Transferred to DCC
25/08/09	338/0910	Seeking information on children at risk	DCC	27/08/09	2	Transferred to DCC
28/08/09	339/0910	Seeking information on percentage of invoices paid within certain intervals	Finance	18/09/09	14	Yes
28/08/09	340/0910	Seeking information on RIPA (Regulation of Investigatory Powers Act)	Legal	04/09/09	4	Partially- some information provided, some not held
13/08/09	341/0910	Working Neighbourhoods Fund allocation received by council and active projects	CEPT	Awaiting clarification		Clarification sought 13/08/09
13/08/09	342/0910	How much money each village in Scarcliffe Parish Council contributes	Revenues	04/09/09	3	Yes
28/08/09	343/0910	How many premises in our licensing authority area carry licensable activity of sales by retail of alcohol and also have a condition relating to polycarbonate drinking vessels	Legal and Democratic Services Licensing	16/09/09	12	Yes
02/09/09	344/0910	Has council sent any senior management on courses or exercises. Provide a list of companies, occasions, description of event.	Human Resources	11/09/09	7	Partially- some information provided, some not held

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
07/09/09	345/0910	Provide list of celebrities/high profile figures who have been paid to front publicity campaigns or attend events	CSPD	08/09/09	1	No information held
07/09/09	346/0910	Is amount of money for Scarcliffe for the South Ward of Scarcliffe Parish Council or just Scarcliffe	Revenues	24/09/09	13	No information held
07/09/09	347/0910	Allotment provision and usage	Regeneration	09/09/09	1	Yes
08/09/09	348/0910	Information re income obtained by council through parking fines and working place levies	CSPD	09/09/09	1	No information held
08/09/09	349/0910	Details of deaths in area since Feb 2009 which will be or have been passed onto either Treasury solicitor, Duchy of Lancaster/Cornwall and the QLTR in Scotland	Environmental Health	15/09/09	5	Yes
09/09/09	350/0910	Information regarding Blue Badge parking	Regeneration	05/10/09	18	No (publicly available)
10/09/09	351/0910	Request for Code of Practice for CCTV Policy in place within district	Community Services	21/09/09	7	Yes
11/09/09	352/0910	Council's main contractor(s) representing our framework agreement	Housing	21/09/09	6	No information held

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Ref number</b>	<b>Summary of FOI</b>	<b>Departments Involved</b>	<b>Date Response Sent</b>	<b>No of work days</b>	<b>Information released</b>
15/09/09	353/0910	Leader's expense claims from 2004 to date	HR and Payroll	09/10/09	18	Yes
15/09/09	354/0910	Information on structure of Procurement and Purchasing Departments	Shared Procurement	21/09/09	4	No (publicly available)
16/09/09	EIR	Oxcroft Disposal Point, Mill Lane, Stanfree <sub>1</sub>	Environmental Health	26/09/09	7	Yes
18/09/09	355/0910	Do we have external provider for debt collection an if so which companies do we use	Finance	25/09/09	6	Partially- some information provided, some not held
18/09/09	356/0910	Provide details of Planning consents granted for Wind Turbines in our authority in last 25 years	Planning	24/09/09	4	Yes
23/09/09	357/0910	How is sensitive information controlled and protected in the public sector provide contact details for senior person responsible for Information Assurance	CSPD	25/09/09	2	Yes
22/09/09	358/0910	Instances of illegal dumping, whether in containers for 2007, 2008, 2009. Action taken or request another body to. How many small waste oil burners did we authorise for use	Environmental Health			Open but within timescale
24/09/09	359/0910	Current incumbent contract for repairs/maintenance, capital programmes/maintenance, gas	Housing Street services	30/09/09	4	Yes

**Table H - Summary of FOI Requests 01/0709 – 30/0909**

Date Received	Ref number	Summary of FOI	Departments Involved	Date Response Sent	No of work days	Information released
		maintenance, grounds maintenance, arboriculture, drainage, waste collection, recycling				
25/09/09	360/0910	Provisions for Staff pay rises in 2009/10 in Authority	Human Resources			Open but within timescale
30/09/09	361/0910	How many children taken into local authority care on interim care orders and emergency care orders from 1998-2008	DCC	02/10/09	2	Transferred to DCC
30/09/09	362/0910	Information for trading standards for clampdown on retailers/ businesses/ producers who sell and trade in bogus organic food products	DCC	01/10/09	1	Transferred to DCC

<sup>1</sup> EIR – Environmental Information Request

**Table I: Freedom of Information requests by Department 2009/10**

Department/Section	01/07/09 – 30/09/09		
	No. of Requests	No. Responded to in time	No. responded to out of time
<b>CEPT</b>	4	4	
<b>Customer Service &amp; Performance</b>	9	9	
<b>Community Services</b>	6	6	
<b>Environmental Health</b>	10	10	
<b>Finance</b>	8	8	
<b>Street Services</b>	3	3	
<b>Housing</b>	10	10	
<b>HR &amp; Payroll</b>	14	14	
<b>ICT</b>	8	8	
<b>Legal</b>	7	7	
<b>Leisure</b>	5	5	



<b>Planning</b>	<b>8</b>	<b>8</b>	
<b>Procurement</b>	<b>5</b>	<b>5</b>	
<b>Regeneration</b>	<b>6</b>	<b>6</b>	
<b>Revenues</b>	<b>8</b>	<b>8</b>	
<b>Totals</b>	<b>111</b>	<b>111</b>	

**Table J - Summary of Data Protection Requests 01/0709 – 30/0909**

<b>Date Received</b>	<b>Reason/request made</b>	<b>Summary</b>	<b>Dept</b>	<b>Response due</b>	<b>Date Response</b>	<b>Work days process</b>	<b>Information released</b>
09/07/2009	29(3)	Apprehension and prosecution	Housing Revenues	18/08/09	09/07/2009	0	Yes
01/09/2009	30(1)&(5)	Detection of crime apprehension of offenders	Housing Revenues	12/10/09	02/09/2009	1	Yes
01/09/2009	35	Locating previous resident		12/10/09	03/09/2009	2	No - awaiting correct authorisation
02/09/2009	30(1) and (5)	Intelligence	Housing Revenues	13/10/09	03/09/2009	2	Yes
02/09/2009	30(1) and (5)	Intelligence	Housing Revenues	13/10/09	03/09/2009	1	Yes - direct by Housing
02/09/2009	30(1) and (5)	Intelligence	Housing Revenues	13/10/09	03/09/2009	2	Yes
04/09/2009	30(1) and (5)	Detection of crime apprehension of offenders	Revenues	15/10/09	06/09/2009	2	Yes - direct by Revenues

22/09/2009	30(1) and (5)	Detection of crime apprehension of offenders	Housing Revenues	3/11/09	22/09/2009	0	Already answered on 04/09/09
22/09/2009	30(1) and (5)	Detection of crime apprehension of offenders	Housing Revenues	3/11/09	24/09/2009	2	Yes
23/09/2009	30(1) and (5)	Intelligence	Revenues	4/11/09	23/09/2009	0	Yes

Committee:	Executive	Agenda Item No.:	10.
Date:	2 <sup>nd</sup> November 2009	Status	Open
Category	Decision within the functions of Executive		
Subject:	Changes to the Idox Uniform system		
Report by:	Director of Resources		
Other Officers Involved	Senior IT Projects Officer		
Director			
Relevant Portfolio Holder	Portfolio holder for Efficiency		

#### **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation. Ensuring that all IT support and maintenance contracts deliver value for money and that any risk is minimised.

#### **TARGETS**

This does not contribute to any targets specified in any approved plans.

#### **VALUE FOR MONEY**

By ensuring that the most cost effective contracts are in place.

#### **THE REPORT**

##### **Payment of Idox Support and Maintenance**

In 1996 the Council signed an Orbit framework agreement with Norsk Data, the provider of our Uniform solution. Rather than purchase the software, the Council entered into a leasing arrangement and this has continued until now. Norsk Data was taken over by CAPS and CAPS has subsequently been taken over by Idox. The Uniform solution is used by Planning, Environmental Health, IT, Land Charges and Building Control. The current annual payment for 2009/10 will be £33,425.

Normally the Council purchases software and then pays an annual maintenance charge for ongoing support.

Idox have proposed that we pay a one off cost to purchase the software and then pay an annual maintenance charge; this will eventually reduce the annual payments. Their proposal is that the Council pays a one off cost to purchase the software of £39,000. The annual licensing will then be £11,773 a year less than the current annual payment, resulting in a payback in just over three years. It is proposed to fund this from the ICT and Office Equipment reserve. The annual saving on support and maintenance of £11,773 will be returned annually to the reserve.

#### The Land Charges system

The current version of Land Charges software is not supported from the end of September 2009. Idox have had their latest version, TLC, on the market for some time and approximately 150 of their clients have either implemented or are in the process of implementing the upgrade. We are the only Council who has not committed to the upgrade.

As stated before the Uniform system from Idox is also used by Planning, Environmental Health and Building Control. Upgrades to the system are tested against all the different modules to ensure that an upgrade, for example, for Planning does not create problems for Environmental Health. Idox have told us that from September these upgrades will not be tested against the version of Land Charges we have.

Discussions have been held with Idox as to the amount of resource required to implement this. Although there will need to be input from Land Charges and IT staff, the majority of the work is done by Idox. The company says that as much of the work as possible will be carried out by their consultants who are appointed as a part of the contract implementation. Plans are in hand to recruit staff as a result of changes in IT.

There had been a temporary two year post to assist with the development of the Idox system which was funded from the CPA development fund, the holder of this post left in April, six months early, there is subsequently a saving of £12,110. There is shortly to be a recruitment process to fill a vacant, permanent post in IT. Implementation of TLC, the new Land Charges software version, would not take place until such time as that post is filled and the officer trained on the IDOX system, which means it is likely to be the New Year before implementation starts.

With regard to Land Charges, there are 3 part time officers in this section, one of whom is the Legal and Land Charges Officer who spends half her time on Land Charges and half on legal. It will take the whole of the Land Charges time of the Legal and Land Charges Officer to complete the necessary work to implement the new version. The timetable for this would be 3 months if all goes well.

The cost of the upgrade is £23,450 and it is proposed to fund this partially from the ICT and Office Equipment reserve and partially from the saving for the Idox post.

## **ISSUES/OPTIONS FOR CONSIDERATION**

The purchase of the software as described in the report and the delay of implementation of the version until the recruitment of the IT post is completed, the officer is in place and trained on Uniform. Member should note the implication for resources in Land Charges.

## **IMPLICATIONS**

Financial: £50,340 from the reserve with £11,773 being returned annually  
£12,110 from the CPA Development fund allocated to Idox development  
Legal: None  
Human Resources: None

## **RECOMMENDATION(S)**

That the purchases be approved on the basis outlined in the report

## **REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

To ensure that the Council's software systems deliver the small saving identified, deliver value for money and that any risk is minimised.

ATTACHMENTS: N  
FILE REFERENCE:  
SOURCE DOCUMENT:

## **EXECUTIVE AGENDA**

**Monday 2<sup>nd</sup> November 2009 at 1000 hours**

<b>Item No.</b>		<b>Page No.(s)</b>
	<b>PART 1 – OPEN ITEMS</b>	
1.	To receive apologies for absence, if any.	
2.	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4 (b) of the Local Government Act 1972.	
3.	Members should declare the existence and nature of any personal and prejudicial interests in respect of:  a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items  and if appropriate, withdraw from the meeting at the relevant time.	3
4.	To approve the minutes of a meeting held on 5 <sup>th</sup> October 2009.	4 to 9
5.	Change to Member on Outside Body - Joint Crematorium Committee.	10
6.	Key Decisions from the Joint Board held on 15 <sup>th</sup> September 2009.	11 to 13
7.	Working Neighbourhoods Fund.	14 to 16
8.	Patch Management Policies – Litter and Dog Bin Policy.	17 to 27
9.	Compliments, Comments, Complaints and Freedom of Information Requests - 1 <sup>st</sup> July 2009 to 30 <sup>th</sup> September 2009.	28 to 58
10.	Idox Report.	59 to 61
11.	Financial Management Performance Quarter 2 in 2009/10.	To Follow
	<b>PART 2 – EXEMPT ITEMS</b> <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a.</i>	

13. *	Tender for the Replacement of 16 No. Kitchens at Briar Close, Shirebrook. Exempt Paragraph 3	62
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\* Denotes Key Decision on Forward Plan.

Committee:	Executive	Agenda Item No.:	11
Date:	2 <sup>nd</sup> November 2009	Status	Open
Category	3. Part of the Budget and Policy Framework		
Subject:	Financial Management Performance – Quarter 2 in 2009/10		
Report by:	Director of Resources		
Other Officers Involved	Head of Finance and Revenues, Chief Accountant, Senior Accountancy Assistant, Head of Housing		
Director	Director of Resources		
Relevant Portfolio Holder	Leader of the Council		

## **RELEVANT CORPORATE AIMS**

STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation. Monitoring of budgets evidences that professional standards are being maintained and are evidence that Corporate Aims are being achieved.

### **TARGETS**

The development of Policy Led Budgeting will help to inform future spending plans and assist in the delivery of efficiency gain targets that are monitored via National Indicator 179. In addition, the annual Use of Resources Assessment is supported by evidence of budget monitoring.

### **VALUE FOR MONEY**

The Budget Process challenges existing spending levels and new spending proposals to ensure that resources are effectively used and directed towards the delivery of the Corporate Aims.

## **Introduction**

1. This is the second report in 2009/10 that compares the current financial performance with the Budgets Members set in March 2009.
2. Throughout the period April to September these various budgets have been enabling officers to progress work to support the Council's Corporate Aims in 2009/10.



- This 6 month period reflects activities up to the end of the second quarter of the financial year, taking into account the update provided to Members at the end of the first quarter.

### **General Fund**

- Throughout the first 6 months officers have been monitoring financial activity against the approved income and expenditure budgets.
- The first 6 months activities of the Council have generated the following volume of financial transactions:

<b>Description of Financial Performance</b>	<b>£'000</b>
Payments to employees	5,922
Invoices paid	3,606
Fees and charges collected	(317)
Utility bills paid	163

- The table below compares the actual expenditure to the half year budget for the main categories of controllable expenditure.

	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Employees	6,547	5,922	625
Premises	588	601	(13)
Transport	927	419	508
Supplies & Services	1,836	2,159	(323)
<b>Total</b>	<b>9,898</b>	<b>9,101</b>	<b>797</b>

This table therefore shows:

Employees costs are underspend but this level of underspend will be addressed in part when the pay award is processed in October back to April. There should be an overall underspend as the budget was based on a higher percentage (see the paragraph later in the report).

Premises expenses are exceeding the budget by just over 2%, Officers will closely monitor this during the second half year.

Transport is over 50% underspent at this point, this will be taken into account when budgets are considered for 2010/11.

Supplies and Services are overspent but certain aspects of this will relate to full year payments made early in the financial year.

7. The main variances in Quarter 2 to be reported to Members are listed below and detailed in Appendix 1:

Kissingate Leisure Centre - Due to the fire, income of £35,000 was accrued for in 2008/09. This was in respect of the insurance claim we were expecting for Business Interruption. The insurance company are now disputing this claim, and at this time it is unsure as to whether we will receive any of this income. Planning Development, Planning Fees - The economic downturn is still affecting fees. No large planning developments, which bring in the higher revenue, are being undertaken.

Concessionary Fares - DCC are experiencing problems with receiving usage data from the bus operators. Based on available data DCC have now invoiced the Council for a part year.

Superannuation backfunding - The budget has not been revised since the percentages changed from 10.38% to 7.80%. The budget will be revised for the 2009/10 Outturn.

8. The budgets reflect an anticipated pay award to employees of 1.75% from 1<sup>st</sup> April 2009. The various unions have now agreed a settlement of the pay award that will be paid with back pay in October. The details of this pay award are such that most employees will receive a 1% increase from 1<sup>st</sup> April 2009, employees on the lowest levels of pay will receive a 1.25% increase. This should generate an overall underspend of approximately £100,000.
9. The budget approved in March also included for the first time the income associated with the charging for bulky waste removal. The budget expectation was for income of £54,676, the actual income collected is £15,752. In preparing a budget for this income estimates were made based using assumed numbers of collections, based on past experience. The actual collections being requested is far lower than anticipated. Staffing levels are being adjusted to reduce costs to compensate for this.
10. When the budget was set certain budgets had seen significant change due to the economic downturn. The performance of these budgets in the first quarter is as follows:

Planning Fees - The income is approximately 47% lower than the original budget. Planning staff are aware of an increase in developer enquiries, which, if they lead to applications, will go some way to closing this gap. This will continue to be monitored and the Outturn budget will need to be amended to reflect the decrease in income.

Land Charges Fees – Revisions to prices and additional marketing have seen the income for the 2 quarters match the reduced expenditure, due to lower staffing costs.

BCN trading performance – This is accounted for by Chesterfield BC then charged to Bolsover DC at the year end. The income is currently lower than expected. The actual net effect to Bolsover DC will not be known until the year-end. Changes to the working conditions of staff and vacancies have gone some way to match the expenditure to the lower income and activity levels.

Restaurant – Members at Executive, Scrutiny and Council have reviewed this and approved the closure of the restaurant service by the end of the calendar year.

11. Overall, the variances shown at Appendix 1 indicate an overspend of £150,000 at the end of the second quarter. If this level of overspend were to continue it would increase to almost £270,000 by the end of the financial year. When matched to the overall spend of the Council it would indicate the budget will not be exceeded. Offices will be working with budget managers to seek wherever possible that Services spend within the limit of their budget or that any changes to the budget are reported to Members for consideration of the options.
12. Officers are currently involved in monitoring a number of items that may impact on the budget during the following 2 quarters:

Land Charges – The Information Commissioner's Office (ICO) has recently issued guidance relating to the treatment of property search data. The ICO's view is that the majority of property search data is environmental data and that local authorities should not be charging for this data. The total 2009/10 budgeted income for all land charges fees is £73,000; the actual income received to the end of the second quarter is £38,467. The Local Government Association is currently challenging this guidance, and is seeking legal advice. Future reports will update Members. There will be changes to the income levels in the 4<sup>th</sup> quarter as there has been an announcement that statutory personal search fee will increase from £11 to £22 from 1<sup>st</sup> Jan 2010, which could equate to an approximately £3,000 based on the previous quarter's activity level.

Concessionary Travel costs – the revised cost share has been the subject of a further challenge by Chesterfield BC based on the latest Counsel opinion they sought. Derbyshire CC has a Counsel opinion that supports the current arrangements. Since the end of the quarter, invoices for 2009/10 have been received and are slightly below the budget.

### **Housing Revenue Account (HRA)**

13. As with the General Fund, the Housing Revenue Account's budgets have been subject to officers monitoring financial activity against the approved income and expenditure budgets.

14. The first 6 months activities of the Council have generated the following financial transactions:

Description of Financial Performance	£'000
Payments to employees	1,497
Invoices paid	951
Rent collected	(7,921)
Fees and charges collected	(2)
Utility bills paid	146

15. The table below compares the actual expenditure to the half year budget for the main categories of controllable expenditure.

	Budget	Actual	Variance
	£'000	£'000	£'000
Employees	1,641	1,498	143
Premises	1,009	652	357
Transport	34	37	(3)
Supplies & Services	788	455	333
<b>Total</b>	<b>3,472</b>	<b>2,642</b>	<b>830</b>

This table therefore shows Employees costs are underspend but this level of underspend will be addressed in part when the pay award is processed in October back to April. There should be an overall underspend as the budget was based on a higher percentage (see the paragraph later in the report).

16. As a result of the previously reported correct to the Rents budget a separate piece of work has been underway to review the HRA budgets and the impact on the working balance going forward to 2011/12.
17. This work indicates that the HRA can be corrected as no commitments have been made against this income the changes are limited at this time to:

The rent income budget is reduced to the correct value  
 The Revenue contribution to capital be reduced by £100,000 in 2010/11 and by £200,000 in 2011/12 onwards from its current level of £700,000  
 Any gains from reductions in voids can be used to supplement reduced contributions to capital  
 This will bring the Working Balance back to the £1m level with the 3 years of the Medium Term Financial Plan.

18. Appendix 2 details other variances on the HRA. The most significant variance is Repairs & Maintenance – Voids subcontractors, officers are seeking to ensure appropriate controls are in place to prevent an overspend at the year end.
19. The HRA budgets also reflect an anticipated pay award to employees of 1.75% from 1<sup>st</sup> April 2009. As stated for the General Fund, the unions have now agreed the pay award and this should result in a small underspend against the budget for the year.

### **Capital expenditure**

20. As in previous years spend on the capital programme tends to be lower in the first half of the year, as illustrated in the table below:

	£
Original budget	9,518,680
Changes in year	2,133,983
<b>Latest Budget</b>	<b>11,652,663</b>
Spend to date	4,799,986
<b>Underspend</b>	<b>6,852,677</b>

21. Expenditure is monitored on a monthly basis by an officer group. A capital programme monitoring report was produced for the meeting on 2<sup>nd</sup> October which is enclosed with this report as Appendix 3. The main items for Members to be aware of are:

In order to prepare the Statement of Accounts capital expenditure is maintained on an accruals basis. The report at Appendix 3 continues to show some of the reversals of the accruals and retentions as credits until sufficient expenditure is incurred to clear them to zero.

Extra external funding for scheme C138 had not been input as there had been a delay in the project officer informing finance of its source.

Vehicles are financed by operating lease and the budget amounts are only estimates of the capital cost of the vehicle.

22. Capital expenditure is funded from various sources including major repairs allowance, capital receipts, operating leases and private sector contributions. Capital receipts generated in the current financial year are used to fund future years' expenditure. In the second quarter capital receipts have been generated from the following sources:

<b>Property Sales</b>	<b>2<sup>nd</sup> Quarter</b>	<b>Year to date</b>
	<b>£</b>	<b>£</b>
Council house Right to Buy sales	60,500	172,880
Other asset sales	208,115	212,890

23. The Council has a programme of asset sales. There have not been any changes to this in the second quarter.
24. Overall, the Capital Expenditure in the second quarter is within budget and will be monitored during the remaining periods of the financial year

### **Treasury Management**

25. The Council has budgets associated with its investments and borrowing activities.

26. Investments during the period are summarised in the table below:

	<b>2<sup>nd</sup> Quarter</b>	<b>Year to date</b>
	<b>£m</b>	<b>£m</b>
Opening balance	17,118	16,810
Investments made in the period	4,000	9,518
Investments maturing during the period	(3,779)	(8,989)
Closing Balance	17,339	17,339

27. The investments have been made in accordance with the Council's Treasury Management Strategy.

28. The performance of these investments is shown below:

	<b>2<sup>nd</sup> Quarter</b>	<b>Year to date</b>
Interest generated	£58,428	£157,261
Average rate of interest	1.61%	2.00%
Bank of England base rate	0.50%	0.50%

29. When compared to the budget the return on investments is expected to under achieve by the end of the year due to the extremely low rates being offered by most institutions. We estimated achieving 2% when preparing the budget for 2009/10. The levels of return on investments will drop during the second half of the year due to investment with an

interest rate of 5.6% maturing during this period. At that point it is the full year budget of £318,320 will not be achieved, an expected outturn will be £213,555 leaving a shortfall of £104,765.

30. The Council's Public Works Loans Board debt has remained at £19.1m during the quarter.
31. Parish Council investments with the Council have increased by £100,381 making the balance £758,559.
32. The Council approves annually Prudential Indicators. Throughout the second quarter there have not been any changes.
33. The Council remains a creditor for its investments in Landsbanki. The latest updates associated with this are:

Some of the other Icelandic banks have started to repay part of the investments councils hold with them.

The claim has been finalised with the solicitors representing the many councils affected and includes the principal, interest, penalty interest and legal costs amounting to £3,363,572.77.

The next significant date for the meeting of the administrators / Local Government Association legal representatives will be November 6<sup>th</sup>.

Estimates of the levels of repayment have varied since the guidance was provided for the Statement of Accounts to be compiled. The percentage of the recoverable amount has been revised by CIPFA from 95% to 83%. The Statement of Accounts has not been altered for this change as it was considered not material.

The Government have recently confirmed the loan arrangement to Iceland to provide for private investors in Landsbanki (Icesave).

## **Reserves**

34. The table below show the reserves / balances of the Council as at 31<sup>st</sup> March 2009.

	<b>Balance as at 31/03/09</b>	<b>Allocated as at 30/09/09</b>	<b>Anticipated Balance at 31/03/10</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
General Reserve	(685)	155	(530)
Earmarked Reserves	(3,834)	2,710	(1,124)
Capital	(255)	255	0
Insurance	(156)	35	(121)
<b>Total Reserves</b>	<b>(4,930)</b>	<b>3,155</b>	<b>(1,775)</b>

The significant change in Earmarked Reserves reflects the expected use of Area Based Grant for Working Neighbourhood Funds.

	<b>Balance as at 31/03/09</b>	<b>Estimated Balance as at 31/03/10</b>	<b>Anticipated Change in years</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
General Fund Balance	(1,527)	(1,217)	310
HRA Balance	(647)	(537)	110

### **Risk Management**

35. When the budget was approved it was accompanied by details of Revenue and Capital risks. These have been reviewed and updated for Members as part of the Quarterly report, see Appendices 4 and 5. There are no concerns that are not detailed in this report at this time.

### **Collection of Debts**

36. The Council's main income streams are associated with Council Tax, Business Rates (National Non Domestic Rates), Housing Rents and Sundry Debtors.
37. Executive have been receiving monthly updates from the Head of Housing for the current performance in recovering current tenant and former tenant arrears. This will now be quarterly and the next report will reflect the performance up to the end of December.
38. These main income streams are shown in the tables below. The first table shows the percentage of debt recovered that has been raised in this financial year. The Local Performance Indicators record the performance for PPMGs to consider. This is at the end of the second quarter.

<b>Category of Debt</b>	<b>2009/10 Quarter 2</b>	<b>2008/09 Quarter 2</b>	<b>Variance</b>
<b>Debt raised for the year:</b>			
Council Tax	61%	60.8%	+0.2%
Business Rates (NNDR)	62.7%	60.2%	+2.5%
<b>Debt raised during the year</b>			
Sundry Debts	92.0%	90.4%	+1.6%
Rents – current tenants	91.1%	92.47%	-1.37%



39. For each of these categories of debt there is also debt from previous years that was still to be collected at the year end. The performance at the end of the second quarter for the reduction in the debt is shown below.

Category of Debt / LPI	Arrears collected £'000	% collected	Target for the Quarter	Balance £'000
Council Tax (RS 6)	444	34.8%	35.0%	833
Business Rates (NNDR) (RS 7)	305	50.9%	40.0%	295
Sundry Debts (RS 5)	610	61.5%	45.0%	381

	2ndQtr Balance £'000	Qtr 2 '08 Balance £'000	Change £'000
Rents			
– current tenants	640	744	(104)
– former tenants	552	No data available	N/A

### **Suspense accounts**

40. Not all payments to the Council are clearly identifiable to the debt it should be associated with. To accommodate this, the Council has a number of suspense accounts. At the end of this quarter the balance on the General Ledger suspense accounts is £2,441.85.

### **Write-offs**

41. The debts due to the Council are reviewed on a regular basis to ensure the balance collectable is achievable based on information gathered by the process of seeking to collect the various debts.
42. The Council manages this by delegation to the Director of Resources for those below £1,000 and by Executive approval for items over £1,000.
43. The write-offs / (-) write-on during the quarter are shown below:

<b>Category of Debt</b>	<b>2<sup>nd</sup> Quarter</b>	<b>Year to date</b>
	<b>£</b>	<b>£</b>
<b>Council Tax</b>		
Less than £1,000	8,038	7,928
Greater than £1,000	9,454	14,598
<b>Business Rates (NDR)</b>		
Less than £1,000	5,131	5,701
Greater than £1,000	37,035	88,207
<b>Sundry Debts</b>		
Less than £1,000	0	45
Greater than £1,000	43,591	59,280
<b>Rents</b>	0	0
<b>Former Tenants' Arrears</b>	0	0

### **Reconciliations**

44. For the General Ledger to generate reliable financial information it is vital that it is reconciled to various IT and Revenue systems. This results in over 50 income and expenditure reconciliations being completed each month. These reconciliations have proven to be reliable for all systems and also vital to the preparation of the Council's year end Statement of Accounts.

### **Internal Audit**

45. The Internal Audit Consortium reports on a quarterly basis to the Audit Committee on the work done during that period. The work done between July and September were reported to the meeting on September 22nd.
46. During this period the Consortium was fully staffed with minimal levels of sickness.

### **Efficiencies**

47. The National Indicator for Efficiencies (NI 179) requires that the Council set a target annually for each financial year based on its cumulative work to date against the 3% cashable savings target.
48. The end of year outturn for 2008/09 has been calculated and amounts to £709,000. This was detailed to Members in quarter 1.
49. The target for 2009/10 has been arrived at by considering:
- Efficiencies from 2008/09 to ensure they will continue and the level of achievement
  - Efficiencies reported to Members in the recent restructure reports

The budgeted vacancy savings for the year  
Other initiatives officers have in progress that form part of the  
developing efficiency strategy.

50. The cumulative value of these items is a target of £862,000 which when added to the value for 2008/09 generates £1.571m.
51. For 2009/10 the Council has an efficiency log that is reported on a regular basis to SMT. Reports to Council will continue to identify cashable gains during the year. A detailed Efficiency strategy will be developed with Members as the budget for 2010/11 is developed, taking into account the work done by the PPMGs.

### **Vacancy Saving**

52. When the Council approved the budget in March 2009 for 2009/10 included within it was a budgeted saving of £355,000 from General Fund vacancies and £100,000 from the HRA, totalling £455,000 for the Council overall. The second quarter's overall vacancy savings (net of additional overtime and agency staff) is a saving of over £300,000. This would indicate the savings will be achieved. Work is underway to evaluate any potential overlap between efficiencies and vacancy savings.

### **Creditors Performance**

53. The Percentage of invoices for commercial goods and services paid by the Council within 30 days of receipt or within the agreed payment terms is monitored on a monthly basis. The following table shows performance of the creditors function for the first 2 quarters of the year:

	<b>2009/10 Quarter 2 Actual</b>	<b>Target for Quarter 2</b>	<b>Variance</b>
Within 30 days (FIN 008)	97.5%	95%	2.5%
Within 20 days	91.5%	-	-

In order to assist businesses in the current economic climate we are no longer seek to maximise the Council's cash flow benefits by ensuring payment is made to invoice terms but are paying them promptly they arrive in Financial Services. This is the second performance indicator shown on the table above.

### **IMPLICATIONS**

- Financial: Included within the report. This will be reported to Scrutiny on 10<sup>th</sup> November 2009
- Legal: None

Human Resources: None

**RECOMMENDATION(S)**

1. That the second quarter performance on budgeted income and expenditure for the General Fund, Housing Revenue Account and Capital Programme be noted.
2. That the second quarter review of the main areas covered by the Budget Risk Assessment be noted.
3. That the report on the Treasury Management activities and Prudential Indicators be received.
4. Changes to the HRA budgets be reported to the next Council meeting.

**REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

The Executive can evidence robust consideration of the details associated with the financial performance of the Council.

ATTACHMENTS: Y/N  
FILE REFERENCE:  
SOURCE DOCUMENT:

**APPENDIX 1**

**GENERAL FUND - MAIN VARIANCES AT THE END OF QUARTER 2 IN 2009/10**

	<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>VARIANCE</b>	<b>EXPLANATION</b>
		<b>£</b>	<b>£</b>	<b>(Negative)</b>	
				<b>£</b>	
1	Planning Development – Planning Fees	(219,838)	(115,570)	(104,268)	The economic downturn is still affecting fees. No large planning developments, which bring in the higher revenue, are being undertaken.
2	Concessionary Fares	508,244	0	508,244	DCC were experiencing problems with receiving usage data from the bus operators. Therefore, they were unable to start invoicing until October. Invoices for April – July have now been received. These are coming in under budget at present; therefore this may need to be revised if usage is at a similar level all year.
3	Superannuation backfunding	520,666	370,285	150,381	The budget has not been revised since the percentages changed from 10.38% to 7.80%. The budget will be revised for the 2009/10 Outturn.
4	Kissinggate LC – Insurance Income	0	105,805	(105,805)	The 2008/09 accounts accrued for the income expected from the insurance claim due to the fire. At least £35,000 of this income is in dispute with the insurers.

	<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>VARIANCE (Negative)</b>	<b>EXPLANATION</b>
		<b>£</b>	<b>£</b>	<b>£</b>	
5	Creswell LC – Revenue Grants	(21,894)	(67,974)	46,080	DCMS have increased their original grant allocation for free swimming for over 60s and under 16s. The 2009/10 Outturn budget will be increased to reflect this.
6	Street Cleansing – Hired & Contracted Services	30,200	640	29,560	This was part of a Budget Bid approved in 2007/2008 connected with Fly Tipping. Investigations are currently underway with the Street Services Manager as to whether this budget needs revising.
7	Waste Services – Bulky Waste Collection	(54,676)	(15,752)	(38,924)	First year of charging, budget is based on previous experience which is not being repeated this year. Over time and not filling two posts should even the budget out over all.
8	Pleasley Vale Mills / Rents	(201,378)	(169,439)	(31,939)	Approximately £29,000 of long term debt has been written off per a report to Exec on 10/08/09.
9	Vehicle Fleet / Diesel	147,598	169,546	(21,949)	Budget needs to be reviewed as based on current spend will exceed the budget in the year. Last year this budget was also overspent. A full review of the last few years spending patterns will be undertaken.
10	Human Resources / Training Expenses	60,778	22,980	37,798	Of the full years budget only £40,195 remains unallocated per the training spreadsheet. There should be no large variance by month 12.

	<b>DESCRIPTION</b>	<b>BUDGET</b>	<b>ACTUAL</b>	<b>VARIANCE (Negative)</b>	<b>EXPLANATION</b>
		<b>£</b>	<b>£</b>	<b>£</b>	
11	Vehicle Fleet / Equip, Tools & Materials	71,968	99,841	(27,873)	Budget needs to be reviewed as based on current spend will exceed the budget in the year. Last year this budget was also overspent. A full review of the last few years spending patterns will be undertaken
12	ICT – Software Maintenance / Rental	110,670	215,267	(104,597)	All software contracts are paid annually, and most are paid at the beginning of the financial year. The contract prices increase annually and the budget is amended each year to reflect this. It appears at this point in time that the actual costs may exceed the current budget. A full review of all contracts will be undertaken. The full year budget is £221,250.

**APPENDIX 2****HOUSING REVENUE ACCOUNT - MAIN VARIANCES IN QUARTER 2 OF 2009/10**

	<b>DESCRIPTION</b>	<b>BUDGET £</b>	<b>ACTUAL £</b>	<b>VARIANCE £</b>	<b>EXPLANATION</b>
1	Repairs & Maintenance – Stores Issues	437,672	275,315	162,357	The recharges from the Stores Holding Account have not been done since July due to the Stores Manager leaving the Council. This has now been resolved and future recharges will be undertaken as normal.
2	Repairs & Maintenance – Voids subcontractors	94,536	177,470	(82,934)	The current spend level has been highlighted to the Head of Housing to ensure that any necessary corrective action can be taken to avoid any potential overspending. A portion of this may relate to capital work.
3	Supporting People - Lifelines	25,010	48,898	23,888	There should be no problem with the budget. The annual contract is paid in July for the full year. The full year budget is £50,000.
4	Special Services - Gas	179,750	90,502	89,248	The winter months' invoices are substantially higher than the summer months. At this point there is nothing to indicate that there will be a problem with the budget.



## CAPITAL PROGRAMME MONITORING REPORT - AS AT 2ND OCTOBER 2009

Description	Project	Original	Changes	Latest	Spend to	Under/	Comments
Officer		£	£	£	£	£	
<b>Environmental Services</b>							
C020	Disabled Facility Grants (Mandatory)	JS/SB	579,000.00	19,875.00	598,875.00	172,280.29	426,594.71
C023	Whaley Thorns Group Repair	JS/SB	100,000.00	17,042.00	117,042.00	(16,734.97)	133,776.97 accrual/retention from 08/09
C024	New Terrace Pleasley	JS/SB	50,000.00	22,320.00	72,320.00	3,858.00	68,462.00
C025	Whaley Thorns Environmental Imps	JS/SB	0.00	7,027.00	7,027.00	1,595.00	5,432.00
C026	Shirebrook Renewal Area	JS/SB	0.00	0.00	0.00	(710.94)	710.94 accrual/retention from 08/09
C027	Shirebrook Group Repair	JS/SB	200,000.00	7,250.00	207,250.00	79,135.19	128,114.81
C028	Carr Vale Environmental Improvements	JS/SB	25,000.00	4,743.00	29,743.00	0.00	29,743.00
C029	Carr Vale Group Repair	JS/SB	125,000.00	35,000.00	160,000.00	30,016.98	129,983.02
C030	Creswell Model Village Improvement Grants	JS/SB	25,000.00	25,275.00	50,275.00	1,791.17	48,483.83
C032	Byron Street Shirebrook	JS/SB	34,691.00	1,165.00	35,856.00	0.01	35,855.99 accrual/retention from 08/09
C033	Empty Property Grants	JS/SB	0.00	109,220.00	109,220.00	2,037.50	107,182.50
C034	Church Drive Energy Project	JS/SB	0.00	6,890.00	6,890.00	(9,578.80)	16,468.80 accrual/retention from 08/09
C035	New Houghton Renewal Area	JS/SB	700,000.00	1,038,117.00	1,738,117.00	973,008.13	765,108.87
C038	Station Road Shirebrook	JS/SB	450,000.00	(29,940.00)	420,060.00	(20,608.57)	440,668.57 accrual/retention from 08/09
C187	Private Sector Decent Homes	JS/SB	300,000.00	42,227.00	342,227.00	104,028.21	238,198.79
<b>Financial Services</b>							
C090	Financial Management	DH	0.00	2,535.00	2,535.00	2,500.00	35.00
<b>Housing Services</b>							
C092	Disabled Adaptations	PC	384,022.00	20,010.00	404,032.00	133,082.71	270,949.29
C097	Repair Inspector (MRA programme)	PC	40,000.00	165.00	40,165.00	19,131.89	21,033.11
C099	Window Replacement General	CS	10,000.00	9,014.00	19,014.00	9,771.25	9,242.75
C100	Electrical Rewiring	CS/PH	700,000.00	0.00	700,000.00	322,835.00	377,165.00

## CAPITAL PROGRAMME MONITORING REPORT - AS AT 2ND OCTOBER 2009

Description	Project		Original Budget	Changes	Latest Budget	Spend to		Under/ (Over) Spend	Comments
	Officer	Budget				Date	Date		
C103 Electrical Relets	PC/PH	200,000.00	0.00	200,000.00	123,016.09	76,983.91			
C104 Roof Tile Vents	CS	0.00	0.00	0.00	(5,072.69)	5,072.69	accrual/retention from 08/09		
C105 Smoke Detection in Group Dwellings	PC	55,000.00	0.00	55,000.00	53,785.00	1,215.00			
C107 Cavity Wall and Loft Insulation	CS	160,000.00	38,725.00	198,725.00	112,389.44	86,335.56			
C109 Heating Relets	PC	106,673.00	2,850.00	109,523.00	25,529.59	83,993.41			
C113 External Door Replacements	DE	135,000.00	0.00	135,000.00	82,882.20	52,117.80			
C114 Heating Upgrades	MB	100,000.00	25,660.00	125,660.00	66,869.83	58,790.17			
C115 Environmental Works	PC	70,000.00	3,380.00	73,380.00	0.00	73,380.00			
C116 Major Relet Repairs	PC	576,033.00	55,200.00	631,233.00	142,827.96	488,405.04			
C117 Decent Homes Standard	DE	263,847.00	9,370.00	273,217.00	43,421.50	229,795.50			
C118 Kitchen Replacements - Decent Homes	CS	1,050,000.00		1,050,000.00	326,943.06	723,056.94			
C120 Improvements towards tenants' aspirations	DE	0.00	25,060.00	25,060.00	(5,667.50)	30,727.50	accrual/retention from 08/09		
C173 Northern Housing Market Needs Survey	PC	0.00	17,122.00	17,122.00	187.50	16,934.50			
C184 Choice Based Lettings IT Equipment	PC	42,674.00	0.00	42,674.00	0.00	42,674.00			
<b>ITC Services</b>									
C001 Infrastructure Virtualisation	IT	0.00	30,630	30,630.00	0.00	30,630.00			
C181 Replacement of GIS Infrastructure	IT	0.00	6,830.00	6,830.00	3,200.00	3,630.00			
C185 ICT - Other Developments	IT	0.00	2,900.00	2,900.00	0.00	2,900.00			
<b>Leisure Services</b>									
C102 DCMS Creswell LC Capital Grant	LH	0.00	9,844.00	9,844.00	9,811.51	32.49			
C125 Playbuilder	LH	0.00	50,000.00	50,000.00	0.00	50,000.00			
C126 Clune Street Recreation Ground	LH	85,000.00	3,340.00	88,340.00	49,326.48	39,013.52			
C127 Bolsover Healthy Living Centre	LH	0.00	780.00	780.00	0.00	780.00			
C128 Neighbourhood Sports Fund	LH	0.00	10,755.00	10,755.00	0.00	10,755.00			

## CAPITAL PROGRAMME MONITORING REPORT - AS AT 2ND OCTOBER 2009

Description	Project		Changes	Latest		Spend to Date	Under/ (Over) Spend	Comments
	Original Budget	Budget		Budget	Date			
C129 Green Space Strategy + Green Flag Park	LH	0.00	27,650.00	27,650.00	16,320.97	11,329.03		
C130 Bolsover Improving Play Pitches Initiative	LH	0.00	33,860.00	33,860.00	4,529.85	29,330.15		
C131 Clowne Youth Focused Play Area	LH	0.00	4,750.00	4,750.00	1,022.00	3,728.00		
C132 Playful Spaces	MC	150,000.00	20,000.00	170,000.00	58,346.13	111,653.87		
C138 P Vale Outdoor Education Centre Ph 2	LH	0.00	49,442.00	49,442.00	92,450.00	(43,008.00)	Extra funding to added	
C133 Playground Upgrade Programme	LH	0.00	71,613.00	71,613.00	0.00	71,613.00		
C135 Houfton Road Park, Bolsover	MC	0.00	908.00	908.00	908.00	0.00		
<b>Planning Services</b>								
C145 Creswell Schools	CM	0.00	422,764.00	422,764.00	391,751.50	31,012.50		
C151 Creswell THI Publicity	CM	0.00	3,267.00	3,267.00	25.00	3,242.00		
C152 Creswell Env Works Phase 2	CM	0.00	16,620.00	16,620.00	220.00	16,400.00		
C153 Creswell Properties Phase 2	CM	0.00	0.00	0.00	(77,282.56)	77,282.56	accrual/retention from 08/09	
C154 Creswell Former Co-op Store	CM	24,845.00	(24,845.00)	0.00	0.00	0.00		
C155 Creswell MV Developments phase 2	CM	0.00	0.00	0.00	0.00	0.00		
C157 Creswell MV Villas	CM	0.00	52,414.00	52,414.00	46,511.01	5,902.99		
C158 Creswell THI Consultants Fees/Studies	CM	0.00	10,023.00	10,023.00	6,000.00	4,023.00		
C159 Creswell THI Repair + Restoration Grant Scheme	CM	96,935.00	(38,923.00)	58,012.00	0.00	58,012.00		
<b>Regeneration</b>								
C095 AMP - Riverside Depot	GG	40,000.00	0.00	40,000.00	3,076.40	36,923.60		
C096 Clowne Incubation Centre - 2 Station Rd	HD/MB	0.00	388.00	388.00	(7,890.35)	8,278.35	accrual/retention from 08/09	
C111 Pleasley Vale Creative Industries	MB	0.00	0.00	0.00	(11,252.88)	11,252.88	accrual/retention from 08/09	
C147 AMP - Engineers	GG	120,000.00	0.00	120,000.00	98,408.39	21,591.61		
C148 AMP - Sherwood Lodge	DE/TR	182,835.00	130,724.00	313,559.00	107,519.26	206,039.74		
C149 AMP - PV Lodges	GG	238,195.00	0.00	238,195.00	49,633.01	188,561.99		

## CAPITAL PROGRAMME MONITORING REPORT - AS AT 2ND OCTOBER 2009

Description	Project	Original	Changes	Latest	Spend to	Under/	Comments
	Officer	Budget	Budget	Date	(Over) Spend		
C150 AMP - Community Houses	GG	20,370.00	0.00	20,370.00	10,687.23	9,682.77	
C141 DLG Schemes	DE	0.00	0.00	0.00	(16.39)	16.39	accrual/retention from 08/09
C165 Main St Car Park Ph4	DE	0.00	0.00	0.00	(1,040.96)	1,040.96	accrual/retention from 08/09
C168 DLG Pleasley Mills	DE	0.00	0.00	0.00	(4,035.00)	4,035.00	accrual/retention from 08/09
C172 Pump Priming - Deferred Charge	DE	0.00	8,794.00	8,794.00	3,199.00	5,595.00	
C166 Shirebrook Business Realm Improvements	NR	0.00	52,582.00	52,582.00	52,582.00	0.00	
C167 Shirebrook Station House	MBr	0.00	27,200.00	27,200.00	17,038.78	10,161.22	
C169 Street Services Depot Relocation	DE/MB	1,195,450.00	(476,839.00)	718,611.00	651,452.21	67,158.79	
C174 S/Normanton + Pinxton Master plan	MBr	58,150.00	0.00	58,150.00	22,909.00	35,241.00	
C175 Pump Priming Initiative	FIN/DE	0.00	2,000.00	2,000.00	0.00	2,000.00	
C176 AMP - Leisure Buildings	GG	120,180.00	0.00	120,180.00	66,767.59	53,412.41	
C179 Major Capital Works - PV Mill	DE	0.00	3,210.00	3,210.00	0.90	3,209.10	
C183 Fees - Regen Mgmt + Admin	FIN	339,780.00	0.00	339,780.00	198,205.00	141,575.00	
C188 R Depot Defects - Focus	DE	0.00	100,000.00	100,000.00	1,600.00	98,400.00	
C189 R Depot Defects - Internal	DE	0.00	5,000.00	5,000.00	0.00	5,000.00	
C190 R Depot Defects - Regeneration	DE	0.00	5,000.00	5,000.00	0.00	5,000.00	
<b>Street Services</b>							
C006 Tractor (market FL51 LXF)	AL	12,000.00	0.00	12,000.00	0.00	12,000.00	
C008 4 Cars (wardens YT52 EAA MOU MMF EAJ)	AL	40,000.00	0.00	40,000.00	0.00	40,000.00	
C009 Van (R+M YR52 UTU)	AL	18,000.00	0.00	18,000.00	15,578.00	2,422.00	
C010 Van (R+M YR52 UTV)	AL	18,000.00	0.00	18,000.00	15,578.00	2,422.00	
C011 Van (R+M YR52 UTW)	AL	18,000.00	0.00	18,000.00	19,934.00	(1,934.00)	capital cost out of date financed by lease
C039 Van (GM) FD54 ZLK	AL	18,000.00	0.00	18,000.00	19,144.25	(1,144.25)	capital cost out of date financed by lease
C041 Van (GM) FD54 ZDC	AL	18,000.00	0.00	18,000.00	19,144.25	(1,144.25)	capital cost out of date financed by lease

CAPITAL PROGRAMME MONITORING REPORT - AS AT 2ND OCTOBER 2009

Description	Project		Latest	Changes	Spend to		Under/ (Over) Spend	Comments
	Officer	Budget			Budget	Date		
C042 Van (GM) FD54 ZKC	AL	18,000.00	18,000.00	0.00	19,144.25	(1,144.25)	capital cost out of date financed by lease	
C043 Pick Up (Garage) FG54 HVX	AL	14,000.00	14,000.00	0.00	12,205.00	1,795.00		
C044 Van (Drains) FD54 ZKW	AL	20,000.00	20,000.00	0.00	20,505.00	(505.00)	capital cost out of date financed by lease	
C059 8 x Hedge cutters	AL	4,000.00	4,000.00	0.00	2,392.00	1,608.00		
C068 Refuse Vehicle (YR02 RDO)	AL	140,000.00	140,000.00	0.00	0.00	140,000.00		
C080 8 Hedge cutters	AL	4,000.00	(4,000.00)	0.00	0.00	0.00		
C081 10 Strimmers	AL	5,000.00	5,000.00	0.00	4,250.00	750.00		
C089 Van (R+M YR52 UTT)	AL	18,000.00	18,000.00	0.00	15,578.00	2,422.00		
		<u>9,518,680</u>	<u>11,652,663</u>	<u>2,133,983</u>	<u>4,799,986</u>	<u>6,852,677</u>		

**APPENDIX 4**

**REVENUE RISK ASSESSMENT UPDATE FOR QUARTER 2 OF 2009/10**

<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
1.	Pay Awards	Settlement for 2008/09 increased at arbitration and future settlements exceed the percentage increase provided for in the budget.	Additional cost for the Council.	Prudent budget estimates and regular budget monitoring to determine overall financial position.	Pay award has now been agreed at 1%.
2.	Pay and Grading Review	The costs associated with the Pay and Grading Review appeals, equality audit and any resulting equal pay claims cannot be met from within existing resources	Additional cost for the Council.	Ensure the financial implications reports reflect all options to contain costs within acceptable budget limits and that the settlement of Equal Pay Claims are fully considered and monitored.	Appeals have been ongoing during the quarter. The equal pay audit has begun.

<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
3.	Fuel Costs	The increases in Gas and Electricity exceed the budget provision.	Additional cost for the Council.	Regular budget monitoring and maintenance of adequate reserves and working balance levels to deal with any major fluctuations. In addition seek to progress energy reduction schemes linked to climate change.	No significant cost increased notified to the Council. The contract for purchasing future years fuel is currently being negotiated. The recent approval of the Climate Change Strategy will seek to reduce future costs.
4.	Investment Income	Available cashflow surpluses are lower than anticipated and/or lower than expected interest rates.	Reduction in the level of income earned on investments	Monitor the average rate of interest received and changes to levels of balances. Liaise with Treasury Management Consultants to ensure the maximum potential is being realised from investment activities.	Current projections are a reduction in 2009/10 income of £105,000 against the base budget. Officers are constantly checking the rates of authorised institutions to enable the Council to obtain the best rates possible within the TM Strategy.
5.	Income from Fees and Charges	Reduction in the number of users/applications.	Shortfall in the amount of anticipated income	Regular budget monitoring, which must identify any primary reasons for reductions.	Monitoring continuing.

<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
6.	Pleasley Vale Mills	Loss of key tenants and/or rise in repairs and maintenance costs.	Either of these factors will have an adverse effect on the Council's budget.	Regular monitoring and liaison with the Management Company. Also need to progress options for sale of the Mills.	No changes currently impacting on this. Mills have been marketed for sale.
7.	Concessionary Fares	The financial implications of an appeal lodged by key Bus Operators are higher than anticipated.	The costs of the national scheme exceed the budget provision.	Monitor the outcome of the appeal and continue to liaise with the Department for Transport and the Local Government association regarding the cost to the Council.	The first invoices for 09/10 have been received. There have been no alterations resulting from the appeal as yet.
8.	Housing Benefits and Subsidy	An increase in the level of Benefit Overpayments,	Lower than expected levels of Subsidy Grant income.	Full Subsidy is only payable on correctly paid benefits; therefore there is a need to monitor the levels and recovery of benefit overpayments.	Continued monitoring is in place.
9.	Council Tax and NNDR Income	Failure to achieve collection rate targets.	Adverse effect on the Council's overall cashflow position and collection fund.	Monitor monthly and evaluate the effectiveness of recovery procedures compared with other Council's in Derbyshire.	Current levels of recovery are exceeding targets.



<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
10.	Supporting People	The Council may receive a lower than expected contribution from the central fund, administered by Derbyshire County Council.	Any shortfall between the actual costs incurred in the Supporting People scheme and the contribution received will have to be met by the Council. Charging policy may have to be reviewed.	Liaise closely with the Supporting People Team and monitor costs. Tenant consultation to take place prior to charging.	No changes currently being considered.
11.	HRA Rent Income	Higher than anticipated void property levels or right to buy sales.	Either of these options will reduce the levels of Rent Income.	Regular budget monitoring and review the procedures to manage void properties.	The arrangements for the management of voids is being reviewed and enhancements are planned.
12.	Housing Rent Arrears	Little or no improvement in the collection of arrears.	Adverse effect on the Council's overall cashflow position.	Monitor monthly and evaluate the effectiveness of recovery procedures.	Monitoring enhanced to include Former Tenants Arrears. Developments to the process will be reported to Members.

<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
13.	Efficiency Gains	Efficiency targets cannot be met.	If the efficiency targets are not achieved, this will require a reduction in the current working balance levels in order to maintain a balanced budget. Consistent failure to meet targets could lead to Government intervention.	Develop a Savings Strategy and monitor progress against target on a quarterly basis.	Significant progress has been made on Mobile working / Stores. The second quarter included significant staffing reports. Monthly monitoring remains in place.
14.	Vacancy Factor	Vacancy Factor cannot be met.	If the Vacancy Factor is not achieved, this will require a reduction in the current working balance levels in order to maintain a balanced budget.	Monitor progress against target on a monthly basis. If this is underachieving options include increasing the recruitment drag, introduce a moratorium on filling vacancies and review service levels.	Vacancies in 2008/09 exceeded levels used in 2009/10 budget. Continued monitoring is in place.

NO.	BUDGET ITEM	RISK	IMPACT	ACTIONS REQUIRED	SECOND QUARTER PROGRESS
15.	Investment risk	Investments not repaid on maturity due to current economic climate.	Investment and associated interest not repaid. Future year costs to account for the loss in value of the asset.	Take advice from the Council's Treasury management advisors. Reduce the counterparty maximum limit, spread investments to secure organisations, look to maximise investments with Government investment schemes and Government backed institutions.	No concerns were raised by the Treasury management advisors.

**APPENDIX 5**

**CAPITAL RISK ASSESSMENT UPDATE FOR QUARTER 2 OF 2009/10**

<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
1.	External Funding	Loss of anticipated external funding to support Capital Projects.	A funding shortfall would occur which may jeopardise the delivery of the project.	Ensure all external funding is secured before project work commences.	Only expenditure on secured schemes is approved.
2.	Capital Expenditure	Increase in the expected level of financial commitment required to deliver the project.	Potentially this could mean additional cost for the Council.	Monitor expenditure and outcomes on a regular basis, and if necessary, explore avenues for additional external funding.	Not currently known to be an issue.
3.	Capital Receipts	Lower than anticipated Capital Receipts available to finance the Capital Programme.	Anticipated funding would not be available to support certain Capital projects.	Monitor income and trends in numbers and values of sales.	As anticipated asset sales are still low – continuing to monitor.

<b>NO.</b>	<b>BUDGET ITEM</b>	<b>RISK</b>	<b>IMPACT</b>	<b>ACTIONS REQUIRED</b>	<b>SECOND QUARTER PROGRESS</b>
4.	Prudential Borrowing	Borrowing costs will cause pressure on the Revenue Budgets.	Revenue Budget developments may be compromised as a result of financing borrowing costs associated with Capital projects.	Monitor the relationship between debt charges and investment income. Ensure Prudential Indicators are also monitored and that the financial implications of any project are fully evaluated.	No new prudential borrowing undertaken.
5.	Capital expenditure	Contractor failure	Work not completed, delays in finishing, potential for higher cost.	Financial vetting of potential suppliers should take into account the current financial climate. Contract securities appropriate to the contract should be sought.	A new contractor has now taken over the snagging work at the Depot. No other known failures at present.

Committee:	Executive	Agenda Item No.:	12.
Date:	2 <sup>nd</sup> November 2009	Status	Open
Category	2. Decision within the functions of Executive		
Subject:	Future Procurement of Gas & Electricity		
Report by:	Head of Shared Procurement Unit		
Other Officers Involved	Property & Estates Manager		
Director	Director of Resources		
Relevant Portfolio Holder	Cabinet Member for Corporate Efficiency		

### **RELEVANT CORPORATE AIMS**

ENVIRONMENT – Promoting and enhancing a clean and sustainable environment.  
 STRATEGIC ORGANISATIONAL DEVELOPMENT – Continually improving our organisation.

This help to deliver the corporate aims by:

- Making the best value, lowest risk purchase of gas and electricity
- Considering the use of energy from renewable sources

### **TARGETS**

None.

### **VALUE FOR MONEY**

This proposal delivers value for money for the Council and its customers by making the best value, lowest risk purchase of gas and electricity.

## **1.0 CURRENT POSITION**

- 1.1 Bolsover District currently participate in a framework set up by Nottinghamshire County Council for the procurement of gas and electricity. These contracts are for two years and expire on 31 March 2011.

- 1.2 The suppliers on the current Nottinghamshire framework are:  
Half hourly Electricity- **British Gas**;  
Non-half hourly electricity / unmetered electricity- **British Gas**;  
Gas- **Corona**
- 1.3 Spend by Bolsover DC for the year 2008/09  
British Gas       **£287,872**  
Corona           **£43,207**
- 1.4 BDC pay a fee of approximately **£3,000** per annum to Nottinghamshire CC for the privilege of making use of the framework.

## **2.0 ISSUES**

- 2.1 Nottinghamshire have decided that they are no longer large enough to achieve the critical mass required to effectively deal with the energy market. They will let the current framework run, but will not be re-letting it once it expires.
- 2.2 Nottinghamshire decided to place their energy requirements with another Central Purchasing Body (CPB) contract. They settled on exploring the offerings from ESPO and Buying Solutions. The details of the frameworks were examined and reported on by County. Representatives from each organisation were invited to present to the County and District representatives on 16<sup>th</sup> September. Representatives from the Districts were also present at this meeting.
- 2.3 Subsequently, County and the other Nottinghamshire Districts have decided to sign up with Buying Solutions for the delivery of both gas and electricity for delivery commencing April 2011 (when the existing delivery arrangement expires).

## **3.0 "BUYING SOLUTIONS" OFFERING**

- 3.1 The Buying Solutions framework was OJEU advertised and is open for all public authorities (including Local Authorities) in the UK to use. Buying Solutions currently supply energy to all central government departments (except the DWP) and around 126 Local Authorities.
- 3.2 The framework suppliers are:  
Half hourly Electricity- **EDF**;  
Non-half hourly electricity / unmetered electricity- **British Gas**;  
Gas- **Corona**  
Access Fee- **£4,993pa**
- 3.3 According to the Service Level Agreement, BDC would sign up to a rolling annual contract which the Council may terminate by giving twelve months notice in writing.

#### **4.0 SIGN UP**

- 4.1 For delivery commencing in April 2011, Buying Solutions recommend that framework participants sign up as soon as possible. This will mean that Buying Solutions have a full eighteen month lead time in which to start purchasing energy in chunks (hedging). Their team of expert energy buyers will use their skill and expertise to purchase chunks of energy when they feel that the market is most advantageous, ie they may buy Winter 2011 in one chunk, then September 2012 at another point etc. The Council can advise Buying Solutions to purchase chunks right up to the delivery date. The price is then smoothed out over the twelve month delivery period. Buying Solutions are also able to deal in the purchase of energy from sustainable sources.

#### **ISSUES/OPTIONS FOR CONSIDERATION**

The Office for Government Commerce strongly recommends that Districts participate in collaborative energy buying. There are several organisations that can provide a collaborative energy buying service. Following detailed benchmarking, it appears that the Buying Solutions framework is the best option for Bolsover DC.

#### **IMPLICATIONS**

Financial: Ensuring that Best Value is achieved in the purchase of energy  
Legal: Making use of a framework agreement tendered by a Central Purchasing Body  
Human Resources: None

#### **RECOMMENDATION(S)**

- 5.1 That approval be given to join the Buying Solutions energy purchasing framework. The Contract to be endorsed by the Solicitor to the Council.
- 5.2 That the Contract is carefully monitored by the Property and Estates Manager so that any review periods are dealt with correctly.

#### **REASON FOR DECISION TO BE GIVEN IN ACCORDANCE WITH THE CONSTITUTION**

**To ensure the Council achieves best value in its purchase of energy in the future.**

ATTACHMENTS:           **N**  
FILE REFERENCE:  
SOURCE DOCUMENT: